



TWEED SHIRE COUNCIL

AGENDA

OPERATIONS COMMITTEE MEETING

Tuesday 11 March 2008

Chairman: Mr Garry Payne AM

**Administrators: Mr Garry Payne AM
Mr Max Boyd AM**



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ITEMS FOR CONSIDERATION OF THE COMMITTEE:

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REPORTS THROUGH THE GENERAL MANAGER

O1 [PR-OC] Development Application DA07/1374 for the Upgrade to Safety Baffle for the Existing Pistol Club at Lot 10 DP 258122 Lundberg Drive, Murwillumbah - Request for Waiving of Development Application Fee

ORIGIN:

Development Assessment

FILE NO: DA07/1374 Pt1

SUMMARY OF REPORT:

Council has received a development application from the Murwillumbah Pistol Club for upgrade to a safety baffle for the existing pistol club. As part of the application Council was asked to waive the development application fee \$110.00

A copy of the submission is attached to this report for Council's consideration.

Council's practice has been to not waiver the development application fees, however, if Council supports the submission a donation could be made to the club equivalent to the development application fee.

RECOMMENDATION:

That the Murwillumbah Pistol Club's request for the waiving of the development application fee of \$110.00 in relation to DA07/1374 not be supported.

REPORT:

As per summary.

OPTIONS:

1. Not support the request.
2. Support the request.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

If the request is supported then the relevant development fund will not receive that income.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

1. Applicants submission (DW 1774252)
-

O2 [TCS-OC] Policy - Investment

ORIGIN:

Financial Services

SUMMARY OF REPORT:

Council's Investment Policy is due for review and updating. Restrictions on types of investment and term to maturity are the main highlights of the update and reflect Council's response to recent changes in investment risk and term to maturity parameters.

RECOMMENDATION:

That Council adopts the Investment Policy as amended in this report.

REPORT:

The meeting's attention is drawn to the following changes which makes up the amendments to this Policy.

Inclusion of additional wording to the "Policy Objective":-

- **Achieve or exceed budgeted investment revenue while preserving Council's capital.**

Replacement of sub-heading wording **Portfolio Credit Framework** with:

a) Diversification/Credit Risk Guidelines

Inclusion of an additional dot points under "b) Authorised Investments - Counterparty Credit Framework":-

- **All investments must be denominated in Australian dollars.**

As well as the change of maturity limits for Authorised Deposit Taking *Institution (ADI) issues* from 10 years to **7 years**:

Individual Investment Maturity Limits	
Authorised Deposit Taking Institution (ADI) issues	7 years
Non ADI issues rated A or above	5 years

Inclusion of additional dot points under "c) Term to Maturity Framework":-

- **The term to maturity of any of Council's investments may range from "at call" to seven (7) years at final legal maturity.**

Changes in the wording of *f) Review of Investment Policy* to:

- The policy will be reviewed annually and **submitted to Council if any amendments.**

INVESTMENT

Policy Objective

This policy's objectives are to provide a framework to help Council optimise its return on investment of surplus funds in a prudent and measurable manner. Specifically:

- Achieve or exceed budgeted investment revenue while preserving Council's capital
- The use of investment types which comply with Legislative Requirements.
- Establishment of Risk Management Guidelines based upon credit rating, limited exposure to individual institutions and term to maturity limits.
- Use of appropriate benchmark for investment performance measurement.

Legislative Requirements

- Local Government Act 1993, Section 412 & 625;
- Local Government Act 1993 – Order (of the Minister) Circular No: 05/03 dated 23 September 2005;
- The Trustee Amendment (Discretionary Investments) Act 1997 - Sections 14A (2), 14C (1) & (2).
- Local Government (General) Regulation 2005 – Clause 212.

Refer to Schedule 3 for extracts of legislation.

Risk Management Guidelines

Investments obtained are to comply with three key criteria relating to:

- Portfolio Credit Framework:** limit overall credit exposure of the portfolio.
- Counterparty Credit Framework:** limit exposure to individual counterparties/institutions.
- Term to Maturity Framework:** limits based upon maturity of securities.

Adopted at Council Meeting held XXXXXXXXXXXX at Minute No XXX

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Overall Portfolio Credit Limits			
Long-Term Credit Ratings	Short-Term Credit Ratings	Direct Investments Maximum	Managed Funds Maximum
AAA Category	A-1+	100%	100%
AA Category	A-1	100%	100%
A Category or below	A-2	60%	80%
BBB Category or below	A-3	20%	-
Unrated	Unrated	10%	10%

Note: Percentage limits are based upon Council's average core portfolio balance

b) Authorised Investments - Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

Individual Counterparty Limits			
Long-Term Credit Ratings	Short-Term Credit Ratings	Direct Investments Maximum	Managed Funds Maximum
AAA Category	A-1+	25%	50%
AA Category	A-1	20%	45%
A Category or below	A-2	15%	40%
BBB Category or below	A-3	10%	-
Unrated	Unrated	5%	10%

- Investments with counterparties below A Category (Long Term) and below A-1 (Short Term) are to be restricted to **Authorised Deposit Taking Institutions** (ADIs = banks, building societies and credit unions) regulated by, and subject to the prudential standards of, the Australian Prudential Regulation Authority (APRA).
- For non-ADI direct investments, above A Category (Long Term) and above A-1 (Short term) (e.g. CDOs, mortgage backed securities, and other structured deals), both capital and coupons (interest payments) are to be rated.
- Investments with the non-rated LGFS and NSW T-Corp will be regarded in terms of the respective investments' "shadow rating" as advised by those institutions.
- The short-term credit rating limit will apply in the case of discrepancies between short and long-term ratings.
- In the event that a credit rating of a security or of the company/body issuing the security falls below the required minimum, as set out in the Minister's Order, Council will make all necessary arrangements to withdraw deposits as soon as practical.
- Percentage limits are based upon Council's average core portfolio balance.
- All investments must be denominated in Australian dollars.

Adopted at Council Meeting held XXX at Minute No XXX

c) Term to Maturity Framework

The Investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits	
Portfolio % <1 year	100% max; 40% min
Portfolio % >1 year	60%
Portfolio % >3 years	35%
Portfolio % >5 years	25%
Individual Investment Maturity Limits	
Authorised Deposit Taking Institution (ADI) issues	7 years
Non ADI issues rated A or above	5 years

- To provide adequate liquidity all tradeable securities purchased will have, subject to market conditions, the ability to be liquidated within five working days.
- Percentage limits are based upon Council's average core portfolio balance.
- The term to maturity of any of Council's investments may range from "at call" to seven (7) years at **final legal maturity**.

d) Performance Benchmark

The performance benchmark for Tweed Shire Council's investment portfolio is the industry standard UBS 90 day Bank Bill Index.

e) Investment Strategy

An Investment Strategy will run in conjunction with the investment policy. The Strategy will be formulated annually with quarterly reviews. The Strategy will outline:

- Council's cash flow expectations
- Optimal target allocation of investment types, credit rating exposure, and term to maturity exposure
- Appropriateness of overall investment types for Council's portfolio.
- Determine the investment portfolio level for the forthcoming year.

The Investment Strategy will fully comply with legislative requirements and the investment policy.

f) Review of Investment Policy

- The policy will be reviewed annually and submitted to Council if any amendments.

Schedules

- Schedule 1 – Investment Instrument Descriptions;
- Schedule 2 – Standard's & Poor's Ratings Description;
- Schedule 3 – Copies of Relevant Legislation

Adopted at Council Meeting held XXX at Minute No XXX

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Schedule 1

Investment Instrument Description11am call deposits

Cash invested on an overnight basis. Funds can be recalled or re-invested before 11am on the following business day.

Term Deposit

Funds invested with a financial institution at a predetermined rate that applies to the duration of the deposit. The principal is held on deposit for a fixed term with interest payable at maturity. It is not a tradeable security and the investor is penalised when funds are prepaid.

Bank Bill

Bank-accepted bills are bills of exchange drawn by a company or individual (borrower) usually for periods between 30 and 180 days. The bill is accepted by the bank, which in turn accepts the liability for payment at maturity. It is a short-term investment issued at a discount to the face value and is of a very high credit standing, consequently trades at the lowest yields of all commercially issued bills.

Negotiable Certificate of Deposit (NCD)

These are short-term bearer securities issued by banks for up to 180-days. They are sold at a discount to face value and are highly liquid discount securities; representing the bank's debt, therefore trade at similar yields to bank bills. Creditworthiness of the bank will determine where the bank's NCD trades, relative to the BBSW.

Promissory Note (PN) / Commercial Paper (CP)

A negotiable instrument evidencing an unsecured obligation (promise) the issuer has to repay a certain amount of money at a future date, usually for up to six months. CP is a highly liquid discount security that is traded on a yield to maturity basis. To be marketable, a credit rating must be obtained from a ratings agency eg Standard & Poor's. Major issuers include industrial corporations, securitised vehicles and finance companies. It has a higher risk of default than a bank and hence trades at a higher yield.

Floating Rate Note (FRN)

The FRN is a longer-term debt security issued for a fixed period of time but has a variable (floating) coupon on a monthly or quarterly basis. The coupon reflects current interest rates, which is determined as a margin over the BBSW rate set. FRN's appeal to investors who are reluctant to commit funds to fixed interest investments for longer periods in times of fluctuating interest rates. Typical issuers are banks, corporates, financial institutions and securitised vehicles.

Residential Mortgage Backed Securities (RMBS)

RMBSs are specific type of securitised asset (investment products that convert an income stream of multiple receivables into a security paying regular coupon payments). RMBSs are backed by a pool of residential mortgages. These securities

are structured into different classes with varying security characteristics. The majority of RMBS are “passthroughs” where the cash flows (principal and interest) received from the underlying mortgages that make up the pool are passed directly through to the holders of the RMBS.

Asset Backed Securities (ABS)

Another form of securitised asset backed by assets other than residential mortgages. Such alternative assets include automobile loan receivables, commercial mortgages, equipment lease receivables, and credit card receivables. ABS can be either fixed or floating rate securities.

Fixed Interest Securities (Bonds)

Securities issued by Commonwealth, State or corporate institutions that pay a fixed rate of interest (coupon) and mature at a fixed point in time. The interest (coupon) is paid at regular intervals (semi-annually, but can be paid monthly, quarterly, or annually). These securities are generally issued for a period of greater than one year.

Collateralised Debt Obligations (CDO)

While nearly every CDO structure can be slightly different, a “plain vanilla” structure typically has 75 – 150 underlying entities (a range of global companies diversified by industry sector) with credit ratings ranging from BBB to AAA. The CDO itself is then split into various “tranches” each with different amounts of subordination (i.e. collateral) which results in the higher subordinated tranches receiving higher credit ratings from the rating agencies. When an underlying entity has a credit event a portion of the subordination is eroded. CDOs are highly leveraged instruments which can have large fluctuations in their mark-to-market valuations, and very possibly their credit rating, when an underlying entity has encountered a “credit event”, such as bankruptcy. Depending on the particular structure, the security can typically sustain between 6 - 8 credit events before the investor’s capital is in jeopardy.

Pooled Managed Funds

- **Sector Specific Funds**

These funds invest in one particular asset sector. Council’s Cash Plus and Cash Enhanced Fund are examples of Sector Specific Funds as they predominately invest in a range of short dated cash-type securities with the aim of outperforming the UBS 90 day Bank Bill Index benchmark. They are designed to enhance returns on short-term holdings as an alternative to short-dated bank bill and term deposit portfolios. They provide easy access to holdings and can be redeemed within 24 to 48 hours.

- **Diversified Funds**

These funds invest in a pre-determined range of asset classes including cash, fixed interest, property, and Australian & international shares. The weighting among the various asset classes will differ depending upon the type of diversified fund chosen, e.g. Conservative Funds (TCorp’s Medium Term Growth) have a higher weighting in cash and fixed interest than Balanced Funds (TCorp’s Long Term Growth) that have higher weightings in growth assets such as property and shares.

SCHEDULE 2

Standard & Poor's Ratings Description

Credit Ratings

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general creditworthiness of an obligor with respect to particular debt security or other financial obligation — based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment.
- Nature and provisions of the obligation.
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights.

The issue rating definitions are expressed in terms of default risk.

Short-Term Obligation Ratings are:

A-1

This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.

A-2

A short-term obligation rated A-2 is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

A-3

A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

Long-Term Ratings are:

AAA

An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.

AA

An obligation/obligor rated AA differs from the highest rated obligations only in a small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.

A

An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligor in higher rated categories. However, the obligor's capacity to meet its financial commitment on the obligation is still strong.

BBB

An obligation/obligor rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to the obligor to meet its financial commitment on the obligation.

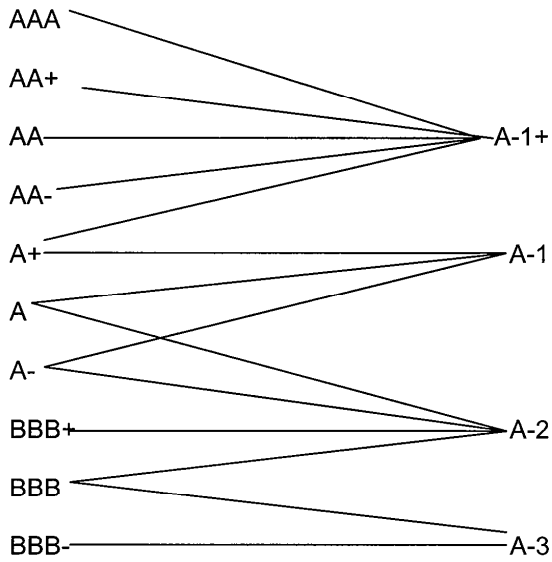
Plus (+) or Minus (-): The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories.

CreditWatch highlights an emerging situation, which may materially affect the profile of a rated corporation and can be designed as positive, developing or negative. Following a full review the rating may either be affirmed or changed in the direction indicated.

A Rating Outlook assesses the potential direction of an issuer's long-term debt rating over the intermediate-to-long term. In determining a Rating Outlook, consideration is given to possible changes in the economic and/or fundamental business conditions. An outlook is not necessarily a precursor of a ratings change or future CreditWatch action. A "Rating Outlook – Positive" indicates that rating may be raised. "Negative" means a rating may be lowered. "Stable" indicates that ratings are not likely to change. "Developing" means ratings may be raised or lowered.

S & P Ratings Correlations

The standard correlation of short-term ratings with long-term ratings is shown below:



SCHEDULE 3:

Excerpts of Legislative Requirements

LOCAL GOVERNMENT ACT 1993 - SECT 412 & 625

Section 412 Accounting Records

- (1) A council must keep such accounting records as are necessary to correctly record and explain its financial transactions and its financial position.
- (2) In particular, a council must keep its accounting records in a manner and form that facilitate:
 - (a) the preparation of financial reports that present fairly its financial position and the results of its operations, and
 - (b) the convenient and proper auditing of those reports.

Section 625 How May Councils Invest?

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.
- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section.

Tweed Shire Council

Policy Document



Circular No. 05-53
Date 23 September 2005
Doc ID. A29843

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FORMS OF INVESTMENT - MINISTER'S ORDER

Attached is a copy of an Order of the Minister notifying forms of investment for the purposes of section 625 (2) of the *Local Government Act 1993*. The Order was published in the Government Gazette on 29 July 2005 and takes effect on and from that date. The Order replaces the previous Order published in the Government Gazette of 24 November 2000.

The new Order notifies three changes to the investment powers of councils compared with the previous Order. Items (k) and (l) have been amended to include Fitch Ratings as a prescribed rating agency. Item (p) Shares in the Inland Marketing Corporation Limited has been removed.

In addition, council's attention is drawn to Update 13 of the Code of Accounting Practice and Financial Reporting that contains a policy direction that states, "councils must maintain an investment policy". That investment policy must comply with the legislation and investment guidelines.

In keeping with existing arrangements it is the responsibility of each individual council to determine that its investments are authorised in terms of the listed securities.



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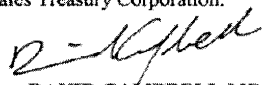
LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER

(Relating to investments by councils)

I, David Campbell, MP, Acting Minister for Local Government, in pursuance of section 625 (2) of the Local Government Act 1993 and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or Government stock or Government securities of the Commonwealth or any State of the Commonwealth;
- (b) any debentures or securities guaranteed by the Government of New South Wales;
- (c) any debentures or securities, issued by a public or local authority, or a statutory body representing the Crown, constituted by or under any law of the Commonwealth, of any State of the Commonwealth or of the Northern Territory or of the Australian Capital Territory and guaranteed by the Commonwealth, any State of the Commonwealth or a Territory;
- (d) any debentures or securities issued by a Territory and guaranteed by the Commonwealth;
- (e) any debentures or securities issued by a council (within the meaning of the Local Government Act 1993);
- (f) mortgage of land in any State or Territory of the Commonwealth;
- (g) purchase of land (including any lot within the meaning of the Strata Schemes Management Act 1996) in any State or Territory of the Commonwealth;
- (h) interest bearing deposits in a bank authorised to carry on the business of banking under any law of the Commonwealth or of a State or Territory of the Commonwealth;
- (i) interest bearing deposits with a building society or credit union.
- (j) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank, building society or credit union as the acceptor or endorser of the bill for an amount equal to the face value of the bill;
- (k) any securities which are issued by a body or company (or controlled parent entity either immediate or ultimate) with a Moody's Investors Service, Inc. credit rating of "Aaa", "Aa1", "Aa2", "Aa3", "A1" or "A2" or a Standard & Poor's Investors Service, Inc credit rating of "AAA", "AA+", "AA", "AA-", "A+", or "A" or a Fitch Rating credit rating of "AAA", "AA+", "AA", "AA-", "A+" or "A";
- (l) any securities which are given a Moody's Investors Service Inc credit rating of "Aaa", "Aa1", "Aa2", "Aa3", "A1", "A2" or "Prime-1" or a Standard and Poor's Investors Service, Inc credit rating of "AAA", "AA+", "AA", "AA-", "A+", "A", "A1+" or "A1" or a Fitch Rating credit rating of "AAA", "AA+", "AA", "AA-", "A+" or "A";
- (m) any debentures or securities issued by a bank, building society or credit union;
- (n) a deposit with the Local Government Investment Service Pty Ltd;
- (o) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

Dated this day of 15TH July 2005


Hon DAVID CAMPBELL MP
Acting Minister for Local Government

Adopted at Council Meeting held XXX at Minute No XXX

wp/policies/Investment Policy Updated 061107 (2).Doc

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Investment Guidelines

(These were initially introduced in “Forms of Investment - Minister’s Order and Investment Guidelines” Circular to Councils no.00/16 dated 28/3/00. Points below are amended to reflect subsequent repeals/enactments of regulations referred to in the Guidelines).

- Councils must comply with clause 212 of the Local Government (General) Regulation 2005 that provides for reporting on council investments by the responsible accounting officer.
- The Code of Accounting Practice and Financial Reporting require councils to maintain a separate record of money it has invested under section 625 of the Act. The record must specify:
 - (a) the source and the amount of money invested; and
 - (b) particulars of the security or form of investment in which the money is invested; and
 - (c) If appropriate, the rate of interest to be paid, and the amount of money that the council has earned, in respect to the money invested.
- A council or entity acting on its behalf should exercise the care, diligence and skill that a prudent person would exercise in investing council funds. A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would. (Ref: Trustee Amendment (Discretionary Investments) Act 1997 section 14 A (2)).
- A council should develop an investment strategy as part of its overall financial plan. The strategy should, as a minimum consider the desirability of diversifying investments and the nature and risks associated with the investments. (For guidance see: Trustee Amendment (Discretionary Investments) Act 1997 section 14 c (1) “matters to which trustee is to have regard when exercising power of investment”).
- A council should at least once in each year, review the performance (individually and as a whole) of council investments and review its investment strategy.
- An investment adviser or investment dealer acting on behalf of a council should be licensed by the Australian Securities and Investment Commission. Ref: www.asic.gov.au
- Where a council invests in banks; building societies and credit unions it should know that these institutions are regulated as authorised deposit taking institutions by the Australian Prudential Regulation Authority (APRA) under the Banking Act 1959 Ref. www.apra.gov.au Note, however, that whilst APRA has power to require financial institutions to observe prudential standards (such as appropriate capitalisation, liquidity and governance) and to intercede if it believes that

depositors', policyholders' or members' interests are at risk, it provides no guarantee of the performance of the financial institution.

- Credit ratings are a guide or standard for an investor, which indicate the ability of a debt issuer or debt issue to meet the obligations of repayment of interest and principal. Credit rating agencies such as Moody's and Standard and Poor's make these independent assessments based on a certain set of market and non-market information. Ratings in no way guarantee the investment or protect an investor against loss. Prescribed ratings should not be misinterpreted by councils as an implicit guarantee of investments or entities that have such ratings. Even given this challenge, ratings provide the best independent information available.
- In the event that a credit rating of a security or the credit rating of the company or body issuing the security falls below the required minimum, as set out in the Minister's Order, a council must make all the necessary arrangements to withdraw the deposit as soon as practicable.
- Note that in choosing a NSW Treasury Corporation hour-glass investment the choice of the facility should be based on the nature of the underlying commitments for which the council is holding funds. For example, funds required in the short term must be invested with a short-term profile rather than with exposure to more volatile asset classes such as property and shares.

**THE TRUSTEE AMENDMENT (DISCRETIONARY INVESTMENTS) ACT 1997 –
SECTIONS 14A (2), 14C (1) & (2)**

14A (2) Duties of trustee in respect of power of investment

A trustee must, in exercising a power of investment:

- (a) if the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons, or
- (b) if the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

14C Matters to which trustee is to have regard when exercising power of investment

- (1) Without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee must, so far as they are appropriate to the circumstances of the trust, if any, have regard to the following matters:
 - (a) the purposes of the trust and the needs and circumstances of the beneficiaries,
 - (b) the desirability of diversifying trust investments,
 - (c) the nature of, and the risk associated with, existing trust investments and other trust property,
 - (d) the need to maintain the real value of the capital or income of the trust,
 - (e) the risk of capital or income loss or depreciation,
 - (f) the potential for capital appreciation,

Tweed Shire Council**Policy Document**

- (g) the likely income return and the timing of income return,
 - (h) the length of the term of the proposed investment,
 - (i) the probable duration of the trust,
 - (j) the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment,
 - (k) the aggregate value of the trust estate,
 - (l) the effect of the proposed investment in relation to the tax liability of the trust,
 - (m) the likelihood of inflation affecting the value of the proposed investment or other trust property,
 - (n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment,
 - (o) the results of a review of existing trust investments in accordance with section 14A (4).
- (2) A trustee may, having regard to the size and nature of the trust, do either or both of the following:
- (a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,
 - (b) pay out of trust funds the reasonable costs of obtaining the advice.

Local Government (General) Regulation 2005 - Clause 212**212 Reports on council investments**

- (1) The responsible accounting officer of a council:

Adopted at Council Meeting held XXX at Minute No XXX

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Tweed Shire Council

Policy Document

- (a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:
 - i) if only one ordinary meeting of the council is held in a month, at that meeting, or
 - (ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and
 - (b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.
- (2) The report must be made up to the last day of the month immediately preceding the meeting.

Note. Section 625 of the Act says how a council may invest its surplus funds.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Investment (of Surplus Funds) Policy

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

1. Investment Policy as adopted by Council on 19 October 2005 (DW 1284348).
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03 [TCS-OC] Application for Financial Assistance - Pottsville Beach Tennis Club

ORIGIN:

Corporate Compliance

SUMMARY OF REPORT:

Council has received an application from Pottsville Beach Tennis Club for a donation to their club. Council has previously provided financial assistance to the Club, to defray their sewerage charge levied on the rate notice for the toilets on their land, which is adjacent to the sporting oval and shopping precinct at Pottsville.

RECOMMENDATION:

That Council:-

- 1. Donates an amount of \$492.00 to the Pottsville Beach Tennis Club, being the amount equivalent to the 2007/2008 sewerage charge.**
- 2. Amends its Donations and Subsidies Policy to authorise an annual donation to the Pottsville Beach Tennis Club of the equivalent amount to the sewerage charge provided that the toilets continue to be available to the general public.**

REPORT:

Council has received an application from Pottsville Beach Tennis Club for a donation to their club. Council has previously provided financial assistance to the Club, to defray their sewerage charge levied on the rate notice for the toilets on their land, which is adjacent to the sporting oval and shopping precinct at Pottsville.

In addition to the tennis club, the toilets are used by CBD visitors, Pottsville Oval sporting groups and the Pottsville markets.

Council would be required to pay the sewerage charge for these toilets, if they were constructed on public land. The 2007/2008 sewerage charge is \$ 492.00

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."

To enable this application to be processed annually, without requiring a report to Council, it is suggested that Council's Donations and Subsidies Policy be amended to authorise an annual donation to the Pottsville Beach Tennis Club of the amount equivalent to the sewerage charge provided that the toilets continue to be used by the community at the tennis courts, Pottsville Oval sporting groups and Pottsville markets.



Pottsville Beach Tennis Club



President:
Peter Ling
Secretary:
Brad Pearce

PO Box 9
Pottsville Beach
NSW 2489

6th January 2008

The Administrators
Tweed Shire Council
PO Box 816
Murwillumbah NSW 2484



Dear Sir,

The Pottsville Tennis Club Committee would be most grateful for any donation to our club. We contribute to the health and fitness of approximately seventy youth from Monday to Friday at the club. In addition to improving their tennis skills, we incorporate a strong physical fitness program.

In the past, Council has graciously donated the equivalent of the sewerage charge component of the current rates notice due to the toilets mainly being used by shoppers in the CBD, visitors, other sporting groups and their supporters utilizing the oval, Pottsville markets etc. Our usage is minimal, just a few hours each week.

Any financial assistance that Council may provide to our club would be greatly appreciated.

Yours sincerely,

Brad Pearce
Secretary
Pottsville Beach Tennis Club

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Budget No A2180 – Public Toilets Operations
Funds are available in this Budget Allocation for this donation

POLICY IMPLICATIONS:

In considering this request, reference should be made to Council's Donations Policy and the Donations and Subsidies Policy.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

04 [TCS-OC] Council's Investment Portfolio for the Period Ending 29 February 2008**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.

There is a requirement by our investment consultant to allow at least five (5) working days following the end of the month to provide the statistics for this report. Due to this time constraint there will be an addendum report provided to Council for consideration at its meeting on 11 March 2008.

Council's cash enhanced managed funds continued to underperform the benchmark in January with the more aggressive funds, Black Rock Diversified Credit Fund, Aberdeen Cash Plus Fund and LGFS Expanded Credit Fund posting negative performance due to their large exposure to the financial sector. However, the funds are set to benefit from the persisting significant running yields that have built up since the beginning of the financial year. Council's investment in the LGFS Fixed Out-Performance Cash Fund and AMF Yield Fund continues to stabilise some of the underperformance with the fixed return of 0.50% p.a. over the bank bill benchmark and a pre-determined distribution of 7.45%.

During February, Oakvale Capital Limited advised Council that the Helium Capital Collateralised Debt Obligation (CDO) suffered a rating downgrade from "AA" to "CCC-". The implications of this rating downgrade by Standard and Poor's is that the Helium Capital CDO may be further downgraded to "D" or default in the near future.

This report details possible outcomes should this occur.

RECOMMENDATION:

That Council notes the downgrade in Helium and the possible outcomes to its Argon investment.

REPORT:

Due to the 4 March 2008 closing date for Council reports, an addendum Monthly Investment Report will be tabled at the meeting on 11 March 2008. Council's Investment Advisors, Oakvale Capital Limited requires five (5) working days (i.e. 10 March) to collate information for the monthly investment report from various fund managers and investment intermediaries.

Council's cash enhanced managed funds continued to underperform the benchmark in January with the more aggressive funds, Black Rock Diversified Credit Fund, Aberdeen Cash Plus Fund and LGFS Expanded Credit Fund posting negative performance due to their large exposure to the financial sector. However, the funds are set to benefit from the persisting significant running yields that have built up since the beginning of the financial year. Council's investment in the LGFS Fixed Out-Performance Cash Fund and AMF Yield Fund continues to stabilise some of the underperformance with the fixed return of 0.50% p.a. over the bank bill benchmark and a pre-determined distribution of 7.45%.

The financial markets continued to be volatile during February and it is anticipated that Council's Fund Managers will again significantly underperform the 90 day BBSW benchmark. During February Council redeemed funds from two of the worst performing managed Funds, Aberdeen and Black Rock. Should unit prices improve during March, further redemptions will be made from these more volatile managed funds.

Council's January 2008 Investment Report contained details of the purchase of the Argon investment, reported here for information:

"Council's Investment Portfolio Performance

..., Council's Investment Advisors - Oakvale Capital Limited brokered a restructured Helium CDO deal during January. In simple terms, the restructured investment product, known as Argon is capital guaranteed by a \$2m Commonwealth zero coupon bond. The original \$2m Helium CDO is absorbed into Argon and a \$2m Commonwealth Bank "puttable note" provides an income stream slightly above the 90 day BBSW for the 10 year term of this \$6m investment."

During February, Oakvale Capital Limited advised Council that the Helium Capital Collateralised Debt Obligation (CDO) suffered a rating downgrade from "AA" to "CCC-". The implications of this rating downgrade by Standard and Poor's is that the Helium Capital CDO may be further downgraded to "D" or default in the near future.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should the Helium (CDO) default the worst case scenario impact on Council's Argon investment will be as follows:

\$2m Helium CDO value reduces to **nil value**.

\$2m Commonwealth Bank puttable notes will be "called"

\$2m Commonwealth Bank zero coupon bond remains in place until maturity in January 2018. The value at maturity will be **\$4m**

In the event of default, Council's initial **\$6m** investment will be returned in the following sequence:

\$2m puttable note value returned to Council immediately on default of the Helium CDO.

\$4m zero coupon bond value returned to Council in January 2018.

During the term of the **\$2m** zero coupon bond, no income is returned to Council. The income earned on this investment is retained to provide Council with a **\$4m** return of capital in January 2018. The \$2m investment, returning no income, will result in an estimated \$160,000 pa (at current interest rates) reduction in investment income for 10 years. This in effect amortises any losses on the Helium product over a 10 year period.

It should be noted that all but a small portion of Council's total investment income is apportioned to internal and externally restricted reserves and investment income has a minimal impact on the Council budget.

A best case scenario would be the Helium note continues to maturity in 2010. At maturity Argon pays out its capital providing for a full refund of \$6 principal (\$2m Helium + \$4m Argon) in addition to interest earned on the \$6m at the 90 day BBSW flat.

The Helium CDO portion of the Argon investment represents 1.70% of Council's total investment portfolio at 31 January 2008.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.



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O5 [EO-OC] Naming of Beach at Fingal Head**ORIGIN:**

Design

FILE NO: GG2/1 Pt6**SUMMARY OF REPORT:**

Council at its meeting of 2 October 2007 resolved that Council approves the recommendation of the following beach names to be submitted to the Geographical Names Board for their consideration:-

Letitia Spit, Fingal Beach, Extension of Dreamtime Beach, Kingscliff Beach, South Kingscliff Beach, Casuarina Beach, Norries Cove, Maggies Beach, Pottsville Beach, and Wooyung Beach.

The Geographical Names Board Committee have reviewed these recommendations and advised that it did not approve the name "Fingal Beach" due to a duplication of that name with a beach in the Port Stephens area. The Board has however considered that the name of "Fingal Head Beach" would be acceptable as the name reflects its proximity to Fingal Head (point) and Fingal Head (suburb) and requests Council's concurrence to the advertising of this proposed name in the Government Gazette and the Daily News.

RECOMMENDATION:

That Council provides its concurrence to the Geographic Names Board for the advertising of the proposed name of Fingal Head Beach for the beach which extends from the northern end of the Fingal Head Settlement to Fingal Head point.



REPORT:

As per Summary of Report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

06 [EO-OC] Naming of Council Public Roads**ORIGIN:****Design****FILE NO: GS5/1 Pt5****SUMMARY OF REPORT:**

Council at its meeting of 23 October 2007 resolved to publicise its intention to rename Gillett Court as *Casuarina Way*; rename the proposed link road between Gillett Court and Casuarina Way as *Casuarina Way*; rename the section of Casuarina Way which runs from Gillett Court east to Lot 13 in DP 1014470 as *Sterculia Court*; and name the newly created road which runs off Casuarina Way east through Lot 30 in DP 1027531 as *Dryandras Court*.

The proposed road naming and renaming was advertised in the Tweed Link on 6 November 2007 requesting any written objections to the proposals to be submitted within a one-month period. The landowners within Gillett Court were personally advised in writing of the proposal.

Two objections were received, both from the resident land owners in Gillett Court. The written objections stated that the properties had been purchased on the basis that this road was a quiet cul-de-sac removed from the main road, Casuarina Way, which would provide a safe and quiet living environment. The residents noted that there was no consultation from NSW Department of Planning regarding the alteration of the cul-de-sac to a main connector road and that they were heavily opposed to the proposal.

The Minister for Planning however had already granted consent to the development on 6 February 2006. The Department of Planning would have been required to publicise the development proposal, calling for any relevant objections. Council objected to the new location of Casuarina Way at the time but this objection was dismissed by the Minister and the approval was subsequently provided to the developer.

A construction certificate CC07/0656 was approved on 1 November 2007 and construction of the road is near completion. Council are now required to name the link road and rename Gillett Court accordingly.

No objections were received regarding the naming of *Sterculia Court*, or *Dryandras Court*.

It is therefore recommended that Council approve both the naming of the new road between Gillett Court and Casuarina Way and the renaming of Gillett Court to "*Casuarina Way*". It is further recommended that Council adopt the name "*Sterculia Court*" to the section of Casuarina Way which runs from Gillett Court east to Lot 13 in DP 1014470 and "*Dryandras Court*" to the newly created road which runs off Casuarina Way east through Lot 30 in DP 1027531.

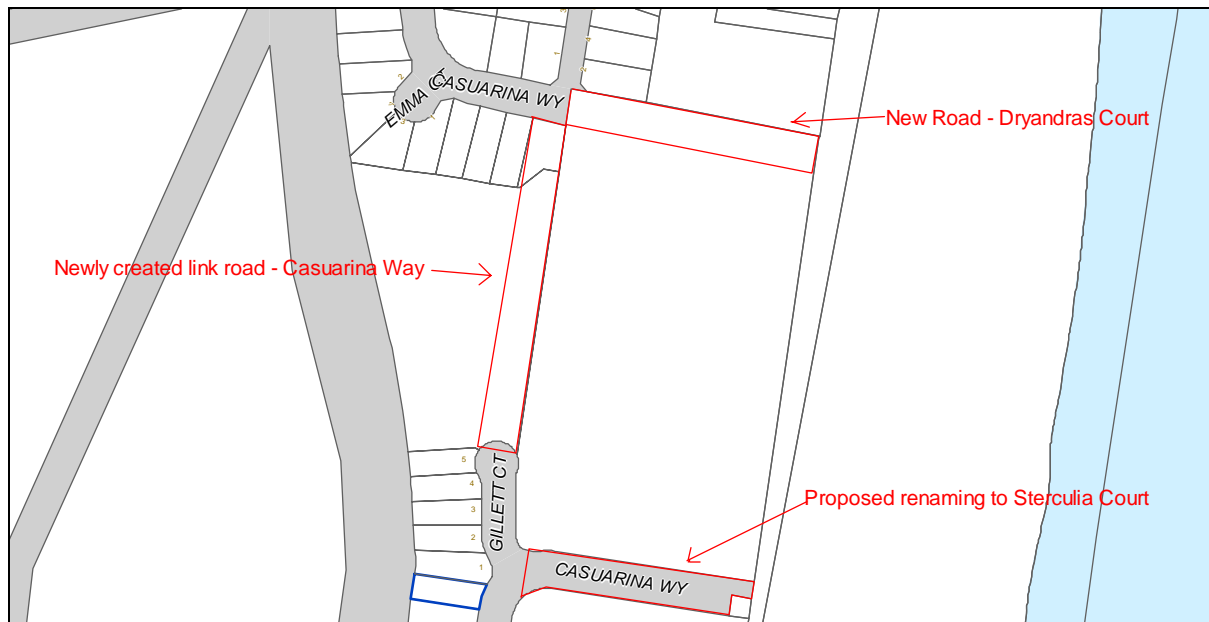
RECOMMENDATION:

That :-

1. Council approves the renaming of Gillett Court and adopts in its place the name "*Casuarina Way*"; and
2. Council adopts the name "*Casuarina Way*" for the newly created road between Gillett Court and Casuarina Way; and
3. Council adopts the name "*Sterculia Court*" for the section of Casuarina Way which runs from Gillett Court east to Lot 13 in DP 1014470 as; and
4. Council adopts the name "*Dryandras Court*" for the newly created road reserve which runs off Casuarina Way east through Lot 30 in DP 1027531 as; and
5. The naming of the public roads be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.

REPORT:

As per Summary of Report. Location of proposed roads:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Objection letters (DW 1697805 and 1698049).



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07 [EO-OC] Transfer of Temporary Road - Lot 4 in DP 1017336 - Silkwood Road, Tweed Heads West

ORIGIN:

Design

FILE NO: GS4/94/149 Pt3

SUMMARY OF REPORT:

When the plan of subdivision creating Greenview Estate at Tweed Heads West was registered, Lot 4 was dedicated to Council as a temporary public road. Lot 4 was set aside for a potential access road to Lot 3 in DP837715 in the event that the Piggabeen bypass was not constructed. Lot 3 is located behind the estate.

Lot 4 was classified as operational land upon registration of the plan.

The bypass is currently under construction in and it is no longer necessary to retain Lot 4 as access to Lot 3 as access off the bypass has now been constructed.

It is recommended that Council resolve to extinguish the rights of public access over Lot 4 and transfer the land back to the developer.

RECOMMENDATION:

That:-

- 1. Council approve the closure of the temporary public road currently known as Lot 4 in DP 1017336 whereupon all rights of public access are extinguished;**
- 2. Council approves the transfer of Lot 4 in DP 1017336 to the developer Greenvale Developments Pty Ltd;**
- 3. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report. The aerial photo below shows the progress of the construction of the bypass, as at 2007, Lot 4 is outlined in red, Lot 3 is the parcel on the other side of the by pass. Note that a colour copy of this photograph is an attachment to this report:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Aerial Colour Photograph (DW 1771995).
-

08 [EO-OC] Blackspot Funding

ORIGIN:

Planning & Infrastructure

SUMMARY OF REPORT:

Council officers regularly review road crash data and source funds for Engineering solutions to reduce crash events.

Funding has been allocated from the Federal and State Governments to address identified crash locations within the Tweed Shire.

The sites are the intersection of Wommin Bay Road and Phillip Street Chinderah (\$225,000) to construct a roundabout, and a section of Terranora Road at North Tumbulgum (\$650,000) to widen curves and improve delineation and alignment.

RECOMMENDATION:

That Council accepts the funding allocation from the Federal and State Government for the identified blackspot areas of Wommin Bay Road and Terranora and votes the expenditure as per the funding guidelines as follows:-

- 1. Wommin Bay Road and Phillip Street intersection, \$225,000.**
- 2. Terranora Road, \$650,000.**

REPORT:

Road crashes are a major cost to the Tweed Shire both in monetary and emotional terms. Over 600 crashes are reported in the Tweed each year and around 40% of those crashes involved an injury to a person or persons. Whilst over 95% of all crashes can be attributed to human behaviours such as speeding, drink driving and fatigue, drivers' behaviour can be addressed, to some extent, by improving the road environment.

Funding is regularly sought from the Federal and State Government under various grant programs to address crash hot spot and crash length locations within the Shire through engineering means. Funding is allocated based on a Benefit Cost Ratio which identifies the most efficient and effective means of reducing crash incidents.

Funding has been approved for two sites in the 2007/08 financial year under the Black Spot Program.

1. Wommin Bay Road intersection with Phillip Street, Chinderah and;
2. Terranora Road, North Tumbulgum.

The treatment for the intersection of Wommin Bay Road and Phillip Street is a one lane roundabout. Funding allocated is \$225,000 (Auslink Funding \$80,000 and RTA State Funding \$145,000). The types of crashes at this site are related to right turns impacting with through traffic.

The scope of the works on Terranora Road is the widening on curves; providing desirable superelevation and installation of guardrail at selected curves on a 1.5km section between Corkwood Road (approx. 800m north of the Tumbulgum Bridge) and Balfours Road. Allocated funding for Terranora Road is \$650,000 from the Federal Auslink Black Spot Program. Crash data for Terranora Road on the 1km section between Balfours Road and Corkwood Road for the period 1/7/2000-30/6/2005 highlighted that there were 16 reported crashes with 12 of those crashes involving an injury to a person or persons. Most crashes are single vehicles with excessive speed the contributing factor.

Approvals for the roadwork associated with the Terranora Road have now been issued and the committed funding from the Federal Government's Auslink Blackspot Program is now required for project progression.

There is no Council contribution for the projects; however the roundabout construction on Wommin Bay Road will be carried out in conjunction with the upgrading of Wommin Bay Road's stormwater infrastructure program.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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09 [EO-OC] EQ2008-005 Supply of Industrial Clothing and Industrial Footwear

ORIGIN:

Contracts

FILE NO: EQ2008-005

SUMMARY OF REPORT:

This report outlines the tender for EQ2008 005 Supply of Industrial Clothing and Industrial Footwear with a twelve (12) month contract period with a further two by twelve (12) month extension option. Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation, Pricing Report included in **CONFIDENTIAL ATTACHMENT A**. It is recommended that Council accepts the tender of Armstrong's Store for supply of Industrial Clothing and Industrial Footwear.

Attachment A is **CONFIDENTIAL** in accordance Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderers in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

During its debate on this item at the Meeting, the Council/Committee may decide, by resolution to discuss the confidential information in closed confidential committee. Before doing so, the committee will determine if members of the public will be allowed to make verbal representations as to whether that part of the meeting should be closed.

RECOMMENDATION:

That :-

- 1. The tender from Armstrong's Store be accepted as the supplier of Industrial Clothing and Industrial Footwear to Council for a twelve month period from the date determined by Council with a further two by twelve (12) month extension options.**

The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial



position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

REPORT:**Background**

Council Tender EQ2008-005 Supply of Industrial Clothing closed on the 27 February 2008. The tender sought prices for the supply of work clothes and foot wear for use by Council's operational staff and issued through Council's Depot Store.

In most instances a specific manufacturing brand was nominated for each of the items listed for tender.

King Gee work clothes and boots and Wearmaster and Rossi work boots were specified as the products required under the tender. These products have been identified as having proven performance and widespread acceptance by Council's operational staff.

A range of alternate non conforming brand options were received and price comparisons made against best priced conforming items.

Tenders Received

A total of thirteen (13) responses were received to tender EQ 2008 005 Supply of Industrial Clothing and Industrial Footwear.

Submissions were received from the following suppliers:

Yakka P/L,	Fineprint T-shirt & Trophies
Superior Safety P/L,	RSEA One Stop Safety
Safeman Australia,	Armstrong's Store
Corporate Express,	Allen's Industrial P/L
Safety Quip Gold Coast	Protector Alsafe P/L
Murwillumbah Work n Country	Absolute Work Wear
Totally Workwear	

Tender Evaluation

A copy of the Tender Evaluation Report is included in **ATTACHMENT A** which is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Tender.

Based on conforming prices received and proven service history, it is recommended that Tenderer Armstrong's Store be accepted as the contract supplier of Industrial Clothing and Industrial Footwear to Council .The supply period will be for a twelve (12) month

period from the date of determination by Council with a further two by twelve (12) month extension option.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funding is provided within the 2007/2008 Budget for the supply of Industrial Clothing and Industrial Footwear.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment A** -Supplementary Information - EQ2008-005 Supply of Industrial Clothing and Industrial Footwear (DW1772965).
-

O10 [EO-OC] Pacific Highway and Adjacent Arterial Roads Master Plan between Barneys Point Bridge and Stewart Road Technical Committee

ORIGIN:

Planning & Infrastructure

SUMMARY OF REPORT:

Council resolved in September 2005 to support the Tugun Bypass with the inclusion of an interchange at Boyd Street and agreement from Main Roads Queensland to join with Council to form the above Committee to develop a Master Plan considering the entire road network from Stewart Road to Barneys Point including the optimisation of interchanges. The Committee held its inaugural meeting on 31 January 2008.

RECOMMENDATION:

That Council notes this report.

REPORT:

Council resolved in September 2005 to support the Tugun Bypass with the inclusion of an interchange at Boyd Street and agreement from Main Roads Queensland to join with Council to form the above Committee to develop a Master Plan considering the entire road network from Stewart Road to Barneys Point including the optimisation of interchanges. The Committee held its inaugural meeting on 31 January 2008 and the Minutes of the meeting follow:-

MINUTES OF THE PACIFIC HIGHWAY AND ADJACENT ARTERIAL ROADS MASTER PLAN BETWEEN BARNEYS POINT BRIDGE AND STEWART ROAD TECHNICAL COMMITTEE MEETING HELD THURSDAY 31 JANUARY 2008

File No: PACIFIC MOTORWAY CHINDERAH TO STEWART ROAD

Venue:

Oxley Meeting Room

Time:

11:00am

Present:

Patrick Knight (Tweed Shire Council); Paul Morgan (Tweed Shire Council); Wes Stevenson (Roads & Traffic Authority of NSW); Jack Donaghey (Department of Main Roads); Rod Grose (Gold Coast City Council).

Apologies:

Miles Vass (Department of Main Roads); Warren Rowe (Gold Coast City Council).

Minutes of Previous Meeting:

Nil.

Business Arising:

Nil.

General Business:

1. Introduction

Patrick Knight presented an overview of the history of the Tugun Bypass from Tweed Shire Council's perspective and the impact the deletion of the interchange at Boyd Street has had on Council's strategic planning.

2. Review of the Draft Technical Committee Guidelines

The Draft Technical Committee Guidelines for the Pacific Highway and Adjacent Arterial Roads Master Plan between Stewart Road and Barneys Point were presented at the meeting. After extensive discussion the following guidelines were agreed on:-

**TECHNICAL COMMITTEE GUIDELINES
FOR
THE PACIFIC HIGHWAY AND ADJACENT ARTERIAL ROADS
MASTER PLAN
BETWEEN STEWART ROAD AND BARNEYS POINT**

1.0 OBJECTIVES

- 1.1 To investigate the planning of the Pacific Highway and wider area between Barneys Point and Tugun including the adjacent urban arterial road network.
- 1.2 Optimise Highway interchanges and the adjacent arterial road network on a whole of network basis to provide the most appropriate levels of service and to promote connectivity for future public transport initiatives. This will include if and when the Boyd Street Overpass should be upgraded to a full interchange accessing the Pacific Highway.
- 1.3 Make recommendations on the above to the respective stakeholders based on traffic and transport assessments. Note: Environmental issues will not be investigated as part of the Technical Committee process. These issues will be addressed in a later environmental assessment, detailed design and approval process.

2.0 WORK PLAN

The Work Plan for the Committee is as follows:-

- Prepare a consultant's brief for the following:-
 - Using traffic modelling of the Highway and adjacent arterial roads between Stewart Road and Barneys Point Bridge explore options to provide an efficient and effective road network in the study area.
 - This modelling should take into account the traffic and transport needs of the Tugun/Currumbin areas, Cobaki Lakes, John Flynn Hospital, Tweed Heads, Tweed Heads South, the Gold Coast Airport precinct and changing land use patterns.
 - Prepare broad estimates of costs for staging options.
 - Ensure function of Highway remains as interstate through road.
- Engage consultants.
- Consider consultant's report.
- Make recommendations to member organisations on preferred network and approvals for next steps.

3.0 GENERAL

The Committee has no decision-making powers. The Committee is primarily a technical review Committee, which is required to advise the member organisations on issues arising from the Work Plan.

The Committee will only consider the technical traffic/transport merits of options.

4.0 MEMBERSHIP

The Committee is to be made up of four formal members, as follows:-

Up to:-

- Two representatives of Queensland Department of Main Roads
- Two representatives of Tweed Shire Council
- Two representatives of Gold Coast City Council
- Two representatives of the Roads & Traffic Authority of NSW

The Committee can invite non-formal advisors to meetings as required.

5.0 MEETINGS

Committee meetings are to be held at the Tweed Shire Council Civic Centre, Tumbulgum Road, Murwillumbah. At meetings the following are at the discretion of the members:-

- Meeting conduct
- Frequency of meetings
- Format of meetings

While there is no need for a specific quorum to allow a meeting to proceed, advice can only be reported back to stakeholder organisations if the views of the members have been obtained.

All meetings require the preparation of an agenda.

Agendas should be prepared by the convener and circulated to all formal members and informal advisors of the Committee prior to the meeting. It is recommended that this occur at least one week before the meeting to allow all members to fully consider the issues and undertake a site visit if necessary.

All meetings require the taking of minutes. The convener must prepare the minutes of the meeting. Copies of the minutes must be forwarded to all members for their concurrence prior to the recommendations being presented to the respective organisations.

6.0 MEDIA PARTICIPATION

The role of the Committee is to consider the technical aspects of proposals and provide their advice to the respective organisations. Media involvement, or interest, in the process should be addressed through the normal member organisation's procedures. Any formal announcements from the Committee must have the agreement of all four members.

7.0 VOTING

Agreement will be via consensus.

8.0 COMMITTEE RESOURCES

- 8.1 The Committee convenor shall be Tweed Shire Council.
- 8.2 Initial meetings shall be held at the Tweed Shire Council Civic Centre, Tumbulgum Road, Murwillumbah. Later meetings will be as determined by the Technical Committee.
- 8.3 The convenor shall supply secretarial services to the Technical Committee.
- 8.4 The costs of external resources including consultant costs, advertising and sundries shall be shared equally between the four Technical Committee members up until the Brief is developed. Once the Brief is prepared and Tenders called apportionment of costs are to be reassessed. However it was agreed an initial cost breakdown could be as follows:-

40% QMR

30% TSC

20% GCCC

10% Roads & Traffic Authority of NSW

This is subject to confirmation from member organisations. All members will meet their own incidental costs.

3. Overview of TSC and RTA Traffic Modelling Currently Available

Copies of various studies undertaken by TSC and the RTA were distributed and briefly discussed at the meeting. These documents included the Tweed Road Development Strategy and the Lower Tweed and Pacific Highway Master Plan 2007. QMR advised that they are currently preparing briefs for intersection works at Boyd Street and at Bilinga Interchange and Gold Coast Airport access. Copies of the draft briefs were distributed.

4. Impact of Tweed Heads and South Tweed Master Plan on Road Network

The above Master Plan, whilst not released, was discussed. In particular, the impact additional traffic generated may have on the road network subject to this study. TSC agreed to provide copies of the document to member organisations when it becomes a public document.

5. Works Program

The Committee agreed that the next step is to develop an outline brief for consideration by the Committee. It was anticipated this work could take 3 months. The member organisations nominated the following staff to provide input into this brief:-

QMR - Bill Steep
GCC - Robert Mitchell
RTA - to be advised
TSC - John Zawadzki

It was also agreed that TSC would be the organisation responsible for developing the above brief.

The proposed time frame for the brief and consultancy is as follows:-

May 2008 - Committee review of draft outline brief
May 2008 - October 2008 - Development of brief and appointment of consultant
April 2009 - Completion of consultancy
May 2009 - Finalisation and adoption of final report

Next Meeting:

The next meeting of Pacific Highway and Adjacent Arterial Roads Master Plan between Barneys Point Bridge and Stewart Road Technical Committee Meeting will be held on Thursday 22 May 2008.



The meeting closed at 12:50pm

DIRECTOR'S COMMENTS:

The appropriate staff in the Engineering & Operations Division have been requested to add preparation of the outline brief to their Works Program.

DIRECTOR'S RECOMMENDATIONS:

Nil.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O11 [EO-OC] Classification of Land as Operational, South Murwillumbah

ORIGIN:

Design

SUMMARY OF REPORT:

Proposed Lot 518 in a Subdivision of Lot 227 in DP 1122768 at South Murwillumbah is to be transferred to Council as a Drainage Reserve following registration of the plan of subdivision.

It is necessary to resolve to classify this parcel as “Operational” pursuant to the provisions of the Local Government Act, 1993.

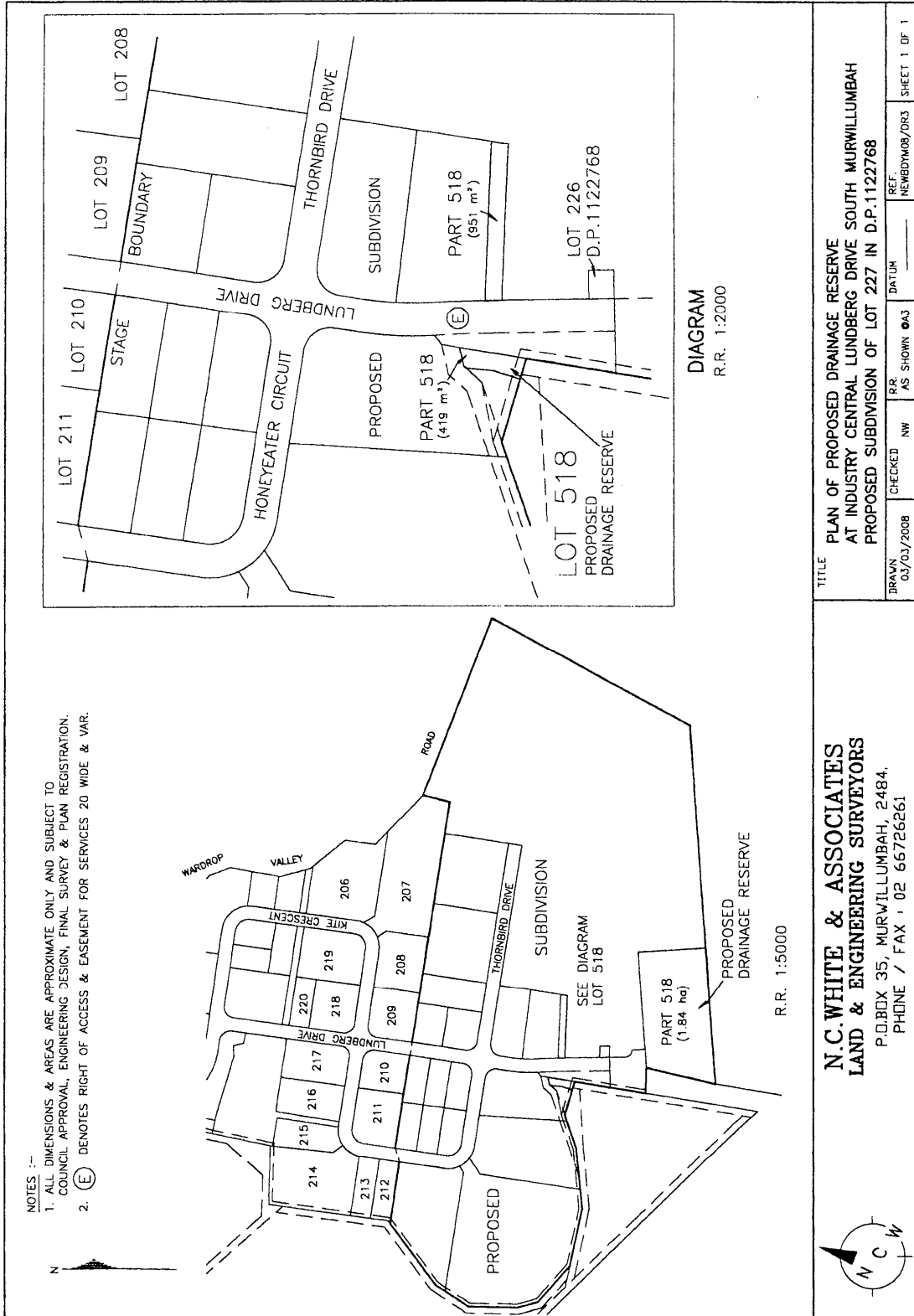
RECOMMENDATION:

That:-

- 1. Council approves the transfer of proposed Lot 518 in a Subdivision of Lot 227 in DP 1122768 at South Murwillumbah as Drainage Reserve.**
- 2. Proposed Lot 518 be classified as “Operational” pursuant to Section 31 of the Local Government Act, 1993; and**
- 3. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report. A copy of the plan of proposed Drainage Reserve is shown below:-



TITLE PLAN OF PROPOSED DRAINAGE RESERVE AT INDUSTRY CENTRAL LUNDBERG DRIVE SOUTH MURWILLUMBAH PROPOSED SUBDIVISION OF LOT 227 IN D.P. 1122768			
DRAWN 03/03/2008	CHECKED NW	R.R. AS SHOWN 0A3	DATUM NEWBYM08/DR3
			SHEET 1 OF 1

N.C. WHITE & ASSOCIATES
LAND & ENGINEERING SURVEYORS
 P.O. BOX 35, MURWILLUMBAH, 2484.
 PHONE / FAX : 02 66726261

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O12 [EO-OC] Upgrading of Council's Driveway Access to Property Guidelines and Design Specifications and Proposed Change of Access to Property Guidelines Driveway Policy and to a Council Protocol

ORIGIN:

Planning & Infrastructure

SUMMARY OF REPORT:

Council's Access to Property Design Specification is based on requirements specified in Australian Standard 2890 (AS2890). The Australian Standard has been updated recently which generated the need to modify the above Council document.

Accordingly the existing Council Driveway Access to Property Design Specification has been amended to reflect current standards in relation to "Sight line" requirements specified in AS2890. The revised document is attached to this report.

The Driveway Access to Property Guide has also been amended to reflect the current procedure for applicants. It is also proposed to reclassify this Guide from a Council Policy to a Council Protocol.

RECOMMENDATION:

That:-

- 1. Council adopts the amended Driveway Access to Property Design Specification Policy V1.1.**
- 2. The Driveway Access to Property Guide be deleted as a Council Policy and reclassified as a Council Protocol.**

REPORT:

Council's Access to Property Design Specification is based on requirements specified in Australian Standard 2890 (AS2890). The Australian Standard has been updated recently which generated the need to modify the above Council document. The change relates to the dimensions specified for the sight line distance where private driveways enter the road reserve. The current standard specifies a length of 2 metres from the road boundary for dwellings and 5 metres for other development. This has been amended to be 2.5 metres for all developments. The sight lines are shown in the Figure in Part 4.1.2 Sight Lines and Safe Visibility on page 5 of the Driveway Access to Property Design Specification attached.

Other minor changes to the wording of Council's Access to Property Guide have been made to improve its user friendliness. A copy is attached to this report (DW176999).

It is proposed that the status of the Driveway Access to Property Guidelines be changed from a Council Policy to a Council Protocol, as it contains practical information for applicants on how to prepare and submit their driveway applications and reflects current organisational procedures, the processes for which are under constant review. The information contained in the Guidelines Policy has always formed part of the "Driveway Access to Property Guidelines" pamphlet and it is proposed that the Protocol be amended to include the Procedure entitled "Driveway Access to Property Guide" as contained in the revised "Driveway Access to Property Guide" pamphlet, a copy of which is attached to this report (DW176999).

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Updated "Driveway Access to Property Design Specification Policy" (DW 1770160).
 2. Updated "Driveway Access to Property Guide" February 2008 (DW 176999).
-

O13 [EO-OC] Safe Pedestrian Access - South Murwillumbah Infants to Smith Street via Tweed Valley Way

ORIGIN:

Planning & Infrastructure

SUMMARY OF REPORT:

For a number of years Council has received complaints from residents of the Greenhills area in relation to safe pedestrian access to the Murwillumbah CBD.

The number of complaints and requests have increased since the construction of a retirement care facility just south of the South Murwillumbah Infants School.

As a result of these requests detailed survey and design has been completed for a path incorporating retaining works, guardrail provision, hand railing and provision of property access. Funding for the project has been unavailable to date as a project of this scale is outside the normal scope of the yearly footpath program.

An application for funding assistance was made to the Roads and Traffic Authority of NSW which has been forthcoming with a \$25,000 grant towards completion of the project.

Council, through savings in the Pedestrian Facilities Program is able to allocate \$45,000 towards the total cost of \$70,000 required to construct the project.

RECOMMENDATION:

That Council accepts the grant allocation of \$25,000 from the Roads & Traffic Authority of NSW and allocates \$45,000 from the current Pedestrian Facilities Program to construct the footpath and associated works on Tweed Valley Way from South Murwillumbah Infants School to Smith Street.

REPORT:

Increasing requests from residents in the Greenhills, South Murwillumbah area have prompted Council to investigate the possible provision of safe pedestrian access past a topographically constrained spot on Tweed Valley Way between the South Murwillumbah Infants School and Smith Street.

Council in the two previous financial years has completed footpath construction from the Murwillumbah CBD via Wardrop, River and Smith Streets to Tweed Valley Way.

Delivery of this proposed project completes the 'missing link' in the pedestrian network to the residents of the Greenhills area.

As a result of these requests detailed survey and design has been completed for a path incorporating retaining works, guardrail provision, hand railing and provision of property access. Funding for the project has been unavailable to date as a project of this scale is outside the normal scope of the yearly footpath program.

An application for funding assistance was made to the Roads and Traffic Authority of NSW which has been forthcoming with a \$25,000 grant towards completion of the project.

Council, through savings in the Pedestrian Access & Mobility Program can allocate \$45,000 towards the total cost of \$70,000 required to construct the project.

A copy of the design plan - 'Concrete Footpath adjacent to South Murwillumbah Infants School at Greenhills Drawing No. WK06021/01' is attached to this report

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Through savings in the Pedestrian Facilities Program Council is able to allocate \$45,000 towards the total of \$70,000 required.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Drawing No. WK06021/01 - Concrete Footpath adjacent to South Murwillumbah Infants School at Greenhills (DW1771519).
 2. Drawing No. WK06021/02 (DW1771539).
 3. Drawing No. WK06021/03 (DW1771780).
 4. Drawing No. WK06021/03 (DW1771783).
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O14 [EO-OC] Rayles Lane Reservoir - Rayles Lane, Terranora - Lease to Tweed Coast Community Radio Inc - Part Lot 1 in DP 844845

ORIGIN:

Design

SUMMARY OF REPORT:

Council has received an application from Tweed Coast Community Radio Inc ("Community Radio") to lease space in the pump station located at McAuleys Reservoir, Rayles Lane, Terranora.

Community Radio have been allocated a radio broadcasting frequency to conduct a twelve month test broadcast from 1 January 2008 to 31 December 2008 and the reservoir at Rayles Lane was identified as the best location of their 300 watt transmitter and antenna.

During the assessment of the application it was agreed with Community Radio that they could install their broadcasting equipment on the pumping hut adjacent to the Rayles Lane reservoir.

Council has agreed to allow Community Radio to lease the space for the term of their twelve month licence for a rental of \$1,000 and a monthly contribution for electricity usage. Community Radio have agreed to these terms.

It is now necessary to seek approval to enter into the lease with Community Radio and execute the necessary documentation under common seal.

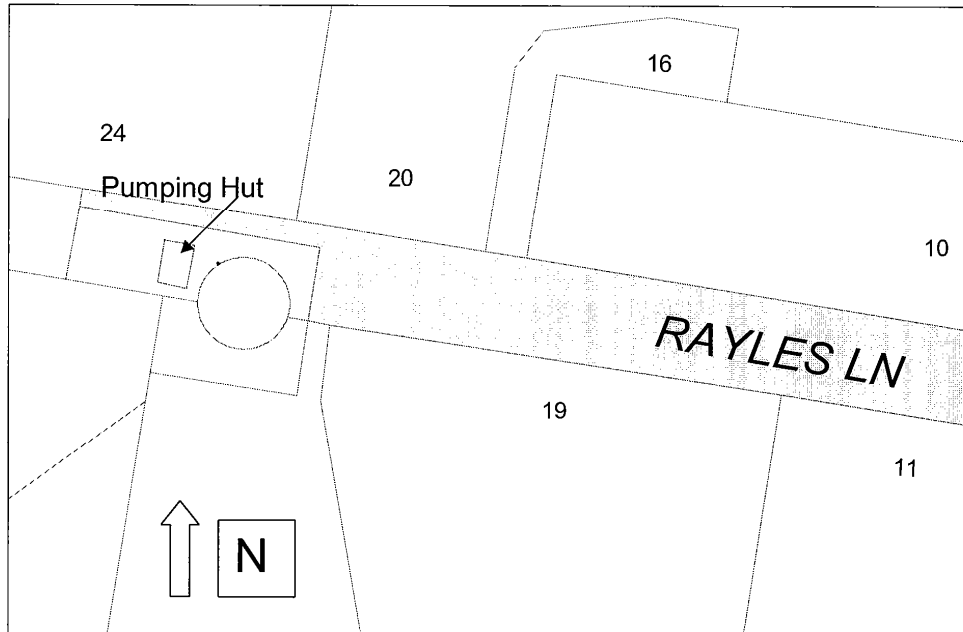
RECOMMENDATION:

That:-

- 1. Council enters into a lease agreement with Tweed Coast Community Radio Inc for use of part of the pump station building located within Lot 1 in DP 844845 at Rayles Lane, Terranora for a period of twelve months at a rental of \$1,000 plus GST per annum;**
- 2. All documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report. The plan below shows the location of the pumping hut adjacent to the Rayles Lane reservoir:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

O15 [EO-OC] Ministry of Transport Public Transport Infrastructure Grants Scheme

ORIGIN:

Planning & Infrastructure

SUMMARY OF REPORT:

Council applied for funding under the Ministry of Transport's Public Transport infrastructure Grants Scheme to improve facilities and recognition of bus transport within the Tweed Shire.

Advice from the Ministry of Transport has been received that the application has been successful to the amount of \$161,581 for the installation of 9 shelters and 200 j-poles, which are used to display bus timetable and route information.

RECOMMENDATION:

That Council accepts the Grant from the Ministry of Transport of \$161,581 exclusive of GST for the installation of 9 bus shelters and 200 j-poles and votes the expenditure.

REPORT:

The Country Passenger Transport Infrastructure Grants Scheme is administered by the Ministry of Transport. It provides support funding to improve the amenity of passenger transport infrastructure in rural, regional and remote communities of NSW

The Tweed Shire Social Plan advocates improved awareness of transport services and improved passenger amenities. Road safety benefits to having a well patronised public transport system includes promoting alternative transport options to drink driving as well as reducing car dependencies and trips.

Through consultation with the stakeholders involved in public transport delivery and advice through Council's Public Transport Advisory Group, an application was made to the Ministry of Transport through its Country Passenger Transport Infrastructure Grants Scheme.

The aims of the application was to promote visibility of bus services and improve amenities by providing 200 j-pole signs to identify bus stops, providing timetable information at each stop, information signage at interchanges, and the construction of nine new bus shelters at identified higher usage sites throughout the Shire. This extends a higher standard of passenger amenity to new areas with recently-upgraded bus services.

The sites for the new bus shelters are Griffith Street (in the Tweed Shire), Turnock Street, Pioneer Parade, Terranora Drive (5 locations) and Seabreeze Boulevard.

The Ministry of Transport has written to Council advising that the 2007/2008 funding application under the Country Passenger Transport Infrastructure Grants Scheme has been successful to the amount of \$161,581 (excluding GST). The projects are to be completed within two years of the funding advice.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Grant funding of \$161,581 is exclusive of GST.

POLICY IMPLICATIONS:

Nil.

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Nil.

O16 [EO-OC] Traffic Signals Kennedy Drive and Limosa Drive, Tweed Heads West

ORIGIN:

Planning & Infrastructure

SUMMARY OF REPORT:

Due to a crash history in the vicinity of the marked pedestrian crossing on Kennedy Drive 140m east of Limosa Drive, Tweed Heads West, Council has been offered \$200,000 (incl GST) from the NSW Roads and Traffic Authority to install traffic signals at the intersection of Kennedy Drive and Limosa Drive.

The signals would include a pedestrian phase on all legs and negate the need for the marked pedestrian crossing 140m east of Limosa Drive, Tweed Heads West.

RECOMMENDATION:

That Council accepts the grant offer from the Roads and Traffic Authority for \$200,000 (incl GST) to design and install traffic signals at the intersection of Kennedy Drive and Limosa Drive, Tweed Heads West and votes the expenditure for same.

REPORT:

The Roads and Traffic Authority have identified in recent years the risk to pedestrians using marked (Zebra) crossings on multi-lane roads.

The marked crossing on Kennedy Drive 140m east of Limosa Road, Tweed Heads West was brought to Council's attention when a child was involved in a crash with a vehicle in mid November 2007. The crossing is primarily used by school children for bus access. It is also used by public transport commuters.

Council's Local Traffic Committee recommended to Council and it resolved on 22 January 2008 that:-

- "1. *The westbound bus zone be relocated west of the pedestrian crossing on Kennedy Drive.*
2. *Council formally request the Roads & Traffic Authority to consider funding signalisation of the pedestrian crossing at or near its current location."*

At its February meeting the Local Traffic Committee recommended to Council that "no stopping" signage be installed on Kennedy Drive opposite Limosa Road to allow vehicles room to pass vehicles turning right into Limosa Road.

Discussions between Council staff and the Roads and Traffic Authority of NSW has resulted in the Roads & Traffic Authority of NSW advising Council that \$200,000 (incl GST) is available for the installation of signals at the intersection of Kennedy Drive and Limosa Drive, Tweed Heads West. Whilst this amount is considered sufficient to cover all costs, detailed design and tenders would need to be sourced to determine actual costs. Any additional costs would need to be negotiated with the Roads and Traffic Authority should the need arise.

Kennedy Drive is considered an urban distributor road with traffic volumes at Cobaki Bridge over 16,000 vehicles per day. Access to Kennedy Drive is controlled at the intersection of Gray Street by traffic signals and also at Ducat Street.

There is a considerable crash history on Kennedy Drive within 200m of the Limosa Road intersection. The predominant crash type is "rear enders" both at the intersection and on the approaches to the marked pedestrian crossing. The crashes at the intersection are due to vehicles turning right into Limosa Drive from a single lane and westbound vehicles impacting into their rear. The crashes at the marked intersection appear to be due to stationary vehicles giving way to pedestrians and then being rear ended by speeding or inattentive drivers.

There was a pedestrian/vehicle crash in 2005 and also the incident reported in the media in November 2007. It should be noted that as a result of several pedestrian incidents in marked crossings on multi-lane roads, such crossings and their status is under review throughout NSW by the Roads & Traffic Authority of NSW.

It is proposed that traffic signals be installed at the intersection of Kennedy Drive and Limosa Drive, Tweed Heads West incorporating pedestrian phases on all legs of the intersection. Council officers are undertaking analysis of the site to ensure that traffic movements are not adversely impacted on. It is expected that there will be no adverse effects on overall traffic flow as the signals will be similar to those at Gray Street that are performing well with no reported pedestrian or intersection crashes reported since their completion.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

This project has 100% funding from the Roads & Traffic Authority in the amount of \$200,000 (GST incl).

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O17 [EO-OC] Cudgen Creek Footbridge, Kingscliff**ORIGIN:****Works****SUMMARY OF REPORT:**

Reporting on progress on the construction of the new footbridge over Cudgen Creek and the cost of the recently completed piling.

RECOMMENDATION:**That:-**

1. The information be received and noted.
2. The payment of the piling contractor claims totalling \$293,263.37 (incl. GST) be approved.
3. ATTACHMENTS A & B be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because they contain commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

REPORT:

Background

Council has planned and budgeted for the installation of a new footbridge across Cudgen Creek Kingscliff. This footbridge is stage 1 of the project to replace the existing timber bridge. Upon completion of the footbridge, pedestrians will be diverted from the old bridge to the new bridge and the old road bridge will be closed for 3 weeks while essential repairs are carried out before it is reopened as a 2-lane bridge. The old road bridge will be replaced when it is included in the annual bridge replacement program (notionally 2010).

At its meeting on 6 March 2007 Council considered a report on tenders for the piling work for the Cudgen Creek footbridge. Only one tender was received. The report provided an alternative to carry out the piling by Council staff plus specialised subcontractors for the falsework and pile boring. This alternative provided a substantial estimated saving, and Council resolved:-

- "1. Council not accept the tender received in relation to EC2006-161.
2. Council undertakes the scope of works as tendered utilising Day Labour and specialised subcontractors."

The confidential attachment "A" reproduces the cost estimates reported at that time.

Construction Progress

Initial geotechnical test boring had located a basalt rock platform at RL -5m. The original design provided for 2 x 750mm diameter piles on both the north and south abutments and 2 x 1050mm diameter piles at the central support founded on the basalt layer. Prior to construction final test boring at the actual location of the centre piles was required to confirm the location of the basalt and the bridge design. After construction of the falsework (temporary bridge to access the centre of the creek) this final test boring showed that there was insufficient basalt at the location of the central piles and foundation redesign was necessary.

Dates	Description
23 July 2007	Site establishment
6 Aug to 10 Sept	Installation of rockfill around abutments.
30 Aug to 13 Sept	Installation of falsework
14 Sept	Piling contractor mobilises to site.
14 Sept	Geotechnical test boring of centre piles to confirm depth of rock for founding of downstream pile. Rock platform not found, requiring redesign of foundation.
17 Sept	Piling contractor demobilises from site.
5 Oct to 10 Dec	Additional geotechnical boring of pile locations to establish founding level. Redesign of centre piles. Negotiation with

Dates	Description
14 Jan 2008 to 1 Feb	piling contractor to determine pile construction method and quotation for new pile design. Pile construction.
4 Feb to 27 Feb	Trim piles to level; centre pile cap construction.
27 Feb to date	Centre pile blade wall and southern abutment construction.

Completion of the bridge is scheduled for June 2008.

Cost Impacts of Foundation Redesign (due to insufficient basalt at centre pier)

Item	Impact
No rock platform on centre piles	<ul style="list-style-type: none"> • Additional mobilisation and delay charges for piling contractor • Additional geotechnical investigation • Two additional 750mm diameter pile casings and reinforcement and concrete to length 19m
Slope on southern abutment rock platform causes leakage of sand into pile casing	<ul style="list-style-type: none"> • Additional 2 days for pile construction
Leakage of sand into centre pile outer casings causes subsidence of falsework	<ul style="list-style-type: none"> • Additional 2 nights plus one half day work to restabilise falsework • Additional 3 days for pile construction
Upstream pile on northern abutment goes down an additional 6m	<ul style="list-style-type: none"> • Purchase of additional length of pile casing and reinforcement. • Additional 2 days for pile construction

A summary of the costs compared with the original tender and the adopted Council staff/subcontractor construction method is shown in the confidential attachment “B”.

Discussion

The foundation difficulties encountered at the bridge site have caused significant time and cost increases. However, the costs are still less than the original tendered price plus pro-rata increase in pile length and additional geotechnical investigation, and also less than the estimated cost to complete the works by the adopted Council staff/subcontractor construction method plus pro-rata increase in pile length and additional geotechnical investigation. Had the original tender been accepted then that tendered price could only have escalated significantly as the latent foundation conditions were discovered.

Council’s decision to adopt the construction by Council staff/subcontractors has proven to be prudent, giving the flexibility to cope with the dramatic variation in geotechnical conditions and consequent variations and delays in finding a workable solution.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The total payment to the piling contractor is in excess of the statutory limit for tenders. However the initial tender process, discovery of latent foundation conditions and the comparable final cost show that Council has still received value for money. It is



recommended that payment of the piling contractor's claims totalling \$293,263.37 be authorised.

The additional costs of piling have increased the total estimated cost of the bridge by \$183,957 to \$1,400,000.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachments A & B (DW 1774602).**
-

O18 [CNR-OC] NSW Government Inquiry into Water Supply and Sewerage Services for Non Metropolitan NSW**ORIGIN:****Water****SUMMARY OF REPORT:**

In an address to the annual Local Government Water Management Conference in Inverell in August 2007, the Minister for Water Utilities, the Hon Nathan Rees MP, announced an Inquiry into the institutional and regulatory arrangements by which town water supply and sewerage services are provided in country NSW.

This report provides the basis for Council's written submission to the Minister which closes on 4 April 2008.

The report analyses a number of organisational models and provides an assessment of the regulatory framework under which Council operate.

RECOMMENDATION:**That Council:-**

- 1. Lodges a written submission to the NSW Minister for Water Utilities on the Inquiry into Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW.**
- 2. Officers prepare the submission on the basis of a recommended organisational structure of Councils on the Northern Rivers capable of participating in a Regional Mandatory Alliance and in so doing provide strategic management, delivery of the region's water and sewerage major infrastructure needs, and implementation of Department of Water & Energy Best Practice Guidelines, including responsibility for pricing regulation**
- 3. Officers prepare the submission outlining the complex regulatory framework under which Council operates its Water Supply and Sewerage Services and recommends a more streamlined approach with clear accountabilities and responsibilities.**

REPORT:

In an address to the Annual Local Government Water Management Conference in Inverell in August 2007, the Minister for Water Utilities, the Hon. Nathan Rees MP, announced an Inquiry into the institutional and regulatory arrangements by which town water supply and sewerage services are provided in country NSW.

Following consultation with the Industry the Minister released the Terms of Reference for the Inquiry in January 2008 (see attachment A). Subsequent to this in January 2008 the Minister released the Discussion Paper tabled in this report as Attachment B.

Submissions are required by the Inquiry prior to the close of business on 4 April 2008. Following submissions there will be Public hearings in April 2008 with one of these being held in Tweed Heads. Examination and analysis will be undertaken by the Inquiry Panel from June to September and the NSW Government will hand down its recommendations to the report in November 2008.

This report deals with Council's written submission to the Inquiry which is required by 4 April 2008.

Background

Various reforms of Water Supply and Sewerage Authorities have been undertaken by State Governments since the early 1990's. This has been done on the background of economic sustainability and a greater commercial focus including user pays pricing policies. In other states this has led to a combination of delivery models from amalgamation of Councils to the establishment of stand alone regional authorities or County Councils. In South East Queensland the Water and Sewerage Assets are to be removed from Councils and divided into separate Bulk Supply, Distribution and Retail Authorities. Tasmania has recently announced a change in how the Industry is regulated as well as the formation of Water Supply and Sewerage County Councils (possibly 3 for the State) that are owned by Local Authorities. Change within the industry is inevitable.

Drivers for Reform

The Minister's Discussion Paper lists the drivers for the Inquiry being National Reform, Climate Change and Drought, Demographic Change, Replacement of Ageing Assets, and Skills Shortages. Further to this there are 105 Water Utilities in NSW providing the same service to a population of 1.8 million.

LGSA & Water Directorate Advice

The LGSA and Water Directorate have been actively involved in providing Councils with assistance in responding to the Inquiry. To that end they have engaged the services of The Institute for Sustainable Futures from the University of Technology, Sydney, to provide an Options Paper on the institutional and organisational arrangements that are likely to be feasible. This Paper is included as Attachment C of this report.

One of the key issues informing the Paper in the assessment of the options is "*Fourth Generation of Water Management*" by Davis (2008). The key attributes of Fourth Generation Management include:

- Integrated resource planning (IRP), across all resources including, but beyond water - energy, transport, materials.
- Life cycle analysis of materials, equipment and processes, which measures the net energy and other resource consumption associated with any particular choice; aiming to achieve an affordable result with the least environmental and energy impact.
- Considering the water supply, sewerage and stormwater as integrated systems and thus recognising the potential for distributed (i.e. decentralised) infrastructure. This means smaller, neighbourhood facilities, located close to the source of wastewater and runoff, and also close to the demand, leading to smaller pipes, tanks and treatment systems.
- Community engagement, in a way which empowers members of the community to participate meaningfully in establishing values and goals, assessing alternatives and being kept informed on the progress of decisions, directions and projects.

The Paper assesses nine options as per the Table 1 below. The Assessment contemplates a mix of outcomes as not one Option will suit all areas the State.

Table 1 – The range of options for rationalising NSW LWUs		
#	Option	Outlines and examples
1	Regional “mandatory” alliance; i.e. pooling required, but nature of arrangements left to councils to resolve	LWUs must join alliances and pool resources. An example is the Weight of Loads Groups which operate among several dozen councils in NSW.
2	County Council – service provision only	Assets owned by councils, but operation provided by a council-owned and controlled entity under Local Government Act.
3	County Council – including asset ownership	As for 2, but County Council owns the assets.

Table 1 – The range of options for rationalising NSW LWUs		
#	Option	Outlines and examples
4	Council-owned regional water corporation	As for 3, but a corporatised structure. Could have board members representing councils or nominated by both State and councils. The new Gosford-Wyong utility is an example of a State-dominated model.
5	State-owned regional water corporation	As for 4, but State is the only shareholder. The main example is Victoria, with 15 regional corporations.
6	Regional council aligned to catchment or sub-catchment	Amalgamated councils, operating over larger areas, but full service structure (water, sewerage and all other general purpose functions). This has been implemented in various locations around Australia.
7	Single, State-wide agency	An extreme version of 5, with just one agency for the whole of regional NSW. This would be similar to how WA, NT, SA and ACT operate. It could be a State department or a corporatised entity.
8	Disaggregated model – bulk supply, distribution and retail (i.e. the opposite of vertical integration)	Vertically disaggregated organisations, each dealing with part of the cycle. Victoria has separated bulk and wholesale suppliers for Melbourne, while Qld is setting up bulk supply; bulk distribution; grid management; and retailers for SEQ.

Table 1 – The range of options for rationalising NSW LWUs		
#	Option	Outlines and examples
9	Status quo	Many independent, council-based water utilities; i.e. no change.

The Paper concludes as follows:

“Conclusions and Recommendations

- i) To achieve generally better outcomes for regional and rural water businesses across NSW, and especially to strive for the stretch target of Fourth Generation Urban Water Management (analogous to the Water Sensitive City), reform of the current LWU structure across the State appears necessary.*
- ii) There are nine conceivable options to be considered (including the status quo), of which the most advantageous five are: Option 1 – “Mandatory” Alliances; Option 2 - County Councils delivering services only; Option 3 – County Council owning assets; Option 4 – Council-owned regional utilities as long as local control remains; Option 6 – Catchment based Regional LWUs, Council owned ; Option 9 – Status quo (for some LWUs);*
- iii) Various combinations of these options could co-exist across the State, selected to suit local conditions.*
- iv) Some options could be adopted as transitional arrangements, leading to others. In any event, transition from the status quo to any reformed structure could be problematic and must be sensitively addressed to minimise uncertainty and collateral damage.*
- v) In keeping with local engagement and consultation values espoused in this report, the selection of a suite of reform options to suit the regional and rural communities of NSW should be done in a well facilitated, consultative manner, supported financially by the State Government. A reasonable timeframe (12 to 18 months?) should be allowed for the processes to be completed.”*

A Regional Focus

The Northern Rivers is made up of numerous Councils providing Water and Sewer Services. The General Managers of the region have met in an attempt to reach some consensus on what organisational model may best suit this locality. The LGSA Sustainable Futures paper above was used as a guide to this discussion. The group concluded that a Regional Alliance Model would provide the best outcome and Attachment D summarises this position.

Specifically the position of the group was *“the creation of a new mandatory Regional Water Alliance to provide strategic management, delivery of the region’s water and sewerage needs, and implementation of Department of Water and Energy Best Practice Guidelines, including responsibility for pricing regulation”*. This position was recommended to a full meeting of NOROC. NOROC was divided on the issue and did not reach a consensus. It did however resolve as follows:-

1. *That NOROC make a submission to the Inquiry but encourage individual councils to pursue appropriate models.*

2. *That NOROC support the exploration of alliance models to provide effective, viable and sustainable water and sewerage services to the community, subject to the ownership and control of water and sewer remaining with local government.*

A Tweed Shire Focus

The Tweed Valley has long been recognised as unique in Local Government as it is One Catchment – One Local Authority. In this Catchment Tweed Shire manages, controls or has an influence over significant aspects of the Water Cycle. There are many demonstrable benefits to this model of service provision.

Listed below are the major benefits and negatives of the existing organisational arrangements for Tweed Shire.

Benefits of the Existing Model

1. Planning for the entire water cycle occurs within the one Statutory Body. For instance the impacts of Water Supply demand management or the review of the LEP can be assessed and communicated within one organisation without restriction of separate identities.
2. Council has a greater Economy of Scope as the resources tied to Water Supply and Sewerage can be shared to enhance other program areas. As an example the proposed Tweed Shire Council “Sustainable Living Centre” is a demonstration of how the functions of Waste, Water, Sewerage, and Natural Resource Management can be brought together to offer an integrated Educational facility for the Community. The cost of this facility, including its operation cost, is shared across the three program areas.
3. Water Supply and Sewerage programs have input, influence and can value add to other like programmes particularly in the Natural Resource Management area. As an example the Water Fund supplements catchment management activities upstream of Bray Park Weir via the Tweed River Committee (“River Health Grants Scheme”) providing a better whole of environment outcome as well as reducing water treatment costs.

Negatives of the Existing Model

1. Long Term Financial sustainability of the Water Supply & Sewerage Funds is not robust as there are significant capital works required across the catchment related to growth and asset replacement with numerous income scenarios. The funding model under which Water Supply and Sewerage operates requires each Authority to be financially independent and self sustaining.
2. Duplication of activities across numerous authorities. Each Authority undertakes the same or similar strategy and compliance activities as per the Best Practice Guidelines.
3. There are no financial benefits from the integration of water supply systems across catchments and shire boundaries. For instance both Tweed Shire and Rous Water are planning for the construction of individual Dam or Dam upgrades to occur at the

same time. There could be significant financial benefit from the interconnection of the systems and delaying of one of these projects.

Options Assessment

The following provides an assessment of each of the five preferred models from the LGSA Sustainable Futures Paper in the context of the Tweed Shire.

- Option 1 Mandatory Alliance – This model overcomes the Negatives listed above for the existing system yet maintains the Benefits. It does however provide an extra level of Governance. For the Northern Rivers there is a significantly greater complication in the number of Councils within the Richmond Valley and henceforth the number of parties involved in the Alliance.
- Option 2 County Councils, Service Provision Only – Provide significant benefits to overcome duplication and financial sustainability but at the expense of the Local Authority's Economy of Scope, integrated planning, and linkage with Natural Resource Management.
- Option 3 County Councils, Including Asset Ownership – As above in Option 2 but with a greater reduction in the benefits of having a single Council.
- Option 4 Council Owned Regional Utilities – As above in option 2.
- Option 5 Regional Council aligned to catchment or sub catchment – Tweed is probably of a size where there would be little benefit in amalgamation with others in the Northern Rivers.

Preferred Model

Given the success of the current organisational arrangements for Tweed Shire the preferred model would be Option 1 which provides for a Regional Mandatory Alliance. This maintains the benefits of the Economy of Scope, integrated planning ability of a single Council, linkage with Natural Resource Management, improves financial sustainability and reduces the duplication of activities. As a growing region this model is capable of delivering the necessary services in a timely and efficient manner. The true benefits of this model would only be delivered if there were some amalgamation of Councils within the Richmond Valley as this would minimise the parties to the Alliance. This statement is reinforced by the lack of consensus at the recent NOROC meeting to discuss the issue of organisational models.

Regulatory Arrangements

Under the Terms of Reference the Inquiry is *"to identify the most effective institutional, regulatory and governance arrangements for the long term provision of water supply and sewerage services"*.

One of the biggest challenges faced by Councils is dealing with the regulation of their water and sewerage activities. Below is a brief summary of the involvement of various state government bodies with the management of urban water services;

- **Department of Environment and Climate Change** (was the EPA) – whole of system licenses for sewerage, monitoring and regulation of point discharges from urban stormwater and water supply infrastructure.

- **Department of Health** – regulate and monitor water quality in reticulated water supplies, including fluoridation of water supplies.
- **Department of Natural Resources** – regulate water supply extractions and volumetric entitlements, including water sharing plans and monitoring of waterways
- **Catchment Management Authority** – responsible for implementation and funding of Catchment Activity Plan.
- **Dam Safety Committee** – responsible for surveillance and monitoring of prescribed dams for both water supplies and regulated waterways
- **Department of Water and Energy** – responsible for Section 60 approvals under the Local Government Act, reporting of Industry Indicators, Best Practice Guidelines and management of the Country Towns Water Supply and Sewerage Program (CTWSSP).
- **Independent Pricing and Regulatory Tribunal** – Current review of Developer Service Plans under Best Practice Guidelines
- **Department of Local Government** – responsible for compliance with Local Government Act and ensuring the implementation of proper Governance in the industry.

These agencies are continually evolving and changing in both structure and scope of responsibility. It is extremely challenging for the Councils to keep up with the changing goals and objectives of these various agencies and the overlap and duplication results in significant inefficiencies. The role and responsibility of these organisations is not clearly defined and henceforth there is often a perceived role which is not consistent within and outside of the organisation. An example is section 60 approvals under the Local Government Act. A more streamlined and definitive regulatory framework would greatly enhance the ability of Councils to deliver services.

New Water Supply and Sewerage Infrastructure requires the approval of Department Water & Energy. This approval process can take more than 12 months and is increasingly being conditioned in areas normally reserved for other agencies.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Models that require the separation of functions from Council, will result in financial, structural and organisational implications. The full impact of these implications is yet to be determined.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Letter from Minister for Water Utilities (DW 1745041)
 2. Discussion Paper (DW 1769971)
 3. Options Paper (DW 1768344)
 4. Regional Water Alliance (DW 1772121)
 5. Letter to Minister for Water Utilities (DW 1705490)
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019 [CNR-OC] Acceptance of Grants Funding from NSW Government Environmental Trust

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

The Minister for Climate Change, Environment & Water has offered Council two grants of \$100,000 each for implementation of projects within the Natural Resource Management Program. These are an Indian Myna trapping program and a riparian vine weed mapping and suppression project.

RECOMMENDATION:

That:-

- 1. Council accepts the following grants from the NSW Environmental Trust:**
 - a. Indian Myna Trapping Program \$100,000 and**
 - b. Riparian Vine Weed Mapping and Suppression Project \$100,000 and**

- 3. All documentation be completed under the Common Seal of Council.**

REPORT:

The Minister for Climate Change, Environment & Water has offered Council two grants of \$100,000 each from the NSW Environmental Trust for implementation of two separate projects.

Indian Myna Control

The first project will be run with the aim of reducing the numbers of Indian Mynas, a feral bird species establishing rapidly in Tweed Shire and the Northern Rivers region. The species aggressively destroys eggs and chicks of native bird species and can harass and out-compete small, tree hollow dependant mammals such as gliders. Indian Mynas have become the sole dominant birds species in a number of Australian urban centres, and have the potential to cause severe and permanent damage to the biodiversity of Tweed Shire. Council is receiving reports of Indian Myna flocks from residents regularly, generally with requests for assistance in eradicating the birds. The grant received from the Environmental Trust, (\$100, 000 over 3 years) will be used to coordinate a community based trapping program to reduce bird numbers. The program will involve the construction of traps and their distribution to community volunteers who will be trained in their use. Protocols for delivering the birds to approved site where they can be euthanized will be established. Council is cooperating with Byron Shire Council in the implementation of this project, and a number of Northern Rivers Councils are working with NSW Department of Environment & Climate Change (DECC) to manage the issue with a regional focus, see attached info sheet produced by DE&CC.

It will be virtually impossible to eradicate the Indian Myna from Tweed Shire, however with a long term coordinated effort to continually suppress their numbers, their impact on native species can be minimised. As such, a key objective of the program enabled by Environmental Trust funding will be to build the capacity of the community to undertake un-supported trapping, and to ensure that Council retains sufficient expertise and resources to lead and coordinate a response to the issue.

Riparian Vine Weed Mapping and Suppression

Like Indian Mynas, introduced vine weeds are a serious threat to the biological diversity of the Tweed Shire. Two species in particular, Cats Claw Creeper and Madeira Vine are regarded by Council's Natural Resource Management (NRM) staff and other local experts as the most severe weed threat to the environmental quality of waterways and riparian habitat in the Tweed Catchment.

Both Cats Claw Creeper and Madeira Vine are species native to South America that were introduced to Australia as ornamental plants. Both species are characterised by prolific and attractive flowering, rapid growth and effective dispersal within the riparian environment. Both vines infest the canopy of native vegetation and can rapidly smother and kill mature trees, ultimately toppling them and creating gaps in the riparian corridor which leads to additional weed infestation. As a consequence, riparian zones become dominated by non-native species which do not provide habitat for native fauna, and are less effective in protecting stream banks from erosion during flood. See attached info sheet produced by Upper Clarence Landcare.

Severe infestations of both these species are present in the Tweed, though not to the extent seen in neighbouring Local Government areas such as Gold Coast and Beaudesert.

The core of the project which will be undertaken with Environmental Trust funding is to accurately map the existing extent of the infestations of both weeds within the Tweed Catchment. This will be done using a helicopter when the vines are flowering and highly visible within the canopy of riparian vegetation. This method of mapping is the most effective means of covering large distances and has been used by Gold Coast City Council (GCCC) over the last two years. GCCC have been assisting NRM staff in the planning of the project and improvements in the methodologies employed will be adopted in the work undertaken by Tweed Shire Council.

The primary purpose of mapping is to allow the preparation of a strategic plan to effectively suppress these weeds and maximise the efficacy of investment in riparian management projects. Like Indian Mynas, it is extremely unlikely that the weeds can be eradicated, so a long term strategy to minimise damage is a key objective of the project. The mapping will be complimented by a community education project, as well as on ground works by Council's Riparian Projects team and on private land through the River Health Grants Program.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council officers will undertake management of these two projects. A number of related Council initiatives, eg. the River Health Grants Scheme, are closely aligned to the Riparian Vine Weed Project and will add to the overall environmental benefit achieved with grant funds.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Brochure "Wanted - Indian Mynas" (DW 1772108)
 2. Brochure "Cats Claw - Australia's Most Unwanted" (DW 1772109)
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O20 [CNR-OC] Application for Reduction of Water Consumption Charges - St Cuthbert's Anglican Church Tweed Heads

ORIGIN:

Water

SUMMARY OF REPORT:

Council is in receipt of an application from St Cuthbert's Anglican Church, 13 Powell Street, Tweed Heads for a reduction in water consumption charges relating to a leak within their property.

Under Council's policy adopted 15 December 2004, Council officers have authority to approve a 50% reduction in water consumption charges where it can be proven that there was a water leak and it was occurring without the owner/occupier's knowledge.

St Cuthbert's has requested in their application a 100% reduction in the consumption charge. The quantity of water usage during the period of the leak totals 2,252 kilolitres which equates to a water consumption and associated sewerage costs of \$3,825.09. Application of the 50% subsidy will decrease this charge to \$1,634.01 being a reduction of \$2,191.08.

In the period of the application of this policy there have been no rebates provided above 50% for instances such as this. It is recommended that Council abide by its existing policy as it ensures a consistent and orderly approach to providing relief to water consumers who experience leaking services.

RECOMMENDATION:

That Council abides by its Water Charging Policy - Defective Services dated 15 December 2004 and provides a 50% reduction in water consumption charges over and above the average usage to St Cuthbert's Anglican Church for the period 5 June to 15 November 2007 being a reduction of \$2,191.08.

REPORT:

Council is in receipt of an application from St Cuthbert's Anglican Church, 13 Powell Street, Tweed Heads for a reduction in water consumption charges relating to a leak within their property.

Under Council's policy adopted 15 December 2004, Council officers have authority to approve a 50% reduction in water consumption charges where it can be proven that there was a water leak and it was occurring without the owner/occupier's knowledge.

St Cuthbert's has requested in their application a 100% reduction in the consumption charge. The quantity of water usage during the period of the leak totals 2,252 kilolitres which equates to a water consumption and associated sewerage costs of \$3,825.09. Application of the 50% subsidy will decrease this charge to \$1,634.01 being a reduction of \$2,191.08.

In the period of the application of this policy there has been no rebates provided above 50% for instances such as this.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

As per the report.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Copy of application (DW 1749721)
-

O21 [CNR-OC] Maritime Infrastructure Program 2007/08 – Offer of Financial Assistance for Installation of pontoons at Dry Dock Road Boat Ramp and Foysters Jetty

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

The NSW Maritime Authority has offered Council funding of up to \$25,500, on a 1:1 basis, through the Maritime Infrastructure Program (MIP). Funds offered are for replacement of the floating pontoon at Foysters Jetty, Tweed Heads South and installation of a floating pontoon on the timber jetty adjacent to the Dry Dock Road Boat Ramp.

RECOMMENDATION:

That:-

- 1. Council accepts the financial assistance from the NSW Maritime Authority's Maritime Infrastructure Program of up to \$25,500 for replacement of the floating pontoon at Foysters Jetty, Tweed Heads South and installation of a floating pontoon on the timber jetty adjacent to the Dry Dock Road Boat Ramp and votes the expenditure.**
- 2. All documentation be completed under the Common Seal of Council.**

REPORT:

The NSW Maritime Authority has offered Council funding of \$25,500, on a 1:1 basis, through the Maritime Infrastructure Program (MIP). Funds offered are for replacement of the floating pontoon at Foysters Jetty, Tweed Heads South and installation of a floating pontoon on the timber jetty adjacent to the Dry Dock Road Boat Ramp.

The matching funds from Council are available in the Waterways Asset Replacement budget within the 7 Year Infrastructure Plan.

The floating pontoon at Foysters Jetty is in a state of disrepair and has been assessed as requiring replacement due to structural failure from the cracking of the concrete deck structure and design difficulties in the replacement of the fender. The existing gangway can be reused at this site.

The timber jetty at Dry Dock Road Boat Ramp requires the installation of a floating pontoon to make the jetty of greater use to a wider range of vessels over the full tidal range. The Tweed chapter of Sailability (a volunteer-run sailing club for people with disabilities) operates in this area. Installation of this floating pontoon, with modifications to enable a hoist to be mounted on the pontoon, will provide the group with the ability to service a much wider range of clients and greatly increase the ease of operation.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The MIP Grant offer is for 50% of the estimated cost of the project. The matching funds will be provided through the Waterways Asset Replacement allocation of the 7 Year Infrastructure plan.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

O22 [CNR-OC] Annual Licence Fees for pontoons in Council Drainage Canals**ORIGIN:****Natural Resource Management****SUMMARY OF REPORT:**

Most waterfront properties in Tweed Shire are able, with Development Consent and within guidelines, to install floating pontoons into the adjoining waterway. Those residences that abut natural waterways such as the Tweed River, obtain a Crown Land Licence for occupation of that portion of land that the jetty or pontoon structure will occupy.

The Department of Lands charges an Annual Licence Fee for pontoon structures that has a Statutory Minimum Limit of \$385 plus GST or a value calculated by formula based on the average land value and the area of structure.

Tweed Shire Council does not charge any annual licence fees for pontoon structures built over Council drainage reserves. There are obvious equity issues here between landowners with waterfront properties being subject to different licence fees dependent upon the position of the property.

It is proposed to introduce an Annual Licence Fee of \$200 for pontoons in Council Drainage Reserves.

RECOMMENDATION:**That:-**

Council includes the Annual Fee of \$200 for approved pontoons in Council Drainage Reserves (Canals) in the Draft 2008/2009 Fees and Charges for public comment.

REPORT:

Background

Most waterfront properties in Tweed Shire are able, with Development Consent and within guidelines, to install floating pontoons into the adjoining waterway. Those residences that abut natural waterways such as the Tweed River, obtain a Crown Land Licence for occupation of that portion of land that the jetty or pontoon structure will occupy.

The Department of Lands charges an Annual Licence Fee for pontoon structures that has a Statutory Minimum Limit of \$385 plus GST or a value calculated by formula based on the average land value and the area of structure.

Tweed Shire Council does not charge any annual licence fees for pontoon structures built over Council drainage reserves. There are obvious equity issues here between landowners with waterfront properties being subject to different licence fees dependant upon the position of the property.

It is proposed to introduce an Annual Licence Fee of \$200 for pontoons in Council Drainage Reserves. It is not proposed to charge any fee for boat ramps at this stage as they have minimal impact on the operation and maintenance of the drainage reserve.

Proposed Fee

The proposed fee is to be charged through the Fees and Charges under Section 608 of the *Local Government Act 1993*. A fee of \$200 per year is proposed as approximately 50% of the Statutory Minimum Licence Fee (currently \$385 plus GST) charged by the Department of Lands for pontoons over Crown Lands.

Department of Lands has a formula for calculating fees being: **average land value in a precinct x area of structure x 3.05% x 50%**. It is proposed to use a simple fee for pontoon structures in Council drainage canals as structures do not vary in size to any great amount due to restricted nature of the canals and property boundaries and to minimise administration during introduction of the fee.

By comparison, Gosford City Council charges a fee for pontoons in St Huberts Island Canal based on numbers of boats moored at a pontoon (they require sharing of pontoons between at least 2 properties) with a minimum fee of \$649 and \$324.50 per vessel over 2 (*Gosford City Council website; Fees and Charges, 2007/2008*).

Currently Council has an Administration Fee for Development Applications involving the issue of a licence for a pontoon or boat ramp structure in a canal. This one-off fee is currently (2007/08) \$110.

Existing Pontoons in Tweed Shire Canals

Construction of pontoons in Council drainage reserves is currently permissible with Development Consent and in accordance with the "Guidelines for Installation of Boat Ramps and Pontoons".

There are approximately 150 existing pontoons in Council drainage reserves listed below:

- Crystal Waters Canal
- Endless Summer Canal
- West Tweed Canal
- Seagulls Estate Canals North and South
- Oxley Cove

The sub-tidal land within the Anchorage Island Estate in Tweed Heads is Council owned and currently under the management of Lend Lease. A berth at the jetties here cost \$2002 per year including provision of water and power.

Pottsville Waters Canal and Bogangar Canal do not have access to open water and boating activities are restricted to non-powered craft, therefore pontoons or jetties are not permitted in these drainage reserves.

In addition, proponents for future pontoon structures in canals should be encouraged, particularly in the ends of canals, to share pontoon facilities between properties to reduce costs, congestion and potential damage to boats and personal injury from manoeuvring in tight spaces.

Potential Income and Expenditure

There are approximately 145 pontoons in Council drainage reserves (canals). It is proposed to charge each pontoon a flat fee of \$200 per year. This provides an income of approximately \$29,000 annually with administration costs estimated to be 10% of this amount.

The potential nett income of approximately \$26,100 can be used to manage canal, riverbank and foreshore works and structures.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The fee will be charged through Council's standard Fees and Charges under Section 608 of the *Local Government Act 1993*.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.



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O23 [CNR-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 Council:-**

- 1. With reference to the request from Lions Club of Coolangatta and Tweed Heads Inc, Council approves the request for a waiver of fee for use of the South Tweed Community Hall on 24 and 25 May 2008 for the Lions Club Cabinet Meeting and that Council's support is recognised with the following acknowledgement "This programme 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 Name	Request	Est \$ Amount of Waiver	Recommendation	Meet Guidelines?
Lions Club of Coolangatta and Tweed Heads Inc	Request that fee be waived for the hire of South Tweed Community Hall on 24 and 25 May 2008 for the Lions Club Cabinet Meeting	\$138	That the fee of \$138 be waived due to the significant amount of fundraising and voluntary work carried out by the Club at the Hall.	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. Lions Club of Coolangatta & Tweed Heads Inc (DW1767363)
-