



AGENDA

OPERATIONS COMMITTEE MEETING

Tuesday 13 May 2008

Chairman: Mr Frank Willan

**Administrators: Mr Frank Willan
Mr Max Boyd AM**

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ITEMS FOR CONSIDERATION OF THE COMMITTEE:

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REPORTS THROUGH THE GENERAL MANAGER

01 [GM-OC] 4th Annual Australian Water Summit Sydney 2008

ORIGIN:

General Manager

FILE NO: Water Management - Conferences

SUMMARY OF REPORT:

The General Manager attended the 4th Annual Australian Water Summit in Sydney on 29 and 30 April 2008. There is continuing to be increasing interest in the water sector from the 1st and 2nd tiers of Government across Australia. The Australian Government's \$12.4B investment in their new Policy, "*Water for the Future*", has a new focus on urban communities.

The development of Council's IWCM has placed the Tweed in a strong position to access Government funds to assist in delivering the strategies recommendations.

RECOMMENDATION:

That the report on the attendance of the General Manager at the 4th Annual Australian Water Summit in Sydney on 29 and 30 April 2008 be received and noted

REPORT:

The 4th Annual Australian Water Summit was held in Sydney on 29 & 30 April 2008. The General Manager attended.

A range of distinguished speakers provided strategic updates relating their water portfolio. Keynote Ministerial presentations were delivered by:

- The Hon Penny Wong, Federal Minister for Climate Change & Water
- The Hon Nathan Rees, NSW Minister for Water Utilities
- The Hon Tim Holding, Victorian Minister for Water

What did become quite evident over the 2 days is that there is more policy development and increasing interest in water than in any other area of Government at both Federal and State level.

Of most reference to Tweed Shire Council was the release of the Australian Government's new direction in water management - "Water for the Future".

The Federal Minister for Water and Climate Change, Penny Wong and Chairman and CEO of the National Water Commission, Mr Ken Mathews outlined the new national framework which will have 4 key priority areas:

1. Action on Climate Change
2. Water Efficiency
3. Water Security
4. Supporting Healthy Rivers

\$12.4B has been allocated over the next 10 years.

Investment will be provided to the 2nd and 3rd levels of Government in return for delivering the National Water Reform agenda.

While a large component of the funds will be allocated to the restoration of the Murray Darling, significant funds will still be available for coastal communities.

- \$250M for grey water initiatives and rainwater tanks.
- \$450M for the Federal Bureau of Meteorology to establish a national water data collection, assessment and reporting framework.
- \$1B for improving water security through the development of desalination, recycling and stormwater harvesting programs for communities in excess of 50,000 people.

Applications for funding must:

- (i) be sustainable in the long term
- (ii) support regional investment
- (iii) deliver long term environmental and economic benefits
- (iv) improve river health
- (v) deliver value for money.

The addition of a new urban supplement to the National Water Initiative is a consequence of the first biennial review of NWI progress.

The Commission has identified the national challenges as:

- Skills shortages
- The need to manage for sustainable development of the water sector
- Building and charging for water security, not just supply
- Planning water infrastructure to meet needs beyond the historical record when that record is no longer relevant
- Ensuring national policy meets national water initiatives pricing objectives
- Restoring water restrictions as infrequent contingency reserve measures
- Integrating water infrastructure with water sensitive urban design.

Interestingly, Mr Mathews particularly noted the "profound potential" for genuine long term gains through the implementation of water sensitive urban design.

Conclusion

The Australian Government's commitment to water reform is built on establishing:

- Clear national objectives
- Balanced planning
- Effective Water Management
- Sound economic pricing
- Better information about Water availability and how we use it

The new urban supplement will provide genuine opportunities for Tweed Shire Council to build on and deliver objectives documented through Council's Integrated Water Cycle Management Strategy. The IWCM Strategy will in fact provide the background supporting information for those areas where Australian Government assistance may be sought.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

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O2 [PR-OC] Flying Fox Camp – Bray Park**ORIGIN:****Building & Environmental Health****SUMMARY OF REPORT:**

The Bray Park community have raised concerns over the adverse impact of a flying fox camp located north of Riveroak Drive, Bray Park. Concerns include odour, noise, health, nuisance and amenity.

Following a public meeting organised by the Bray Park community, attended by approximately 150 Tweed Shire community members, it was resolved to write to Council requesting that Council make application to the appropriate State and Commonwealth departments seeking the removal of the flying foxes.

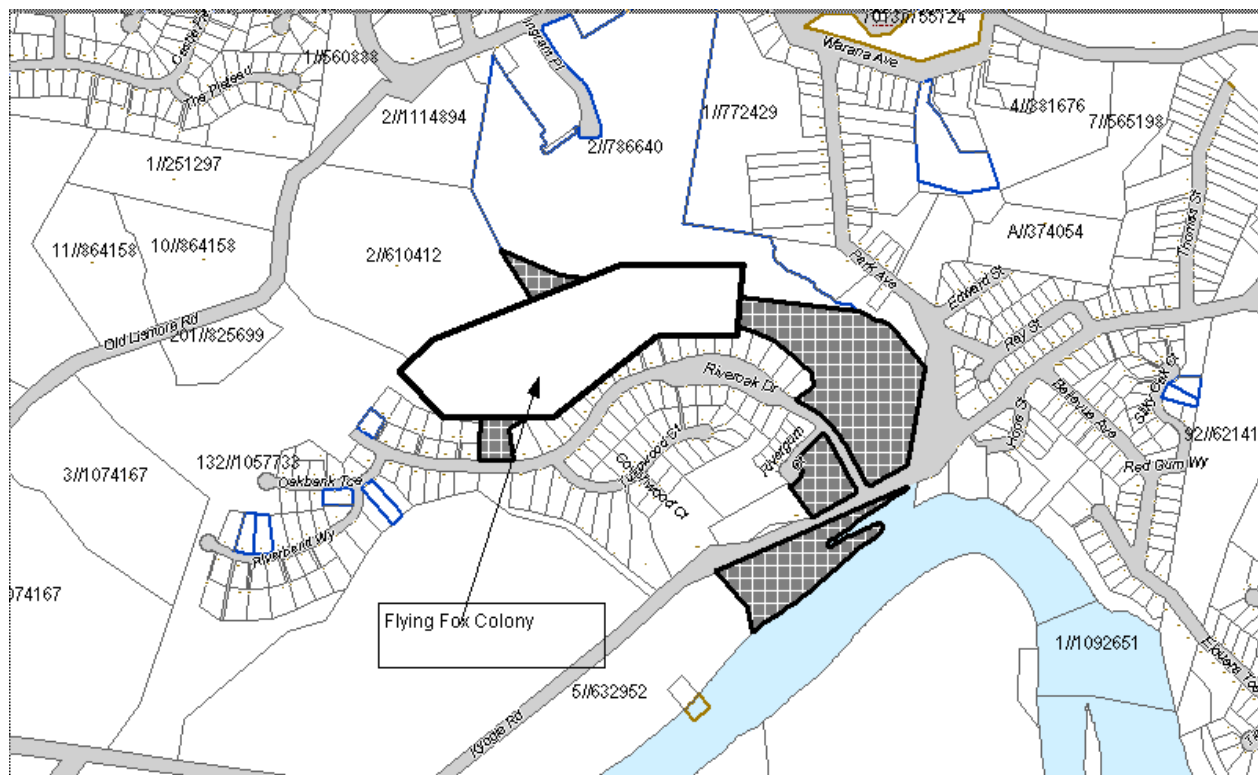
This report provides the background to the issue and recommends appropriate action.

RECOMMENDATION:**That Council:**

- 1. Participates in a regional forum to discuss impacts and management issues of flying foxes.**
- 2. Advises the Department of Environment and Climate Change that Council welcomes the opportunity to participate in a working group to review flying fox issues including:**
 - (i) Camp management strategies adopted in other local government areas;**
 - (ii) Habitat management options on Tweed Shire property;**
 - (iii) Provision of alternative habitat and habitat conservation options;**
 - (iv) Liaise with NSW Health to reassure residents regarding health concerns;**
- 3. Invites representatives from affected communities to be involved in the various strategies proposed.**
- 4. Produces information on flying fox camp management for affected communities within the Tweed Shire.**

REPORT:

Towards the end of 2007 members of the Bray Park community raised concerns with Council officers over the increasing number of flying foxes that were roosting mainly within Council land on Lot 49 DP 830595.



Lot 49 DP 830595 - hatched

Bray Park

The site consists of broad-leaved paperbark closed forest to melaleuca and swamp she-oak forest located north of Riveroak Drive, zoned 6(b) and 2(c) and surrounded by residential development. The vegetation community is classified as an Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995.

The Department of Environment and Climate Change (DECC) – National Parks and Wildlife Service (NPWS) were contacted and monitoring of the site commenced to ascertain impacts. Council also commenced monitoring the raw water quality as the site is upstream of the Bray Park Water Treatment plant draw off point.

The Flying Foxes

The camp is made up of grey-headed and black flying foxes (*Pteropus poliocephalus* and *Pteropus alectus*). Both species are listed as “Vulnerable” Threatened species in NSW as populations have crashed by 30% in the last decade mainly due to the destruction of their habitat. The “Greys” are also listed as threatened under Commonwealth legislation.

The camp is one of five known camps located within Tweed Shire. The numbers and nature of each camp varies, and at this time of the year (late autumn) many of the population move to winter foraging areas outside the Tweed Shire. The DECC and the Commonwealth Department of Environment, Water, Heritage and the Arts are currently investigating two separate incidents of land clearing within Tweed Shire which the DECC believe has been the catalyst for the formation of the camp at Bray Park.

In March this year the residents of Bray Park organised a public meeting attended by approximately 150 people. Officers of DECC and Council were requested to attend. Speakers included Mr Thomas George, Mr Bob Brinsmead and Ms Eunice Higgins as organiser. The meeting highlighted the concerns of living in close proximity to flying foxes including noise impact, odour, nuisance and health concerns. The meeting also highlighted the further need for members of the community to be provided with specific information to assist them in living with the flying foxes and allay some of the misperceptions regarding health impacts.

Following the meeting discussions between Council officers and DECC promoted the concept of a regional working group to address issues faced by Councils and their communities. The concerns raised by the Bray Park community are not dissimilar to those raised by the residents of Dallis Park previously and those faced by other regional Councils and their communities. To this end DECC recently wrote to Council proposing a local group to look at flying fox issues and in particular flying fox camp management within the Tweed Shire. It is proposed the forum could investigate camp management and mitigation options as well as long term conservation issues for both the grey-headed and black flying foxes that occurred locally.

Known camps in proximity to residential or rural residential properties in Tweed Shire vary significantly in numbers and proximity to homes and each camp poses particular challenges. The forum could initially involve DECC and TSC officers to review issues including:

- Camp management strategies adopted in other local government areas;
- Habitat management options on Tweed Shire property;
- Provision of alternative habitat and habitat conservation options;
- Liaise with NSW Health to reassure residents regarding health concerns;
- Invite representatives from affected communities to be involved in the various strategies proposed;
- Produce information on camp management for affected communities within the Tweed Shire.

The proposed forum would allow a coordinated and considered approach to these often contentious issued.

DECC has also expressed concern for the considerable amount of misinformation circulating in the community regarding flying fox health risks. They have advised that they have received advice from health experts that there is no evidence that people living close to flying fox roost sites suffer higher levels of disease than the rest of the population and that there is no evidence that flying-foxes pose health risks to humans through contamination of roof-collected drinking water. In addition, Australian Bat Lyssavirus (ABL) poses minimal risk to humans as it is transmitted through bites or scratches and is only a risk if flying foxes are directly handled. Standard DECC advice to the public is not to handle flying foxes.

There are a number of examples of camps being successfully managed adjacent to urban and residential areas through effective planning and implementation of ongoing management regimes. This includes a much larger camp in Coffs Harbour and another camp at Wingham Brush.

This approach as recommended here are consistent with DECC's Flying-fox Camp Management Policy and the NSW Priority Action Statement for recovery of these species.

DECC considers any attempts to relocate the flying foxes are likely to result in flying foxes being dispersed into other residential areas. In addition, disturbance of camps during critical breeding periods can have a significant impact on survivorship of the flying foxes. As such, the problem will simply be shifted.

On this basis it is not appropriate to pursue an application to remove the native vegetation.

A longer term strategic approach, as is proposed to be developed by DECC and Council is an appropriate manner to address the issue. Further, it is possible that the flying foxes will disperse of their own accord and may not take up permanent residence.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

03 [TCS-OC] Corporate Quarterly Report - January to March 2008

ORIGIN:

Corporate Compliance

SUMMARY OF REPORT:

The Corporate Quarterly Report including progress on the 7 Year Infrastructure & Services Plan for the period 1 January to 31 March 2008 is presented for consideration by the Council.

RECOMMENDATION:

That Council receives and notes the Corporate Quarterly Report including progress on the 7 Year Infrastructure & Services Plan for the period 1 January to 31 March 2008.

REPORT:

The following report details the quarterly corporate progress, including progress on the 7 Year Infrastructure & Services Plan, for the period January to March 2008 on activities identified to be undertaken during 2007-2008 in the 2007-2010 Management Plan.



Tweed Shire Council Corporate Quarterly Report for Jan-Mar 2008

Social Action Plan

Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment
Coordinator Regulatory Services	Impounded Animals	Quarterly number of impounded animals	n/a	249	214	254	717	
	Impounded Animals Returned to Owners	Quarterly number of impounded animals returned to owners	n/a	107	94	91	292	
	Impounded Animals sold or rehomed	Quarterly number of impounded animals rehomed	n/a	82	77	82	241	
Manager Community & Cultural Services	Aboriginal Development	Annual number of Aboriginal Advisory Committee Meetings held	9	2	0	2	4	December meeting cancelled due to lack of quorum.
	Ageing and Disability Activities	Quarterly number of complete ageing & disability projects	18	4	3	5	12	
	Community Options	Annual number of clients aided	500	135	135	135	405	
	Cultural Development Projects	Annual number of projects completed	10	3	3	2	8	
	Cultural Halls & Centres Audit	Annual number of completed halls & community centres audit	23	6	7	6	19	Audit placed on hold. Figures reflect POPE Licences issued.
	Festivals & Events	Annual number of projects completed	25	11	8	6	25	
	Museums	Annual number of projects completed	10	2	4	2	8	Will exceed levels.
	Public Transport Working Group (PTWG)	Number of meetings of PTWG	6	2	3	1	6	
	Regional Art Gallery Exhibitions	Quarterly number of exhibitions conducted	25	7	10	9	26	
	Regional Art Gallery Workshops	Quarterly number of workshops conducted	15	7	11	19	37	

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.
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Tweed Shire Council Corporate Quarterly Report for Jan-Mar 2008

Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment
Manager Community & Cultural Services	Regional Art Gallery	Quarterly visitors numbers to the Art Gallery	50,000 per annum	15,282	13,965	11,900	41,147	
Manager Recreation Services	Youth Development	Annual number of projects completed	10	6	22	24	52	Original target under estimated.
	Active Recreation	Annual % of completed local recreational capital works	100%	5	0	0	5	
	Passive Recreation	Annual % of completed open space strategies	100%	10	10	10	30	

Economic Action Plan

Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment
Manager Business & Economic Development	Airfield Complaints	Quarterly complaints received	<10	0	1	0	1	Aircraft tie down to be replaced.
	Saleyard Complaints	Quarterly complaints received	<10	1	0	0	1	New Saleyard fencing to be installed this quarter.
	TEDC Agreed Quarterly Reporting	Annual number of quarterly reports supplied	4	1	1	1	3	
	Tweed Tourism Agreed Quarterly Reporting	Annual number of quarterly reports supplied	4	1	1	1	3	

Environmental Action Plan: Natural Environment

Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment
Coordinator Natural Resource Management	Water Quality Monitoring	Quarter number of sites monitored	100%	25	25	25	75	2 new estuarine water quality monitoring programs

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.
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Tweed Shire Council Corporate Quarterly Report for Jan-Mar 2008

Responsibility	Service	Performance Measure	Target			Actual			Comment		
			July-Sept	Oct-Dec	Jan-Mar	July-Sept	Oct-Dec	Jan-Mar			
Coordinator Natural Resource Management	Waterways Health Management Plans	Annual % of Cobaki & Terranora Broadwater plan revised	100%	10	20	40	40	commenced.			
	Waterways Health Riparian Projects	Annual riparian rehabilitation projects on public land	>1	0	1	0	1				
	Waterways Health, Fish Passage	Annual number of fish passage obstructions removed	1	1	0	0	1				
	Waterways Health, Modified Floodgates	Annual number of modified floodgates for free fish passage	6	2	0	1	3				
	Waterways Health, NRM projects	Annual number of new NRM projects commenced	4	1	2	1	4				
	Waterways Health, River Health Grants	Annual new river health grants to private landholders	20	4	1	3	8				
	Waterways Quality, Health Report Card	% of Annual Ecosystem Health Report Card completed	100%	0	10	25	25				
	Entomologist	Insect and Pest Control Quarterly Report	Annual number of Entomological Control Reports	4	1	1	1		3		
		Insect and Pest Controls, Advisory Services	Annual Advisory Service internet availability	>98%	99	99	99		99		
	Environmental Action Plan: Built Environment										
	Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar		Total	Comment	
Coordinator Planning	Heritage Listed Properties	Update heritage listed properties	100%	40	10	0	50				
	Land Use Planning Controls	update DCP for urban residential and tourist	100	50	25	20	95				

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.
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Tweed Shire Council Corporate Quarterly Report for Jan-Mar 2008

Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment
Reforms		accommodation						
	Planning Reform LEP stage 1	Review LEP 2000	100%	50	30	0	80	
	Planning Reform LEP stage 2	Review LEP 2007	70%	10	50	0	60	
Manager Building & Environmental Health	Building Certificates	Quarterly number of certificates issued	n/a	31	56	45	132	
	Building Complying Development Approvals	Quarterly building complying development approvals	n/a	26	27	21	74	
	Building Development Applications	Quarterly number of Development Applications determined	n/a	249	303	295	847	
	Building Inspections	Quarterly % of building inspections carried out in 48 hours of request	100%	100	100	100	100	
	Construction Certificates	Quarterly Construction Certificates approved	n/a	134	147	106	387	
	OSSM Failures	Quarterly number of failed OSSM inspections	<10	6	15	5	26	
	OSSM Inspections	Quarterly number of OSSM inspections	>15	65	61	78	204	
	Pollution clean up notices	Annual number of clean up notices issued	<5	0	1	0	1	
	Pollution control	Annual number of PINs issued	<5	1	2	0	3	
	Section 68 approvals - Sewer/Water	Quarterly number of approvals	n/a	113	161	138	412	
	Timeliness in Issuing Building Complying Development Approvals	Quarterly median days to issue a Complying Development	<15	5	7	8	8	
	Timeliness in issuing Construction Certificates	% a Construction Certificates issued within 39 days or less	<39	100	100	100	100	
	Timeliness of determining Building Development Applications	Quarterly median days to determine a Building Development Application	<39	38	42	42	42	
	Timeliness of Section 68 approvals -	Approval times not to exceed related	n/a	0	0	0	0	

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.
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Tweed Shire Council Corporate Quarterly Report for Jan-Mar 2008

Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment
Manager Building & Environmental Health	Sewer/Water	Development Approval times						
Manager Development Assessment	Development Applications Determined	Quarterly development DA's determined	n/a	126	174	105	405	
Manager Development Assessment	Timeliness of Determining Development Applications	Quarterly median days to determine a development DA	<39	33	33	77	47	
Manager Waste	Domestic Waste Volume	Annual % volume of recycled domestic waste to total waste	>25%	37	36	35	35	
	Educating on landfill	Annual number of landfill educational tours	5	3	0	0	3	
	Waste Education Campaign	Annual % progress on a purpose built education facility	50%	40	35	10	85	
	Waste education in schools	Annual number of school visits	20	6	0	0	6	

Infrastructure Action Plan

Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment
Manager Water	Potable Water Lost	Annual % of unaccounted lost water	<15%					15%: for period 1/7/2006 to 30/6/2007
	Potable Water Quality	Annual % volume of treated water to guideline standard	98%					99%: for period 1/7/2006 to 30/6/2007
	Potable Water Quality Complaints	Annual number of water complaints per 1000 connections	<10					1: for period 1/7/2006 to 30/6/2007
	Sewer Main Chokes -	Annual chokes per 100 kms	<40					16: for period 1/7/2006 to 30/6/2007

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.
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Tweed Shire Council Corporate Quarterly Report for Jan-Mar 2008

Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment
Manager Water	Confirmed							30/6/2007
	Sewer Main Chokes Cleared	Annual % chokes cleared in 8 hours	95%				425	99%: for period 1/7/2006 to 30/6/2007
	Sewer Rising Mains, Breaks	Annual breaks per 100 kms	<10				1	1: for period 1/7/2006 to 30/6/2007
	Sewerage Efficiency, Overflows	Annual number of dry weather overflows per 100 kms	<10				8	8: for period 1/7/2006 to 30/6/2007
	Water Mains Failures	Annual mains failures per 1000 kms	<10				10	10: for period 1/7/2006 to 30/6/2007
	Water Mains Service Connection Failures	Annual service failures per 1000 connections	<20				19	19: for period 1/7/2006 to 30/6/2007
	Water Supply Availability Planned Interruptions	Annual % of planned interruptions < 12 hours duration	95%				100	100%: for period 1/7/2006 to 30/6/2007
	Water Supply Availability, Un-Planned Interruptions	Annual % of un-planned interruptions < 5 hours duration	95%				100	100%: for period 1/7/2006 to 30/6/2007
	Water Supply Un-Planned Interruptions Frequency	Annual frequency of un-planned interruptions per 1000 connections	<50				44	44: for period 1/7/2006 to 30/6/2007
	Bus Shelters Repaired	Quarterly number of bus shelters attended to	n/a	32	12	3	47	Data does not include litter removal jobs.
Manager Works	Cycle and Pathways Replaced	Annual square metres replaced	500 sq mtrs	40	420	425	425	
	Road Maintenance, Kerb & Gutter Repairs	Quarterly linear meters of repaired kerb & gutter	20 mtrs	1	17	1	19	
	Road Maintenance, Re-	Annual kms of unsealed roads re-sheated	5 kms	0	3.3	8.5	11.8	

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.
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Tweed Shire Council Corporate Quarterly Report for Jan-Mar 2008

Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment	
Manager Works Senior Planning Infrastructure Engineer	sheeting								
	Road Maintenance, Re-surfacing	Annual kms of road resurfaced	20 kms	2.4	12.1	6.6	21.1	Program complete but for Stuart St & Gray St overlays.	
	Road Maintenance, Roads Graded	Quarterly kms of roads graded	86 kms	45	132	38	215		
	Stormwater Pollution Device Cleaning	Number of GPTs cleaned in schedule	120	36	62	90	90		
	Bus Shelters New Constructions	Annual number of new bus shelters constructed	>10	1	1	0	2	New shelters under construction by supplier.	
	Cycleways Newly Constructed	Annual metres of new construction	820 mtrs	60	220	85	365		
	Flood Control Infrastructure	Annual number of floodgates checked and repaired	>30	12	0	0	12	Inspections completed works program being developed.	
	Footpaths Newly Constructed	Annual metres of new construction	3,200 mtrs	0	0	300	300	Contractor engaged.	
	Street Lighting	Annual number of new / upgraded street lighting	>20	2	0	0	2	Orders have been place in February with Country Energy for design of new lights.	
	Governance Action Plan								
	Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment
	Chief Information Officer	GIS Availability	% of GIS availability	98%	98	98	98	98	Unavailability is normally through scheduled maintenance carried out outside normal business hours.

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.
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Tweed Shire Council Corporate Quarterly Report for Jan-Mar 2008

Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment
Chief Information Officer	GIS Custom Requests	Median days from lodgement to scoping of GIS request	1	1	1	1	1	Scoping of request is carried out within 1 day of receipt of request.
	IT Installation Timeframes	No. of days to install hardware & devices	5	5	5	4	4	Installation is carried out within agreed timeframes.
	IT Services Availability	% of IT service availability	98%	99	98	98	98	Target has been achieved during normal business hours. Scheduled maintenance is carried out during evenings or over weekends.
	IT Support Centre	% of reported faults investigated in 8 hours	95%	95	95	95	95	Faults are investigated within agreed time frames. Resolution of the fault can be longer if equipment needs to be replaced.
	Records Management	% of new correspondence delivered next day	90%	95	95	87	87	Staff resources have impacted on the ability to achieve target.
Coordinator Revenue & Customer Services	Making of Rates Compliance Obligations	Percentage of making of rate & charges by 1 Aug 2007	100%					100%: the 2007-08 current rates & charges established.
Corporate Compliance Officer	Complaints Received	Complaints registered	n/a	14	15	19	48	
	Complaints Unresolved	Unresolved complaints	<5	3	8	9	9	3 complaints were received in late March.
	Incoming Correspondence Response Policy	% of responses outside 14-day reply policy	<1%	4	2	0	2	
	Internal Audit	No. of audits conducted	5	0	4	5	9	

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.
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Tweed Shire Council Corporate Quarterly Report for Jan-Mar 2008

Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment
Manager Financial Services	Debt Ratio	Annual Debt Service Ratio %	<18%					6.88: for the 2006/07 result.
	Liquidity Ratio	Annual Unrestricted Current Ratio	>1:1					ratio: 2.336:1: for the 2006/07 result
Manager Risk & Human Resources	Rates as a % of Revenue	Annual Rates Coverage Ratio %	n/a					40.228: for the 2006/07 result.
	OHS Claims	Annual number of OH&S claims	90	22	42	66	66	
	OHS Claims Cost	Cost of OH&S claims	450,000	60,902	83,118	44,090	188,110	
	OHS Claims Where Time was Lost	Lost time injury (LTI)	55	16	31	45	45	
	OHS Days Lost	Annual lost days	1150	197	301	503	503	
OHS Incident Frequency	Frequency rate	50	12.31	23.85	33.09	33.09		
OHS Rate of Incidents	Incident rate	9.5	2.46	4.77	6.62	6.62		

Human Resource Action Plan

Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment
Manager Risk & Human Resources	Rate of Job Vacancies	No. of advertised vacancies	n/a	39	17	28	84	
	Rate of Job Vacancy Re-advertisements	No. of vacancies readvertised	<5	2	1	1	4	
	Rate to Fill a Job Vacancy	Working days taken to fill an advertised vacancy	<40	36	40	35	37	
	Rate to Fill a Job Vacancy In-House	% of vacancies filled in-house	n/a	3.9	67	39	37	

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.
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Tweed Shire Council Corporate Quarterly Report for Jan-Mar 2008

Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment
Manager Risk & Human Resources	Traineeships & Apprentices	No. of apprentices & traineeships within Council	n/a	25	24	24	24	
	Training and Staff Development	% of training budget expended	25%	20	22	23	23	
	Training Time Allocated to Staff	Hours of training per FTE	n/a	1.62	3	3	7.62	

Equal Employment Opportunity Action Plan

Responsibility	Service	Performance Measure	Target	July-Sept	Oct-Dec	Jan-Mar	Total	Comment
Manager Risk & Human Resources	Equal Employment	% of women employed	n/a	25.3	24.7	25	24.7	
	Equal Employment Opportunity Education	No. of EEO awareness seminars & training sessions	n/a	0	5	6	11	Sessions incorporated into Corporate Induction
	Equal Employment Opportunity Policy Reviews	No. of policies & codes of practice reviewed	5	4	2	4	10	Recruitment & Selection, Workplace Surveillance
	Equal Employment Opportunity Sub-Committee	No. of sub-committee meetings	4	0	0	0	0	
	Equal Employment Opportunity Training	No. of staff completing EEO training	n/a	0	13	51	64	
	Equal Opportunity Employment Complaints	Complaints received	0	1	0	1	2	
	Equal Opportunity Employment Confirmed Complaints	No. of substantiated complaints	0	0	0	0	0	

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.
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Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008

Business & Economic Development

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
Corporate Planning Unit	Develop a Business Plan.	R Adams	83,126 Rev	\$83,126	\$77,317	Employment costs for Economic, Corporate Planner and Consultancy Fees for Council 10-Year Business Plan.	Planner employed, Consultant appointed and 90% of brief completed, final report due in April 2008.
Economic Development Support	Council's Internal Economic Development Projects.	R Adams	71,000 Rev 71,000 C/O	\$142,000	\$55,704	Undertake various economic development projects as endorsed by the General Manager.	HTW supplied land valuations, Council endorsed HPMEC consultancies, and \$23,000 was provided as a one-off additional contribution to Tweed Tourism.
Economic Marketing & Promotion	Contribution to TEDC Projects	R Adams	70,000 Rev	\$70,000	\$70,000	Funding to TEDC to undertake economic development projects identified in the Economic Growth Management Strategy.	Four payments made in quarterly instalments. Marketing Strategy provided.
Economic Marketing & Promotion - Tourism	Tweed Tourism Support.	R Adams	120,000 Rev	\$120,000	\$120,000	Funding to Tweed Tourism to undertake tourism marketing and promotion of Tweed.	Four payments made in quarterly instalments. Administrators have approved Tweed Tourism Marketing Plan.
Kingscliff Visitors Information Centre	Develop and operate a Visitor Info. Centre at Kingscliff.	R Adams	25,000 Rev	\$25,000	\$25,000	Kingscliff VIC commenced operations on 15/12/2006.	Four quarterly instalments paid.



Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
Upgrade Saleyards	Allowance for maintenance of pens, races and other saleyard capital infrastructure.	R. Adams	20,000 Rev	\$20,000	\$20,000	Works commissioned to upgrade pens and sorting / loading areas to steel fencing.	Undertake construction.
Business & Economic Development				\$460,126	\$368,021		

Community & Natural Resources

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
Aboriginal Community Development	As outlined in the Social Plan. Coordinate development of community and council related issues.	G Corbett	66,000 Rev 32,111 C/O	\$98,111	\$36,561	Development Officer employed. Implementation of programs commenced.	Ongoing.
Administration Officer	Staff costs.	G Corbett	\$96000 (part of)	\$96,000	\$33,179	Administration Officer employed.	Ongoing.
Arts Traineeship and Mentorship	This project, would initiate accredited traineeships and mentorship in arts and cultural areas, targeted at youth and students. It would operate in partnership with key tertiary institutions to develop and	G Corbett	3,311 C/O	\$3,311	\$0	Three Projects determined and budget approved in partnership with the Festivals & Events Officer, Art Gallery & Community Development Officer.	Art Gallery and Cultural Development projects to be implemented.



Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
	implement an arts-based mentorship package.						
Carpet Replacement & Refurbishment - Murwillumbah Auditorium	Stage 2 would see works in the auditorium to replace carpet on walls, upgrade of stage.	G Corbett	120,000 Res	\$120,000	\$0	Consultants report received.	Consultant has now been advised of cost. Currently reviewing cost quoted.
Community Building Maintenance	This provision will allow major upgrading works to the many community buildings for which Council has a responsibility in lieu of the current repair on a needs basis provided for under current budget constraints.	G Corbett	30,000 Rev	\$30,000	\$6,023	A report is currently being undertaken to ascertain the condition of the Shire's Council owned Community Halls.	To determine the list of priorities for the refurbishment and maintenance of the Community Halls.
Community Centre Murwillumbah	The upgrade of this community centre located in Knox Park Murwillumbah will provide a focus for the numerous community services that are now provided in a number	G Corbett	994,500 dependant on sales & grants	\$994,500	\$22,850	Concepts drawings completed for ACC application for Federal Funding. Project Manager engaged.	Work plan to be devised by project manager for approval by Council.



Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
Cultural Arts Seed Funding	of scattered locations within Murwillumbah. This project would enable further arts-based community-driven initiatives to be encouraged, following the expiry of the Tweed City of the Arts activities.	G Corbett	15,000 Rev 6,008 C/O	\$21,008	\$600	Plans and Strategies developed by Responsible Officer.	Programs to be initiated that will enhance the quality of current and on-going programs.
Improved Services for Shire Youth	The employment of a Youth Development Officer arose from needs identified from the Social Plan.	G Corbett	76,000 Rev 4,215 C/O	\$80,215	\$53,487	Youth Development Officer employed. Implementation of programs commenced.	Ongoing.
Museum - Tweed Heads	It is planned to build a significant new building at Tweed Heads and the refurbishment of the . The Museum will house and exhibit the extensive collections of the Tweed River Regional Museum.	G Corbett	0	\$0	\$0	Architect engaged for concept plans. Draft concepts and indicative costs completed ready for presentation to NRACC for Federal Funding.	Complete Development Application. Liaise with Department of Lands regarding the lease arrangements and zoning of land parcel.
Vegetation Management	This program is critical to ensuring the best	J Lofthouse	479,285 Rev/Gmt	\$479,285	\$18,655	Biodiversity Program commenced. Note	Priority Actions: Stage 1 and Stage 2 of LEP reforms;

Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008



Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
Strategy	practice management of vegetation, and hence landscape, in the Tweed Valley.					Biodiversity Team Leader temporarily seconded to other duties.	continued monitoring and evaluation database, establish on-ground incentives program; commencement of Bushland Officer position.
Waterways Asset Replacement	Replacement of Waterways Assets.	J Lofthouse	30,000 Rev 30,000 C/O Loans	\$60,000	\$0	Tendering for replacement and new pontoons for Foysters Jetty, Dry Dock Road Jetty and Tumbulgum.	Commission, construct and install pontoons.
Youth Activities Program	Part of a package of youth-oriented projects in the Quality of Life Program, this project would provide \$12,500 to fund youth activities as identified by the Youth Development Officer.	G Corbett	12,500 Rev 5,571 C/O	\$18,071	\$11,208	A program of activities is currently progressing. Projects devised and implemented as previous programs are completed. Activities have been devised and implemented at Banora Point Community Centre. Funding sourced from CDSE.	Implement plan to further work with young people in Pottsville, Uki, Chillingham, Tyalgum, Banora Point, Murwillumbah and Tweed Heads to identify and run projects/activities.
Youth Transport	Allied to the Youth Activities Program, this project would provide \$15,000 specifically for enabling transport by young people,	G Corbett	15,000 Rev 13,348 C/O	\$28,348	\$3,953	Program is being implemented.	In partnership with Youth Services and agencies identify and develop responses that support young people's access to services and events. Respond to on-going demand



Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
	primarily aged 12-18 in line with Council's draft Youth Needs Analysis.						and needs.
Community & Natural Resources				\$2,028,849	\$186,516		

Engineering & Operations

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
Asset management Levees & Floodgates	The program is initially to provide a computer based asset management plan followed by remediation (catch up) works in following years.	P Morgan	70,000 Rev/Gmnt 50,000 C/O	\$120,000	\$15,699	Data collected, remainder of project on hold awaiting implementation of asset management system.	Implementation delayed due to change in asset management system from MEX to Technology One, Works and Assets.
Botanic gardens	Council has resolved to develop a botanical garden on land it owns at Eviron as part of a strategy for rehabilitation of parts of the land that will be used for landfill and in conjunction with that part of the land that forms the Tweed	S Brawley	100,000 S94 98,440 C/O	\$198,440	\$36,727	Draft hydraulic plan for Botanic gardens core area completed. Commenced hydraulic plan for 'gateway gardens'.	Review project upon completion of all plans.



Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
Carpark/Pool upgrade	Valley Cemetery. The upgrade of the 40 year old Murwillumbah pool complex will provide a facility that will serve the region for the foreseeable future. New facilities will include a hydrotherapy pool, a 25m heated lap pool, which will allow all year use of the facility.	P Knight	15,285,856 Lns/S94/Cont. 686,988 C/O	\$15,972,844	\$15,166,538	Contract awarded, contractor commenced project.	Weekly monitoring of project.
Coastal Landscape Strategy	Implement Kingscliff Foreshore Landscape Plan; Develop & implement Landscape Plan for Ambrose Brown Park Pottsville	S Brawley	316,439 C/O	\$316,439	\$42,531	Completed are: Draft Kingscliff Foreshore Masterplan and Wommin Bay Memorial Walkway and viewing platform, Cabarita foreshore footpath, cafe entry design and construction, Tweed Coastal furniture design and documentation, Ambrose Brown Park.	Implementation of plans.
Cudgen Creek Walk Bridge,	Replacement of the bridge with a wider,	I Kite	650,000 Lns/Don	\$1,207,501	\$1,161,367	Foundation issues resolved. Substructure	Superstructure construction.



Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
Kingscliff	safer, low maintenance structure is included on Council's Timber Bridge Replacement Program priority list, with an estimated cost of \$1.4 million.		557,501 C/O			complete.	
Footpaths rehabilitation	Rehabilitate footpaths in accordance with condition assessment.	I Kite	266,000 Lns	\$266,000	\$200,043	Dry Dock Rd, Coolman Street and Wollumbin Street sections complete.	Complete footpath renewal in Covent Gardens Way and Marine Parade.
Gravel Re-sheeting of Unsealed Roads	Re-sheet unsealed roads with gravel, identified by condition assessments.	I Kite	398,000 Lns 9,091 C/O	\$407,091	\$297,901	Program complete.	Additional roads to be resheeted using under-spent funds.
Kerb & gutter rehabilitation	Rehabilitate kerb and gutter in accordance with condition assessment.	I Kite	70,000 Lns	\$70,000	\$88,396	Program complete.	Nil.
Kingscliff Pool upgrade	Shade structure + upgrading of Pool Facilities.	S Brawley	34,445 C/O	\$34,445	\$33,509	Shade structure installed. \$400,000 reallocated to Murwillumbah Swimming Complex as per Council resolution 31/07/2007.	No further action.
Knox Park	Planned upgrade of	S Brawley	0	\$0	\$0	Funding postponed	No further action.

Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008



Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
Upgrade	Knox Park to improve linkages with Murwillumbah CBD and improve the amenity and usability of the park					and redirected to Murwillumbah Swimming Complex as per Council resolution 31/07/2007.	
Land purchase open space- Requests to purchase 6a/6b zoned land	Purchase land in 6a/6b zoned land.	I Munro	100,000 C/O	\$100,000	\$0	Request received for purchase of 6m wide strip of 6a land. Request being reviewed.	Continued review of further land acquisitions.
Laser Survey Tweed River & Coastal Creeks	Undertake survey of Tweed River and Coastal Creeks for incorporation of information in Council's GIS system.	P Morgan	155,350 C/O (\$100K dependant on grants)	\$155,350	\$288,323	Contract for survey completed. Information has been included in Councils GIS system.	Project Complete.
Lot 500 Bushland	Maintenance to Dune Vegetation - Casuarina	S Brawley	8,200 Rev	\$8,200	\$1,453	Regeneration works commenced in line with Lot 500 dune management plans.	Continuation of regeneration works.
Park Asset maintenance	Addressing playground compliance issues in line with Australian Standards	S Brawley	43,750 Rev 43,750 C/O	\$87,500	\$50,720	Upgraded play equipment in numerous parks in accordance with priorities identified in	Upgrading of further equipment in parks.

Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008



Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
Parks Asset renewal	Replace ageing/failing assets - Playground Equipment, BBQ & Shelters	S Brawley	41,750 Rev 27,785 C/O	\$69,535	\$91,730	condition assessment New BBQ and shelter and replacement of bollarding to park at Ray Pascoe Park-Tweed Heads.	Continued replacement of equipment in accordance with budget allocation.
Regional Sport & Recreational Facilities	Complete feasibility/masterplan study - Arkinstall Park; Proceed to further studies dependant on results of Feasibility Study	S Brawley	1,166,156 C/O	\$1,166,156	\$0	Draft master plan options presented to stakeholders. Draft plan endorsed by stakeholders, Sports Advisory Committee and discussed with Administrators.	Council approval to be sought for public exhibition of draft master plan.
Sealed road rehabilitation	Rehabilitation of sealed roads in accordance with condition assessment.	I Kite	688,900 Lns 64,336 C/O	\$753,236	\$466,977	11 projects completed, 8 remaining to be completed.	Complete program including slip repairs and pavement rehabilitations.
Sealed road resurfacing	Reseal sealed roads in accordance with condition assessment.	I Kite	490,300 Lns 11,690 C/O	\$501,990	\$486,480	33.6km of program resealed.	Remaining 1.2km of program to be completed in March 2008.
Sportsgrounds Capital Works (Local)	Represents the difference between the planned capital works program for local sporting facilities	S Brawley	200,000 Lns	\$200,000	\$0	Capital works program endorsed by Sports Advisory Committee.	Implementation of endorsed program.



Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
	(lights, change rooms etc) and funds available through Section 94 Developer Contributions.						
Stormwater drainage rehabilitation	Rehabilitate stormwater drainage throughout the Shire, identified by condition of assets.	I Kite	400,000 Lns 43,465 C/O	\$443,465	\$490,855	Captains Way work to be deferred to future program. Remainder of program complete.	Nil.
Surf Life Patrols	Provision for increase in fees due to the demand for additional areas to be provided with paid lifeguards	S Brawley	12,000 Rev 50,000 C/O	\$62,000	\$1,218	Casuarina Beach included in patrols contract. Tender to undertake Shirewide Beach Audit let and commenced.	Review results of beach audit tender.
Surf Life Saving Strategy 2020	With 40km of coastline under its care and control, Council needs to develop ways for identifying where and when beach safety measures should be employed and how the issue of beach and surf safety should be provided to residents and visitors.	S Brawley	10,000 S94 10,000 C/O	\$20,000	\$15,544	Commenced revision of beach emergency signage. Audit completed of all beach access points. Support of SLS clubs through provision of warning signage, provision of emergency phone and reimbursement for fuel costs associated with emergency rescues.	Review revision of signage and beach access points. Implementation of projects identified in the review in accordance with budget allocation.



Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
Engineering & Operations							
				\$22,160,192	\$18,936,011		

Planning & Regulations

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
Administration Officer.	Staff Costs.	R Cameron	96,000 (part of)	\$96,000	\$0	Administration Officer position advertised.	Administration officer appointed 25 March 2008.
Building Compliance Officer.	An additional employee is required to carry out inspections and take action in regard to general complaints received by Council from the public in relation to miscellaneous matters such as stormwater issues, retaining walls, use of land and buildings etc.	R Cameron	67,900 Rev	\$67,900	\$28,968	Compliance Officer employed. Officer attending to all complaints and notice of intention from private certifiers in a timely manner. Procedures for complaint lodgements implemented.	Continue to follow up complaints in a timely manner and review processes.
Emergency Management Plan Implementation.	This program will result in the regular review of the Tweed Disaster Plan, the provision of support to the various emergency	R Cameron	30,000 Rev	\$30,000	\$0	Original Officer resigned. The position was re-advertised.	Replacement Officer commenced 21 April 2008.



Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
Environmental Health Compliance Caravan Parks.	agencies such as the State Emergency Service and the Rural Fire Services. This will allow a proactive approach to the issues that arise within caravan parks. These include installations of structures on site. This will assist in reducing possible impacts from major events such as flooding, storms etc.	R Cameron	67,900 Rev	\$67,900	\$40,222	Compliance Officer employed. Structure approvals in parks have been assessed by officer with existing structure audited. Complaints being attended to. Currently inspections being undertaken for renewal of licences to operate.	Continue above mentioned actions and assist Environmental Health Officers in auditing processes for data entry into Proclaim system.
Health & Building Surveyor.	An additional employee is required to maintain a satisfactory level of service to perform regulatory functions including the assessment of applications for construction certificates, complying development,	R Cameron	72,400 Rev	\$72,400	\$44,363	Health & Building Surveyor employed. Has undertaken fire safety audits, inspections for places of public entertainment, Building Certificates and general inspections associated wit building works.	Continue above mentioned duties and carry out assessments for various approvals. Officer now appointed to Southern district carrying out assessment of various applications.



Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
LEP Review Stage 2 (was Rural housing strategy).	development applications, sewer applications etc. Comprehensive review of Council LEP.	I Lonsdale	100,000 Rev	\$100,000	\$50,000	Background strategic planning studies nearing public exhibition or adoption. Draft LEP being progressed on finalisation of studies.	Refer draft plan to Dept. of Planning for s.65 authority to exhibit.
LEP Reviews.	The State Government requires that the Tweed LEP is reviewed and updated.	I Lonsdale	89,596 C/O	\$89,596	\$18,726	Draft LEP Stage 1 complete. Awaiting feedback from Department of Planning to enable formal public exhibition of the draft plan.	Undertake formal public exhibition of the draft plan.
Locality Plan - Murwillumbah,	A major theme of Tweed Futures and the Management Plans is the preparation of Locality Plans. The aim of these plans is to present a coordinated statement of the future character of a locality and the	I Lonsdale	50,000 Rev	\$50,000	\$50,000	Draft Murwillumbah Locality DCP complete. Report to Council in April for adoption.	Implement through LEP/DCP process.



Tweed Shire Council 7-year Infrastructure & Services Plan Progress Report: January - March 2008

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Status	Next Action
	necessary mechanisms to achieve that character.						
Residential and Tourist Visitor Accommodation DCP.	Consultancy to upgrade current controls. The design of development in the Shire is a critical element for the retention and enhancement of the character of the Tweed. All of Council's urban design policies and controls require updating.	I Lonsdale	20,000 C/O	\$20,000	\$20,000	Draft DCP completed. Report to Council in April for adoption.	Implement DCP Shirewide - review in 12 months.
Residential Development Strategy.	Adopted in 1991, a major review of the Strategy is required to ensure infrastructure plans and growth is coordinated.	I Lonsdale	100,000 Rev	\$100,000	\$100,000	Draft report completed. Report to Council in April 2008 for exhibition.	Publicly exhibit draft strategy.
Planning & Regulations				\$693,796	\$352,279		
Grand Total				\$25,342,963	\$19,842,827		

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Nil.

O4 [TCS-OC] Quarterly Budget Review - 31 March 2008

ORIGIN:

Financial Services

SUMMARY OF REPORT:

This is the third quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2007/08 Budget based on projections to 30 June 2008.

This statutory report is prepared in accordance with the Local Government (General) Regulations 2005, regulation 202 and 203. Based on current projections, Council will have a balanced budget as at 30 June 2008 in the General Fund, Water and Sewer Funds.

RECOMMENDATION:

That the :-

1. **Quarterly Budget Review Statement as at 31 March 2008 be adopted.**
2. **Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2008.**

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Operating	2,466,043	0
Interest	0	0
Capital	5,295,844	0
Loan Repayments	0	0
Transfers to Reserves	0	59,000
	<u>7,761,887</u>	<u>59,000</u>
<u>Income</u>	0	0
Operating	0	2,430,615
Capital Grants & Concs	0	945,000
Loan Funds	0	250,000
Recoupments	0	3,791,644
Transfers from Reserves	0	285,628
Asset Sales	0	0
	<u>0</u>	<u>7,702,887</u>

Description	Change to Vote	
Net Surplus/(Deficit)		<u>0</u>
	Deficit	Surplus
Water Fund		
<u>Expenses</u>		
Operating	0	58,525
Interest	0	0
Capital	693,000	0
Loan Repayments	0	0
Transfers to Reserves	125,525	0
	<u>818,525</u>	<u>58,525</u>
<u>Income</u>		
Operating	0	0
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	0	1,150,000
Transfers from Reserves	390,000	0
	<u>390,000</u>	<u>1,150,000</u>
Net Surplus/(Deficit)		<u>0</u>
Sewer Fund		
<u>Expenses</u>		
Operating	79,343	0
Interest	0	0
Capital	0	3,882,500
Loan Repayments	0	0
Transfers to Reserves	0	1,589,930
	<u>79,343</u>	<u>5,472,430</u>
<u>Income</u>		
Operating	0	304,138
Capital Grants & Conts	2,014,725	0
Loan Funds	0	0
Recoupments	936,500	0
Transfers from Reserves	2,746,000	0
Asset Sales	0	0
	<u>5,697,225</u>	<u>304,138</u>
Net Surplus/(Deficit)		<u>0</u>

REPORT:**Budget Review 31 March 2008 (Quarterly Budget Review)**

In accordance with regulation 203(1) of the Local Government (General) Regulation 2005, a Budget Review Statement and revision of the estimates of income and expenditure must be submitted to council within two months of the close of each quarter.

The Regulation requires that the quarterly financial review must include the following:

- A revised estimate for income and expenditure for the year.
- A report as to whether or not such statements indicate that the financial position of the Council is satisfactory and if the position is unsatisfactory, make recommendations for remedial action.

Report By Responsible Accounting Officer

The Quarterly Budget Review Reports are prepared to provide Council and the community with information in relation to Councils financial performance and proposed amendments to its budget and forward estimates. The reports are prepared under accrual accounting principles in accordance with the requirements of the Local Government Act 1993.

The Financial reports included in the Quarterly Budget Review are as follows:

1. Variations
 - a) Variations Proposed
 - b) Introduced During Quarter – By Council Resolution
2. Budget Summary – by fund
 - c) By Type (including Available Working Capital)
 - d) By Division

Variations

There are two variations reports included in the Quarterly Budget Review during this quarter:

- Variations Proposed
- Council Resolutions

The Variations Proposed report details all of the recommended changes to budget that have been put forward by management at this review for Councils consideration.

The Council Resolutions report is provided as information to the Council and the community to explain the adjustments that have been included in the Approved Budget during the quarter.

Income Statement

The Income Statement measures Council's financial performance over the period and shows whether or not Council has earned sufficient revenues to support its activities during that period, and whether or not surpluses have been created to fund additional or replacement assets to service community needs.

The statements show where Council's money comes from (Revenue) and how that revenue is consumed (Expenses) in providing the ordinary activities and services of the Council.

Statement of Funding Result Reconciliation

The Funding Statement provides information about the source of cash and "cash like" funds, and how they have been (or are budgeted to be) applied in the Management Plan.

The "source" of funds includes the surplus or deficit (a negative source) from ordinary activities of Council as expressed in the Income Statement. In other words all of the ordinary activities of Council including collection of rates and other general income and provision of services are netted off and the remainder is available to provide a source of funds for other expenditure such as asset acquisition, loan repayments and transfer to reserve for future expenditure programs.

The programs that have had an effect on revenue are:-

Description	\$	Comments
General Fund		
Working capital reserve	(59,000)	Net budget revisions
Ministry of Art grant	40,000	Grant application unsuccessful
Building Control sundries	2,000	Certifying authority signs
DA Processing Consultancy	32,000	DA Processing Report
Legal Expenses	65,000	Increased costs due to ongoing appeals
S.149 ordinary fee	(10,000)	Certificate request increase
S.149 urgency fee	(10,000)	Certificate request increase
Legal Matters Income	10,000	Reduced income received
Companions Animals Income	(50,000)	Projected increase in income
Dog Pound Recurrent Costs	(20,000)	Project did not proceed
	<u>0</u>	

Full details:

Item	In/Ex	Description	Current Vote	Change to Vote	Comments
1. Proposed Variations					
General					
1	Ex	Valuations AASB116	0	50,000	Valuation fees to comply with accounting standards
2	Ex	Bank Charges	175,000	(50,000)	Savings from implementation of Bpay
3	Ex	Corporate Services Training	40,285	(9,200)	Reduction to training budget
3	Ex	Civic Centre Office Extensions	1,542,065	9,200	Modifications to Training Room
4	Ex	Working capital reserve	530,000	(59,000)	Net budget revisions
5	Ex	Tree St cycleway	92,200	45,000	RTA grant received
5	In	Cycleways funding	0	(45,000)	RTA grant received
6	Ex	Pedestrian facilities	203,140	25,000	RTA grant received
6	In	Pedestrian facilities grants	(40,000)	(25,000)	RTA grant received
7	Ex	Salt maintenance	213,900	2,217	Transfer to maintenance
7	Ex	Salt cultural art fund	18,227	(2,217)	Transfer from cultural art fund
8	Ex	Pandanus Parade upgrading	0	165,000	Pandanus Parade upgrading
8	In	Land development reserve	0	(165,000)	Funding for above
9	Ex	Kirkwood Rd	0	200,000	TRCP item 36a-e,37,38
9	Ex	Scenic Dr diversion	330,000	40,000	TRCP item 11
9	Ex	Joshua St extension	0	50,000	TRCP item 112b,j,n
9	In	Sec 94 recoupment	(990,000)	(290,000)	Funding for above
10	Ex	Coronation Avenue pedestrian installation	10,000	180,000	Grant received
10	In	RTA grant	0	(180,000)	Funding for above
11	Ex	Floodplain Risk management plan&study	40,000	80,000	Grant funds
11	In	Natural disaster mitigation program	0	(80,000)	Funding for above
12	Ex	Flood mitigation Mooball/Crabbes Creek	183,102	(79,372)	Adjust budget for balance of project
12	In	Carried forward grants funding	(112,200)	8,470	Adjust budget for balance of project
12	In	Carried forward loans funding	(70,902)	70,902	Adjust budget for balance of project
13	Ex	River St levee	150,000	(30,000)	Grant lower than requested
13	In	Flood mit grants	(50,000)	10,000	Grant lower than requested
13	Ex	Flood mit loans	0	20,000	Grant lower than requested
14	Ex	Emergency flood works January 2008	0	2,177,343	January 2008 flood event costs
14	In	Disaster relief grants	0	(2,148,343)	Grant funding for above
14	Ex	Council road maintenance	4,416,084	(29,000)	Council's contribution
15	Ex	Regional road maintenance	(1,600,000)	(5,000)	Additional contribution
15	Ex	Regional road maintenance	1,600,000	5,000	Expenditure of above
16	In	Timber bridges grant	(500,000)	160,000	Adjust bridges/roads program
16	Ex	Bridge construction (unallocated)	1,028,684	(1,028,684)	Adjust bridges/roads program
16	Ex	Crabbes Creek Road	240,000	(219,815)	Adjust bridges/roads program
16	Ex	Cudgen Ck pedestrian bridge	922,501	524,499	Adjust bridges/roads program
16	Ex	Charltons bridge	528,000	(523,000)	Adjust bridges/roads program
16	Ex	O'Briens bridge	150,000	50,000	Adjust bridges/roads program
16	Ex	Perch Ck bridge	0	600,000	Adjust bridges/roads program
16	Ex	Giddys bridge	0	350,000	Adjust bridges/roads program
16	Ex	Advanced bridge material purchases	0	87,000	Adjust bridges/roads program
17	Ex	Proudfoots Ln Drainage Rate Rise	0	4,500	Adjust drainage program
17	Ex	Meridian Way Drainage Rate Rise	0	500	Adjust drainage program
17	Ex	Additional Gullies in Sags-Tweed/Banora	0	86,000	Adjust drainage program
17	Ex	Sunrise Place	0	35,000	Adjust drainage program
17	Ex	Drainage Asset Wk - Gollan Dr Pipeline	0	36,000	Adjust drainage program
17	Ex	Eagelemont Dr	0	11,000	Adjust drainage program
17	Ex	Drainage Rate Rise surplus/deficit	173,008	(173,000)	Adjust drainage program
17	Ex	Stormwater drainage rehabilitation	443,466	(322,276)	Adjust drainage program

Item	In/Ex	Description	Current Vote	Change to Vote	Comments
17	Ex	Pottsville Waters Canal Structure Repair	0	174,000	Adjust drainage program
17	Ex	Wommin Bay Rd Drainage	0	690,044	Adjust drainage program
17	Ex	Drainage construction (unallocated)	551,768	(541,768)	Adjust drainage program
18	Ex	Gordon Darling Anniversary Book project	0	12,272	New art gallery project
18	In	Gordon Darling Anniversary Book grant	0	(12,272)	Funding for above
19	In	Ministry of Art grant	(40,000)	40,000	Grant application unsuccessful
20	Ex	Tweed Heads Museum	0	400,000	Pre-construction works
20	In	Museum loan funding	0	(200,000)	Loan funding (Open Space) temporary transfer
20	Ex	Murwillumbah Museum	422,441	(200,000)	Murwillumbah Museum temporary transfer
21	Ex	Promotion/Education Centre - Chinderah	0	330,000	Fitout Education Centre - Chinderah
21	In	Transfer from Reserve - Recycling	(206,450)	(200,000)	Funding for Fitout Education Centre
21	In	Contribution from Solo Waste	0	(130,000)	Funding for Fitout Education Centre
22	Ex	Computer Software	6200	26,000	Upgrade of Collections software-purchase of dedicated museum software
23	Ex	Cultural Development Fund	66798	(13,000)	To offset costs of Museum software
23	Ex	Anti Drugs campaign	69429	(13,000)	To offset costs of Museum software
24	Ex	South Tweed ACC Extensions	0	50,000	Design work
24	In	Respite centre loan funds	0	(50,000)	Funding for above
25	Ex	Building Control sundries	12,500	2,000	Certifying authority signs
26	Ex	Building Control other costs	110,236	5,000	Journals and education
26	Ex	Water & food sample testing	16,900	(5,000)	Internal reallocation for above
27	Ex	DA Processing Consultancy	0	32,000	DA Processing Report
28	Ex	Legal Expenses	200,000	65,000	Increased costs due to ongoing appeals
29	In	S.149 ordinary fee	(180,000)	(10,000)	Certificate request increase
30	In	S.149 urgency fee	(20,000)	(10,000)	Certificate request increase
31	In	Legal Matters Income	(20,000)	10,000	Reduced income received
32	In	Companions Animals Income	(25,000)	(50,000)	Projected increase in income
33	Ex	Dog Pound Recurrent Costs	20,000	(20,000)	Project did not proceed
				0	
		Water Fund			
34	Ex	Various operating expenses		(58,525)	
34	Ex	Various capital works		693,000	
34	Ex	Transfers to Asset replacement reserve		125,525	
34	In	Transfers from Asset Replacement Reserve		390,000	
34	In	Transfers from Capital Contributions Reserve		(1,150,000)	
		Sewer Fund			
35	Ex	Various operating expenses		79,343	
35	In	Annual charges		(304,138)	
35	Ex	Various capital works		(3,882,500)	
35	In	S64 contributions		2,014,725	
35	In	S64 contributions transfer to restricted		(2,014,725)	
35	Ex	Transfers to Asset replacement reserve		424,795	
35	In	Transfers from Asset Replacement Reserve		2,746,000	
35	In	Transfers from Capital Contributions Reserve		936,500	
				0	
2. Variations Arising from Council Resolutions					
36	Ex	Leisure Drive widening Eucalyptus to Winders	0	200,000	Meeting 23/10/07
36	In	S94 recoupment	(990,000)	(200,000)	Funding for above
37	Ex	s94 Kennedy Dr/Crystal Waters Dr	0	136,144	Council meeting 23/10/07
37	Ex	s94 Minjungbal Dr/Dry Dock Rd	0	100,500	Council meeting 23/10/07
37	Ex	Boyd St Overpass	0	3,000,000	Council meeting 23/10/07

Item	In/Ex	Description	Current Vote	Change to Vote	Comments
37	In	Contribution Plan No 4	0	(3,236,644)	Council meeting 23/10/07
38	Ex	Wommin bay Rd/Phillip St intersection	0	225,000	Council meeting 11/3/08
38	Ex	Terranora Rd	0	650,000	Council meeting 11/3/08
38	In	Black Spot funding	0	(875,000)	Council meeting 11/3/08
39	Ex	Laser survey Tweed & coastal creeks	55,350	170,000	Council meeting 19/12/06
39	In	s94 Plan 4	0	(48,000)	Council meeting 19/12/06
39	In	s64 Water fund	0	(17,000)	Council meeting 19/12/06
39	Ex	Strategic Planning	10,000	(5,000)	Council meeting 19/12/06
39	Ex	Flood model coastal creeks	250,000	(100,000)	Council meeting 19/12/06
40	Ex	South Tweed skate park	233,111	30,000	Council meeting 22/4/08
40	In	NSW Sport & Rec grant	0	(30,000)	Council meeting 22/4/08
41	Ex	Cudgen Creek boardwalk	0	828,925	Council meeting 22/4/08
41	In	Coast cycleway grant	0	(263,000)	Council meeting 22/4/08
41	Ex	Various existing programs	0	(467,131)	Council meeting 22/4/08
41	In	Reserves	0	(98,794)	Council meeting 22/4/08
				0	

Summary of Variations - by Category

Expenses

Operating	2,486,861
Interest	0
Capital	2,106,344
Loan Repayments	0
Transfers to Reserves	(1,523,405)
	3,069,800

Income

Operating	(2,734,753)
Capital Grants & Conts	1,069,725
Loan Funds	(250,000)
Recoupments	(4,005,144)
Transfers from Reserves	2,850,372
Asset Sales	0
	(3,069,800)

Net	0
-----	----------

Summary of Variations - by Division

Technology & Corporate Services	(68,200)
Planning & Regulation	14,000
Community & Natural Resources	37,783
Engineering & Operations	16,417
General Manager	0
	0

Budget Summary

	General Fund		Water Fund		Sewer Fund		Total
	Original Budget	Revised Budget	Original Budget	Revised Budget	Original Budget	Revised Budget	
Income Statement							
Operating Expenses							
Materials & Contracts	14,554	30,596	2,121	2,096	2,564	2,451	35,143
Employee Costs	32,800	32,800	2,800	2,900	4,400	4,500	40,200
Interest Charges	2,664	2,664	2,117	577	1,038	294	3,535
Depreciation	13,088	13,088	7,322	7,322	18,819	18,819	39,229
Other Operating Expenses	8,400	8,400	750	750	850	850	10,000
	71,506	87,548	15,110	13,645	27,671	26,914	128,107
Operating Revenue							
Rates & Annual Charges	38,241	38,541	2,915	2,837	12,985	14,922	56,300
User Charges & Fees	11,972	12,595	10,795	10,544	1,326	1,326	24,465
Interest	2,418	2,418	103	103	103	103	2,624
Other Operating Revenue	750	740	50	50	50	50	840
Grants & Contributions	13,418	16,160	412	412	436	436	17,008
	66,799	70,454	14,275	13,946	14,900	16,837	101,237
Surplus/(Deficit) before Capital Amounts	(4,707)	(17,094)	(835)	301	(12,771)	(10,077)	(26,870)
Grants & Contributions (Capital amounts)	8,871	8,310	4,404	4,404	4,126	2,191	14,905
Surplus/(Deficit) after Capital Amounts	4,164	(8,784)	3,569	4,705	(8,645)	(7,886)	(11,965)
Funding Result Reconciliation							
<i>Add Back non-funded items:</i>							
Depreciation	13,088	13,088	7,322	7,322	18,819	18,819	39,229
Internal Transfers	6,124	6,346	(3,180)	(3,180)	(2,944)	(2,915)	251
	23,376	10,650	7,711	8,847	7,230	8,018	27,515
Transfers from Externally Restricted Cash	3,712	9,093	2,107	2,565	1,370	11,037	22,695
Transfers from Internally Restricted Cash	1,162	12,085	3,325	5,720	8,009	6,614	24,419
Proceeds from sale of assets	2,400	3,150		0		0	3,150
Loan Funds Utilised	21,626	27,723	29,000	10,920	10,200	0	38,643
Repayments from Deferred Debtors	52,276	62,701	42,143	28,052	26,809	25,669	116,422
<i>Funds were applied to:</i>							
Purchase and construction of assets	(40,719)	(50,804)	(35,186)	(20,573)	(19,938)	(19,127)	(90,504)
Repayment of principal on loans	(3,622)	(3,622)	(685)		(706)	(466)	(4,088)
Transfers to Externally Restricted Cash	(5,218)	(5,218)	(4,404)	(4,404)	(3,911)	(1,896)	(11,518)
Transfers to Internally Restricted Cash	(2,717)	(2,586)	(1,868)	(3,075)	(2,254)	(4,180)	(9,841)
Increase/(Decrease) in Available Working Capital	0	471	0	0	0	0	471
Available Working Capital Previous Financial Year	1,055	1,055	2,097	2,097	2,038	2,038	5,190
Available Working Capital as at 30 June 2007	1,055	1,526	2,097	2,097	2,038	2,038	5,661

	General Fund		Water Fund		Sewer Fund		Total
	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Original Budget</u>	<u>Revised Budget</u>	
Surplus/(Deficit)							
Technology & Corporate Services	(39,089,028)	(38,790,185)	0	0	0	0	
Planning & Regulation	5,146,243	5,201,828	0	0	0	0	
Community & Natural Resources	7,318,828	7,397,218	0	0	0	0	
Engineering & Operations	24,348,418	23,684,597	0	0	0	0	
General Manager	2,275,539	2,506,542	0	0	0	0	
	0	0	0	0	0	0	

General Fund

Based on current projections the General Fund is expected to remain as a “balanced budget”. Furthermore, any approval for funding of additional programs has been offset by a reduction in an alternative program.

Water Fund

The Water Fund remains in a sound financial position with sufficient reserves to meet any unexpected costs and is expected to remain as a balanced budget. It should be noted that major capital expenditure for the Murwillumbah Water Treatment Plant is programmed for the next 3 years.

Sewer Fund

The Sewer Fund remains in a sound financial position with sufficient reserves to meet any unexpected costs and is expected to remain as a balanced budget.

**Statutory Statement – Local Government (General) Regulations 2005
(Sections 202 & 203) by “Responsible Accounting Officer”****202 Responsible accounting officer to maintain system for budgetary control**

The responsible accounting officer of a council must:

- (a) establish and maintain a system of budgetary control that will enable the council’s actual income and expenditure to be monitored each month and to be compared with the estimate of the council’s income and expenditure, and*
- (b) if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.*

203 Budget review statements and revision of estimates

- (1) Not later than 2 months after the end of each quarter, the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the management plan that the council has adopted for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) A budget review statement must include or be accompanied by:*
 - (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
 - (b) if that position is unsatisfactory, recommendations for remedial action.*
- (3) A budget review statement must also include any information required by the Code to be included in such a statement.*

Statutory Statement

I consider that the financial position of Council is satisfactory “having regard to the original estimate of income and expenditure”.



M A Chorlton
“Responsible Accounting Officer”
Manager Financial Services
Tweed Shire Council

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Nil.

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05 [TCS-OC] Request for Assistance with Legal Costs - Gosford City Council

ORIGIN:

Human Resources & Risk

SUMMARY OF REPORT:

A request has been received from the Local Government and Shires Association of NSW seeking assistance in relation to legal costs incurred by Gosford City Council in a Court of Criminal Appeal matter concerning a matter in relation to a Tree Preservation Order.

Gosford City Council incurred an amount of \$547,351 in defending this matter. The amount being sought from Council, calculated on the share of the Association's total membership subscriptions is \$6,374.92.

RECOMMENDATION:

That Council advises the Local Government and Shires Association of NSW that it is unable to provide a contribution to assist Gosford City Council with its legal costs for reasons outlined within the report.

REPORT:

The request for assistance from the Local Government and Shires Association of NSW is as follows:

Local Government
Association of NSW

Shires Association of NSW

Our ref: R90/0240-02 Out-15904
19 March 2008

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

TREE PRESERVATION
TWEED SHIRE COUNCIL
FILE No. LEGAL - COSTS
Doc. No.
REC'D 28 MAR 2008
ASSIGNED TO: RAYNER, M
HARD COPY IMAGE

Dear Mr Rayner

Legal Assistance – Gosford City Council v Tauszik

The Executives of the Local Government Association and the Shires Association approved an application by Gosford City Council for assistance under the Legal Assistance Policy in the matter of *Gosford City Council v Tauszik* [2006] NSWCCA 193.

Facts of the Matter

The *Environmental Planning and Assessment Act 1979* (the EP&A Act) allows a council to make a planning instrument and Gosford has the Gosford Planning Scheme Ordinance in place as one of its four planning instruments.

Gosford also has a Tree Preservation Order (the TPO) made by way of Clause 44 of the Gosford Planning Scheme Ordinance.

Mr Tauszik was prosecuted by way of the EP&A Act in the Land and Environment Court by council for the removal of three large Norfolk Island pine trees from the front of his property. Mr Tauszik did not have the approval of council to remove the trees.

Senior counsel had advised council that a prosecution of Mr Tauszik in the Land and Environment Court for a breach of the Gosford Planning Ordinance Scheme was appropriate.

The Land and Environment Court convicted Mr Tauszik and fined him \$25,000 and ordered him to replant 2 trees and pay council's costs in the matter.

Mr Tauszik appealed to the Court of Criminal Appeal against the decision of the Land and Environment Court.

The Court found that consent for the removal of the trees had to be obtained by way of the TPO and not the EP&A Act and therefore the removal of the trees was not an offence under the Gosford Planning Scheme Ordinance.

A prosecution under the TPO had to commence within six months of the offence being committed and the Court found that council was now statute barred from bringing proceedings against Mr Tauszik.

Gosford City Council put forward that two important legal principles were being considered by the Court.

1. That a breach of a TPO is a breach of the EP&A Act and not merely a breach of a council Order and that the issue of the different times allowed for the starting of proceedings against separate Subsections of the Act are no longer applicable, and

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Tel: (02) 9242 4000 • Fax: (02) 9242 4111
www.lgsa.org.au • lgsa@lgsa.org.au
ABN 49 853 913 882

2. That an error in the making of a TPO by a council does not result in the repeal of all earlier versions of that instrument.

Council was also attempting to uphold the general principles that there are obligations on the public to comply with a TPO and to discourage the removal of trees to improve views.

Council has incurred costs of \$547,351 in defending this matter and your councils proportion of the costs is \$6,374.92, based on your share of the Association's total membership subscriptions.

If you have any questions in regards to this matter please do not hesitate to contact the Association's Legal Officer, Frank Loveridge, direct on 02 9242 4125.

Yours sincerely



Bill Gillooly AM
Secretary General

That Council advises the Local Government and Shires Association of NSW that it is unable to provide a contribution to assist Gosford City Council with its legal costs as Council is of the view the matter does not set a legal precedent.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

No funding provided for such requests in the 2007/08 budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

O6 [TCS-OC] Council Meeting Dates and 2008 NSW Local Government Elections

ORIGIN:

Director Technology & Corporate Services

SUMMARY OF REPORT:

With the change to the date of the 2008 NSW Local Government Elections from 27 September 2008 to 13 September 2008 this now requires changes to be made to the meeting schedule for the remainder of this year.

RECOMMENDATION:

That, due to the change of date of the Local Government Elections on 13 September 2008 and the requirement for the first meeting to be held within three weeks of this date, Council's meeting dates for the remainder of this year be amended as follows:-

**3 June 2008
24 June 2008
15 July 2008
12 August 2008
2 September 2008 - last meeting before elections**

Council Election - 13 September 2008 - to elect 7 councillors

**30 September 2008 - first meeting of the elected Council.
21 October 2008
11 November 2008
2 December 2008
16 December 2008**

REPORT:

Council at its meeting held 23 October 2008 the following meeting dates were determined:

22 January	3 June
12 February	24 June
11 March	15 July
1 April	5 August
22 April	26 August
13 May	16 September

Council Election - 27 September 2008 - to elect 7 councillors

28 October (Tentative)
18 November (Tentative)
9 December (Tentative)

With the change to the date of the 2008 NSW Local Government Elections from 27 September 2008 to 13 September 2008 this means changes to the meeting schedule due to a requirement to hold the first Council meeting within three weeks of the elections.

The following dates are proposed

3 June 2008
24 June 2008
15 July 2008
12 August 2008
2 September 2008 - last meeting before elections

Council Election - 13 September 2008 - to elect 7 councillors

30 September 2008 - first meeting of the elected Council.
21 October 2008
11 November 2008
2 December 2008
16 December 2008

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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07 [EO-OC] Road Closure Application - Parish of Berwick**ORIGIN:****Design****FILE NO: GR3/12/4****SUMMARY OF REPORT:**

Council has received a notice of application to close a section of Crown Road reserve east of Lot 145 in DP 755685 at Urliup, from Department of Lands. Council has been requested to provide its concurrence or objection to the closure of these sections of Crown Public Road.

An investigation of the Crown Road reserves has been conducted. The road proposed to be closed is completely isolated from all other road networks and inaccessible to the public. There is no formation of the road, nor any services or infrastructure within it.

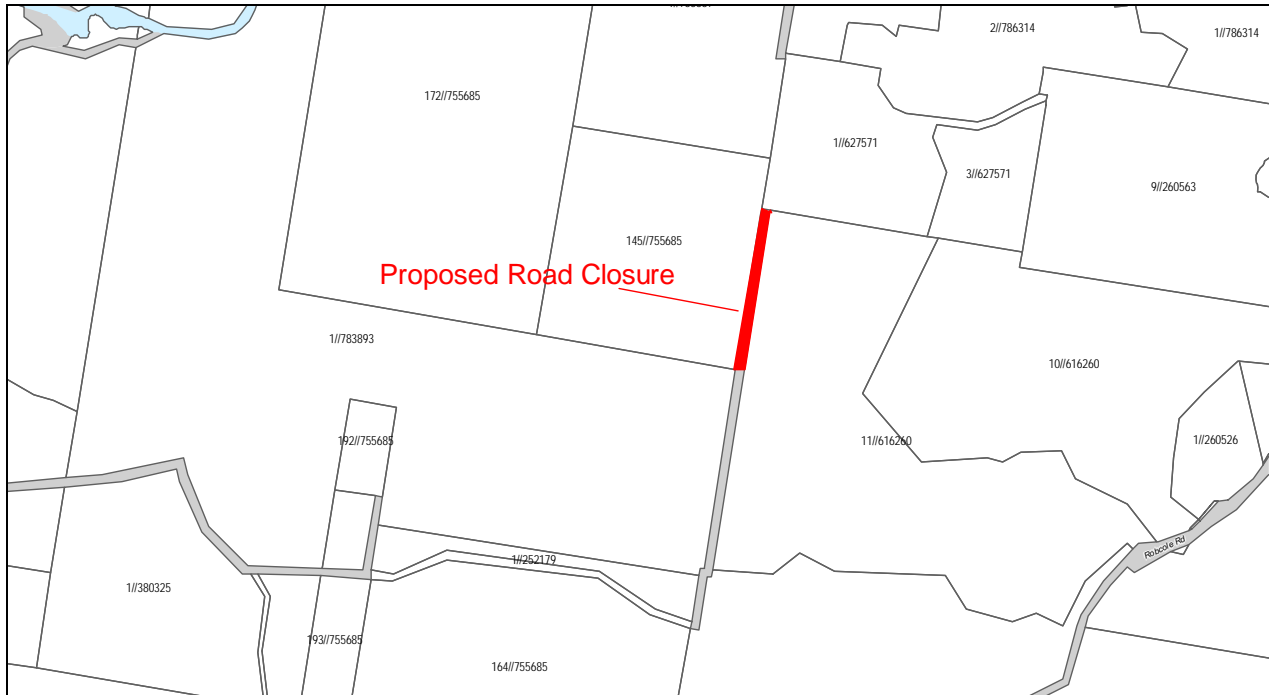
It is therefore recommended that Council do not object to the closure and purchase of this section of Crown Road Reserve by the applicant.

RECOMMENDATION:

That Council does not object to the closure of the road reserve, which runs east of Lot 145 in DP 755685 at Urliup, and purchase by the adjacent landowner.

REPORT:

As per Summary of Report. Below is a plan showing the proposed Road Closures:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

O8 [EO-OC] Road Closure Application - Parish of Dunbible**ORIGIN:**

Design

FILE NO: GR3/12/11; LN45307; 1126**SUMMARY OF REPORT:**

Council has received a notice of application to close a section of Crown Road reserve west of Lot 33 & 34 DP 755702, and west and north of Lot 67 DP 755702 at Dunbible, from Department of Lands. Council has been requested to provide its concurrence or objection to the closure of these sections of Crown Public Road.

An investigation of the Crown Road reserves has been conducted. The road proposed to be closed is completely isolated from all other road networks and inaccessible to the public. There is no formation of the road, nor any services or infrastructure within it.

It is therefore recommended that Council do not object to the closure and purchase of this section of Crown Road Reserve by the applicant.

RECOMMENDATION:

That Council does not object to the closure of the road reserve, which runs west of Lot 33 & 34 DP 755702, and west and north of Lot 67 DP 755702 at Dunbible, and purchase by the adjacent landowner.

REPORT:

As per Summary of Report. Below is a plan showing the proposed Road Closures.



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Nil.

09 [EO-OC] Road Naming - Tweed Heads**ORIGIN:****ORIGIN:**
Design**FILE NO: GS5/1 Pt5****SUMMARY OF REPORT:**

Wharf Street at Tweed Heads runs from Boundary Street, Tweed Heads to Boyds Bay Bridge. Over the years there has been much confusion regarding the correct street names surrounding the intersection of Wharf Street, Terranora Terrace, Boyds Bay Bridge and Kennedy Drive. Recently the Tweed River Historical Society has made enquiries as to the correct road naming. Parish Maps and survey plans have shown various accounts of where each road connects with particular confusion surrounding Terranora Terrace, Wharf Street, and Kennedy Drive.

It would be recommended that Council publicises its intention to name Terranora Terrace as running from River Terrace to the intersection of Wharf Street, Tweed Heads allowing one month for submissions and objections to the name.

It would further be recommended that Council publicises its intention to name the section of "on ramp" leading from Kennedy Drive to Wharf Street as Wharf Street and the section of "off ramp" leading from Wharf Street to Kennedy Drive as Kennedy Drive allowing one month for submissions and objections to the names.

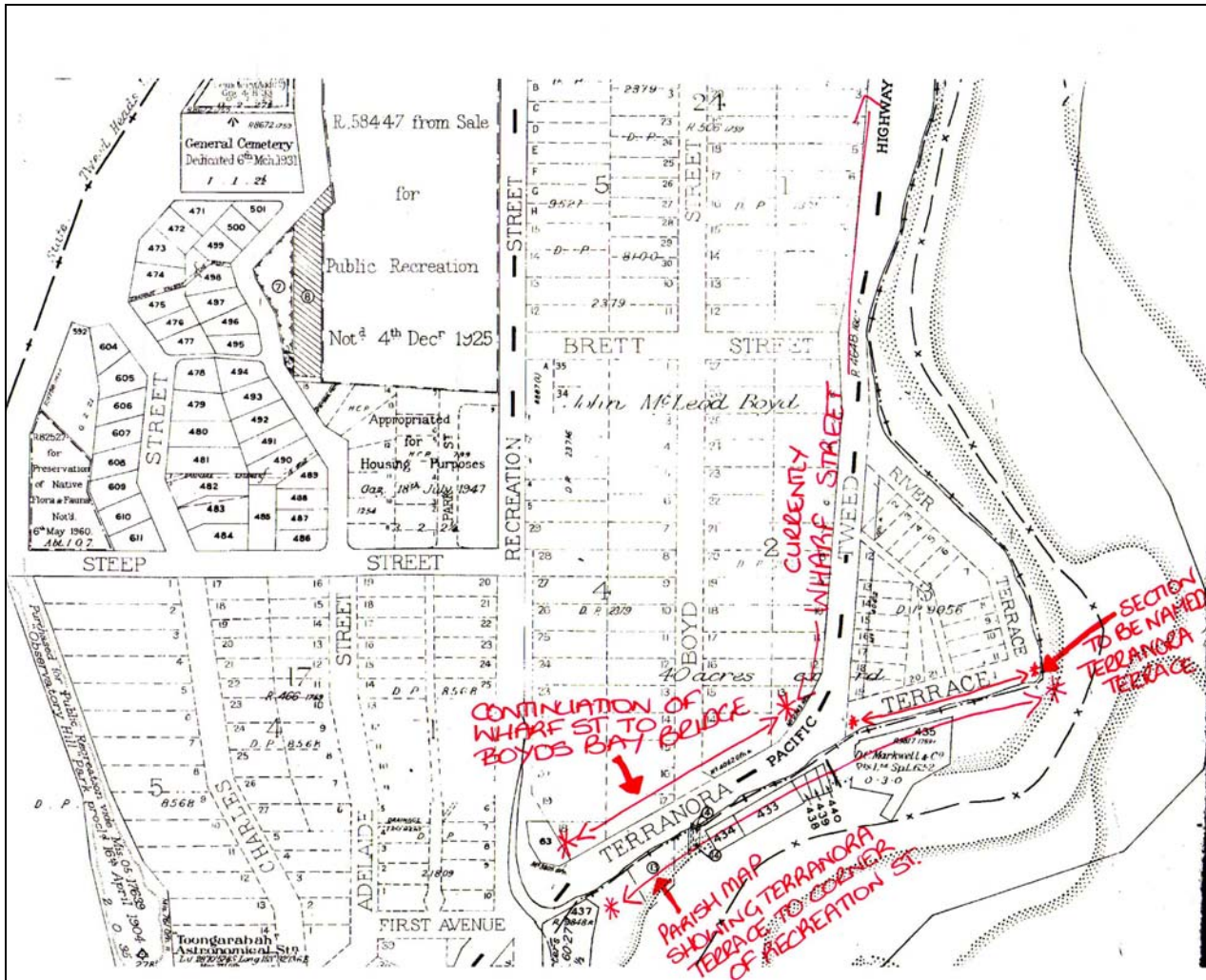
RECOMMENDATION:**That Council:-**

- 1. Publicises its intention to formally name Terranora Terrace as running from River Terrace to the intersection of Wharf Street, Tweed Heads allowing one month for submissions and objections to the name.; and**
- 2. Publicises its intention to name the section of "on ramp" leading from Kennedy Drive to Wharf Street as Wharf Street and the section of "off ramp" leading from Wharf Street to Kennedy Drive as Kennedy Drive allowing one month for submissions and objections to the names; and**
- 3. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994.**

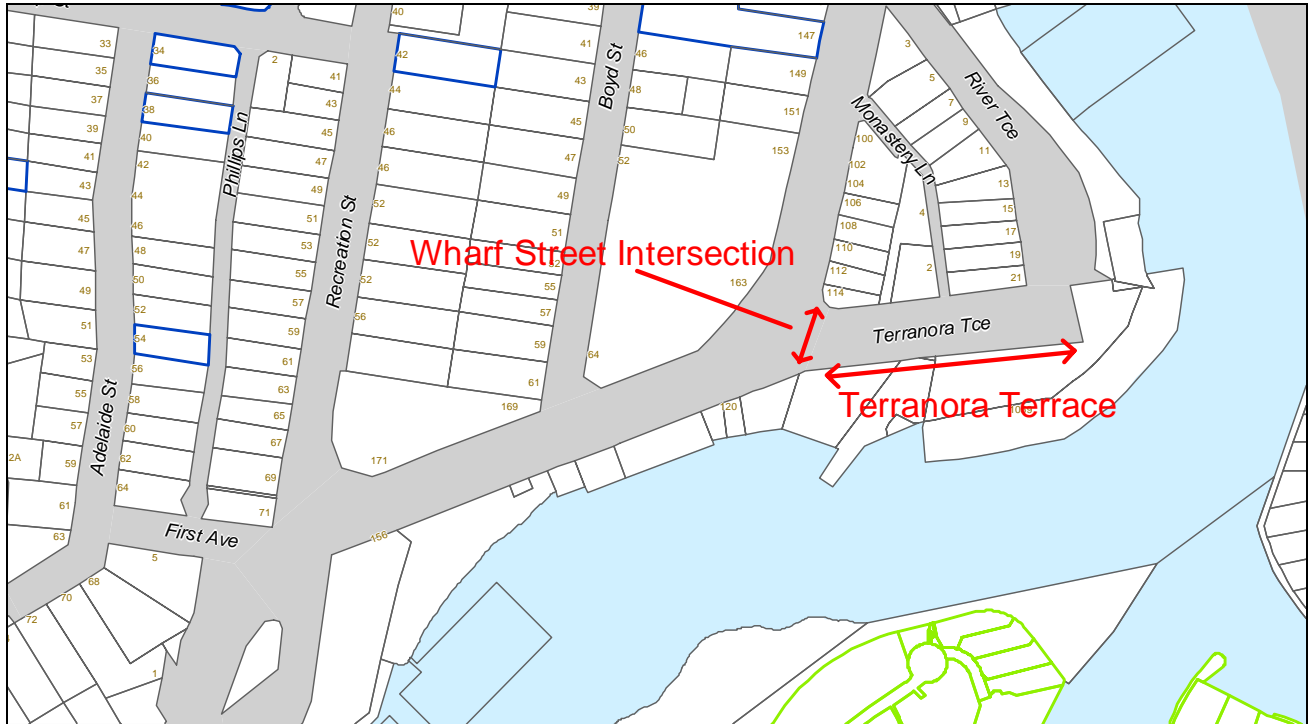
REPORT:

Wharf Street at Tweed Heads runs from Boundary Street, Tweed Heads to Boyds Bay Bridge. Over the years there has been much confusion regarding the correct street names surrounding the intersection of Wharf Street, Terranora Terrace, Boyds Bay Bridge and Kennedy Drive. Parish Maps and survey plans have shown various accounts of where each road connects with particular confusion surrounding Terranora Terrace Wharf Street, and Kennedy Drive.

The original Parish plans show Terranora Terrace leading from River Terrace and ending at the start of Boyds Bay Bridge as shown below.

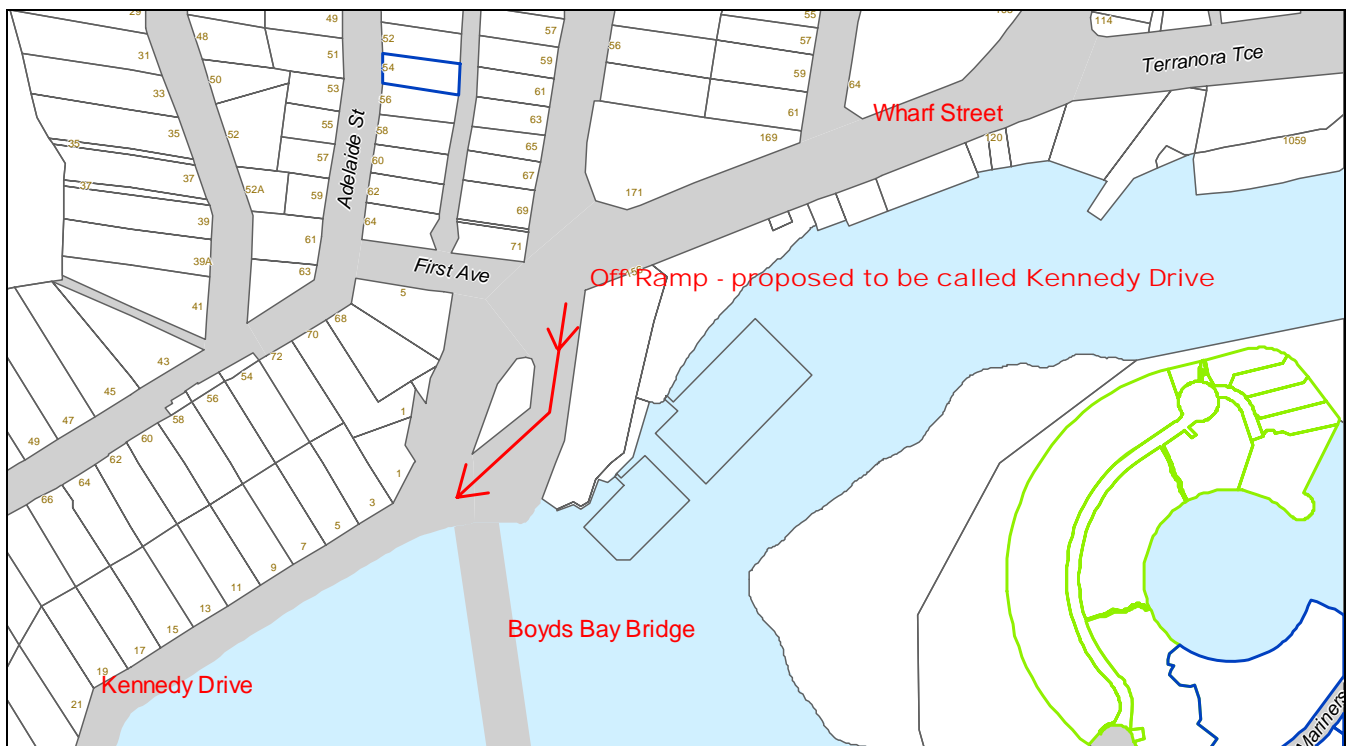


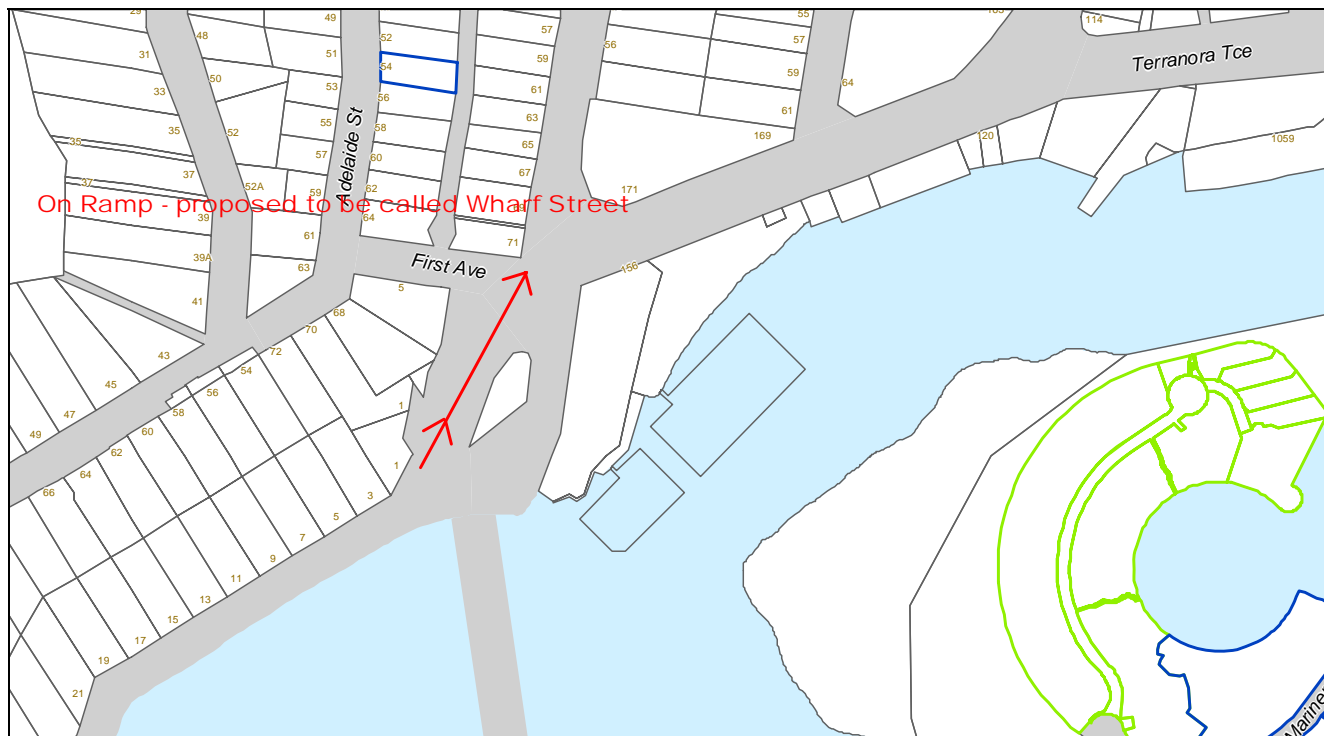
However due to road reconstruction over the years there is now a clear intersection at Wharf Street leading into Terranora Terrace.



It would therefore be recommended that Council publicises its intention to name Terranora Terrace as running from River Terrace to the intersection of Wharf Street, Tweed Heads allowing one month for submissions and objections to the names.

Where Wharf Street meets Boyds Bay Bridge there are two ramps, an off ramp leading to Kennedy Drive and an on ramp leading from Kennedy Drive. At this time it is uncertain as to whether these sections of road are named Wharf Street or Kennedy Drive, please refer to the diagram below.





The “On Ramp” has a defined exit from Kennedy Drive and leads directly onto Wharf Street. The “Off Ramp” has a defined exit from Wharf Street and leads directly onto Kennedy Drive. It would therefore be recommended that Council publicise its intention to name the section of “on ramp” as Wharf Street and the section of “off ramp” as Kennedy Drive allowing one month for submissions and objections to the names.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

O10 [EO-OC] Bus Shelter Maintenance Costs

ORIGIN:

Works

SUMMARY OF REPORT:

Council, at its meeting of 22 April 2008, resolved to note the Minutes of the Public Transport Working Group meeting held 29 February 2008 and to consider funding requests for bus shelters in the 2008/2009 budget. This report is additional information requested at that meeting by Administrator Willan to be considered in the budget setting process.

RECOMMENDATION:

That this report on bus shelter maintenance costs be received and noted.

REPORT:

The number of bus shelters currently in the shire is 165. Council's 2007/08 budget allocation for the maintenance of these shelters is \$19,553, which equates to \$118.50 per shelter per annum.

Attached is a spreadsheet identifying each shelter with suggested maintenance frequencies expected to maintain each shelter in a reasonable condition. These operational works do not take into account end of life capital replacement costs for the shelters, nor any upgrade costs (other than minor defect repair) required to bring shelters up to a satisfactory standard from their current condition. The costs listed in the spreadsheet have been calculated using the following assumptions:-

1. All structure repairs and cleaning of graffiti from Metro Advertising shelters continues to be carried out by that company, with Council only responsible for litter removal from these shelters.
2. Litter collection takes 5 minutes per shelter and is performed by the footpath sweeper in urban areas and a nominal two person team in rural areas.
3. Cleaning and graffiti removal from the shelters takes 20 minutes on average, including travel times between shelters, using a dedicated two person team equipped for this purpose.
4. Vandalism charges are for minor repairs to the shelters such as panel replacement and gutter repairs.
5. A frequency of "On Request" for litter and cleaning has been assumed as being carried out four times per year for costing purposes.

To maintain the shelters to the standard nominated in the spreadsheet would require a maintenance allocation of \$299,240, of which \$51,360 is for litter collection, \$125,630 for cleaning and graffiti removal and \$122,250 for structure repairs due to vandalism. This overall figure is approximately 15% of the asset replacement cost of the shelters, based on a shelter value of \$12,000.

Council has received a letter from the Attorney General's Department under the *Delivery the Safety Suburbs Plan* indicating that the Federal Government is interested in providing financial assistance up to a value of \$200,000 by way of a Grant to assist bus shelter safety, security and maintenance. Discussions are currently taking place with the Federal Member to make a formal grant submission.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Bus Shelter Maintenance Spreadsheet (DW 1814391).
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011 [EO-OC] Lease of Land Below the Surface of a Road Reserve - Navigation Lane, Tweed Heads

ORIGIN:

Design

FILE NO: DA04/0016 Pt 4

SUMMARY OF REPORT:

Development Consent DA04/0016 for mixed residential commercial/tourist accommodation was approved by the Department of Planning in September 2006. The development, by Zinkohl Pty Ltd, comprising of two towers, one on the corner of Bay Street and Wharf Street, the other located across Navigation Lane, is located between Navigation Lane and Stuart Street, Tweed Heads. The development incorporates a subterranean ramp underneath the road reserve of Navigation Lane between the basement car parks of the two towers to be constructed.

In order for the subterranean ramp to become operational it is necessary for a lease of land below the surface of Navigation Lane to be entered into between Council as the roads authority and the developer.

Section 149 of the Roads Act provides that a roads authority may lease the land below the surface of a public road, for a period up to 99 years and such a lease requires the consent of the NSW Government Director of Planning. Consent from the Director has been granted.

A valuation has now been obtained and the rental has been determined both on the basis that the lessee is responsible for the restoration of the site at the expiry of the lease and on the basis of no requirement for restoration.

Where Council requires restoration, the rental is determined to be **\$600 per annum**, and on the basis of no restoration, the rental is determined to be **\$1,200 per annum**.

It is preferable for Council to undertake any restoration works to regain control of the area beneath the surface at the expiry of the lease.

It will be necessary for Council to ensure that the lease will not preclude Council from utilising any leased area for the provision of future service infrastructure.

As the requirement for the lease arises from the development, it is appropriate for the rental to be borne by the developer and to be paid in advance. It can then be held by Council to cover the costs of restoration of the land at the expiry of the lease, be it 99 years or when the complex incorporating the ramp is demolished.

It is now necessary to resolve to enter into a lease with the developer Zinkohl Pty Ltd for a lease of the land beneath the surface of Navigation Lane and to execute all documentation under the common seal of Council.

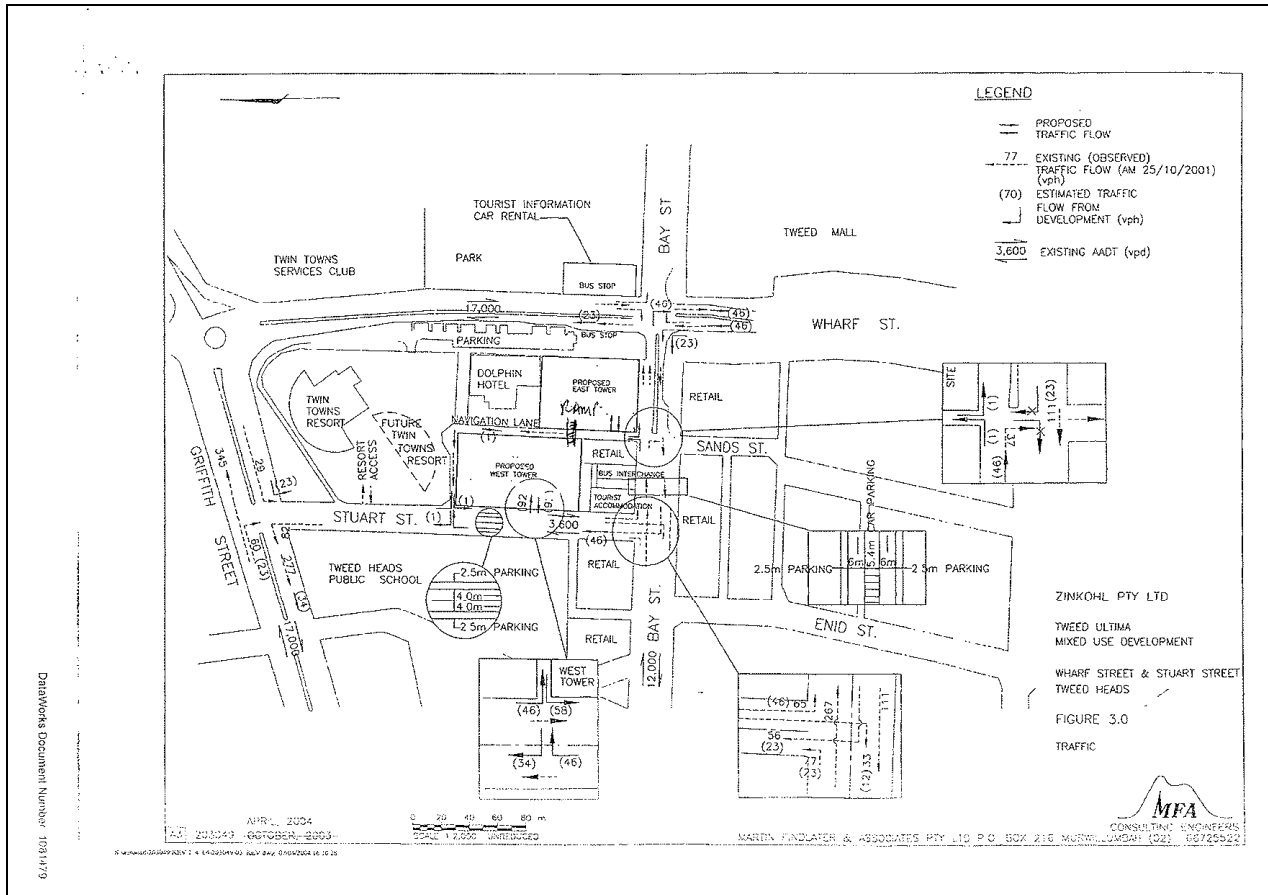
RECOMMENDATION:

That:-

- 1. Council approves entering into a lease with Zinkohl Pty Ltd for a lease of land beneath the surface of Navigation Lane, Tweed Heads for a term of 99 years or for the life of the complex requiring the subterranean ramp;**
- 2. The rental of \$1,200 per annum for such lease is to be paid in advance and all other costs relating to the preparation and stamping of the lease are to be borne by Zinkohl Pty Ltd: and**
- 3. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report, the plan below shows the location of the ramp beneath Navigation Lane between the two towers:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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012 [EO-OC] Tweed Shire Council Lease of Hangars 3 and 10 to Linmil Pty Ltd - Bob Whittle Airfield

ORIGIN:

Design

SUMMARY OF REPORT:

At its meeting of 22 April, 2008 Council deferred a report relating to the request from Linmil Pty Ltd to extend the existing lease for hangars 3 and 10 for a further five years beyond the term of their existing lease, which will expire on 31 January 2013, essentially seeking expiry of the lease on 13 January 2018.

A report was then submitted to EMT addressing issues of concern arising from this request, the EMT report and recommendation are attached as confidential attachments to this report.

RECOMMENDATION:

That Council does not grant approval for the extension of the current lease between Council and Linmil Pty Ltd for hangars 3 and 10 at the Bob Whittle Airfield, Murwillumbah.

REPORT:

As per Summary of Report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment** to Ordinary Item - EMT Report and Resolution from meeting held 30 April 2008 (DW 1810570 and 1813189).
-

O13 [CNR-OC] Workplace Environmental Safety Protocol

ORIGIN:

Natural Resource Management Section

SUMMARY OF REPORT:

Council's Executive Management Team adopted the Environmental Safety Protocol at its meeting on 16 April 2008.

The protocol has been developed to provide a statement of overall intent and direction for the environmental safety component of Council's Operational Management System.

The Workplace Environmental Safety Protocol appears in the body of the report.

RECOMMENDATION:

That the report on Workplace Environmental Safety Protocol be received and noted.

REPORT:

Tweed Shire Council

Protocol Document

Workplace Environmental Safety**Objective**

To make the protection and safeguarding of the natural environment an integral part of Tweed Shire Council operations.

Commitment

In all of its operations Tweed Shire Council will strive to:

1. Minimise waste generation, particularly waste-to-landfill.
2. Minimise greenhouse gas generation.
3. Minimise the consumption of energy, water and natural resources.
4. Prevent pollution.
5. Employ environmental considerations in purchasing decisions.
6. Comply with all applicable environmental laws, regulations and agreements.
7. Work closely with its employees, contractors, suppliers, clients and the community to develop and implement agreed environmental initiatives.
8. Increase staff awareness of individual environmental responsibilities and ensure that environmental management is included within staff induction and training programmes.
9. Set and achieve measurable targets for energy, waste, water, transport and emissions in order to monitor and report our environmental performance against agreed baselines.
10. Implement a process of continuous improvement.

Responsibilities

The Tweed Shire Council Occupational Health and Safety (OHS) Protocol sets out the OHS responsibilities for all levels of Council including Contractors, these levels of responsibility also apply for Environmental Safety (ES).

Adopted by Council's Executive Management Team on 16 April 2008

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LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O14 [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 Northern Rivers Writers' Centre, Council provides the Murwillumbah Civic Centre Auditorium for a reduced fee of \$88.50 being 50% of the full fee of \$177, for the Primary Schools Program which is part of the Byron Bay Writers' Festival on 29 July 2008, and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".**

- 2. With reference to the request from Wintersun Festival Association Inc, Council declines the request for a reduction of fees for hire of the Tweed Heads Civic Centre from 2 to 9 June 2008 for Wintersun Festival functions.**

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?
Northern Rivers Writers' Centre	Request that the fee be reduced to \$88.50 for hire of the Murwillumbah Civic Centre Auditorium for the primary schools program to be held on 29 July 2008.	88.50	That the fee be reduced to \$88.50 being 50% of the scheduled fee of \$177.	Yes
Wintersun Festival Association Inc	Request that fee be reduced for hire of the Tweed Heads Civic Centre for Wintersun Festival functions from 2 to 9 June 2008.	Nil	That the request be declined as funding has already been provided through the Festivals Policy.	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. Northern Rivers Writers' Centre (DW1802243)
2. Wintersun Festival Association Inc (DW1805361)

O15 [CNR-OC] Contract HC2008-002 - Design & Installation of a Landfill Leachate Treatment System, Stotts Creek

ORIGIN:

Waste Management

SUMMARY OF REPORT:

This report provides a summary of the Tender recommendation for the Design & Installation of a Landfill Leachate Treatment System, Stotts Creek.

A Tender was called for the project in accordance with the NSW Local Government (General) Regulations 2005 and Council's Procurement Policy. The tender closed at 4:00pm (NSW time) on 12 March 2008.

Five Tenders were received at the time of closing and a subsequent tender analysis concluded the following recommendations.

RECOMMENDATION:

That:-

- 1. Council engages EnviroPacific Services Pty. Ltd (EnviroPacific) to conduct an on-site pilot trial for the amount of \$12,017.50 (incl. GST).**
- 2. Subject to the trial being successful, Council awards Contract HC2008-002 – Design & Installation of a Landfill Leachate Treatment System, Stotts Creek for the amount of \$261,135.93 (incl. GST), being the tender price minus the pilot trial price, to EnviroPacific.**
- 3. The General Manager be given delegated authority to approve variations up to 20% of the initial contract sum.**
- 4. 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:

This report provides a summary of the Tender recommendation for the Design & Installation of a Landfill Leachate Treatment System, Stotts Creek.

A tender was called for the project in accordance with the NSW Local Government (General) Regulations 2005 and Council's Procurement Policy. The tender closed at 4:00pm (NSW time) on 12 March 2008.

Submissions were received from the following:-

- **BioSpot Environmental Solutions**
- **Environmental Industrial Solutions**
- **Pall Corporation**
- **EnviroPacific**
- **Young**

Submissions have been assessed on five equally weighted criteria:

- 20% Related experience (previous work of this type)
- 20% Track record (reputation for work competence & capacity)
- 20% Technical skills (people, systems, specific abilities)
- 20% Methodology (how project is to be tackled, scope of work)
- 20% Cost Benefit.

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.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

These tenders were assessed as per the detail in the Confidential Attachment to the report.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment** –Supplementary Confidential Information - HC2008-002 Contract for Design & Installation of a Landfill Leachate Treatment System at Stotts Creek (DW 1813465)
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