



TWEED SHIRE COUNCIL

# **AGENDA**

## **OPERATIONS COMMITTEE MEETING**

**Tuesday 22 April 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 [PR-OC] Appointment of Council as an Enforcement Agency under the NSW Food Act 2003

#### ORIGIN:

#### Building & Environmental Health

#### SUMMARY OF REPORT:

The NSW Food Authority has embarked on the first phase of the process for appointing enforcement agencies under the Food Act 2003 and the Food Regulation Partnership.

Phase 1 of this process is to invite Council's to nominate for a Category of functions that may be exercised by an enforcement agency.

Following consideration of the Categories, it is believed that Tweed Council is best placed to exercise and fulfil the requirements of a Category B Function enforcement agency under the NSW Food Act 2003 for the following reasons;

1. There is currently existing expertise within the Building and Environmental Health Unit staff in relation to food premises approval and inspection.
2. Experience has shown that self regulation of food premises is not adequate to ensure that all food premises adhere to proper food hygiene practises.
3. Many food handlers engaged in the preparation of food for sale have not received adequate training in food and personal hygiene for the work involved.
4. Customers of food premises have an expectation that food is being prepared for their consumption in premises that are clean, properly designed and constructed and that persons engaged in the preparation of such food exercise proper food handling practices and exhibit good personal hygiene.
5. The community generally has a perception and expectation that properly trained and qualified Council officers are actively engaged in carrying out regular inspections of food premises to ensure that food businesses operate in accordance with legislative requirements and that food being prepared for sale is safe.
6. Council's Proclaim Information System has been updated to enable the required level of management and reporting under the Food Regulation Partnership.

**RECOMMENDATION:**

**That: -**

- 1. Council nominates to be an Enforcement Agency under the provisions of the NSW Food Act 2003 undertaking the functions of a Category B Enforcement Agency by completing the appropriate NSW Food Authority Nomination Form.**
- 2. Council's General Manager authorise the Manager Building and Environmental Health to complete the appropriate NSW Food Authority Nomination Form for returning to the NSW Food Authority no later than 30 April 2008.**



## REPORT:

The NSW Food Authority has now embarked on the first phase of the process for appointing enforcement agencies under the Food Act 2003.

Phase 1 of this process is to invite Council's to nominate for a Category of functions that may be exercised by an enforcement agency.

The NSW Food Authority has sent the attached nomination form for completion by Council and return to the Authority by **30 April 2008**, in order to allow the Authority sufficient time to properly process Council appointments ready for the anticipated commencement date of 1 July 2008. (The Authorities consultation process is set out in the attached Table). The Authority has requested that the nomination form be completed by the General Manager or a person authorised to do so.

The proposed Food Regulation Partnership between the NSW Food Authority and those participating Council's will mean that there will be a commitment on behalf of those councils to carry out a designated food regulatory role.

It is recommended that Tweed Council undertake to be a member of the partnership for the following reasons;

1. There currently is existing expertise within the Building and Environmental Health Unit staff in relation to food premises approval and inspection.
2. Experience has shown that self regulation of food premises is not adequate to ensure that all food premises adhere to proper food hygiene practises.
3. Many food handlers engaged in the preparation of food for sale have not received adequate training in food and personal hygiene for the work involved.
4. Customers of food premises have an expectation that food is being prepared for their consumption in premises that are clean, properly designed and constructed and that persons engaged in the preparation of such food exercise proper food handling practices and exhibit good personal hygiene.
5. The community generally has a perception and expectation that properly trained and qualified Council officers are actively engaged in carrying out regular inspections of food premises to ensure that food businesses operate in accordance with legislative requirements and that food being prepared for sale is safe.

The NSW Food Authority has proposed three (3) Categories of regulatory functions for Councils under the partnership. By way of brief explanation, Category A is a basic or minimum mandated role for all councils which will require councils to respond to all urgent food recalls and other Food Authority declared food safety emergencies.

Category B includes the requirements of Category A but will require the inspection and any related enforcement of the Food Act and Food Standards provisions in respect to retail food businesses. This category also requires council to respond to food complaints

and single case food borne illness notifications as well as food recalls. Category C includes any other role including Category A and B functions that a Council may negotiate with the Food Authority E.g. routine inspections of manufacturing and wholesale food businesses that are not licensed by the Food Authority.

Following consideration of the Categories, it is believed that Tweed Council is best placed to undertake a Category B Function and therefore it is recommended that Council enter into a Food Regulatory Partnership with the NSW Food Authority to undertake a Category B Food Regulatory function.

The undertaking of a Category B Food Regulatory function and the entering into a Partnership Agreement for this purpose with the NSW Food Authority will place a certain level of commitment upon Council.

In order to achieve compliance with this level of commitment a strategy has been developed for this purpose.

The main components of this strategy are included below.

### **Food Business Audit**

It is estimated that there are likely to be in excess of 400 retail food businesses currently operating within Tweed Shire. Table 1 of the NSW Food Authority Pathway to Partnership guide to food regulation in NSW document of January 2008 (The Document) contains a schedule of retail food businesses and recommended inspection frequencies. This list can therefore be utilised as a guide for Council to identify those types of businesses that can be included within a Category B role.

A Shire wide audit of these business types is being undertaken. (Available Food Business data bases within council and the NSW Food Authority can also be used to identify food businesses that would be included under a Category B role).

Once this audit is carried out the number of Category B retail food businesses operating within Tweed Shire will be known.

### **Food Business Risk Assessment**

From the audit and by utilising the suggested priority classification as detailed in Table 1 of the document each retail food business can be assigned a risk classification and an initial inspection frequency based upon this risk classification can then be established.

### **Income and Resource Commitment**

As per Table 1 of the document those businesses that are classified as Level O would only be inspected at the time of there being an incident involving a food handling issue. These businesses would not therefore receive an initial inspection and therefore would not be subject to an annual administration charge. Therefore in the absence of an incident, those premises classified as Level O would not generate an income to council.

A retail food business that is classified as Level 1 or 2 would be subject to an inspection regime and therefore an administration charge. The following inspection frequency is recommended for Level 1 and Level 2 premises based on Table 1 of the document.

Level 1 - Minimum of one (1) inspection per year, plus annual administration charge.

Level 2 - Minimum of two (2) inspections per year, plus annual administration charge.

The Annual Administration Charge has been set by the Authority based on the number of full-time food handlers on a scale as follows.

Five (5) or less -----\$ 250

Six (6) – Fifty (50) -----\$ 500

Fifty (50) or more -----\$ 2000

This information will also be gained as a result of the Audit.

Any Retail food business requiring a re-inspection should be charged the appropriate inspection fee (this however should be at the discretion of the EHO and should be restricted to the reinspection of critical food safety breaches as opposed to defects of a more minor nature or where a food business has failed to rectify identified problems).

The Document recommends that the inspection frequency should be used in conjunction with a performance history qualifier whereby food businesses that have had three (3) consecutive inspections with no critical food safety breaches recorded should have their inspection frequency reduced and those that have had consecutive inspections identifying critical food safety breaches should have their inspection frequency increased.

### **Resource Implications**

From the above and with the completion of the audit and by utilising the indicative schedule of fees and charges for retail food businesses as contained in the document a minimum income can be estimated in respect to Council's commitment under the Food Business Partnership Agreement, which in turn can be used to calculate the level of officer resources that will be necessary.

### **Management and Reporting**

Council's Proclaim Information System will be used for the management and reporting of Council's food regulatory functions under the respective Category role. The system has been updated for this purpose and food premises are now being progressively entered into the system in the live environment.

Council will also be required to report back to the NSW Food Authority on a six (6) monthly basis on its activities as an enforcement agency under the partnership agreement. The proclaim system has now been set up to generate the necessary reporting requirements.

Council's Environmental Health Officers have almost completed the audit of food premises within the Shire and the information is being collated within Proclaim.

TABLE 1:



Table 1.

Food businesses and their recommended inspection frequencies

Recommended annual inspection frequency*	Business type	Characterising feature	ANZFA priority classification
<b>LEVEL 0</b>			
<b>Incident Only</b>	Backpacker accommodation	No meals served	
	Confectionery shop	Low risk foods, packaged	P4
	Health food shop	Low risk foods, packaged	P4
	Newsagency	Low risk foods, packaged	P4
	Pharmacy	Low risk foods, packaged	P4
	Variety stores	Low risk foods, packaged	P4
	Vending machine	Low risk foods, packaged	P4
<b>LEVEL 1</b>			
<b>Minimum 1</b>	Beauty parlour	Offer coffee and tea	P3
	Biscuit shop	Medium and low risk foods only	P3
	Bottle shop	Serving port from port barrel	P3
	Bread shop	Bread only	P3
	Cinemas	Medium and low risk foods only	P3
	Doughnut shop	Medium and low risk foods only	P3
	Fitness or health clubs	Medium and low risk foods only	P3
	Green grocer	Medium and low risk foods only	P3
	Ice cream parlour	Medium and low risk foods only	P3
	Hairdressers	Offer coffee/tea	P3
	Nightclub	Medium and low risk foods only	P3
	Service stations	Medium and low risk foods only	P3
Swimming pools	Medium and low risk foods only	P3	
<b>LEVEL 2</b>			
<b>Minimum 2</b>	Airport lounges	Takeaways – hot holding	P2
	Art galleries	Serving meals	P2
	Bakery shop	Custard tarts, meat pies	P1
	Bed and Breakfast	Serving meals	P2
	Boarding school	Onsite kitchen	P1
	Bookshop café	Serving meals	P2
	Bowling alley	Serving meals	P2
	Cake shop	Custard tarts, meat pies	P1
	Canteen	Serving meals	P2
	Caravan parks	Takeaways – hot holding	P2
	Caterer		P1
	Charity function	Offsite	P1

<b>Minimum 2 (continued)</b>	Childcare centre	Serving meals	P1
	Child party centres	Serving meals	P1
	Coffee shop	Serving meals	P2
	Correctional centre	Serving meals	P1
	Delicatessen		P2
	Farmer's markets	Takeaways – hot holding	P2
	Floating restaurants	Serving meals	P1
	Food home delivery service		P2
	Funeral parlour catering	Caterer	P1
	Holiday recreational camp	Onsite kitchen	P1
	Hostel	Onsite kitchen	P1
	Hotel and motel	Serving meals	P2
	Juice bar	Unpasteurised	P1
	Kiosk	Serving meals	P2
	Licensed club	Serving meals	P2
	Mobile food van	High risk foods	P2
	Museum food shop	Serving meals	P2
	Nurseries	Serving meals	P2
	Poultry shop		P1
	Pub and tavern	Serving meals	P2
	Restaurant		P2
	School camp		P1
	School canteen	Takeaways – hot holding	P2
	Seafood shop		P2
	Sushi	Onsite manufacture	P2
	Takeaway food shop		P2
Theatres	Serving meals	P2	
<b>Minimum 2</b>	Tourist attractions	Takeaways – hot holding	P2
	Tour operators	Caterer	P1
	Train services	Serving meals	P2
	Vending machine	Perishable	P2

\* Inspection frequency can be varied based on the business performance.

Priority classifications are based on the ANZFA (now FSANZ) priority classification system. This system is being revised. The Authority has considered the revisions in determining, at face value, priority food business classifications.

**Note:**

P1 and P2 classifications are considered, at face value, high risk

P1 classifications are targeted for possible licensing consideration by the Authority, in keeping with national strategies

P3 classifications are considered medium risk

P4 classifications are considered low risk



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

From the above and with the completion of the audit and by utilising the indicative schedule of fees and charges for retail food businesses as contained in the document a minimum income can be estimated in respect to Council's commitment under the Food Business Partnership Agreement, which in turn can be used to calculate the level of officer resources that will be necessary.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

1. NSW Food Authority Consultation Process for Appointing Enforcement Agencies under the NSW Food Act 2003 (DW 1798951)
  2. Nomination Form providing Information about Council's Preference, Resources and Skills regarding Enforcement Agencies under the Food Act 2003 (DW 1798962)
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**O2 [PR-OC] Draft Tweed Local Environmental Plan 2008 Exhibition Fees and Charges****ORIGIN:****Planning Reforms****FILE NO: GT1/LEP/2006****SUMMARY OF REPORT:**

At its meeting of 12 February 2008 Council considered a report that identified a proposed fees and charges structure with respect to the sale of the draft exhibition material to the general public should the need arise from Stage 1 of draft Tweed LEP 2008.

The resolution was in the following terms:

1. **That Council advertises the fees and charges identified within this report for the sale of exhibition material relating to Draft Tweed Local Environmental Plan 2008 in accordance with Section 610F of the Local Government Act, 1993.**

The proposed schedule has been publicly exhibited and no submissions have been received.

It is recommended that the fee schedule be adopted.

**RECOMMENDATION:**

**That Council adopts the schedule of fees and charges identified below:**

<b><u>Description</u></b>	<b><u>Cost</u></b>
<b>Compact Disc containing the Written Instrument and a full set of Draft LEP 2008 Maps</b>	<b>\$5</b>
<b>Full set of printed Draft LEP 2008 Maps (A3)</b>	<b>\$1100</b>
<b>Single print Draft LEP 2008 Map (A3)</b>	<b>\$15</b>
<b>Printed Written Instrument</b>	<b>\$30</b>

**REPORT:****Introduction**

In the Report of 12 February 2008 the need for a fees and charges schedule was raised, the report stated:

*Considerable work and resources are required to produce copies of the draft Plans and accompanying exhibition material, particularly hardcopies. Council, whilst obligated to display or make available to the public any exhibition material for viewing free of charge at their Offices, should not bear the costs of providing the material to the public for personal use outside of Council.*

*The purpose of establishing the identified fees and charges is to recoup any costs that Council has or may potentially incur as a result of providing the material i.e. printing and publishing costs. Should people wish to produce their own hardcopies of the information they will still be able to do so via the internet. The identified fees and charges are therefore as follows:*

<b><u>Description</u></b>	<b><u>Cost</u></b>
<i>Compact Disc containing the Written Instrument and a full set of Draft LEP 2008 Maps.</i>	<i>\$5</i>
<i>Full set of printed Draft LEP 2008 Maps (A3)</i>	<i>\$1100</i>
<i>Single print Draft LEP 2008 Map (A3)</i>	<i>\$15</i>
<i>Printed Written Instrument</i>	<i>\$30</i>

**Conclusion**

That Council adopt the fees and charges identified within this report for the sale of exhibition material relating to Draft Tweed LEP 2008.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

There are no implications in adopting the proposed schedule of fees and charges.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**03 [TCS-OC] Donations and Subsidies Policy Amendment****ORIGIN:****Corporate Compliance****SUMMARY OF REPORT:**

Council at its meeting of 11 March 2008 resolved:

"...

2. *Amends its Donations and Subsidies Policy to authorise an annual donation to the Pottsville Beach Tennis Club of the equivalent amount to the sewerage charge provided that the toilets continue to be available to the general public.*

This policy, upon application, grants donations or subsidies to assist local groups for an identified need. The basis for amending this policy is to enable Council to approve a donation upon request without the requirement for a specific council resolution.

This amendment involves the establishment of a new criteria category, titled "Pottsville Beach Tennis Club".

**RECOMMENDATION:**

**That Council adopts the following amendment to the Donations and Subsidies Policy:-**

**Pottsville Beach Tennis Club**

**That Council makes an annual donation equal to the Sewerage Charge, provided that the toilets continue to be available to the general public.**

**REPORT:**

Council at its meeting of 11 March 2008 resolved:

"...

2. Amends its Donations and Subsidies Policy to authorise an annual donation to the Pottsville Beach Tennis Club of the equivalent amount to the sewerage charge provided that the toilets continue to be available to the general public."

This policy, upon application, grants donations or subsidies to assist local groups for an identified need. The basis for amending this policy is to enable Council to approve a donation upon request without the requirement for a specific council resolution.

This amendment will involve the establishment of a new criteria category, titled Pottsville Beach Tennis Club.

Council at its meeting of 15 December 2004 adopted the policy and it was subsequently confirmed and adopted as a policy by Council at its meeting of 13 November 2007.

**Legislation**

Section 356(1) of the Local Government Act 1993, prescribes that "*a council may, in accordance with a resolution of council contribute money, or otherwise grant financial assistance to persons for the purpose of exercising its functions.*"

Section 356(2) of the Local Government Act 1993, requires Council to give at least 28 days public notice of a proposal to pass a resolution to grant financial assistance prior to doing so. Public notice is not required if:

- The assistance is part of a specific program which has been included in the Council's management plan;
- The program's budget does not exceed 5% of the Council's income from ordinary rates for the year ; and
- The program is uniformly available to all or a significant group of persons within the area.

The funding for the payment of this donation is currently included in Council's management plan- public toilet operations. Accordingly, there is no requirement for the amended policy to be exhibited for public comment.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Annual donation to the Pottsville Beach Tennis Club of amount equivalent to the sewerage charge.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

1. Donations & Subsidies Policy adopted 13 November 2007 (DW1720996)
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**04 [TCS-OC] Policy Review - Councillors - Payment of Expenses and Provision of Facilities for Mayors and Councillors**

**ORIGIN:**

**Corporate Compliance**

**SUMMARY OF REPORT:**

The Department of Local Government has released Circular (08-03) which outlined findings from a review of a sample of 45 council policies. The circular encouraged councils to consider the findings of the review in the development of their appropriate policies.

A review of Council's "Councillor - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy" has been conducted and has identified two areas that should be enhanced: carer expenses and superannuation.

**RECOMMENDATION:**

**That Council:-**

- 1. Adopts the following amendments to the Councillors – Payment of Expenses and Provision of Facilities for Mayors and Councillors Policy:-**

**Care and other related expenses**

**Councillors are entitled to the reimbursement of carer expenses, including childcare expenses and care of the elderly, disabled and/or sick immediate family members of Councillors that were necessary to enable Councillors to undertake their civic duties.**

**The reimbursement of expenses will be subject of a separate application by the affected Councillor in each instance, for the determination by the Mayor and General Manager.**

**Child/dependant care expenses are not to be reimbursed if the care is provided by a relative who ordinarily resides with the Councillor. A 'relative' is defined as a spouse, defacto partner, parent, son, daughter, brother, sister or grandparent.**

**Childcare will only be provided to children of the Councillor up to and including the age of 16 years.**

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

**Councillors Contributing into Superannuation**

**In accordance with the Australian Taxation Office Interpretative Decision of 2007/205, provides that Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.**

2. Considers that the changes are “not substantial” and therefore Section 253(3) of the Local Government Act applies in negating the need for public exhibition of the policy.

**REPORT:**

The Department of Local Government has released Circular (08-03) which outlined findings from a review of a sample of 45 council policies. The circular encouraged councils to consider the findings of the review in the development of their appropriate policies.

A review of Council's Councillor- Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy has been conducted and there are two areas that should be enhanced:

- **Carer Expenses**  
Council's Policy provides for the payment of carer expenses, however there is no definition of what constitutes a carer expense.

The wording contained in the recommendation defines a carer expense.

- **Superannuation**  
Councillors can now redirect their fees into superannuation, this policy must be amended to provide for the reduction of fees paid to councillors in the event that the contributions are paid to a complying superannuation fund.

It is recommended that the following wording, which has been provided by the Australian Taxation Office be adopted for inclusion in the Policy:-

**EXISTING WORDING:****Care and other related expenses**

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

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

**AMENDED WORDING:** (identified by italics & underlined)**Care and other related expenses**

Councillors are entitled to the reimbursement of carer expenses, *including childcare expenses and care of the elderly, disabled and/or sick immediate family members of Councillors* that were necessary to enable Councillors to undertake their civic duties.

*The reimbursement of expenses will be subject of a separate application by the affected Councillor in each instance, for the determination by the Mayor and General Manager.*

Child/dependant care expenses are not to be reimbursed if the care is provided by a relative who ordinarily resides with the Councillor. A 'relative' is defined as a spouse, defacto partner, parent, son, daughter, brother, sister or grandparent.

Childcare will only be provided to children of the Councillor up to and including the age of 16 years.

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

### **Councillors Contributing into Superannuation**

In accordance with the Australian Taxation Office Interpretative Decision of 2007/205, provides that Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

### **Legislation**

Sections 253(1) and 253(2) of the Local Government Act 1993, state that a council must publicly notify any proposed amendments to the expenses policy for at least 28 days, and any submissions received must be considered before the policy is adopted. Section 253(3) then states that if a council considers the changes as "not substantial" the need for public exhibition is negated.

The changes to carers leave are considered not significant and councillors contributing into superannuation is not a payment in accordance with this policy. Accordingly, the recommendation is for the amended policy not be exhibited for public comment.

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

\$2,000 Carers Expenses.

### **POLICY IMPLICATIONS:**

Policy to be amended - Councillors - Payment of Expenses and Provision of Facilities for Mayors and Councillors Policy.

### **UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

1. Councillors - Payment of Expenses and Provision of Facilities for Mayors and Councillors Policy adopted 13 November 2007 (DW 1717752).
-

**O5 [TCS-OC] Amendment to Policies - Customer Service Charter/ Response to Correspondence/Complaint Handling**

**ORIGIN:**

**Corporate Compliance**

**SUMMARY OF REPORT:**

Council at its meeting of 12 February 2008 resolved:

***"RECOMMENDED that Council:-***

1. ....
2. *Adopts the Dealing with Difficult People Policy."*

As noted in the report submitted to the 12 February 2008 meeting the adoption of the Dealing with Difficult People Policy also impacts upon Council's Customer Service Charter, Response to Correspondence and Complaint Handling Policies. These policies have a service standard commitment, which will be not applicable, if a person is subject to the provisions of the Dealing with Difficult People Policy.

Accordingly, the three policies are required to be amended with the inclusion of the following wording to manage the above situation:

*"Standards of Services will not apply where a person is subject to the provisions of Council's "Dealing with Difficult People Policy".*

There is no legislative requirement to advertise the amendments to the three policies, as it is an administrative process to ensure policy consistency.

**RECOMMENDATION:**

**That Council amends its Customer Service Charter Policy, Response to Correspondence Policy and Complaints Handling Policy as follows:**

1. **Customer Services Charter Policy be amended to include the following wording at the end of the "Standards of Service" section:**

***"Standards of service will not apply where a person is subject to the provisions of Council's "Dealing with Difficult People Policy."***

2. **Response to Correspondence Policy** be amended to include the following wording at the end of this policy:

*"Standards of service will not apply where a person is subject to the provisions of Council's "Dealing with Difficult People Policy."*

3. **Complaints Handling Policy** be amended to include the following wording at end of the section "*Dealing with difficult complainant*":

*"Complaints will not be reviewed and the standards of services will not apply where a person is subject to the provisions of Council's "Dealing with Difficult People Policy."*

**REPORT:****CUSTOMER SERVICE CHARTER POLICY**

Council adopted its Customer Services Charter Policy on 12 April 2006 and a review of this policy was required to comply with the provisions of the Dealing with Difficult People Policy that was adopted by Council at its meeting of 12 February 2008.

In particular, an amendment is required to note that the customer service standard relevant to responding to correspondence within 14 days will not apply if the provisions of the Dealing with Difficult People Policy are invoked against a person.

Existing Wording: (Extract)***Standards of Service****In Writing***WE WILL:**

- *Respond to correspondence received from residents, ratepayers and clients (written, faxed or emailed) within fourteen (14) days, in accordance with Response to Correspondence Policy.*
- *Where the correspondence cannot be responded to within 14 days will send an acknowledgement advice within the 14 days.*

*On the Telephone***WE WILL:**

- *Answer incoming calls quickly and efficiently and where practical within five (5) rings.*
- *Answer incoming calls by clearly and appropriately identifying ourselves in a friendly manner.*
- *Divert unanswered incoming calls to another member of staff or voice mail.*
- *Identify ourselves when making outgoing calls by name and council/division/branch, as appropriate, and shall clearly outline the purpose of the call.*

Inclusion at the end of this section with the following wording:

***Standards of service will not apply where a person is subject to the provisions of Council's "Dealing with Difficult People Policy."***

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**RESPONSE TO CORRESPONDENCE POLICY**

Council adopted its Response to Correspondence Policy on 15 December 2004. A review of this policy was required to comply with the provisions of the Dealing with Difficult People Policy that was adopted by Council at its meeting of 12 February 2008.

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In particular, an amendment is required to note that the customer service standard relevant to responding to correspondence within 14 days will not apply if the provisions of the Dealing with Difficult People Policy are invoked against a person.

Existing Wording: (Extract)

*All correspondence will be answered within 14 days with the following two (2) exceptions:-*

1. *Where the enquiry/correspondence is such that an adequate response requires research which would take a period longer than two (2) weeks.*

*In this case the correspondence will be acknowledged by card within two (2) weeks with a detailed answer following as soon as possible.*

2. *Where the enquiry/correspondence is part of ongoing communication with consultants or other Government authorities and these consultants/authorities do not expect item by item acknowledgement.*

*In this case the relevant officer will decide on an appropriate response and the timing of such a response.*

Inclusion at the end of this policy with the following wording:

***Standards of Services will not apply where a person is subject to the provisions of Council's "Dealing with Difficult People Policy."***

---

## **COMPLAINT HANDLING POLICY**

Council adopted its Complaint Handling Policy on 2 November 2005. A review of this policy was required to comply with the provisions of the Dealing with Difficult People Policy that was adopted by Council at its meeting of 12 February 2008.

In particular, an amendment is required to note that a complaint will not be reviewed if the provisions of the Dealing with Difficult People Policy are invoked against a person.

Existing Wording: (Extract)

***Dealing with difficult complainants***

*Council recognises and accepts members of the public will sometimes display frustration or other behaviour. Council staff are to ensure difficult complainants are not unreasonably denied rights.*



Inclusion at the end of this section of the policy with the following wording:

***Complaints will not be reviewed and the standards of services will not apply where a person is subject to the provisions of Council's "Dealing with Difficult People Policy."***

**Legislation**

Sections 161(2) of the Local Government Act 1993, states that if council is of the opinion that the amendments are not substantial, it may adopt the amended draft local policy without public exhibition.

The changes to the policy are considered not substantial and accordingly, the recommendation is for the amended policy not be exhibited for public comment.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

1. Customer Service Charter as adopted on 12 April 2006 (DW1384136)
  2. Response to Correspondence Policy as adopted on 15 December 2004 (DW1717700)
  3. Complaints Handling Policy v1.2 as adopted on 2 November 2006 (DW1717643)
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**O6 [TCS-OC] Policy Amendment Disposal of Assets****ORIGIN:****Corporate Compliance****SUMMARY OF REPORT:**

The Independent Commission Against Corruption has released a publication titled " *Use and Misuse of Public Sector Resources*" – *Tip Sheet for Managers (February 2008)*. The publication contains a segment on Risk- Surplus materials including unwanted or low value assets.

Council's Disposal of Assets Policy has been reviewed against the risk management options outlined, with this review resulting in enhancements being recommended to the policy.

**RECOMMENDATION:**

**That Council adopts the amendments to the Disposal of Assets Policy as detailed in this report.**

**REPORT:**

The Independent Commission Against Corruption has released a publication titled "Use and Misuse of Public Sector Resources" – *Tip Sheet for Managers (February 2008)*. The publication contains a segment on Risk- Surplus materials including unwanted or low value assets.

Council's Disposal of Assets Policy has been reviewed against the risk management options outlined, with this review resulting in enhancements being recommended to made to the policy.

In summary the enhancements cover the area for the disposal of assets with a value under \$ 1,000, with specific procedures for:

- Disposal of Surplus Road Materials;
- Disposal of Surplus Landscape Mulch; and
- Disposal of other Materials, in particular Technology Equipment.

The amendments to the Disposal of Assets Policy are as follows:

Below please find the existing and amended wording now suggested for the Disposal of Assets Policy for Council's consideration:

**EXISTING WORDING:****Disposal of Plant, Equipment and Goods**

The General Manager has the delegation to authorise the sale of items of plant, equipment and goods.

Internal controls for goods with a value over and under \$1,000 have been developed to manage disposal of assets which includes scrap materials.

**Value over \$1,000**

Council will dispose of plant, equipment and goods with an apparent value of \$1,000 or more by auction or by invitation of tenders or quotations with the Unit Director or Manager recommending the most appropriate method of disposal. The General Manager must authorise the sale of the item of plant, equipment or goods.

In determining the most appropriate method of disposal, the Unit Director or Manager must evaluate the best value for money return on the item being disposed. The evaluation will take into consideration the costs that Council will incur if the item was being disposed of separately, in comparison to bottom line of change-over price of the replacement item being purchased.

The Council Officer responsible for disposing of the item of plant, equipment or goods must advise the Finance Section – Assets of the item being disposed to enable the Asset Register to be managed effectively and efficiently.

**Value under \$1,000**

The method of disposal of plant, equipment and goods with an apparent value of under \$1,000 shall be at the discretion of the Unit Director or Manager.

Council Officers are to ensure that they determine the most appropriate method of disposing of these assets, managing potential risks of corruption and that the process is documented.

**AMENDED WORDING:** (changes identified by bold & *italics*)

**Disposal of Plant, Equipment and Goods**

The General Manager has the delegation to authorise the sale of items of plant, equipment and goods.

Internal controls for goods with a value over and under \$1,000 have been developed to manage disposal of assets which includes scrap materials.

***Council has identified low value assets and scrap materials as potential targets for misappropriation by its employees.***

**Value over \$1,000**

Council will dispose of plant, equipment (***including technology***) and goods with an apparent value of \$1,000 or more by auction or by invitation of tenders or quotations with the Unit Director or Manager recommending the most appropriate method of disposal. The General Manager must authorise the sale of the item of plant, equipment or goods.

In determining the most appropriate method of disposal, the Unit Director or Manager must evaluate the best value for money return on the item being disposed. This evaluation will take into consideration the costs that Council will incur if the item was being disposed of separately, in comparison to bottom line of change-over price of the replacement item being purchased.

The Council Officer responsible for disposing of the item of plant, equipment or goods must advise the Finance Section – Assets of the item being disposed to enable the Asset Register to be managed effectively and efficiently.

**EXISTING WORDING:****Low Value Assets and Scrap Materials****Definition**

<i>Consumable materials</i>	– sand, gravel, chemicals, paint, turf, hardware items, pavers;
<i>Off-cut materials</i>	– pipe, cables, timber, plumbing fittings;
<i>Recyclable metals</i>	– scrap metals, steel posts, brass, street signs; Office Furniture;

*Technology` – IT equipment, mobile phones, cameras, calculators, computers, printers*

Council has identified low value assets and scrap materials as potential targets for misappropriation of its assets. Council Officers will monitor the disposing of low value assets and scrap materials to ensure that no inappropriate activities are being conducted by employees.

**AMENDED WORDING:** (changes identified by bold & *italics*)

## **Low Value Assets and Scrap Materials**

### **Value under \$1,000**

***As a general policy, employees are to return from the work site surplus low value assets or scrap materials. These items must be placed in the relevant compound or left on vehicles to be used on the next project.***

***However, there are circumstances where it is not cost effective to return the low value assets back to the depot, then the most appropriate method of disposal of these low value assets, shall be at the discretion of the Director or Manager.***

***The Director or Manager are to ensure that they determine the most appropriate method of disposing of these assets, managing potential risks of corruption and that the process is documented.***

***Council has identified these low value assets and scrap materials as potential targets for misappropriation by its employees.***

### **Definition**

***Consumable materials – sand, gravel, chemicals, paint, turf, hardware items, pavers;***

***Off-cut materials – pipe, cables, timber, plumbing fittings;***

***Recyclable metals- scrap metals, steel posts, brass, street signs; Office Furniture;***

***Technology – IT equipment, mobile phones, cameras, calculators, computers, printers***

### **Disposal of Surplus Road Materials Procedures**

***Council has periodically available for disposal, road materials which are surplus to its requirements. Small amounts of surplus road material and fill have no real value and its disposal can incur significant costs such as transporting the materials. The Manager will advertise advice of the surplus roadworks material available for distribution to residents.***

***In these circumstances, the Manager to liaise with the neighbouring residents, to ascertain their requirements for the road materials, then determine where the road materials is to be distributed.***

***The Manager must record in an appropriate form where the road materials has been allocated and an estimated value. Information on the disposal of this type of assets is to be recorded in Council's Records Management System, under Disposal of Assets.***

#### **Disposal of Surplus Landscape Mulch Procedures**

***Council has periodically available for disposal, landscape mulch which is surplus to its requirements. It is after the Manager has determined that the materials are of insignificant quantity or cost of transporting the materials back to the depot is not cost effective, that they will be deemed as surplus to Council's requirements.***

***This policy provides for surplus landscape mulch to be made available to schools and non profit organisations. No surplus landscape mulch is to be taken by Council Employees or given to residents.***

***When surplus landscape mulch is available in a particular area, the Manager is to liaise with the relevant schools and non profit organisations, to ascertain their requirements for the mulch, then determine where the mulch is to be distributed.***

***The Manager must record in an appropriate form the school or organisation where the mulch has been allocated and an estimated value. Information on the disposal of this type of asset is to be recorded in Council's Records Management System, under Disposal of Assets.***

#### **Disposal of Other Surplus Low Value Asset or Scrap Material**

***Disposal of other surplus low value assets or scrap materials are to be approved by the relevant section Manager, in accordance with the provisions of this Policy.***

***In regard to Technology materials, such as IT equipment, mobile phones cameras, computers and printers, the Unit Director is to approve and ensure the recording of disposal method/s for these assets.***

***Information on the disposal of this type of asset is to be recorded in Council's Records Management System, under Disposal of Assets.***

#### **EXISTING WORDING:**

##### **Disposal of Assets Administration**

This policy has identified who is responsible for managing the processes for disposing of the assets.

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Council actively encourages employees to come forward when they suspect corrupt conduct or waste of its resources.

Employees are to return from the work site goods and materials resources that have been purchased and not used on the project. These items must be placed in the relevant compound or left on vehicles to be used on the next project.

Where Council has established storage facilities for scrap materials, employees are to ensure that surplus goods and materials are placed in the storage facilities upon return to the depot and not left for potential misuse.

**AMENDED WORDING:** (changes identified by bold & *italics*)

### **Disposal of Assets Administration**

This policy has identified who is responsible for managing the processes for disposing of the assets.

Council actively encourages employees to come forward when they suspect corrupt conduct or waste of its resources.

***Council will conduct an investigation of all cases, where reports are received that Council Employees are misusing the provisions of this Policy.***

***Council's Code of Conduct prescribes sanctions that may be actioned against an employee for breaches of this Policy.***

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

Nil.

### **POLICY IMPLICATIONS:**

Amend Disposal of Assets Policy.

### **UNDER SEPARATE COVER/FURTHER INFORMATION:**

<p>To view any "<b>non confidential</b>" attachments listed below, access the meetings link on Council's website <a href="http://www.tweed.nsw.gov.au">www.tweed.nsw.gov.au</a> 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).</p>
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1. Disposal of Assets Policy as adopted on 13 November 2007 (DW 1719259)
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**07 [TCS-OC] Monthly Investment Report for Period Ending 31 March 2008**

**ORIGIN:**

**Financial Services**

**SUMMARY OF REPORT:**

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

**RECOMMENDATION:**

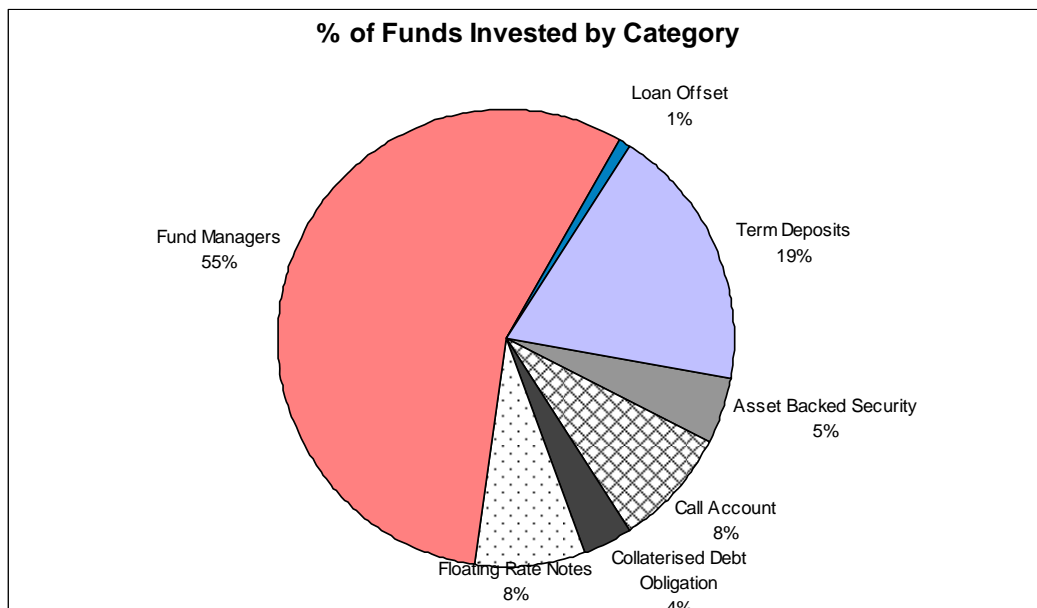
**That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 March 2008 totalling \$112,943,420.29 be received and noted.**

**REPORT:**

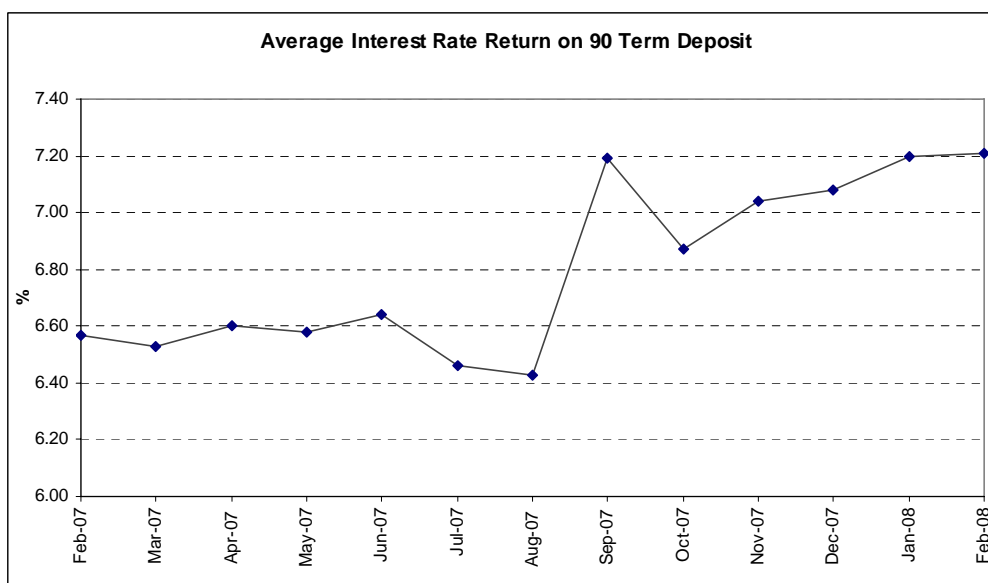
**Report for Period Ending 31 March 2008**

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

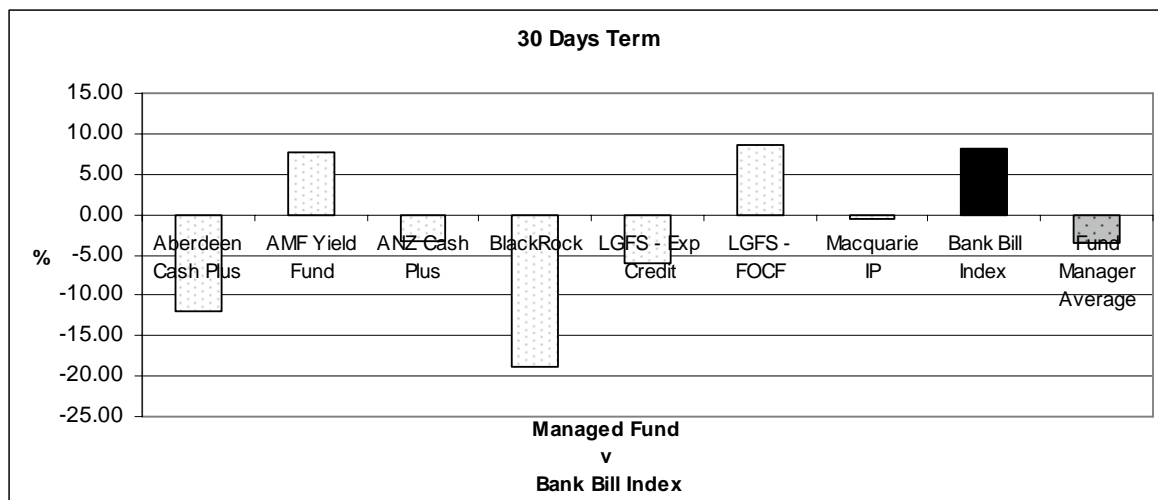
**1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY**



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



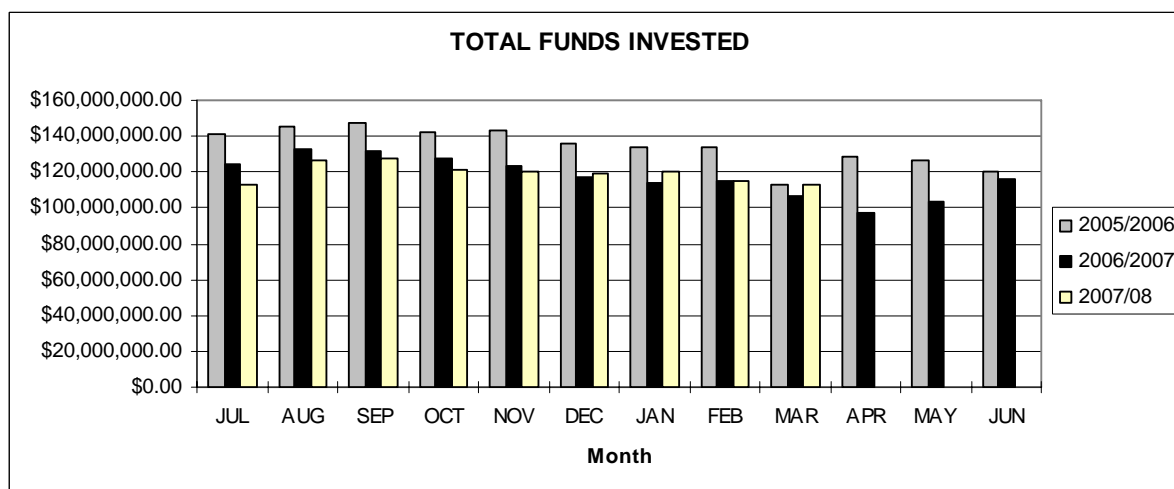
### 3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS - NET OF FEES



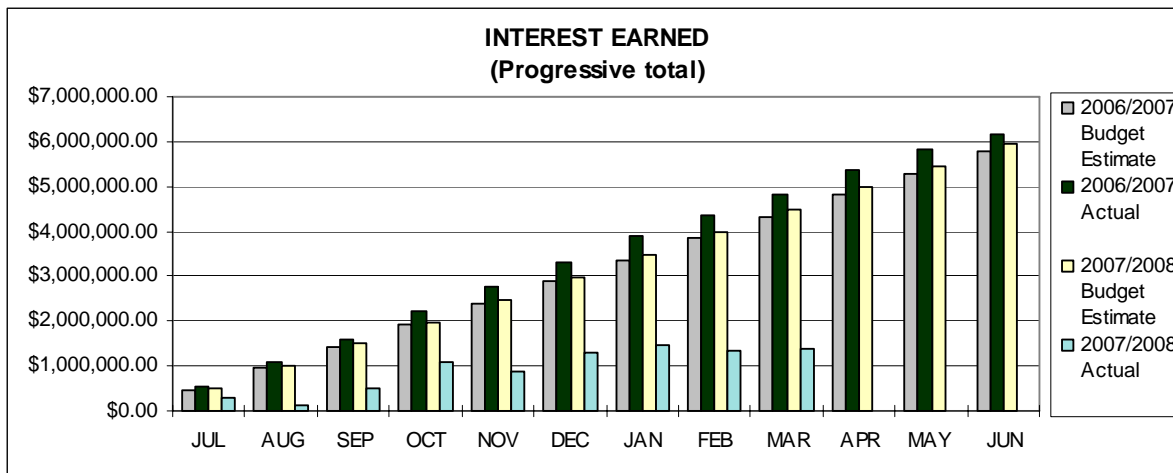
### 4. FUND MANAGERS END OF MONTH BALANCE

Fund	Amount Invested	% of Total Fund Managers	30 Day Return %
Aberdeen Cash Plus	\$3,641,853	5.75%	-11.96
AMF Yield Fund	\$14,815,296	23.38%	7.74
ANZ Cash Plus	\$879,698	1.39%	-3.19
BlackRock	\$0	0.00%	-18.93
LGFS - Exp Credit	\$7,875,948	12.43%	-5.95
LGFS - FOCF	\$23,742,559	37.46%	8.65
Macquarie IP	\$12,423,229	19.60%	-0.53
<b>Total</b>	<b>\$63,378,583</b>	<b>100%</b>	

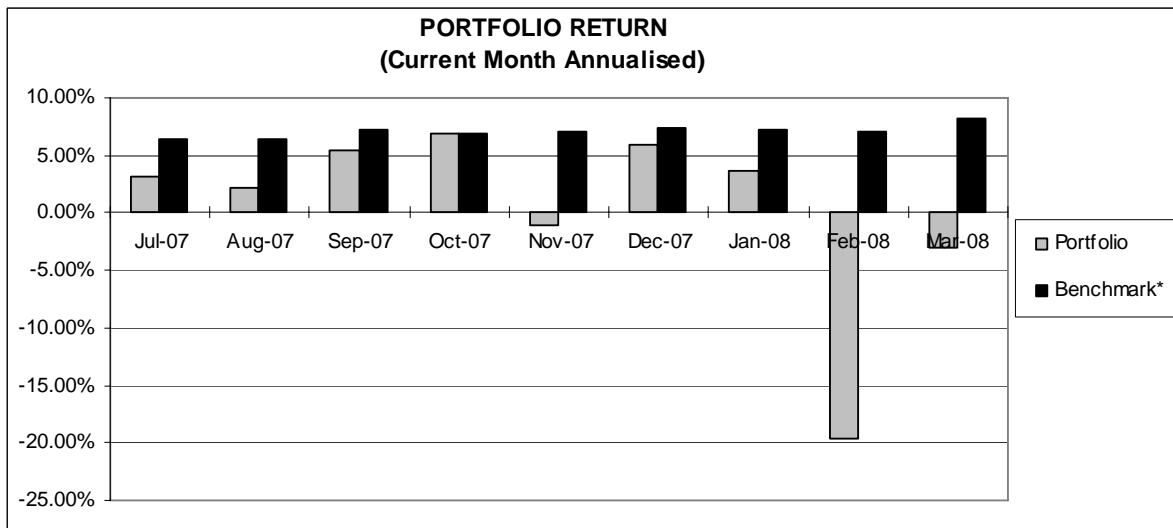
### 5. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



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



**7. PORTFOLIO PERFORMANCE**



The current values of Council's holdings with asset back security exposure, particularly Argon (with underlying Helium CDO), were marked down during February, thereby impacting the portfolio's overall marked-to-market returns. This write-down was in response to a rating downgrade for Helium from AA to CCC- during February.

The negative returns for both February and March can also be attributed to redemptions from the BlackRock Managed Fund. As at 31 March 2008 Council had totally divested itself of the BlackRock Managed Fund so investment portfolio returns should return to normal averages during the remainder of this financial year.

## 8. TERM DEPOSITS

Institution	Amount Invested	Term	% Return	Estimated interest due on maturity \$
Adelaide Bank	\$5,000,000.00	90	7.280	\$89,753.42
Adelaide Bank	\$2,000,000.00	90	7.750	\$38,219.18
Bank of QLD	\$5,000,000.00	90	8.270	\$101,958.90
Citibank	\$3,000,000.00	120	7.970	\$78,608.22
Commonwealth Bank	\$1,034,375.00	185	7.240	\$37,957.31
Commonwealth Bank	\$9,500,000.00	call	7.200	n/a
IMB	\$3,000,000.00	91	7.460	\$55,796.71
Suncorp Metway	\$3,000,000.00	90	7.690	\$56,884.93
<b>Total</b>	<b>\$31,534,375.00</b>			<b>\$459,178.68</b>

## 9. MARKET COMMENTARY

### Domestic Economy

The Reserve Bank of Australia left the official cash rate at 7.25% on 1 April. The accompanying RBA statement stated - "As a result of recent the monetary policy decisions and rises in borrowing costs that are occurring independently of changes in the cash rate, the overall tightening in financial conditions since the middle of 2007 has been substantial. That is working to foster the moderation in demand growth that will take pressure off inflation."

Rising pressure on bank funding rates has continued to impact the Australian money markets throughout March.

### Global Economy

Sub-prime mortgage market problems in the USA continue to plague financial markets, resulting in high volatility and increased growth concerns across global markets.

The USA financial crisis continued to deepen in March as stock and credit markets plummeted. Funding pressures led to widespread loss in investor confidence. The Federal Reserve Bank took action to boost liquidity by creating a new lending facility, the Primary Dealer Credit Facility (PDCF) for participants in the securitisation markets and lowered the discount rate by 25 basis points to 3.25%.

### Council's Investment Portfolio Performance

Another disappointing portfolio return this month. Council pre-empted the Cole Report and reduced managed funds by \$12.7m during the month. Council's managed funds now represent 55% of the total investment portfolio, reduced from 85% in July 2007. Most new investments made since September 2007 have been into term deposits and floating rate notes. Both these investment types are returning 8% pa average and are considered to represent a very low capital risk.

## The Cole Enquiry

In late 2007 the NSW Government commissioned financial industry figure Michael Cole to review council investments, particularly Collateralised Debt Obligations (CDOs) linked to the USA sub-prime mortgage market.

The terms of reference for the review were:

- i. Confirm the total exposure of Councils invested in structured financial products such as collateralised debt obligations (CDOs) and the nature of these investments. (trading frequency, term to maturity)
- ii. Assess the extent to which restricted and unrestricted council funds are invested in structured products.
- iii. Assess the extent of unrealised losses from structured investments and the threat these losses pose to the financial position of individual councils.

The "Cole Report" surveyed all 152 NSW councils and found that losses sustained from investing in various investment products represented 3.5 percent of all local government investments. The NSW Government will implement all eight recommendations from the "Cole Report" through the Minister's investment Order. These adopted recommendations are:

1. All investment instruments (debentures, securities, stocks and deposits but excluding discount instruments such as bills of exchange) in the Investment Order be defined to include both principal and interest income.
  2. All existing investments by NSW Councils that may be excluded by the changes to the Minister's Investment Order are to be "grandfathered". Existing securities that become ultra vires under the amended Investment Order can be held to maturity.
  3. Product manufacturers/distributors should be excluded from being appointed investment advisors to councils.
  4. Investments permitted under the previous Minister's Investment Order based on credit ratings provided by Moody's Investors Service, Standard and Poor's Investors Service or Fitch Rating Agency are no longer permitted until 31/12/2009. A review of these rating agencies credit ratings will be conducted in 2010. Until 31/12/2009, new investments will be limited to call deposits, term deposits and senior debt issued under Transferable Certificate of Deposit by a bank, building society or credit union.
  5. Consistent with the existing Investment Order, interest income and capital growth investment options will be available through the NSW Treasury Corporation (TCorp) Hour-Glass Investment Facilities. Investment in managed funds through agencies other than TCorp is not permitted.
  6. All councils must be aware of their fiduciary responsibility in relation to investment activities under the Local Government Act 1993 and trustee Act 1925 (NSW) and will be required to sign to acknowledge same.
-

7. Subordinated debt obligations are no longer acceptable.
8. The NSW Department of Local Government will release a document similar to the Western Australian Department of Local Government's "Investment Policy - Local government Operational Guidelines" which will provide clear investment objectives.

In summary,

- Council cannot add funds to existing managed fund balances
- New investments may only be made into term deposits, senior debt floating rate notes or TCorp investments
- Existing investments have been "grandfathered" and may be held to maturity, even if they contravene the amended Minister's Investment Order.

*Source: Oakvale Capital Limited*

**10. INVESTMENT SUMMARY AS AT 31 MARCH 2008.**

GENERAL FUND	\$	\$
COLLATERISED DEBT OBLIGATION	4,039,900.00	
COMMERCIAL PAPER	0.00	
FLOATING RATE NOTE	8,728,825.18	
ASSET BACKED SECURITY	5,261,737.00	
FUND MANAGERS	36,078,872.38	
LOAN OFFSET	1,034,375.00	
TERM DEPOSITS	21,000,000.00	
CALL	<u>9,500,000.00</u>	<b>85,643,709.56</b>
<b>WATER FUND</b>		
TERM DEPOSITS	0.00	
FUND MANAGERS	<u>20,085,350.45</u>	<b>20,085,350.45</b>
<b>SEWERAGE FUND</b>		
TERM DEPOSITS	0.00	
FUND MANAGERS	<u>7,214,360.28</u>	<b>7,214,360.28</b>
<b>TOTAL INVESTMENTS</b>		<b><u>112,943,420.29</u></b>

It should be noted that the General Funds investments of \$85.6 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

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

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

A handwritten signature in black ink, appearing to read "M. Charles".

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

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

Nil.

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**08 [TCS-OC] In Kind and Real Donations - January to March 2008**

**ORIGIN:**

**Financial Services**

**SUMMARY OF REPORT:**

Details of in kind and real donations for the period January to March 2008 are reproduced in this report for Council's information.

**RECOMMENDATION:**

**That Council notes total donations of \$24,845.78 for the period January to March 2008.**

**REPORT:**

Council maintains a register of in kind and real donations. Details of these donations for the period January to March 2008 are reproduced as follows:-

**Financial Assistance**

Amount	Recipient	Donated Item	Date
\$ 25.00	Uki Public School	Donation - CH Hall Memorial Award for Citizenship	3-Jan-08
\$200.00	Mount Saint Patricks Drumline Band	Donation - Performance Proudfoots Lane Opening	3-Jan-08
\$10,500.00	Careflight Queensland	Budget Allocation	31-Jan-08
\$2,250.00	Senior Citizens Week Committee	Budget Allocation	31-Jan-08
\$100.00	Tumbulgum Rangers Sports Club Inc	Donation - Flood Cleanup for Aust Day Celebrations	14-Feb-08
\$50.00	Returned & Services League of Australia	Donation - Anzac Day Presentations	13-Mar-08

**\$13,125.00**

**Provision of Labour and/or Plant & Equipment**

Amount	Recipient	Donated Item	Date
\$1,365.68	Murwillumbah Christmas Decorations	Provision of Labour & Council Plant	11-Jan-08
\$108.01	Breast Screen Unit	Provision of Labour & Council Plant	18-Jan-08
\$332.39	Harmony Day	Provision of Labour & Council Plant	21-Mar-08
\$1,932.37	Life Education Van Relocation	Provision of Labour & Council Plant	28-Mar-08

**\$3,738.45**

**Rates**

Amount	Recipient	Donated Item	Date
\$634.11	Kunghur Public Hall	Council Rates 2007/2008	11-Mar-08
\$216.80	Kunghur Public Hall	Council Garbage Rates 2007/2008	11-Mar-08
\$173.43	Twin Towns Police Citizens Youth Club	Council Water Rates 2007/2008	11-Mar-08
\$95.24	Uki School of Arts	Council Garbage Rates 2007/2008	11-Mar-08
\$492.00	Pottsville Beach Tennis Club	Council Sewerage Rates 2007/2008	27-Mar-08

**\$1,611.58**

### Tweed Link Advertising

Amount	Recipient	Donated Item	Date
\$40.50	Various Community Notices	Advertising	22-Jan-08
\$229.50	Various Community Notices	Advertising	29-Jan-08
\$87.75	Various Community Notices	Advertising	5-Feb-08
\$74.25	Various Community Notices	Advertising	12-Feb-08
\$67.50	Various Community Notices	Advertising	19-Feb-08
\$168.75	Various Community Notices	Advertising	26-Feb-08
\$81.00	Various Community Notices	Advertising	4-Mar-08
\$33.75	Various Community Notices	Advertising	11-Mar-08
\$67.50	Various Community Notices	Advertising	18-Mar-08
\$141.75	Various Community Notices	Advertising	25-Mar-08
<b>\$992.25</b>			

### Room Hire

Amount	Recipient	Donated Item	Date
\$65.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	14-Feb-08
\$65.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	18-Feb-08
\$65.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	20-Feb-08
\$65.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	25-Feb-08
\$180.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	27-Feb-08
\$65.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	28-Feb-08
\$103.00	Nsw Cancer Concert - Relay For Life	Room Hire - Murwillumbah Civic Centre	1-Mar-08
\$103.00	Nsw Cancer Concert - Relay For Life	Room Hire - Murwillumbah Civic Centre	2-Mar-08
\$65.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	3-Mar-08
\$65.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	5-Mar-08
\$90.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	6-Mar-08
\$163.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	8-Mar-08
\$163.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	9-Mar-08
\$65.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	10-Mar-08
\$65.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	12-Mar-08
\$65.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	17-Mar-08
\$65.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	19-Mar-08
\$65.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	24-Mar-08
\$65.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	26-Mar-08
\$65.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	31-Mar-08
\$102.50	Twin Towns Garden Club	Room Hire - Tweed Heads Civic	14-Jan-08

Room Hire Amount	Recipient	Donated Item Centre	Date
\$80.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	20-Jan-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	21-Jan-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	24-Jan-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	27-Jan-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	31-Jan-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	4-Feb-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	7-Feb-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	10-Feb-08
\$97.50	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	11-Feb-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	11-Feb-08
\$65.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	13-Feb-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	14-Feb-08
\$115.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	17-Feb-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	17-Feb-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	18-Feb-08
\$65.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	20-Feb-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	21-Feb-08
\$206.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	24-Feb-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	25-Feb-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	28-Feb-08
\$130.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	3-Mar-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	3-Mar-08
\$65.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	5-Mar-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	6-Mar-08
\$48.00	Rotary Muna	Room Hire - Tweed Heads Civic Centre	7-Mar-08
\$177.00	Rotary Muna	Room Hire - Tweed Heads Civic Centre	8-Mar-08
\$97.50	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	10-Mar-08
\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	10/03/2008
\$65.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	12-Mar-08

<b>Room Hire</b>	<b>Amount</b>	<b>Recipient</b>	<b>Donated Item</b>	<b>Date</b>
		Orchestra	Centre	
	\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	13-Mar-08
	\$90.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	16-Mar-08
	\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	16-Mar-08
	\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	17-Mar-08
	\$65.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	19-Mar-08
	\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	20-Mar-08
	\$65.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	26-Mar-08
	\$65.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	27-Mar-08
	\$145.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	30-Mar-08
	\$130.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	31-Mar-08
	\$27.00	Twin Towns Friends	Room Hire - South Tweed HACC	13-Feb-08
	\$27.00	Twin Towns Friends	Room Hire - South Tweed HACC	12-Mar-08
	\$27.00	Twin Towns Friends	Room Hire - South Tweed HACC	13-Mar-08
	\$76.00	Tweed Heads Hospital Ladies Aux	Room Hire - Tweed Heads Meeting Room	4-Feb-08
	\$65.00	South Sea Islanders Meeting	Room Hire - Tweed Heads Meeting Room	9-Feb-08
	\$76.00	Tweed Heads Hospital Ladies Aux	Room Hire - Tweed Heads Meeting Room	3-Mar-08
	\$65.00	Aboriginal Advisory Committee	Room Hire - Tweed Heads Meeting Room	7-Mar-08
	\$65.00	South Sea Islanders Meeting	Room Hire - Tweed Heads Meeting Room	15-Mar-08
	<b>\$5,378.50</b>			
	<b>\$24,845.78</b>	<b>Total Donations 3rd Quarter</b>		

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

Nil.

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**09 [TCS-OC] 2008/2011 Draft Management Plan, 2008/2009 Draft Budget/Fees and Charges**

**ORIGIN:**

**Corporate Compliance**

**SUMMARY OF REPORT:**

The 2008/2011 Draft Management Plan is part of the process of providing clear purpose and direction in the management planning of Council's proposed activities, functions and services over the next three years. The Plan includes the 2008/2009 Draft Revenue Policy, Fees and Charges and Budget of \$204,747,385.

The Minister for Local Government, under Section 508A of the Local Government Act 1993, determined in 2007 that the percentage by which Tweed Shire Council may increase its general income for 2008/2009 is 9.5% above that for 2007/2008, which includes year three of Council's 7 Year Infrastructure and Services Plan.

The 2008/2009 Draft Budget has an extensive capital works program of \$102.9 million that will support growth and community needs in the Shire.

**RECOMMENDATION:**

**That Council places the 2008/2011 Draft Management Plan, the 2008/2009 Draft Budget, Draft Revenue Policy and Draft Fees and Charges on exhibition for public comment from Saturday 26 April 2008 to Monday 26 May 2008.**

**REPORT:****What is the Management Plan?**

Council's Management Plan is the strategic mechanism within which planning, policy making and management takes place.

The Management Plan is Council's major business planning document.

**Management Plan - 2008/2011**

The Management Plan provides a three-year program aimed at effectively meeting the expected needs of the community. The Plan states Council's vision, mission, projects and initiatives that Council proposes to undertake during 2008/2009 and priorities for 2009/2010 and 2010/2011.

Each project or initiative has attached to it performance management measures and target dates, which will be used to determine how Council is performing during 2008/2009.

A status report is provided to Council within 8 weeks after the end of each quarter as to the extent to which the performance targets set by the Council's current Management plan have been achieved during that quarter.

**Community Consultation**

The next stage of the Management Plan process involves seeking feedback from the community, as to their views on the Draft Plan. To facilitate this process the draft management plan and supporting documents will be placed on public display on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au), Tweed Heads and Murwillumbah Civic Centres and libraries at Tweed Heads, Murwillumbah and Kingscliff.

Furthermore, Council will be distributing to all Chamber of Commerce, Ratepayers or Residents Associations in the Shire, copies of the Draft Management Plan and Associated Documents inviting those associations or groups to make a submission to Council on the contents of the documents.

Furthermore, ratepayers will be encouraged to express their views on the Plan to Council, as well as to liaise with Council Officers seeking clarification of issues associated with the various projects and initiatives.

Submissions received will be considered by Council at its Meeting of Tuesday 3 June 2008, with the view to finalising and adopting the 2008/2011 Draft Management Plan, 2008/2009 Draft Budget, Draft Revenue Policy and Draft Fees and Charges.



## Legal Requirements

Section 402 of the Local Government Act 1993, provides that during each year a Council must prepare a draft Management plan with respect to:

- Council's activities for at least the next three years; and
- The Council Revenue Policy for the next year.

The Act further provides that the draft Management Plan must contain the following statements with respect to the Council's activities for the period to which it relates: -

- A statement of the principal activities that the Council proposes to conduct;
- A statement of the objectives and performance targets for each of its principal activities;
- A statement by which the Council proposes to achieve these targets
- A statement of the manner in which the Council proposes to assess its performance in respect to each of its principal activities; and
- Statements with respect to such other matters as may be prescribed by the regulations.

The act requires the statement of principal activities to include the following particulars: -

- Capital works projects to be undertaken;
- Services to be provided;
- Asset replacement programs to be implemented;
- Sales of assets;
- Activities of a business or commercial nature;
- Human Resource activities (such as training programs);
- Activities to properly manage, develop, protect, enhance and conserve the environment in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- Activities in response to and to address priorities identified in, the Council's current comprehensive report as to the state of the environment and any other relevant reports;
- Programs to be undertaken by the Council to implement its equal employment opportunity plan; and
- Details of access and equity strategies identified in the Social Plan and other plans that are integral to social justice and which enhance community wellbeing.

Section 405 of the Local Government Act 1993 requires Council to give public notice of its draft Management Plan and place on exhibition for not less than twenty-eight (28) days.

Council, in accordance with Section 406 of the Local Government Act 1993 must, prior to 30 June 2008, adopt the Management Plan for 2008/2011.

## Council's Vision, Mission and Values Statement

The Draft Management Plan contains revised Vision, Mission and Values Statements. These were prepared through an extensive consultation process with Council's Executive and Corporate Management Teams, a random selection of other Officers and

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as a part of a Corporate Relations Strategy, which will be the subject of a future report.

### **Budget Overview**

The intention of the Local Government Act is that financial planning is an integral part of the Management Plan and Council must show how it proposes to fund the activities it plans to undertake.

The draft Management Plan includes details of sources, amounts and the basis of calculation of proposed revenue to be raised in the next year (s.404). These details are supported by a detailed estimate of Council's income and expenditure (s.404(1)). A general estimate of income and expenditure for the second and subsequent years covered by the Management Plan has also been prepared (s.404(4)).

### **Council's Financial Plan (2008/2009) – Budget**

The Minister for Local Government, under Section 508A of the Local Government Act 1993, determined in 2007 that the percentage by which Tweed Shire Council may increase its general income for 2008/2009 is 9.5% above that for 2007/2008, which includes year three of Council's 7 Year Infrastructure and Services Plan.

The budget as presented in the General Fund is balanced. If any surplus funds become available from operations during the year, they will be applied to increase the level of accumulated funds or to offset increased expenditure in other operations.

### **7 Year Infrastructure and Services Plan**

The 2008/2011 Draft Management Plan and Draft 2008/2009 Budget incorporates projects due to be delivered in Year 3 of the 7 Year Infrastructure and Services Plan. The Plan commenced in 2006/2007 and the Minister for Local Government on 15 August 2007 gave approval for a special variation to general income under Section 508A of the Local Government Act 1993 for years 2008/2009 to 2012/2013 for a structured increase above the Ministerial allowable increase in General Income.

2008/09	9.50%
2009/10	9.50%
2010/11	8.50%
2011/12	7.50%
2012/13	7.50%

### **The Budget Summary**

The budget provides information on the types of services that Council proposes to provide during the 2008/2009 financial year and at what level.

As a financial plan, the budget outlines how much the Council services will cost and how they will be funded. The budget includes appropriations from operational funds for capital projects and the cost impact of the maintenance of these projects is reflected in the document.

## Budget Format

Program Budgeting provides both a financial and management analysis of the individual programs and services offered by Council and in conjunction with the various program objectives and performance measures allow an ongoing review of services related back to the individual program objective. Extensive use of activity based costing is used to support this process.

The Financial Strategies segment of the strategic component of the Management Plan outlines the key financial strategies, which have been incorporated into the development of the budget. Such strategies include: -

- To maintain a Balanced Budget;
- To maximise income from all sources, subject to the stated policies of Council;
- To provide works and services at levels commensurate with budget allocation;
- To restrain expenditure, wherever possible;
- To achieve economy of operation; and
- To optimise the return on funds and investments.

## Revenue Policy

1. The Local Government Act insists upon greater reliance on user charges and less reliance on rates.
2. Council's Revenue Policy aims to balance these considerations with its community service obligations.

The Revenue Policy for a charge or fee identifies: -

- Cost relating to a particular service or function of local government;
- Any revenue which may be earmarked for that service or function; and
- Options for recovering the cost of a service or function.

Council exists to provide services for the benefit of the local community; therefore it should operate in an efficient manner. The provision of services must take account of a number of major characteristics of local government including: -

- A large part of its revenue comes from ratepayers who understandably expect a certain level and quality of service for payment of rates;
- Local Government policies, budget and pricing;
- Local Government receives grants from other tiers of government which often prescribes policies and pricing practices;
- Commonwealth and State Legislation are prescriptive in certain areas in relation to the powers of local government; and
- A responsibility of allocating revenues in the most efficient and effective manner.

## Variation to General Income for 2008/2009

Proposed 2008/2009 Rate Structure (Minimum Rates)

	2008/09 \$	2007/08 \$
<b>Ordinary Rate:-</b>		
Residential	682.30	623.11
Business	729.16	665.90
Farmland	682.30	623.11
Sewerage Charge	509.00	492.00
Water Access Charge	98.00	95.00
Domestic Waste Garbage Charges	186.30	175.50
Landfill Management Charge	23.00	21.00
<b>Minimum Rate</b>	<b>1498.60</b>	<b>1406.61</b>
<b>Pensioner Rebate</b>	<b>425.00</b>	<b>425.00</b>
<b>Net Pensioner Minimum Rate</b>	<b>1073.60</b>	<b>981.60</b>

## Fees and Charges

What services can be charged for?

The following questions are addressed when considering the level of fees and charges covered in the Revenue Policy: -

- Which groups (persons or entities) will benefit from the service?
- Can this target group be charged for the service?
- Should this target group be charged for the service?
- How will the target group be charged?
- Will the target group pay, or will other groups be forced to subsidise the provision of the service?

A complete list of the Draft Fees and Charges for 2008/2009 are an attachment to this report and are recommended for placement on public exhibition.

## New Fees and Charges for 2008/2009

### 1. Annual Licence Fee for pontoons in Council Drainage Reserves (Canals)

Council at its meeting of 11 March 2008, resolved to:

*Include the Annual fee of \$200 for approved pontoons in Council Drainage Reserves (Canals) in the Draft 2008/2009 Fees and Charges.*

The revenue from this proposed fee is anticipated to be used for the purpose of managing canal, riverbank, foreshore works and structures.

The proposed charge will apply to pontoons in the following Council drainage reserves-

- Crystal Waters;
- Endless Summer;
- West Tweed;
- Seagulls Estate North and South; and
- Oxley Cove.

The proposed charge will not apply to the Anchorage Island Estate in Tweed Heads, as the sub-tidal land is currently under the management of Lend Lease; nor will it apply to Pottsville Waters or Bogangar as pontoons are not permitted in those drainage reserves.

## 2. Land Cost Indexation

In accordance with clause 31(2) of the Environmental Planning and Assessment Regulation 2000, 2008/2009 will see the introduction of a Tweed Shire Council Land Cost Index. The Index is calculated by taking all the land sales data for the Shire in a given year and then calculating the median price and comparing the percentage movement from one year to the next. The Land Index will be published annually in the Revenue Policy.

Section 94 plans may contain provisions for annual indexation of contribution rates to be used in conditions of consent. When consent is issued, the contribution amounts contained in the conditions are usually fixed until the next 30 June. It is proposed to amend contribution plans so that on each 1 July the amount payable may be adjusted by the change in the Tweed Shire Council Land Cost index that occurred over the 12 months preceding.

Indices for the years from 2002/2003 to 2006/2007 are as follows

### **Tweed Shire Council Land Cost Index**

Index Date 30 June	Financial Year	Median Sale Price	Index	% Change
2003	2002/2003	205,000	100.00	
2004	2003/2004	280,000	136.59	36.59%
2005	2004/2005	302,000	147.32	7.86%
2006	2005/2006	336,000	163.90	11.26%
2007	2006/2007	368,000	179.51	9.52%

This information may be used to periodically adjust specific land valuations in Council's contributions documents pending formal revaluation.

## 3. Food Inspection

The Food Act 2003 and Food Regulation 2004 have been amended to enable Council to deliver a range of services to the retail food industry. The services that Council proposes include:

- regular inspections;
- technical advice;
- advice on building and renovation requirements;
- complaint investigation;

- food safety information; and
- food handler hygiene education & training.

To fund the delivery of these services, Council proposes to implement a new scale of fees and charges. The new scale has been developed by considering the NSW Food Authority recommended maximum for inspection and administration and Council's anticipated costs to deliver the services.

The fees and charges include:

- \$330.00 – for issuing an improvement notice (including one inspection);
- \$58.00 for a food premises fit-out plan processing fee;
- \$105.00 for general premises (takeaway shops, cafes, bakeries) inspection fee;
- \$180.00 for large premises (hotels, clubs, supermarkets, factories) inspection fee for the first hour and then
  - \$30.00 for every 15 minute interval after first hour;
- \$250.00 – Annual Administration Charge – small food business (1-5 food handlers);
- \$500.00 - Annual Administration Charge – medium food business (6-50 food handlers);
- \$2,000.00 - Annual Administration Charge – large food business (51+ food handlers).

## **Conclusion**

In preparing the Budget, every effort has been made to address the objectives and strategies of the Draft Management Plan and is presented after much review by Council's senior officers.

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

In accordance with Section 402 of the Local Government Act 1993 preparation of the Draft Management Plan.

A balance budget of \$204,747,385 with a Capital Works Program of \$102.9 million.

## **POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

1. Draft 2008/2011 Management Plan (DW1802395)
  2. Draft 2008/2009 Budget (DW1802398)
  3. Draft 2008/2009 Fees and Charges (DW1802536)
  4. Draft Revenue Policy and Statement (DW1802396)
  5. Letter from Department of Local Government regarding approval of increase in general income for 2008/2009 (DW1653653).
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**O10 [EO-OC] Naming of Public Road, Thomson Street, Tweed Heads**

**ORIGIN:**

**Design**

**FILE NO: GS5/1 Pt 5**

**SUMMARY OF REPORT:**

Council at its meeting of 22 January 2008, resolved to publicise its intention to name the road reserve which runs from the intersection of Charles and Florence Street to Bay Street, Tweed Heads, as "*Thomson Street*" and allowed one month for objections to the proposal.

No objections were received to this proposal.

**RECOMMENDATION:**

**That:-**

- 1. Council adopts the name of "Thomson Street", being the road reserve from the intersection of Charles and Florence Street to Bay Street, Tweed Heads; and**
- 2. The naming of the public road be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.**

**REPORT:**

As per Summary of Report.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O11 [EO-OC] Naming of a Council Public Road****ORIGIN:****Design****FILE NO: GS5/1 Pt5****SUMMARY OF REPORT:**

The road reserve, which runs off Tunnel Road, Stokers Siding, approximately 1km south east of Stokers Road, services at least five (5) properties and is currently unnamed.

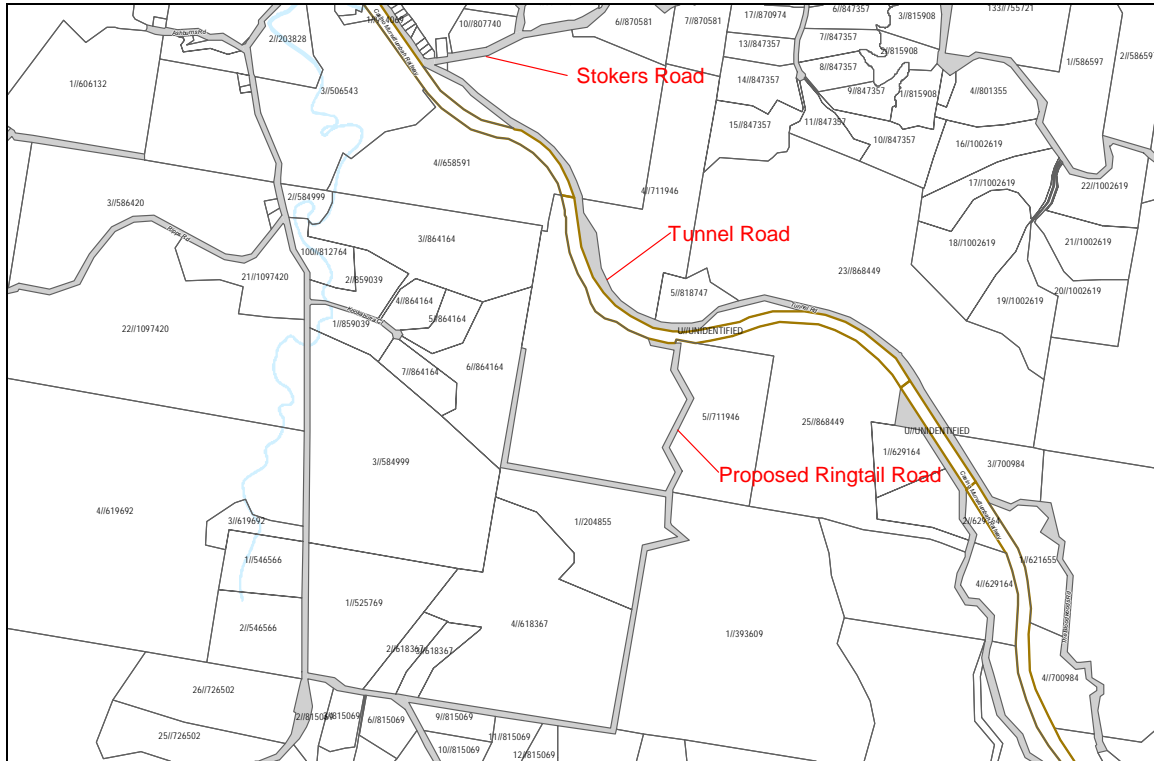
The owners of these properties have requested that this road be named for the purpose of Council supplying rural street addresses. They have submitted as a group the name "**Ringtail Road**" signifying the types of possums located within the immediate vicinity.

**RECOMMENDATION:****That:-**

- 1. Council publicises its intention to name the road reserve which runs off Tunnel Road, Stokers Siding, approximately 1km south east of Stokers Road as "Ringtail Road" allowing one month for objections to the proposal;**
- 2. Council notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994.**

**REPORT:**

As per Summary of Report.



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

Nil.

**012 [EO-OC] Extinguishment of Easement to Drain Water 3 wide - Lot 30 Section 10 DP 30043 - 25 Hastings Road, Bogangar**

**ORIGIN:**

**Design**

**SUMMARY OF REPORT:**

Council has received a request for the extinguishment of an Easement to Drain Water 3 metres wide within Lot 30 Section 10 DP 30043 at Hastings Road Bogangar benefiting Council.

The easement was created by the registration of a transfer granting easement in June 1982.

Drainage infrastructure for Hastings Street is in place and there is no requirement for further construction of drainage infrastructure in the area. There are no stormwater drainage pipes within the easement and an assessment of stormwater runoff indicates that the easement is not required.

There is no apparent reason to retain the easement within the affected parcel and it is recommended that Council approve the extinguishment of the easement within Lot 30.

**RECOMMENDATION:**

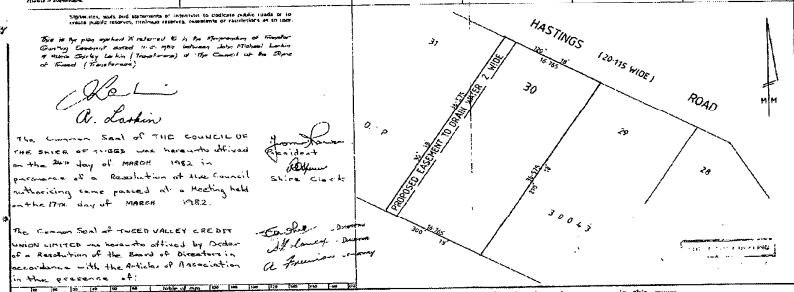
**That:-**

- 1. Council approves the extinguishment of the Easement to Drain Water within Lot 30 Section 10 DP 30043 where all costs relating to the extinguishment are to be borne by the landowner; and**
- 2. All necessary documentation be executed under the Common Seal of Council.**

**REPORT:**

As per Summary of Report. A copy of DP 116755, showing the location of the easement within Lot 30 is shown below:-

PLAN FORM 1 WARNING: CRASHING OR FOLDING WILL LEAD TO REJECTION DP 116755 A OFFICE USE ONLY

<p><b>Current Owner's Details</b></p> <p><b>Surveyor's Certificate</b></p> <p><b>PLAN OF PROPOSED EASEMENT TO DRAIN WATER 2 WIDE THROUGH LOT 30 D.P. 30643</b></p> <p>Shire/Town: TWEED          Parish: LUDGREN          Reduction Ratio: 300</p> <p>Reference: 27-8-1982          C.A.I.:          Title System: TORRAN'S          Purpose: EASEMENT          Ref. Map:          Last Plan:</p>	 <p style="font-size: x-small;">This drawing only to appear in this space</p>
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**AMENDMENTS AND/OR ADDITIONS MADE ON PLAN IN THE LAND TITLES OFFICE**

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day: 23rd June, 1987

Date: 20/06/2007 10:00:00 AM / Plan: 23-June-1987 10:00:00 AM / File: 00-0000-0007 00 05 / Plan: ALL / Page: 1 of 1  
 Date: 20/06/2007 10:00:00 AM / Plan: 23-June-1987 10:00:00 AM / File: 00-0000-0007 00 05 / Plan: ALL / Page: 1 of 1

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

Nil.

**013 [EO-OC] Release of Restriction as to User - Lot 390 in DP 1072875 -  
Flame Tree Park Estate, Tweed Heads**

**ORIGIN:**

**Design**

**FILE NO: GS4/95/5 Pt30**

**SUMMARY OF REPORT:**

Stage 9C of the Flame Tree Park Estate on Fraser Drive, Tweed Heads created Lot 390 in DP 1072875, having an area of 9913 m<sup>2</sup>. The subdivision plan for Stage 9D, comprising the subdivision of Lot 390 has now been lodged with Council.

Consent conditions 8 and 25 in the original development consent required the creation of a Restriction on Use over part of Lot 390 to restrict the construction of dwellings on steep slopes within Lot 390.

The developer, Metricon, have requested that the existing Restriction on Use be released and be replaced with an alternative restriction in Stage 9D.

**RECOMMENDATION:**

**That:-**

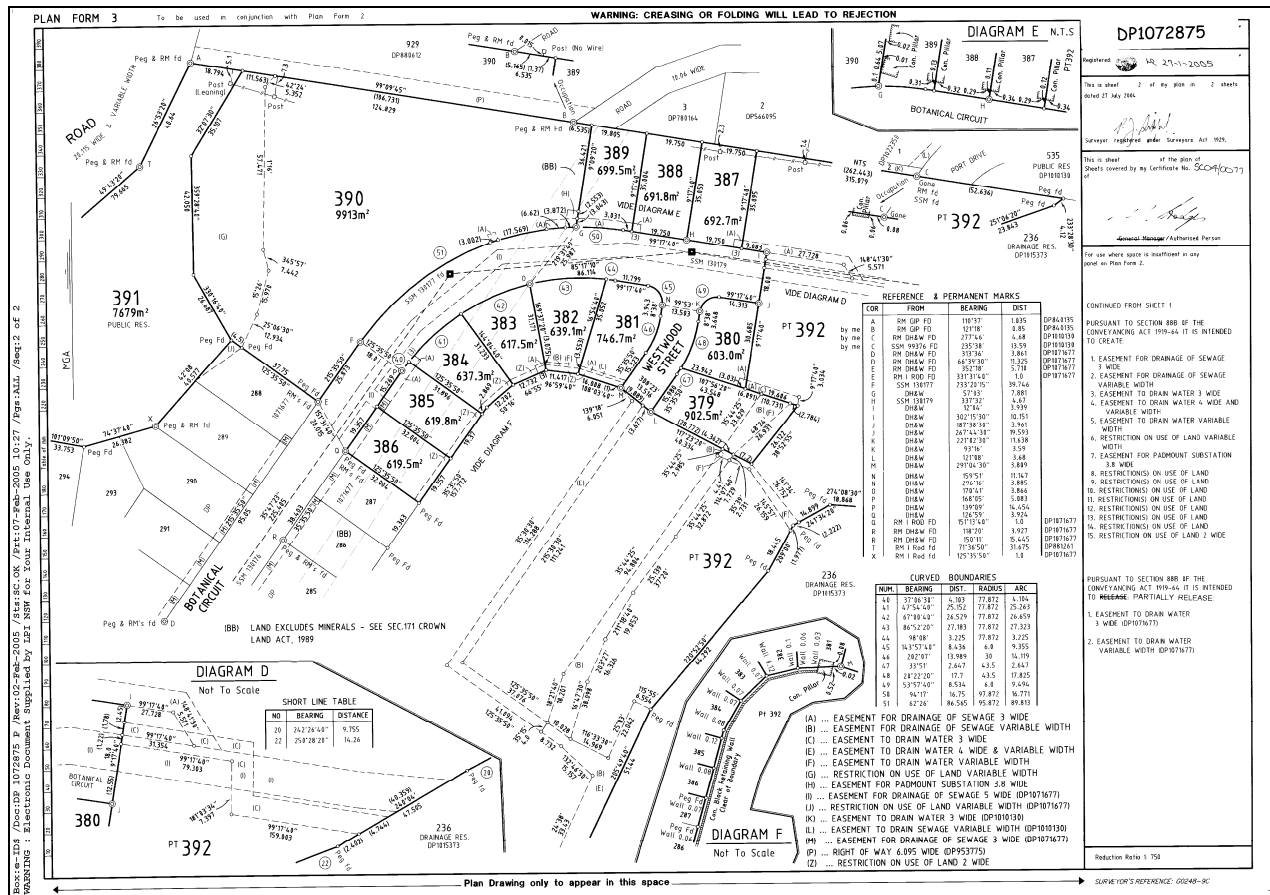
- 1. Council approves the release of Restriction on Use burdening Lot 390 sixthly referred to in DP 1072875 to be replaced by an alternative Restriction approved by Council; and**
- 2. All documentation be executed under the Common Seal of Council.**

**REPORT:**

Stage 9C of the Flame Tree Park Estate on Fraser Drive, Tweed Heads created Lot 390 in DP 1072875, having an area of 9913 m<sup>2</sup>. The subdivision plan for Stage 9D, comprising the subdivision of Lot 390 has now been lodged with Council.

Consent conditions 8 and 25 in the original development consent required the creation of a Restriction on Use over part of Lot 390, shown as the area marked (G) in the plan below, to restrict the construction of dwellings on steep slopes within Lot 390. A geotechnical report had been prepared by Golder Associates where it is stated that:

*“..where the ground surface slopes down at angles of or exceeding 25°, there is some potential for surface creep to occur in the upper level of residual soils.....It is therefore recommended that all building and other surface loads be excluded from a 5m wide exclusion zone, extending from the crest of the steep slope towards the less steep portion of the site.”*



The Restriction on Use created in response to the above recommendation stated that “no construction excavation or building (other than fencing) is permitted on or within the area designated G on any lot burdened”.



The solicitor for Metricon, has requested Council to review the Restriction on Use in light of a closer scrutiny of the geotechnical report where it states, immediately after the above passage that:

*“Footings could, however be installed within this zone provided they bear below a plane drawn parallel to the steep slope, and set 2 metres below it.”*

Metricon sought the opinion of Golder and Associates in relation to the Restriction on Use and Golder reiterated the above statement and went on further to state, in a Technical Memorandum dated August 2006, as follows:

*“Though it was not highlighted in our report, it is common sense that any structure founded in the creep zone should be designed to remain safe, even if soil outside of the structure moves downslope away from it.”*

In light of the above advice, Metricon is seeking the release of the existing Restriction to be replaced by the following:

*“No construction, excavation or building is permitted on or within the area designated G unless such construction strictly complies with geotechnical investigation of Golder Associates dated October 2003 and the subsequent technical memorandum of Golder Associates dated 15 August, 2006 registered with the Registrar General as a Memorandum”*

Council engineers have no objection to the new Restriction on Use, and it is recommended that Council, having the authority to release, vary or modify the Restriction, approve the release of the existing Restriction and the approval for the replacement Restriction, and resolve to execute all necessary documentation under common seal.

To ensure that the geotechnical report and technical memorandum are available to any prospective purchaser of any lot created from Lot 390 affected by the Restriction, it is recommended that both the report and technical memorandum be registered as a Memorandum and that the registration number be referred to in the proposed Restriction.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

Nil.

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**O14 [EO-OC] Encroachment of Awning over Council Land - Lot 1 in DP 1002122 - Coronation Avenue, Pottsville**

**ORIGIN:**

**Design**

**FILE NO: DA1360/20**

**SUMMARY OF REPORT:**

A mixed commercial/residential development on Lot 2 in DP 1002122 at Coronation Avenue in Pottsville provided, at consent condition 35 (ii), that any awning hanging over the adjacent land would require a nominal lease for the airspace.

The owner of the development has now prepared a strata plan for Lot 2, and intends to create an easement for the awning that hangs from a wall on the common boundary between Lots 1 and 2.

As Council is the owner of Lot 1, it is necessary for Council to sign the plan and section 88B instrument as landowner to enable the plan to be registered.

To comply with consent condition 35(ii) a lease for the airspace is to be entered into between the parties for the awning.

**RECOMMENDATION:**

**That:-**

- 1. Council approves the creation of Easement for Overhang Variable Width within Lot 1 in DP 1002122;**
- 2. Council approves entering into a lease for the awning encroachment onto Lot 1 in DP 1002122 for that area of the Easement for Overhang Variable Width to be created over Lot 1 in DP 1002122;**
- 3. All documentation be executed under the Common Seal of Council.**



**O15 [EO-OC] Tugun Bypass - Release of Unnecessary Easements within Lots 1, 3, 5 and 6 in DP 226067****ORIGIN:****Design****SUMMARY OF REPORT:**

Queensland's Department of Main Roads is currently undertaking survey works for the completion of the Tugun Bypass. Surveyors have identified two easements within land that has been acquired for the Bypass, an Easement for Water Supply 2 metres wide burdening Lots 1 and 3 in DP 226067 and an Easement for Services 3 metres wide burdening Lots 5 and 6 in DP 226067, both easements benefit Council.

No pipes were physically located within either easement and as the land forms part of the constructed Bypass, Council will not be able to utilise the easements for the supply of water or other services.

Main Roads have sought Council's approval and consent for the cancellation of these Easements as they are within land that is to be dedicated as motorway.


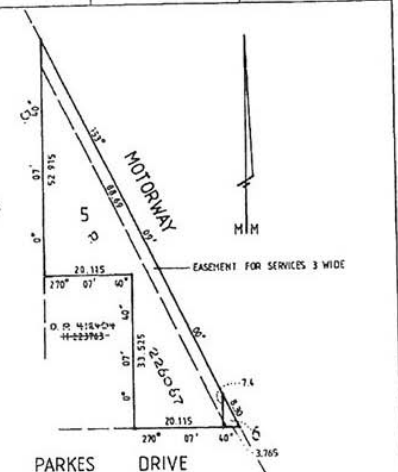
**RECOMMENDATION:****That:-**

- 1. Council approves the cancellation of Easement for Water Supply 2 wide within Lots 1 and 3 in DP 226067;**
- 2. Council approves the cancellation of Easement for Services 3 wide within Lots 5 and 6 in DP 226067; and**
- 3. All necessary documentation be executed under the Common Seal of Council.**



WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION


OFFICE USE ONLY

<p><b>PLAN FORM 1</b></p> <p><b>Council Clerk's Certificate</b></p> <p>I hereby certify that -</p> <p>(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and</p> <p>(b) the requirements of section 34B of the Torrens Title, Conveyancing and Charge Act, 1924, as amended (Torrens Title, Conveyancing and Charge Act, 1924, as amended) have been complied with by the applicant in relation to the proposed EASEMENT.</p> <p>Subordinate No. 13/87</p> <p>Date 27-2-01</p> <p>(Signature) <i>[Signature]</i> Council Clerk</p> <p><small>(This part of certificate is to be deleted where the application is only for a consolidation or for the opening of a new road or where the land to be subdivided is wholly outside the areas of operation of the Metropolitan Water Coverages and Charge Board and the Hunter District Water Board.)</small></p>	<p><b>Surveyor's Certificate</b></p> <p>I, GEDFREY, NORMAN LANCE of TWEED SHIRE COUNCIL a surveyor registered under the Surveyors Act, 1924, as amended, hereby certify that the survey represented in this plan is a correct and true survey of the land described in the Schedule, and was completed on 7 FEBRUARY 1987</p> <p>(Signature) <i>[Signature]</i></p> <p>Surveyor registered under Surveyors Act, 1924, as amended</p> <p><small>(Date not other than 11 or 23. First date of survey)</small></p>	<p><b>PLAN OF EASEMENT FOR SERVICES 3 WIDE WITHIN LOTS 5 AND 6 DP. 226067</b></p> <p>Area/Shire: TWEED      Locality: TWEED HEADS WEST</p> <p>Parish: TERRANORA      County: ROUS</p> <p>Reduction Ratio 1:600      Lengths are in metres</p> <p>Registered: 21 21:12 1987</p> <p>CA. No 13/87 OF 27-2-1987</p> <p>Title System: TORRENS</p> <p>Purpose: EASEMENT</p> <p>Ref. Map: X4515-31</p> <p>Last Plan: D.P. 226067</p>
<p>Signatures, seals and statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to use:</p> <p>PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919-1964 IT IS INTENDED TO CREATE:-</p> <p>1. EASEMENT FOR SERVICES 3 WIDE.</p> 		 <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Plan Drawing only to appear in this space</p>

GW3/2/10 PART 1 M.P.L. SURVEYOR'S REFERENCE 872A 4-10187 TERRANORA LAKES COUNTRY CLUB

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day.

23rd December, 1987



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

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**O16 [EO-OC] Murwillumbah Airfield - Lease of Hangars 3 and 10 to Linmil Pty Ltd****ORIGIN:****Design****SUMMARY OF REPORT:**

Council entered into a Lease with Linmil Pty Ltd for hangars 3 and 10 with a term of five years, and an option for five years. The first term expired on 31 January 2008. Linmil duly exercised the option for a further five years on 20 September 2007. Linmil have subsequently sought to exercise the option and have requested that Council grant an additional five years to follow the second option period.

Essentially Linmil is seeking a tenure of ten years in total and as the existing lease will expire on 31 January 2013, it is necessary for Council to consider entering into a new lease for two terms of five years from 1 February 2008.

The Lessee has operated from the airfield since 2000 and it is recommended that a new lease for two terms of five years be approved by Council.

**RECOMMENDATION:****That:-**

- 1. Council approve entering into a lease of five years with an option for a further five years for Hangars 3 and 10 to Linmil Pty Ltd at the Bob Whittle Murwillumbah Airfield; and**
- 2. All documentation be executed under the Common Seal of Council.**

**REPORT:**

As per Summary of Report.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**017 [EO-OC] Transfer Granting Easement for Drainage of Sewage 3 wide - Lot 5 in DP 564752 - 10 Coronation Avenue, Pottsville**

**ORIGIN:**

**Design**

**FILE NO: DA05/0282**

**SUMMARY OF REPORT:**

Development consent for the demolition and erection of a mixed use development at Pottsville provided at condition 112 that a 3 metre wide easement benefiting Council be created over the existing sewerage line at the rear of the property.

The applicant has now provided a Transfer Granting Easement document for approval and execution to enable the Easement to be created.

The documentation has been approved and it is now necessary to resolve to approve the creation of the Easement for Drainage of Sewage 3 wide and to execute all documentation under the Common Seal of Council.

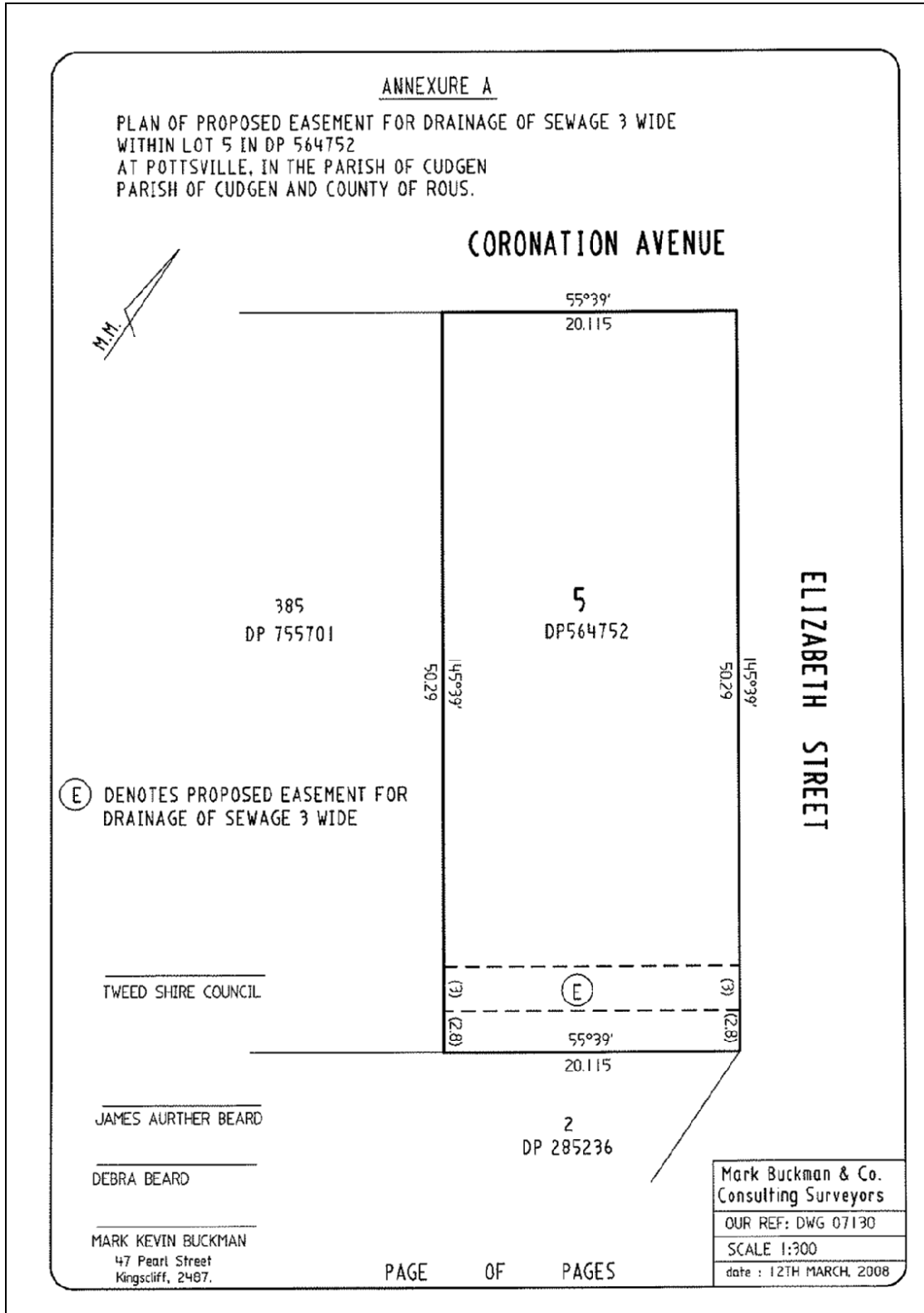
**RECOMMENDATION:**

**That:-**

- 1. Council approves the creation of Easement for the Drainage of Sewage 3 wide within Lot 5 in DP 564752 for the benefit of Council; and**
- 2. All documentation be executed under the Common Seal of Council.**

**REPORT:**

As per Summary of Report, the plan below shows the proposed Easement:-



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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**O18 [EO-OC] RTA Timber Bridge Partnership**

**ORIGIN:**

**Director Engineering & Operations**

**SUMMARY OF REPORT:**

Reporting on details of the Roads & Traffic Authority of NSW (RTA) Timber Bridges Partnership program.

Confirming the list of bridges in Tweed Shire to be replaced under the program.

**RECOMMENDATION:**

**That the Roads & Traffic Authority Timber Bridges Partnership be received and noted.**

**REPORT:**

The RTA have implemented a program known as the Timber Bridges Partnership for the replacement of timber bridges on Regional Roads. Under the program, bridge replacement estimated costs are shared between the RTA and Council on a 50:50 basis.

Council's application for funding under the program has been very successful with 3 bridges selected for funding –

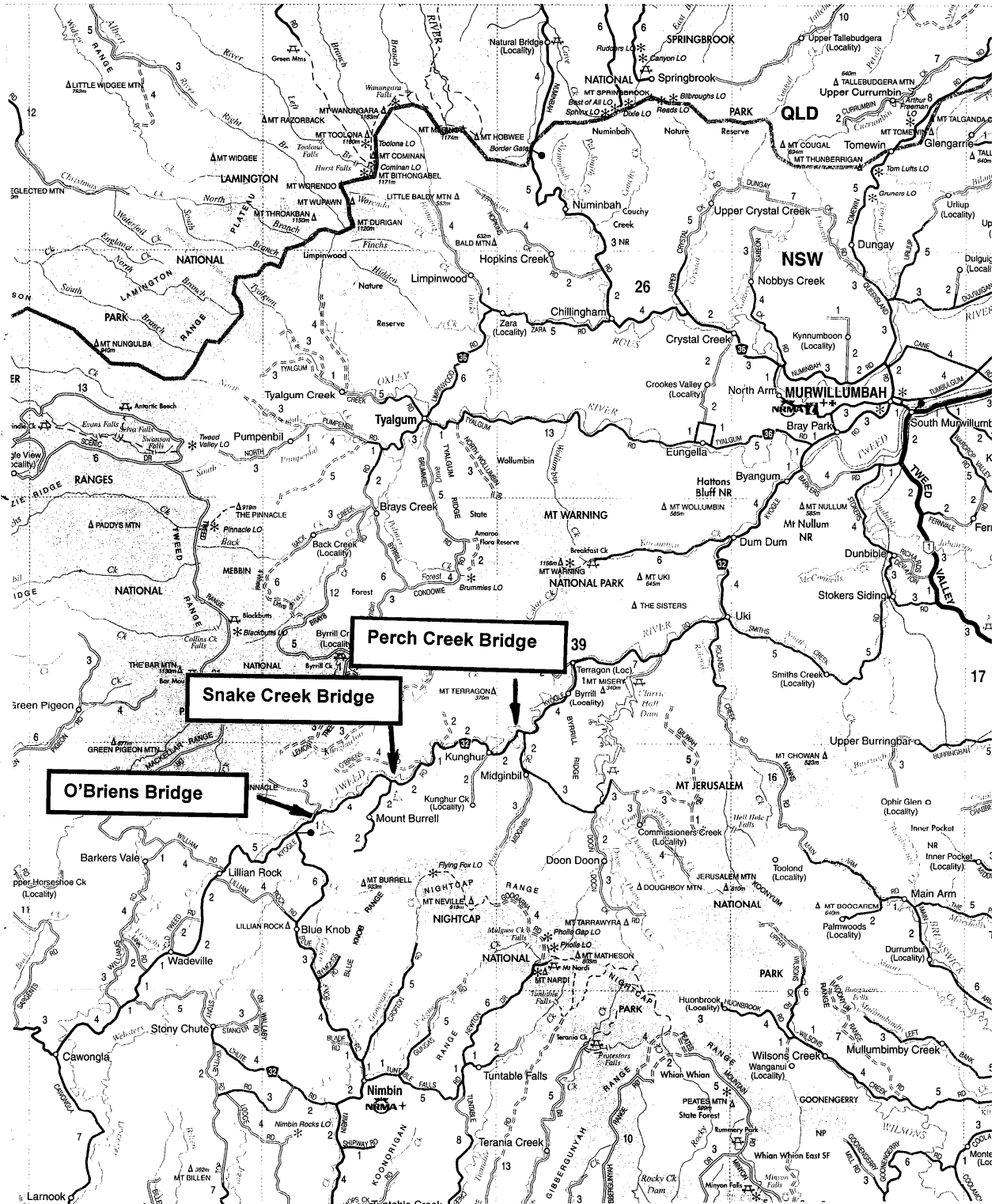
<b>Bridge</b>	<b>Road</b>	<b>Locality</b>	<b>Grant</b>	<b>Year</b>	<b>Comments</b>
Perch Creek	Kyogle Road	Kunghur	\$190,000	2006/07 & 2007/08	Construction commenced March 2008
O'Briens No.1	Kyogle Road	Mount Burrell	\$325,000	2007/08 & 2008/09	Design in progress
Snake Creek	Kyogle Road	Mount Burrell	\$220,000	2008/09	

The location of the bridges is indicated on the plan shown below.

Note that Byangum Bridge on Kyogle Road, constructed in 2004, was retrospectively funded in 2006/07.

Schedules of Works for each bridge authorising the RTA grant funding will be progressively received and will require formal acceptance by Council.





**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Provision for Council's contribution to the bridge replacements has been included in the 2007/08 and 2008/09 Budgets.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O19 [EO-OC] TRCP and S149 Certificates****ORIGIN:****Planning & Infrastructure****SUMMARY OF REPORT:**

Council has adopted the Section 94 Tweed Roads Contribution Plan No. 4 (TRCP) which identifies future road works, roads to be upgraded and the formation of as yet unformed roads.

It is recommended that properties affected by the proposed road corridors under the TRCP have their 149 Certificates notated with the following:

1. *"The subject land is identified as being subject to future road corridor as identified in Tweed Road Contribution Plan no. 4 (as referred to in Section 26 of the EP&A Act 1979)."*

Or

2. *"The subject land is identified as being subject to future road widening as identified in Tweed Road Contribution Plan no. 4 (as referred to in Section 26 of the EP&A Act 1979)."*

**RECOMMENDATION:**

**That a notation be included on Section 149 Certificates of properties as affected by the proposed road corridors under the TRCP have their 149 Certificates notated with the following:-**

1. ***"The subject land is identified as being subject to future road corridor as identified in Tweed Road Contribution Plan no. 4 (as referred to in Section 26 of the EP&A Act 1979)."***

Or

2. ***"The subject land is identified as being subject to future road widening as identified in Tweed Road Contribution Plan no. 4 (as referred to in Section 26 of the EP&A Act 1979)."***

**REPORT:**

Council has adopted the Section 94 Tweed Roads Contribution Plan No. 4 (TRCP) which identifies future road works, roads to be upgraded and the formation of as yet unformed roads.

Whilst the majority of the roadworks will not directly affect private properties as the roadworks will be contained within the existing road reserve, in some instances there are new roads proposed or the existing road for purposes of widening would need to include sections of the adjacent private property.

Under s149 (5) of the Environmental Planning and Assessment Act 1979:-

- (5) A council may, in a planning certificate, include advice on such other relevant matters affecting the land of which it may be aware.

The extent of the impacts on private properties may not be known until a detailed design is undertaken or when land is developed for subdivision, it may be prudent to identify that the property may be subject to future road corridor or road widening.

It is recommended that properties affected by the proposed road corridors under the TRCP have their 149 Certificates notated with the following:-

- 1) *"The subject land is identified as being subject to future road corridor as identified in Tweed Road Contribution Plan no. 4 (as referred to in Section 26 of the EP&A Act 1979)."*

Or

*"The subject land is identified as being subject to future road widening as identified in Tweed Road Contribution Plan no. 4 (as referred to in Section 26 of the EP&A Act 1979)."*

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

Nil.

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**O20 [EO-OC] Tweed Heads Parking Study - Review of Two Hour Limited Parking Around the Tweed Heads District Hospital**

**ORIGIN:**

**Planning & Infrastructure**

**SUMMARY OF REPORT:**

At its meeting of 10 August 2007 Council resolved (in part) to install two hour limited parking signs within the residential streets surrounding the Tweed Heads District Hospital after considering the results of a parking study conducted for the area. This resolution was supported by the Local Traffic Committee.

Condition 6 of Council's resolution stated:-

*"6. A review of the effectiveness of these parking restriction be undertaken within three months to assess whether further (or possibly less) time limited parking is warranted in the vicinity of the hospital."*

On the 12 September 2007, two hour parking signs were installed in the residential streets immediately surrounding the Tweed Heads District Hospital.

Carparking availability within the streets surrounding the hospital was surveyed on the 15, 22 and 25 March 2008. The survey found that some spare capacity now exists within these streets. A slight increase in parking has occurred within neighbouring streets where the 2 hour limited parking was not imposed however there have been no complaints from residents.

**RECOMMENDATION:**

**That Council notes the time limited parking review conducted around the Tweed Heads Hospital.**

**REPORT:**

At its meeting of 10 August 2007 Council resolved:-

*“That:*

1. *The Local Traffic Committee be requested to consider the installation of two hour limited parking signs from 9:00am to 5:00pm Monday to Friday, along the following streets:-*
  - a) *Solander Street – residential side only.*
  - b) *Brett Street east – (Keith Compton Drive to Powell Street) residential side only.*
  - c) *Powell Street between Florence and Solander – both sides.*
  - d) *Florence Street between Keith Compton and Powell – residential side only.*
2. *The Local Traffic Committee be requested to consider the installation of one hour time limited parking signs in the Tweed Heads Civic Centre Car Park covering 10 spaces from 9:00am to 5:00pm Monday to Friday.*
3. *The Tweed Heads Hospital administration be requested to:-*
  - *provide more on-site parking for staff and visitors which may require the construction of multi-level car parking.*
  - *improve the effectiveness of its private (staff) car parking operations within the two car park areas off Keith Compton Drive either by way of staggering work shifts or other administrative means.*
  - *encourage travel demand management such as car pooling, public transport usage or drop-off/pick-up arrangements amongst its staff.*
  - *provide better signage to the public car parking areas accessed from Florence Street.*
  - *provide more parking bays along Keith Compton Drive by constructing angled parking bays.*
4. *Council writes to the Department of Health and Tweed Heads Hospital advising any future hospital development that generates the need for additional car parking will not be supported unless such parking is provided on site.*
5. *Council enters into discussions with the Tweed Heads Bowls Club regarding installation of signage on the Powell Street Car Park entrance advising it is open to the public unless special events are being held.*
6. *A review of the effectiveness of these parking restriction be undertaken within three months to assess whether further (or possibly less) time limited parking is warranted in the vicinity of the hospital.”*

Council's resolutions were a result of Council's consideration of a parking study of the Tweed Heads business district. The study found that the streets surrounding the hospital had a very poor parking availability between 8.00AM and 4.00 PM.

On the 12 September 2007, two hour parking signs were installed in the residential streets adjacent to the hospital.

In accordance with condition 6 of Council's resolution, a parking survey was conducted for the streets immediately surrounding the hospital. The survey was conducted on Friday 15 February 2008, Friday 22 February 2008 and Monday 25 February 2008.

The results of the survey are shown in the attachment to this report and can be summarised as follows:-

- On street parking has dissipated slightly into adjoining residential streets, as was expected;
- The parking availability in adjoining residential streets is still at an acceptable level (maximum utilisation of 65% in Florence Street - West);
- There is some carparking improvement (up to 15% additional 'empty spaces') provided in the streets immediately surrounding the hospital. This figure is much lower than anticipated and it is assumed that hospital staff are still using these spaces and moving their cars within the two hour limit to new spaces.

In summary, the survey found that some spare capacity now exists within the streets surrounding the hospital. A slight increase in on street parking has occurred within the neighbouring streets where the 2 hour limited parking was not imposed. There have been no complaints from residents however. It is therefore considered that the existing parking arrangements around the Tweed Heads District Hospital be retained.

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

There are no foreseen legal, financial or resource implications.

#### **POLICY IMPLICATIONS:**

Nil.

#### **UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Tweed Heads Parking Review – February 2008. (DW 1784438).
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**O21 [EO-OC] Proposed Boardwalk Construction at Cudgen Creek - Funding****ORIGIN:****Planning & Infrastructure****SUMMARY OF REPORT:**

This report clarifies the allocation of funding towards the proposed construction of the Cudgen Creek boardwalk, which has been subject to a tender and establishes that funds are available within Council's 2007-2008 budget to complete this project.

**RECOMMENDATION:**

**That in relation to the proposed boardwalk to be constructed along Cudgen Creek, Council votes the funds for the following project from the following existing allocations:-**

<b>Department of Planning Grant for Cycleways</b>	<b>\$263,000</b>
<b>Tweed Coast Estuaries funds</b>	<b>\$105,950</b>
<b>Section 94 (Cycleways) funds</b>	<b>\$144,847</b>
<b>Footpath program 07/08</b>	<b>\$114,549</b>
<b>Minor Traffic Facilities Program 07/08</b>	<b>\$101,785</b>
<b>Hoarding/ground anchor fees 06/07</b>	<b>\$98,794</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>\$828,925</b>

**REPORT:**

This report clarifies the allocation of funding towards the construction of the Cudgen Creek Boardwalk, which has been subject to a tender. The boardwalk will be located along the northern bank of Cudgen Creek in Kingscliff. The estimated cost for the boardwalk construction is \$825,000.

The boardwalk will provide a missing link for the major coast cycleway, joining Marine Parade to the pedestrian bridge over Cudgen Creek which is currently being constructed. It is expected that a tender for the construction of the boardwalk will be considered by Council at a future meeting.

The following funding breakdown shows how the project can be financed:-

Program	Budget Allocated	Budget Already Expended	Budget Available
Department of Planning Grant for Coast Cycleway	\$263,000	Nil	\$263,000
Tweed Coast Estuaries Grant	\$105,950	Nil	\$105,950
Section 94 – Cycleways Funds	\$157,050	\$12,203	\$144,847
Footpath Program 07/08 (including carry over from 06/07)	\$187,677	\$73,128	\$114,549
Minor Traffic Facilities Program (including carry over from 06/07)	\$109,158	\$7,373	101,785
Hoarding/ground anchor fees from 06/07	\$98,794	Nil	\$98,794
<b>TOTAL</b>			<b>\$828,925</b>

The allocation of funds above will not impact on existing programs as discussed below:  
 Footpath Program 07/08 (including carry over from 06/07) – no impact as these funds were always reserved for this project.

Minor Traffic Facilities Program (including carry over from 06/07) - no impact as these funds were always reserved for this project.

Hoarding/ground anchor fees from 06/07 – no impacts as these funds are general revenue for allocation as Council requires.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Financial implications are as stated within this report.

No resource implications are foreseen.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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**O22 [EO-OC] Pandanus Parade, Bogangar Upgrading - Funding**

**ORIGIN:**

**Planning & Infrastructure**

**SUMMARY OF REPORT:**

This report proposes the allocation of funding towards three urban upgrading projects located at Pandanus Parade, Bogangar as follows:-

- Temporary landscaping works within Council's Lot 5 DP 29748;
- Preliminary (preconstruction) work for the construction of a basement carpark within Council's Lots 4 and 5 DP 29748 and Lot 1 DP1083851 Pandanus Parade; and
- Design and construction of the pedestrianisation of the end of Pandanus Parade.

The report recommends that funds for the implementation of the above projects be obtained from the Land Development Fund.

**RECOMMENDATION:**

**That Council approves the allocation of \$165,000 from the Land Development Fund towards the following three projects:-**

- **Temporary landscaping works within Lot 5 DP 29748 Pandanus Parade - \$60,000;**
- **Design and construction of the pedestrianisation of the end of Pandanus Parade - \$95,000; and**
- **Preliminary (preconstruction) work for the construction of a basement carpark within Lot 5 DP 29748 Pandanus Parade - \$10,000.**

**REPORT:**

This report recommends the allocation of funding towards three urban upgrading projects located at Pandanus Parade, Bogangar.

The Bogangar / Cabarita Beach Locality Plan was adopted by Council on 13 November 2007. The purpose of the plan is to:

- Identify a vision for Bogangar/Cabarita Beach and identify how the area will grow and develop in the future.
- Adopt a planning framework that includes development design guidelines for the village, which will reinforce the seaside village character of the area and improve the public amenity of the village.
- Establish a central meeting place/area of open space that will attract residents and visitors at different times of the day, week and year.
- Provide opportunities to link the beach with the main commercial district of the town centre and foster opportunities to enhance the viability of local businesses.
- Improve the safety of pedestrians throughout the village particularly on Tweed Coast Road and within the town centre.
- Provide car-parking to serve the needs of residents and visitors to the village alike.

The Bogangar/Cabarita Beach Locality Plan incorporates a Stage 1 preferred option to be implemented over a short timeframe. This option included the “part pedestrianisation” of Pandanus Parade. The location of this pedestrianisation was the end part of the Pandanus Parade road reserve abutting the beach crown reserve, the Cabarita Beach Surf Life Saving Club and “The Beach Resort”. “Pedestrianisation” involves the following works within the road reserve:-

- Removal of the existing bitumen surface, carparking bays and kerb and channelling and replacing these with a textural concrete finish. This surfacing will integrate with proposed works for the crown land area (beach side) at the end of Pandanus Parade. These works are expected to be commenced shortly. The area will be for pedestrians only; and
- Embellishment of the area with public seating and landscaping.

The Bogangar/Cabarita Beach Locality Plan also recognises the need to cater for parking demands generated by the variety of uses within and adjacent to the precinct.

Following adoption of the Locality Plan staff convened an on site meeting with the stakeholders being: Bogangar & District Residents Association, Cabarita Beach Surf Life Saving Club and the Cabarita & Bogangar Business Association, and at the suggestion of the community groups Council is now pursuing the feasibility of a basement carpark.

This could be achieved by building a basement (underground) carpark within Council property (Lots 4 and 5 DP 29748 and Lot 1 DP1083851) located on Pandanus Parade. This location has potential and preliminary feasibility work is underway. This preliminary work involves survey, the preparation of a detailed concept design and the preparation of a geotechnical report.

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The Council properties described above are currently used as a carpark and as an open space area. The existing open space area, although grassed and basic in appearance, could be greatly enhanced visually through simple landscaping and embellishment with park furniture. This enhancement would significantly improve the streetscape of Pandanus Parade and encourage usage of the land by the public. These works would also integrate with the pedestrianisation works recommended by the Locality Plan. Due to the possibility of a basement carpark being built in this location, the works may be considered as temporary only (up to five years or so). Even so, the temporary works are considered very worthwhile.

Considering the above, the following three Council projects are recommended for immediate implementation (estimated project costs are shown in brackets):

- Temporary landscaping works within Council's Lot 5 DP 29748 (\$60,000);
- Preliminary preconstruction work (survey, concept design etc) for a basement carpark within Council's Lots 4 and 5 DP 29748 and Lot 1 DP1083851 Pandanus Parade (\$10,000); and
- Design and construction of the pedestrianisation of the end of Pandanus Parade (\$95,000).

The above projects have been the subject of numerous discussions and consultation between senior Council officers and local community representatives. The community representatives have already advised their general support for these projects.

A concept design has been completed for the temporary landscaping works within Lot 5 DP 29748 and comments received from community representatives. This plan is shown attached to this report. This work can be commenced almost immediately, subject to Council's endorsement of funding. The expected \$60,000 expenditure will not be lost as 'temporary works' as the majority of this cost will be expended on park furniture which will be reused within other parkland once the area is further developed.

The three projects stated above are currently unfunded. The suggested source of funding is the Land Development Fund which currently contains \$301,000. Expenditure from this fund is considered reasonable as the proposed works are associated with the eventual sale of Council land on Pandanus Parade

Expenditure from the Land Development Fund is considered justified for the three projects nominated above.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Financial implications are as stated within this report.

No resource implications are foreseen.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

1. Pandanus Parade Temporary Works – Concept Plan (DW 1785356).
  2. Pandanus Parade - Locality Plan (DW 1785421)
-



**O23 [EO-OC] EC2007-046 Quarterly Variation Report on Contract - Construction of the Murwillumbah Regional Memorial Pool Complex and Carpark**

**ORIGIN:**

Design

**FILE NO: GC12/5-2007046**

**SUMMARY OF REPORT:**

At the Council Meeting of 7 September 2007, a contract was awarded to Multispan Australia Pty Ltd for the construction of the Murwillumbah Regional Memorial Pool Complex and Car Park.

Construction commenced on 27 September 2007 and is scheduled to be finished by November 2008.

The Council decision required reporting, on a quarterly basis, on variations approved under delegation by the Director of Engineering and Operations. The total approved variations to the end of March 2008 is -\$79,255.41 (GST Excl.). This is within the current limit of delegated authority of 5% of the original contract sum (i.e. \$723,325.00 - GST exclusive).

In addition to the variations detailed in this report for the quarter to 31 March 2008, there are a number of other variations (and potential variations) under consideration resulting from additional works. This will result in further variations to the contract sum, potentially of the order of \$40,000.00. These potential variations are still within the current limit of delegated authority.

**RECOMMENDATION:**

**That the March 2008 Quarterly Variations of \$172,545.59 (exclusive of GST) for Contract EC2007- Construction of the Murwillumbah Regional Memorial Pool Complex and Car Park, be received and endorsed including:-**

- a) **Variation No.7 - Epoxy coating to pool hall floor. (\$109,357.25 GST Excl.)**
- b) **Variation No.8 - Piles in excess of 15 metres in length. (\$19,792.30 GST Excl.)**
- c) **Variation No.9 - Kerb and gutter and drainage to Ferryview Lane. (\$30,561.04 GST Excl.)**

- d) **Variation No.10 - Filter media upgraded from sand to zeolite (\$12,835.00 GST Excl.)**

**REPORT:**

Following the awarding of Contract EC2007-046 to Multispan Australia Pty Ltd for the Construction of the Murwillumbah Regional Memorial Pool Complex and Car Park, construction commenced 27 September 2007.

**1. Quarterly Variation Report 2**

In accordance with the Council decision requiring a quarterly report on variations, the subject variations, during the March quarter 2008, are listed for Councils information, as follows:

Variation No.	Description	Amount (Exc GST)	Status
7.	Epoxy coating to pool hall floor providing operational, safety and aesthetic benefits.	\$109,357.25	Approved
8.	Piles in excess of 15 metres in length. The Tender price provided a variation for piles greater than 15 metres long.	\$19,792.30	Approved
9.	Kerb and gutter and drainage to Ferryview Lane. Works required to provide adequate drainage for the lane.	\$30,561.04	Approved
10.	Filter media upgraded from sand to zeolite to provide greater water quality and clarity.	\$12,835.00	Approved

The total variations for the March quarter 2008 are \$172,545.59.

**2. Variations reported in the December quarter 2007 were:**

Variation No.	Description	Amount (Exc GST)	Status
1.	Revised calculation of Contract amount based on final submission by preferred Contractor.	-\$266,862.00	Approved
2.	Grubbing & removal of tree stumps. Trees removed by Council Staff had to have their stumps removed prior to earthworks commencing.	\$3,724.00	Approved
3.	Additional Asbestos Removal. As demolition commenced more asbestos than detailed in the tender documents was discovered and had to be removed.	\$3,675.00	Approved
4.	CCTV conduiting to Car Park. Conduiting to enable future CCTV surveillance of the car park was not included in the contract.	\$6,682.00	Approved
5.	Kiosk Unisex Disabled WC Plumbing. A disabled toilet for the kiosk was not included in the contract.	\$245.00	Approved
6.	Stormwater line alteration to CWA. As Earthworks were undertaken a stormwater line from the CWA building was found to clash with the car park footings, which necessitated its relocation.	\$735.00	Approved

The net result of the approved variations for the December 2007 and March 2008 Quarters is a decreased cost of \$79,255.41 (GST Excl.) This is within the current limit (\$723,325.00 GST Excl.) of delegated authority given to the Director of Engineering and Operations.

The approved variations have been or will be incorporated into the works.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The subject variations are within the total project budget.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O24 [EO-OC] EQ2007-089 Design and Construction of a Skate Facility - South Tweed Heads****ORIGIN:****Recreation Services****FILE NO: EQ2007-089****SUMMARY OF REPORT:**

At its meeting held 13 November 2008, Council resolved to award a contract of \$350,000 to Convic Skateparks for the design and construction of stage 1 and 2 of a skate facility at Tweed Heads for a contract price of \$350,000 (GST exclusive). Council also resolved to accept grant funding of \$100,000 from the Commonwealth Department of Transport and Regional Services (DOTARS) towards the project.

Although the grant was announced by the Deputy Prime Minister, a formal contract between DOTARS and Council for the grant funding was not finalised prior to the November 2007 federal election as the federal grant was conditional on co-funding from the State which was not resolved until January 2008. The newly elected Federal Government has subsequently advised that the program from which the grant was funded will not be continued and those projects where formal grant funding contracts with DOTARS were not signed prior to the election will not receive funding. Therefore the announced \$100,000 federal grant has been lost.

The Federal Government has announced that another program will be introduced to replace the Regional Assistance Grants. However, the structure and timing of the program is unknown.

As this project has been protracted for various reasons, it is recommended Council proceed with the construction of stage 1 of the facility with the confirmed funding from the Combined Clubs, NSW Department of Sport & Recreation and Tweed Shire Council. The combined clubs, who are contributing \$75,000 to the project through the Community Development and Support Expenditure Scheme have expressed their support with proceeding with stage 1 as recommended. Furthermore, when the new Federal Scheme is announced it is recommended to apply for 100% funding for Stage 2 of the Skate Park.

**RECOMMENDATION:**

**That the Council resolution Council Minute 179 and Operations Minute 0310 dated 13 November 2007 be rescinded and replaced with the following:-**

- 1. Convic Skateparks be awarded contract EQ2007-089 for the design and documentation of the South Tweed Skate Facility and the construction of stage 1 for a contract price of \$280,000.**

2. **The General Manager be given delegated authority to approve variations up to 20% of the contract value.**
3. **When the new Federal Scheme is announced Council apply for 100% funding for Stage 2 of the South Tweed Skate Facility.**

**REPORT:**

At its meeting held 13 November 2008, Council resolved to award a contract of \$350,000 to Convic Skateparks for the design and construction of stage 1 and 2 of a skate facility at Tweed Heads for a contract price of \$350,000 (GST exclusive). Council also resolved to accept grant funding of \$100,000 from the Commonwealth Department of Transport and Regional Services (DOTARS) towards the project.

The formal contract between DOTARS and Council for the grant funding was not finalised prior to the federal election. DOTARS advised that they would not finalise their grant contract until the NSW Government had also committed grant funds to the project.

In January 2008, Council received advice that its application for \$30,000 through the NSW Department of Sport and Recreation capital assistance program has been successful.

The newly elected Federal Government has subsequently advised that the program from which the grant was funded will not be continued and those projects where contracts with DOTARS were not signed prior to the election will not receive funding. Therefore the announced \$100,000 federal grant has been lost.

The Federal Government has announced that another program will be introduced to replace the Regional Assistance Grants. However, the structure and timing of the program is unknown.

Accordingly, the available funding for the project is as follows:-

<b>Funding Source</b>	<b>Amount (\$)</b>
Community Development & Support Expenditure Scheme (CDSE)	75,000
Tweed Shire Council (loans)	75,000
Contribution Plan 15	100,000
NSW Department of Sport and Recreation	30,000
<b>TOTAL</b>	<b>\$280,000</b>

The project brief was structured to allow staging to cater for either a \$250,000 facility or a \$350,000 depending on the success of the Regional Partnerships funding application. The subsequent receipt of additional funding from the Department of Sport and Recreation will allow the opportunity to expand stage 1 to include the design and construction to the value of \$280,000. This will allow the inclusion of additional skate 'elements' to the facility.

As this project has been protracted for various reasons and the timeframe and framework of the proposed new funding program is uncertain, it is recommended Council proceed with the construction of stage 1 of the facility with the confirmed funding. The combined clubs, who are contributing \$75,000 to the project through the Community Development and Support Expenditure Scheme have expressed their support with proceeding with stage 1 as recommended.

Funding for the construction of stage two may be sought at a later date when details of funding programs are released.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O25 [EO-OC] EC2007-032 Supply and Delivery of Bulk Fuels: Six Month Contract Review**

**ORIGIN:**

**Contracts**

**FILE NO: EC2007-032**

**SUMMARY OF REPORT:**

Council at its meeting of 11 September 2007 resolved to enter into a non exclusive contract for the supply of bulk fuels to Council's Works Depots with Caltex Australia and Reliance Petroleum. Under this contract fixed supply orders are placed in accordance with the best prevailing "gate" price of the alternative suppliers.

The initial six (6) months of the three (3) year non exclusive supply contract term has been completed and a review of the non exclusive supply arrangement is submitted in a confidential attachment. This review indicates that the alternating supply arrangement based on prevailing best price is achieving savings to Council compared to a single supplier arrangement.

**RECOMMENDATION:**

**That the review of Contract EC2007-032 be noted.**

**REPORT:**

Council at its meeting of 11 September 2007 resolved to enter into a non exclusive contract for the supply of bulk fuels to Councils Works Depots with Caltex Australia and Reliance Petroleum. Previous bulk fuel contract supply arrangements were with a single supplier with no set method of controlling price indices.

The non exclusive two (2) supplier contract arrangement where purchasing decisions are made following due reference to each suppliers tendered set charges (delivery, profit margin, administration costs ,etc) and their fluctuating nominated formal pricing structure (Terminal Gate Price (TGP) or Caltex Referencing Price ( CRP) ) was considered Council's best supply arrangement option.

The two prices streams are coupled with set Government taxes and excise charges and the Northern NSW Subsidy Scheme Zone adjustment to give a comparable cent per litre (cpl) purchase price.

The non exclusive supply arrangement has worked well with no supply issues experienced and savings made between each supplier in the continuing volatile pricing environment of petroleum products.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

1. Supplementary Confidential Information EC2007-032 Supply & Delivery of Bulk Fuels: Six Month Contract Review (DW 1799920).
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**O26 [EO-OC] EQ2008-006 Expressions of Interest for the Supply of Fabricating Steel and Metals as a Preferred Supplier**

**ORIGIN:**

**Contracts**

**FILE NO: EQ2008-006**

**SUMMARY OF REPORT:**

Nominations have been called for Expression of Interest for the Supply of Fabricating Steel and Metals to Council as a Preferred Supplier. The Preferred Supplier arrangement is for a twelve (12) month period with provision for two further twelve (12) month extension options. Following the close of the advertising period a single nomination from Hayes Steel Pty Ltd was received.

**RECOMMENDATION:**

**That:-**

- 1. Hayes Steel be formally contacted requesting that they nominate the level of discount that will apply for all steel and metal materials purchased by Council over the period of the Preferred Supplier arrangement.**
- 2. Hayes Steel be endorsed as a Preferred Supplier of Steel and Metal materials subject to nominating a discount level in (1) above that is satisfactory to the General Manager.**

**REPORT:**

Following a review of Council purchases it was identified that a significant \$ value of steel and metals are purchased for Council projects with no formal purchasing arrangement in place to ensure optimum to Council.

As a measure to address this situation and in accordance with Local Government (General) Regulation 2005 a selective tendering process, by which invitations to tender for the supply of Fabrication Steel and Metals are made following a public advertisement asking for expressions of interest, was instigated. Suppliers nominating their interest in being considered as a preferred supplier and considered suitable as preferred supplier will be contacted and requested to nominate the level of discount that will apply to all steel and metal materials purchased from that supplier over the period of the arrangement.

Council currently has in place Preferred Supplier arrangements for the supply of Hardware, Electrical and Plumbing materials which operates quite successfully.

In accordance with the Local Government General Regulations expressions of interest closing the 27 February 2008 have been sought from local suppliers who are willing to enter into a supply contract on a Preferred Supplier arrangement for the supply of steel and metal materials. The Preferred Supplier arrangement is for a twelve (12) month period with two by twelve month extension options.

Twenty-five (25) registrations of interest were recorded for documentation for the Expression of Interest however, at the close of tenders only one submission from Hayes Steel Pty Ltd was received.

Hayes Steel are a local firm located in close proximity to Council's Buchanan Street Murwillumbah Works Depot and are one of the biggest distributors / suppliers of steel and metals in the region.

It is recommended that Hayes Steel be accepted as a Preferred Supplier subject to them nominating a level of discount that will apply for all steel and metal purchases by Council over the initial twelve month period of the Preferred Supplier arrangements that is satisfactory to the General. Manager.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

Nil.

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**O27 [EO-OC] 40kph High Pedestrian Zone - Coronation Avenue, Pottsville**

**ORIGIN:**

**Planning & Infrastructure**

**SUMMARY OF REPORT:**

In late January 2008 Council received advice from the Roads & Traffic Authority of NSW (RTA) that funding may be available to create 40kph speed zones in high pedestrian, vehicle conflict areas.

Council, in early February, applied for funding to undertake a detailed survey and subsequent conceptual design of the Coronation Avenue business area in Pottsville.

A grant of \$10,000 and schedule of works was received in late February when survey and design was undertaken.

Public consultation has been completed to implement the project.

On 8 April 2008 the RTA allocated \$180,000.00 to undertake the installation of traffic calming devices, a marked pedestrian crossing and associated footpaths and landscaped areas.

No funding is required from Council.

**RECOMMENDATION:**

**That Council accepts the Roads and Traffic Authority of NSW grant of \$180,000 for the implementation of a 40kph High Pedestrian Zone in Coronation Avenue, Pottsville.**

**REPORT:**

At a meeting on 27 March 2008 Council resolved to accept a \$10,000 grant from the RTA to undertake a 40kph High Pedestrian Zone Feasibility Study in Coronation Avenue, Pottsville.

The proposed 40kph High Pedestrian Zone will enhance pedestrian usage of the area and better delineate pedestrian and vehicular traffic.

The concept design also proposes that a pedestrian crossing be installed near the intersection of Elizabeth Street and Coronation Avenue.

The approval of the concept design will require Local Traffic Committee and Council approval. The Local Traffic Committee's recommendation will be provided to a future Council meeting.

Detailed survey and conceptual design was undertaken prior to public consultation taking place.

Concept plans were displayed in businesses in the CBD and were also tabled at a public meeting on 3 April 2008.

Positive feedback was received from the community with further representation being made to the RTA who have approved the completed design proposed.

On 8 April 2008 the RTA offered Council a grant of \$180,000 to complete the project.

It is recommended that Council accept the grant.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Drawing WK07024/01 (DW 1798978).
  2. Drawing WK07024/02 (DW 1798980).
-



**O28 [EO-OC] Distributor Road Network Planning Tweed Heads  
West/Cobaki/Bilambil Heights Areas**

**ORIGIN:**

**Planning & Infrastructure**

**SUMMARY OF REPORT:**

This report discusses the short and long term management of Kennedy Drive and Cobaki Parkway in their context as distributor roads within the Shires Distributor Road Network and the interrelationship with other elements of the Tweed Road Development Strategy (TRDS 2007) and the impacts of development in the subject area.

The TRDS identifies the Distributor Road Network for the Shire to accommodate the projected traffic growth for the ultimate development scenario for the current land zonings in the Local Environmental Plan. This report addresses how development growth in terms of traffic can be managed so as not to overload the distributor road network during its development and construction.

In the Tweed Heads West/Cobaki area, the major development areas of Cobaki Lakes and Bilambil Heights will have a significant impact on how and when the TRDS distributor roads are constructed and management of this process will control how development can occur.

Applications are being made under Part 3A of the EP & A Act for a revision of the Cobaki Lakes Development and for approval of the Pacific Highlands development, which is part of the Bilambil Heights release area. The proponents of these projects, LEDA and Terranora Management Group are required to submit "Statement of Commitments" to the Minister in regard to these projects. Both developers have conducted meetings with Council officers regarding the arterial road part of these statements and the need to reconcile conflicting arterial road policy issues. This report is partly in response to these issues and the proponents have been involved in negotiations to seek a resolution.

The report recommends a strategic timeframe based on the distributor road network to manage proposed development in a manner that allows the Tweed Heads West/Bilambil Heights/Cobaki localities to proceed.

**RECOMMENDATION:**

**That:-**

- 1. Until Cobaki Parkway is constructed continuously between Boyd Street and Piggabeen Road, development west of Cobaki Bridge at Kennedy Drive be restricted as per Council's current resolution discussed in Part 3.**

2. **The Cobaki Lakes Development to have unrestricted access to Piggabeen Road subject to:-**
  - **The Developer entering into a legally binding agreement with Council that indemnifies Council from any financial liability in regards to obligations under the Boyd Street Road Works Deed dated 16 June 1993.**
  - **The Developer dedicating all the Cobaki Parkway Road Reserve (Boyd Street to Piggabeen Road) as part of Stage 1 of any new or amended Development Consents.**
3. **The proposed Pacific Highlands project part of the Bilambil Heights land release may be permitted to progress beyond current restrictions based on traffic thresholds on Cobaki Bridge provided:-**
  - **Cobaki Parkway is continuously constructed from Piggabeen Road to Boyd Street**
  - **The new "spine" road proposed through the site from Marana Street to Cobaki Road is constructed.**
  - **Cobaki Road from the "spine" road to Cobaki Parkway is upgraded.**
4. **The remainder of the Bilambil Heights Land Release Area can only proceed beyond the current road volume allowances on Kennedy Drive when the Cobaki Parkway between Boyd Street and Piggabeen Road is continuously constructed, and then development must progress in a manner that progressively constructs the Scenic Drive Diversion from Piggabeen Road southward (i.e. all new development must have access to the Scenic Drive Diversion).**
5. **The next review of Section 94 Contributions Plan No. 4, Tweed Road Contribution Plan to include in the Works Program, widening of Kennedy Drive between Cobaki Creek Bridge and Gray Street to four lanes.**

## REPORT:

### 1. INTRODUCTION

This report discusses the short and long term management of Kennedy Drive and Cobaki Parkway in their context as distributor roads within the Shires Distributor Road Network and the interrelationship with other elements of the Tweed Road Development Strategy (TRDS 2007) and the impacts of development in the subject area.

The TRDS identifies the Distributor Road Network for the Shire to accommodate the projected traffic growth for the ultimate development scenario for the current land zonings in the Local Environmental Plan. This report addresses how development growth in terms of traffic can be managed so as not to overload the distributor road network during its development and construction.

In the Tweed Heads West/Cobaki area, the major development areas of Cobaki Lakes and Bilmabil Heights will have a significant impact on how and when the TRDS distributor roads are constructed and management of this process will control how development can occur.

Council's current position is to restrict development west of the Cobaki Creek Bridge so that a maximum of 24,650 vehicles per day cross Cobaki Creek Bridge. This restricts development to the equivalent of the generation of 1506 vehicle trips per day, which effectively prevents Bilambil Heights from developing and impacts on Cobaki Lakes. Some inconsistencies exist with current consents for the Cobaki Lakes Development which are complicated by Deeds of Agreement between Council, the developer of Cobaki Lakes and Gold Coast City Council (GCCC).

The proposed developments, policies and development consents need to be analysed collectively to determine the most effective way to facilitate development progression, whilst managing the resultant traffic growth on the distributor road network.

Parts 2 to 8 following provide an overview of the current documents, developments and issues that need to be considered in unison to develop a strategic managed approach to development.

## 2. TRDS 2007

This document updates the previous 1997 version and identifies the ultimate distributor road network to cater for all future development from currently zoned land within the Shire and is shown in Figure 1 for the area being discussed in this report.

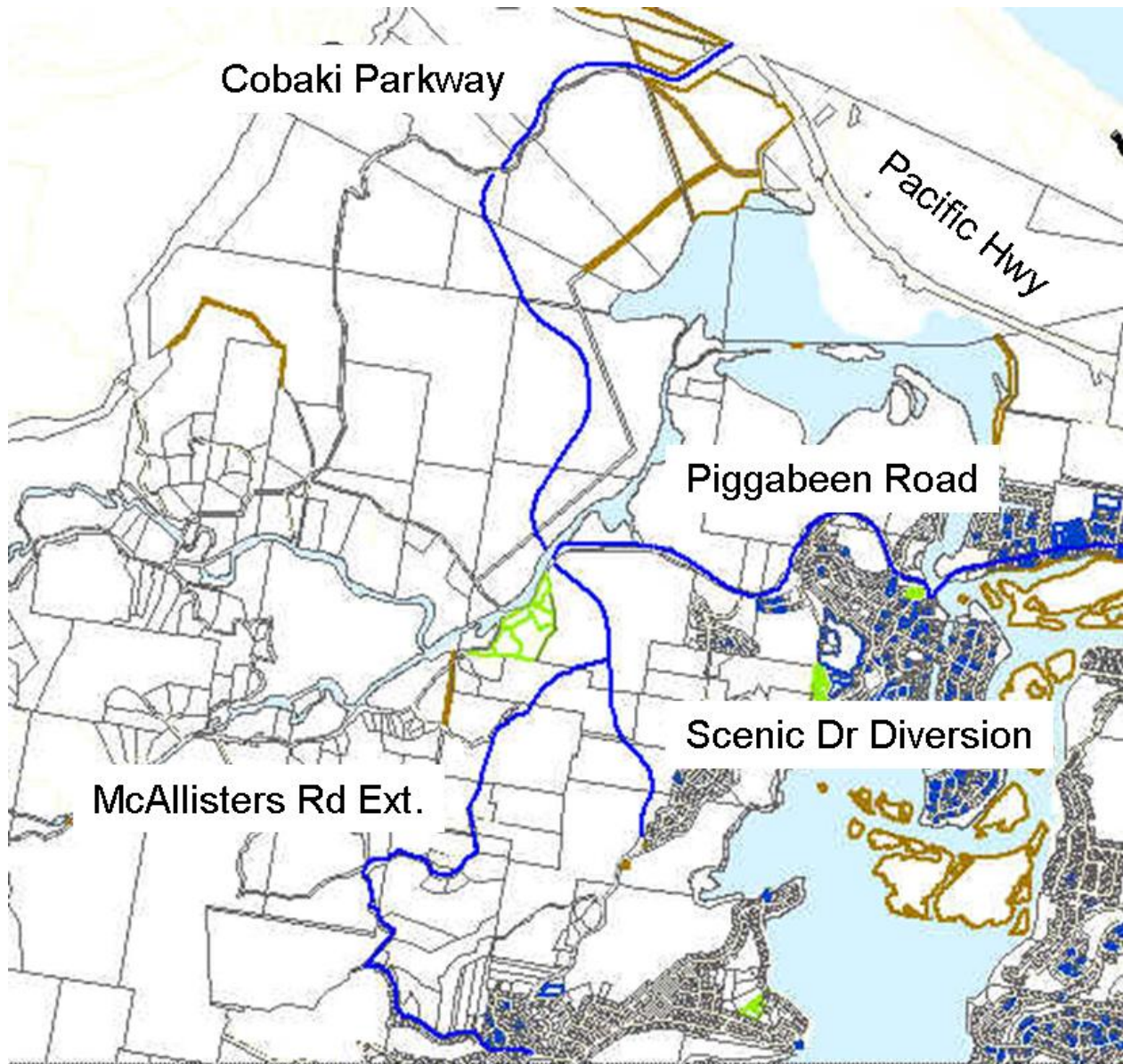


Figure 1

The new roads and upgrades are funded through the Tweed Roads Contribution Plan No 4 which was adopted by Council in July 2007.

## 3. COUNCIL REPORT – KENNEDY DRIVE – TRAFFIC CAPACITY AND THE IMPACT OF DEVELOPMENT (19 JUNE 2007).

Due to traffic capacity constraints at the Cobaki Creek Bridge at Kennedy Drive and the impact of potential development west of this point, a report was considered by Council on

how to best control traffic growth from new development to a level that allows reasonable traffic corridors at the bridge.

After considering this Report Council resolved the following:-

**RESOLVED** that the recommendations of the Operations Committee held Tuesday 19 June 2007 adopted as follows –

1. *Council adopts the revised Level of Service D equating to 24,650 vehicles per day on Cobaki Bridge at Kennedy Drive.*
2. *The current remaining spare traffic capacity (being 1506 vehicle trips per day) to be provided to future development west of Cobaki Bridge on a first in/first served basis.*
3. *No development is approved west of Cobaki Bridge when the remaining spare traffic capacity of 1,506 vehicle trips per day are consumed.*
4. *With respect to items (2) and (3) above, a review of traffic generation and development approvals be taken in twelve months time."*

This decision only deals with the traffic issues on a short term basis.

#### 4. COBAKI LAKES DEVELOPMENT CONSENTS

Cobaki Lakes is a major urban expansion zone expected to accommodate in the vicinity of 10,000 people in 4,500 dwellings. Whilst the developer of the site is reviewing the subdivision masterplan and land uses proposed to reflect contemporary design, it is important to note that the developer has 5 active development consents over the site dating back to 1992.

This is significant as three of the consents for 662 lots require the construction of the Cobaki Parkway and bridge over Cobaki Creek connecting to Piggabeen Road. At the time the consents were issued it was considered desirable to ensure the new development had access to the Tweed Heads CBD and other facilities within Tweed Shire.

Conflict between the development consents occurred in a 1999 consent for a further 560 lots which specifically prohibits the physical road connection to Piggabeen Road. The reasoning behind this is a Deed of Agreement regarding the Boyd Street Overpass and Boyd Street Queensland between Tweed Shire Council and Queensland Main Roads and GCCC which is explained below.

#### 5. BOYD STREET ROAD WORKS DEED OF AGREEMENT

As part of the negotiations between the owner of Cobaki Lakes, TSC, and GCCC regarding the provision of the Boyd Street Overpass over the Tugun Bypass and construction of Boyd Street, a Deed of Agreement was entered into by the above parties ON 16 June 1993.



Whilst the overpass issue has been resolved and is 90 percent complete, the Deed still holds a potential risk for Council as follows. The Deed sets a peak hour traffic volume threshold on Boyd Street at the border. The Deed specifies that once this threshold is exceeded Boyd Street needs to be upgraded to 4 traffic lanes and a new signalized intersection be constructed at the Gold Coast Highway. It is specified in the Deed that these projects are to be funded by the party that causes or allows the above threshold to be exceeded. To ensure that Council was not responsible for triggering the upgrade works, it was determined that no road connection should be permitted from Piggabeen Road which explains the consent condition discussed above, but given Part 4 above, it may be difficult to enforce this condition.

Another Deed exists between the owner of Cobaki Lakes and QMR regarding a new intersection at Boyd Street and the Gold Coast Highway.

#### 6. THE PACIFIC HIGHWAY AND ADJACENT ARTERIAL ROADS MASTERPLAN STEERING COMMITTEE

When the Tugun Bypass Development Application was exhibited Council objected to the deletion of the Boyd Street/Pacific Highway Interchange which had previously been included in the preferred Tugun Bypass Option.

From that objection, QMR, TSC, GCCC and RTA agreed to form the above committee to:-

- To investigate the configuration of the northern section of the Tugun Bypass adjacent to Cobaki Lakes and Tugun and the adjacent urban arterial road network.
- Optimise Highway interchanges and the adjacent arterial road network on a whole of network basis to provide the most appropriate levels of service and to ensure adequate connectivity to the proposed Tugun Railway Station.
- Determine if Boyd Street Overpass should be upgraded to a full interchange accessing the Pacific Highway.
- Make recommendations on the above to the respective stakeholders based on traffic and transport assessments. Note: Environmental issues will not be investigated as part of the Steering Committee process. These issues will be addressed in a later environmental assessment, detailed design and approval process.

The Boyd Street Interchange is to be further considered through this process.

The committee has had its inaugural meeting and agreed to develop a Consultants Brief for traffic modelling.

Regardless of the outcomes it is considered optimistic to expect an interchange at Boyd Street within 10 years.

#### 7. BILAMBIL HEIGHTS URBAN LAND RELEASE AREA

This area is identified as future urban release land in the Tweed Development Program 1996 (TSC) and the Far North Coast Regional Strategy (Department of Planning) 2006.

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It is expected that approximately 9,000 people will be accommodated in this area in approximately 4,000 dwellings.

A major constraint to development of this area is current road network capacity. In the absence of the Scenic Drive Diversion and Cobaki Parkway any development in this area would rely on traffic capacity on Kennedy Drive which is restricted as discussed in Part 3.

8. TERRANORA LAKES RESORT DEVELOPMENT

This site has been the subject of development plans for many years. A current consent exists over the site which enables staged development of this site which allows 2,660 vpd access to Kennedy Drive. At this point further development of this site is restricted by the Council Policy discussed in Part 3.

9. APPLICATIONS UNDER PART 3A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Applications are being made under PART 3A of the EP & A Act for a revision of the Cobaki Lakes Development and for approval of the Pacific Highlands development, which is part of the Bilambil Heights release area. The proponents of these projects, LEDA and Terranora Management Group are required to submit "Statement of Commitments" to the Minister in regard to these projects. Both developers have conducted meetings with Council officers regarding the arterial road part of these statements and the need to reconcile conflicting arterial road policy issues. This report is partly in response to these issues and the proponents have been involved in negotiations to seek a resolution.

10. DISCUSSION

Council's Traffic modelling undertaken in 2004 and 2007 (TRDS) provides the basis for determining the planned distributor road network and the predicted ultimate traffic volumes on these roads.

In the northern region of the Shire being reviewed in this report the critical distributor roads are Kennedy Drive, Cobaki Parkway and the Scenic Drive Diversion (Scenic Drive to Piggabeen Road).

The issue to be resolved is developing a program for release of development land that is manageable in terms of traffic and the incremental development of the distributor road network. Following is a table that provides information on projected ultimate traffic volumes on the distributor road network and current traffic volumes.

Location	Existing Volume 2007	ULTIMATE VOLUME			
		2005 Study with Cobaki Interchange	2005 Study without Interchange	2007 Study with Interchange	2007 Study without Interchange
Kennedy Drive between Barrett Street & Motorway	22,600	24,400	26,00	25,400	27,000
Kennedy Drive at Cobaki Bridge	16,200	20,100	21,900	22,000	23,600

Location	Existing Volume 2007	ULTIMATE VOLUME			
		2005 Study with Cobaki Interchange	2005 Study without Interchange	2007 Study with Interchange	2007 Study without Interchange
<b>Cobaki Parkway at Overpass</b>	N/A	28,500	26,200	28,000	N/A
<b>Cobaki Parkway at Piggabeen Road</b>	N/A	13,000	13,300	13,100	N/A
<b>Gollan Drive</b>	14,200	15,900	16,000	16,700	N/A
<b>Piggabeen Road at Gollan Drive</b>	4,100	4,500	6,200	5,200	N/A

TABLE 1

Cobaki Bridge at the western end of Kennedy Drive is a critical component in the distributor road network as it is a 2 lane bridge which has physical traffic capacity constraints. Council has adopted a Policy setting the traffic capacity on it at 24,650 vehicles per day (vpd) as discussed in Part 3 above. As can be seen from Table 1, the ultimate daily traffic volume at this location is 23,600 vpd without the Boyd Street interchange. Both ultimate scenarios are less than the interim capacity of 24,560 vpd. This can be explained by the fact the traffic using Cobaki Creek Bridge in the interim arrangements will transfer to the Cobaki Parkway when constructed as it provides a high standard road link into the Gold Coast for residents of Bilambil Heights and West Tweed.

Cobaki Lakes already has development consents that enable access to Piggabeen Road (and Cobaki Bridge) for approximately 660 lots out of a potential 4,500 lots. Based on a 90/10 Gold Coast/Kennedy Drive split this would equate to an increase of 430 vpd on Kennedy Drive. It is however impossible to prevent traffic from future approvals using Kennedy Drive once the Cobaki Parkway is connected to Piggabeen Road. Therefore impact in terms of traffic volume generated by the whole development needs to be determined. Using the TRCP rate of 6.5 vpd/lot equates to 30,000 vpd, and based on the above traffic split, a conservative estimate of 10% of all the ultimate Cobaki Lakes traffic accessed Piggabeen Road it would equate to an extra 3,000 vpd on the Cobaki Creek Bridge (it must be noted that this would take at least 10 years). This volume is however 'balanced' as the Cobaki Parkway will offer a convenient and efficient alternative to Kennedy Drive for existing Tweed Heads West and Bilambil Heights residents with trip destinations to the north. (In the ultimate road network scenario the traffic added to Kennedy Drive by Cobaki and Bilambil is balanced by existing traffic attracted away from Kennedy Drive to Cobaki Parkway). A conservative estimate of existing traffic attracted to the Cobaki Parkway would be about 1,500 vpd which when subtracted from ultimate Cobaki Lakes traffic would result in an increase in traffic of 1,500 vpd above the threshold set by Council of 24,650 vpd in 10 to 15 years time.

The above scenario will result in a temporary increase in traffic volumes on the Cobaki Creek Bridge and Kennedy Drive but is not expected to be significant at 6% and the Cobaki Creek Bridge will effectively 'throttle' access to Kennedy Drive thereby encouraging drivers to select Cobaki Parkway.

Once the Scenic Drive Diversion is completed existing traffic from Bilambil Heights will have more direct access to the Gold Coast via Cobaki Parkway and will cause a shift of traffic away from Kennedy Drive. It needs to be noted that this scenario occurs



sometime in the future as it is unlikely the Cobaki Parkway will be connected to Piggabeen Road in the next 5 years and then another 5 to 10 years for the Scenic Drive diversion.

Once the Cobaki Parkway is completed the Bilambil Heights Release area could progress provided it was based on staging from Piggabeen Road southward via the progressive construction of the Scenic Drive diversion which runs from Piggabeen Road to Scenic Drive.

From the above it can be determined that with Cobaki Lakes fully developed, traffic on Cobaki Creek Bridge at Kennedy Drive will be up to 1500 vpd above the current threshold of 24,650 vpd being 26,150 vpd. (Note that in 1992 Beard & Holland observe traffic volumes of about 30,000 vpd on the two lane Walker Taylor Bridge in Brisbane). This situation only occurs or remains until Scenic Drive Diversion is completed and connected into Cobaki Parkway.

Once the Cobaki Parkway and Scenic Drive Diversion and its associated connections are completed the ultimate development and traffic scenarios shown in Table 1 will be generated.

That is at Cobaki Creek Bridge 23,600 vehicles per day will cross the bridge onto Kennedy Drive if the Boyd Street interchange is not constructed or 22,000 vpd with the Boyd Street Interchange. These figures are both below the maximum threshold of 24,650 vpd adopted by Council.

Similarly, the proposed Pacific Highlands development, which is the subject of a current PART 3A application to the NSW Minister for Planning, should remain restricted to its current traffic generation allowance in accordance with the existing current development consents until Cobaki Parkway is connected to Piggabeen Road and the public 'spine' road as planned in this development from Marana Street to Cobaki Road is constructed. Once these roads are completed, they will provide attractive transport routes for the new development and existing residents of the Bilambil Heights area. Any increase in traffic from the Pacific Highlands development site on Kennedy Drive is expected to be offset by existing traffic shifting to the new 'spine' road and Cobaki Parkway.

## 11. CONCLUSION

Based on the above discussion and traffic data it is concluded that a strategic timeframe can be developed that will enable orderly development in the Tweed Heads West, Bilambil Heights and Cobaki localities. The key element in the timeframe is the construction of the Cobaki Parkway to Piggabeen Road. The following strategic timeframe will cause temporary increases in traffic volume on Kennedy Drive but by not widening the Cobaki Creek Bridge, a physical constraint to restrict traffic increases is provided which will encourage use of the alternative Cobaki Parkway.

It is considered desirable that managed development should be allowed to progress especially as TSC has spent \$6 M from the TRCP No.4 developer funds for the soon to be completed Boyd Street Overpass over the Tugun Bypass to enable traffic from Tweed Shire access to Boyd Street in Queensland. It is acknowledged that whilst traffic growth issues on Kennedy Drive can be managed without the Boyd Street interchange, connection to Piggabeen Road will result in a significant gradual increase in traffic

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entering Boyd Street and the Gold Coast Highway and this issue will be considered by the Pacific Highway and Adjacent Arterial Roads Master Plan Steering Committee.

To minimise the impact on Kennedy Drive it is considered desirable to upgrade it to 4 lanes from the Cobaki Creek Bridge to Gray Street where it is already 4 lanes. Currently 3 lanes are provided on this section, 2 eastbound and 1 westbound lane. It is proposed that the cost of upgrading be added to the TRCP No 4 at its next revision. The cost of such work would be expected to be relatively low.

As stated above, the construction of Cobaki Parkway is the critical element and as such the developer of the Cobaki Lakes project should be required to dedicate to Council the Cobaki Parkway Road Reserve at the first stage of any new development approval that may be issued. It is also critical to the proposed development scenario that the developer of Cobaki Lakes (the landowner) enter into a legally binding agreement releasing TSC from any obligation that may be inferred from the Deed of Agreement between TSC, Calsonic (Cobaki Lakes Developer), and Gold Coast City Council dated 6 August 1993.

These steps will provide flexibility and enable other developers such as Bilambil Heights to construct Cobaki Parkway within a timeframe that may differ from Council's timeframe based on the TRCP No.4.

## 12. PREFERRED DEVELOPMENT MANAGEMENT STRATEGIES

The following management strategy is proposed as an effective method to enable development in the Bilambil Heights/Tweed Heads West areas to progress without being reliant on an interchange at Boyd Street.

12.1 Until Cobaki Parkway is constructed continuously between Boyd Street & Piggabeen Road, development west of Cobaki Bridge at Kennedy Drive be restricted as per Council's current resolution discussed in Part 3.

12.2 The Cobaki Lakes Development to have unrestricted Access to Piggabeen Road subject to:-

12.2.1 The Developer entering into a legally binding agreement with Council that indemnifies Council from any financial liability in regards to obligations under the Boyd Street Roadworks Deed dated 16 June 1993.

12.2.2 The Developer dedicating all the Cobaki Parkway Road Reserve (Boyd Street to Piggabeen Road) as part of Stage 1 of any new or amended Development Consents.

12.3 Proposed Pacific Highlands Project may be permitted to progress beyond current restrictions based on traffic thresholds on Cobaki Bridge provided:-

12.3.1 Cobaki Parkway is constructed continuously from Piggabeen Road to Boyd Street

12.3.2 The new "spine" road proposed through the site from Marana Street to Cobaki Road is constructed.

12.3.3 Cobaki Road from "spine" road to Cobaki Parkway is upgraded.

12.4 The remainder of the Bilambil Heights Land Release Area can only proceed beyond the traffic volume currently allowed on Kennedy Drive when the Cobaki Parkway between Boyd Street and Piggabeen Road is continuously constructed, and then development must progress in a manner that progressively constructs the Scenic Drive Diversion from Piggabeen Road southward (i.e. all new development must have access to the Scenic Drive Diversion).

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Significant impact on Arterial Road Policy and development in the West Tweed area.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**O29 [CNR-OC] Murwillumbah Museum Extensions**

**ORIGIN:**

**Director Community & Natural Resources**

**SUMMARY OF REPORT:**

The Regional Museum Memorandum of Understanding between Council and the three historical societies in the Shire has an action to extend the Murwillumbah Museum.

The Murwillumbah Historical Society is requesting Council to commission a design with the architect, Paul Berkemeier, for a two storey extension which is identified in the Memorandum of Understanding.

**RECOMMENDATION:**

**That Council authorises the development of a concept design of a two storey structure for the additions to the Murwillumbah Museum and upon completion of the design, obtains a model suitable for the historical society to use in its fundraising activities.**

**REPORT:**

The Regional Museum Memorandum of Understanding between Council and the three historical societies in the Shire has an action to extend the Murwillumbah Museum.

There has been considerable conjecture as to whether a two storey or one storey design should be commissioned since Paul Berkemeier, architect, was appointed to carry out preliminary design.

The Murwillumbah Historical Society is adamant that a single storey will not supply their space needs and it is evident the space identified in the strategic plan by consultant Kylie Winkworth, cannot be achieved in a single storey. Although a full two storey building would provide some space over and beyond that identified.

The Memorandum of Understanding did identify a two storey structure and any additional space would be minimal and would be well utilised by the museum if Council does proceed with two storeys, anything less than maximum site usage would be poor economics.

The Murwillumbah Historical Society recently had a meeting with administrators and Council staff and has since submitted the following letter to Council.

**COMMITTEE**

President: Ron Johansen  
Vice President: Terry Twohill  
Secretary: Carol Piggott  
Treasurer: Ernie Cobb  
Research Officer: Joan Fleming

*Murwillumbah Historical Society*

MURWILLUMBAH MUSEUM

2 Queensland Road  
(P.O. Box 373)  
Murwillumbah NSW 2484  
Ph: (02) 6672 1865  
Email: trhs@better.net.au  
www.tweedhistory.org.au

BUDGET / MNGMT PLAN  
COUNCILS 7 YEAR PLAN

MUSEUM - M I BAH

12 March 2008

The General Manager  
Tweed Shire Council  
P O Box 816  
MURWILLUMBAH NSW 2484

TWEED SHIRE COUNCIL	
FILE No.	APPRECIATION
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**ATTENTION: Mr. Don Buckley, Director Community & Natural Resources.**

Dear Sir,

**Re: Tweed River Museum Projected Building Program**

We wish to express our appreciation in having our meeting with you and the Council Representatives on Monday 10<sup>th</sup> last. It was very enlightening in view of the matters discussed particularly on the subject of the Council's 7 year Plan and our inclusion in it as we had been informed that we had been excluded.

In relation to the matter of our request to have the completed second floor included in the Museum's plans you can understand the practicably of this due to the updated measurements taken by us of the collection on hand. We feel that the clutter effect has an immense appeal to a great many visitors to the Museum although with extra room to walk through looking at the collection it would be more comfortable. The Museum, in general, is a unique example of the Region's history and to "take away" any part of the collection would lessen the visual impact on what the Museum represents to the visitors. This would be the case in the event of a single storey and less collection to view. We would ask you to note that on page 28 of the TRRM strategic Plan (April, 2004), Kylie Winkworth, Consultant, stated that a "new two-storey extension at the rear will bring the Museum up to best practice standards with collection storage, research and office space, toilets, workshop space, a temporary display area and an education studio/meeting space".

We understand that your next budget (2008/09 year) includes a \$1million for the Murwillumbah Museum building extension. We now understand that this is only a budgetary amount and does not necessarily mean that the money for the building extensions would be utilized. However, in view of our request for the completed second floor, which would, of course, incur extra money for the project and would have to be budgeted for, we wish to advise that we are

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prepared to **wait a reasonable length of time**, within the Council's 7<sup>th</sup> Year Plan, to help assist the Council. This matter has not been taken lightly in view of the fact that the back half of the Museum requires extensive structural work as it is in a dilapidated condition and is only standing due to the patchwork of sheeting that has been necessary over the years, however, in order to increase the allocated collection areas it would have to suffice at the present.

We would appreciate a response to this letter as soon as possible to enable the architect to produce a design model and plans and we would like to start the procedures for the printing up of brochures to present to the public with a view of donating to the TRRM Foundation Fund.

Again thanking you for the opportunity of the above.

Yours faithfully,  
For and on behalf of  
MURWILLUMBAH HISTORICAL SOCIETY INC.



R. Johansen  
President.

The 7 year plan currently has \$1m earmarked for the Murwillumbah Museum.

The current estimates are for one storey \$1.9m and for two storey, up to \$3m.

As the society wishes to proceed with fundraising and requires a model for the purpose, it is recommended that Council proceed with a two storey proposal on the understanding this may delay commencement of the project as per the historical society's letter.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Expenditure vote included in 07/08 budget.

**POLICY IMPLICATIONS:**

Nil.



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

Nil.

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**O30 [CNR-OC] Funding Variation to Original Report to Council – Proposed increase in ComPacks Budget and Client numbers****ORIGIN:****Community & Cultural Services****SUMMARY OF REPORT:**

Tweed Shire Council is in receipt of correspondence from Anne-Maree Chant, ComPacks Manager Health Service Performance Improvement, NSW Department of Health with an offer to increase ComPacks funding from \$429,015 to \$614,915 from 1 February 2008 to 30 June 2008 and from \$429,015 to \$875,175 from 1 July 2008 to 30 June 2009. The funds will be expended in support of enhanced referrals from Tweed and Murwillumbah Hospitals. The additional funding will increase the number of clients from 300 to 430 from 1 February 2008 to 30 June 2008 and to 612 ComPacks services from 1 July 2008 to 30 June 2009. The proposed grant is an increase of \$632,060 for the period 1 February 2008 to 30 June 2009. This second variation to the contract increases the total contract to \$1,919,105 to provide services for 1342 clients.

**RECOMMENDATION:****That Council**

- 1. Accepts the variation of funds from NSW Department of Health, to increase funding by \$632,060 and proceeds to provide up to 430 ComPacks services from 1 February 2008 to 30 June 2008 and 612 from 1 July 2008 to 30 June 2009 subject to the General Manager being satisfied there is no nett cost to the provision of these services.**
- 2. Completes the relevant documentation and votes the funds.**

**REPORT:**

Tweed Shire Council is in receipt of correspondence from Anne-Maree Chant, ComPacks Manager Health Service Performance Improvement, NSW Department of Health with an offer to increase ComPacks funding from \$429,015 to \$614,915 from 1 February 2008 to 20 June 2008 and from \$429,015 to \$875,175 from 1 July 2008 to 30 June 2009. The funds will be expended in support of enhanced referrals from Tweed and Murwillumbah Hospital. The additional funding will increase the number of clients from 300 to 430 from 1 February 2008 to 30 June 2008 and to 612 ComPacks services from 1 July 2008 to 30 June 2009. The proposed increase guidelines suggest that services will be provided for 18 clients per month from Tweed and 8 clients per month from Murwillumbah. The proposed grant is an increase of \$632,060 for the period 1 February 2008 to 30 June 2009. This second variation to the contract increases the total contract to \$1,919,105 to provide services for 1342 clients as summarised below:

Periods	Original Contract	1st Variation	2nd Variation	Contract Amt after variations	Client No. Original Contract	Client No. 1st Variation	Client No. 2nd Variation	Total Clients after variations
1/7/09 to 30/6/10		429,015		429,015		300		300
1/7/08 to 30/6/09		429,015	875,175	875,175		300	612	612
1/7/07 to 30/6/08	261,180	429,015	614,915	614,915	188	300	430	430
	261,180	1,287,045	1,490,090	1,919,105				1342

The increased funds will enable Tweed Community Options to substantially increase its services in support of additional assistance for patients that are discharged from Tweed and Murwillumbah Hospitals and who would be otherwise at risk subsequent to discharge.

The additional funds will be used to increase hours of case management. This will require an increase in administration costs which is included in the grant. A mix of current and casual staff will be engaged for the length of the contract by increasing current hours.

As a result of these arrangements, there will be no net increase in staff numbers. It is envisaged that current staff will have increased hours. The current staff accommodation will be retained.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Manager Community & Cultural Services and Coordinator are investigating further options for additional office space. Such options will be funded from the increase in grants.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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**031 [CNR-OC] Regional Water Plan - Department of Water & Energy****ORIGIN:****Water****SUMMARY OF REPORT:**

In 2006 the NSW Cabinet approved the Far North Coast Regional Strategy. An action of this strategy was for the Department of Energy Utilities & Sustainability and Local Water Authorities to prepare a regional water plan to ensure long term regional water efficiencies and improved drought security. The responsibility for this plan now rests with the Department of Water & Energy. The plan will look in a regional context at how water can be supplied to current and future generations and as an option will consider the interconnection of water supply systems across catchment boundaries. Attached is a letter from the Department seeking Council's input into the study. At a later date Council will be requested to provide representation on the committees that will oversee the preparation of the plan.

In parallel to this plan, Council is undertaking a Bulk Water Supply Study which will investigate options for the supply of water in the Tweed Valley. This study will include dam options, desalination, groundwater and the interconnection of supplies across catchments. This Study will feed into the plan being prepared by The Department of Water & Energy.

**RECOMMENDATION:**

**That Council notes that the Regional Water Plan is being prepared by the Department of Water & Energy and provides all necessary information to assist in its development.**

**REPORT:**

In 2006 the NSW Cabinet approved the Far North Coast Regional Strategy. An action of this strategy was for the Department of Energy Utilities & Sustainability and Local Water Authorities to prepare a regional water plan to ensure long term regional water efficiencies and improved drought security. The responsibility for this plan now rests with the Department of Water & Energy. The plan will look in a regional context at how water can be supplied to current and future generations and as an option will consider the interconnection of water supply systems across catchment boundaries. Attached is a letter from the Department seeking Council's input into the study. At a later date Council will be requested to provide representation on the committees that will oversee the preparation of the plan.

In parallel to this plan, Council is undertaking a Bulk Water Supply Study which will investigate options for the supply of water in the Tweed Valley. This study will include dam options, desalination, groundwater and the interconnection of supplies across catchments. This Study will feed into the plan being prepared by The Department of Water & Energy.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

1. Letter from Department of Water & Energy (DW 1727564)
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**032 [CNR-OC] Quarterly Variation Report for Contract EC2005-033 - Construction of the Kingscliff Sewage Treatment Plant: December 2007****ORIGIN:****Contracts****FILE NO: GC12/3-200533 Pt1, Site File No.34B1****SUMMARY OF REPORT:**

At the Council Meeting of 30 November 2005, a contract was awarded to Belmadar Constructions Pty Ltd (now Fulton Hogan Pty Ltd) for the construction of the Kingscliff Sewage Treatment Plant. The aim of this project is to upgrade the existing plant capability to service current and projected demand up to 25,000 EP (First Stage).

Construction commenced on 6 February 2006 and is scheduled to be finished by February 2008.

The Council decision required reporting, on a quarterly basis, on variations approved under delegation by the Director of Engineering and Operations. The total of approved variations to the end of December 2007 is \$3,324,558.14 (GST excl). This is within the current limit of delegated authority of 15% of the original contract sum (i.e. \$4,495,610.00 - GST excl).

**RECOMMENDATION:**

**That the December 2007 Quarterly Variations of net value of \$142,306.45 (exclusive of GST) for Contract EC2005-033 Construction of the Kingscliff Sewage Treatment Plant, be received and noted: -**

- a) **Variation No.79 – Provision of Compressor to Drive Slide Gates in Sludge Dewatering Building (\$11,994.00 GST excl).**
- b) **Variation No.80 – Delay Cost Resulting from Latent Conditions and Requirement for Settlement Testing of the Oxidation Tank (\$61,921.00 GST excl).**
- c) **Variation No.81 – Epoxy Coating to top of External Walls in Inlet Works (\$9,963.00 GST excl).**
- d) **Variation No.82 – Additional Sub-base to roadworks near entrance security gate (\$1,914.00 GST excl).**
- e) **Variation No.83 – Various including: Metalwork, Concrete Encasement, Painting as report below. (\$19,167.00 GST excl).**
- f) **Variation No.84 – Adjustment of Salary and Wage Rates for Delay Claim Variations No.37 & 38 (\$2,079.00 GST excl).**

- g) Variation No.85 – Payment of Costs for Aluminium Cable Trays and Cable Ladders (-\$10,101.45 GST excl).**
- h) Variation No.86 – Payment for Settlement Monitoring of Structures and Additional Filling Costs (\$13,602.00 GST excl).**
- i) Variation No.87 – Additional Drainage and Turfing Works (\$32,482.00 GST excl).**
- j) Variation No.88 – Reimbursement of Telephone Service Charges incurred by Fulton Hogan (\$2,336.00 GST excl).**
- k) Variation No.89 – Additional Electrical Works and Valve for MHL Facility (\$10,252.00 GST excl).**
- l) Variation No.90 – Additional Concrete Works at Various Locations (\$26,728.00 GST excl).**
- m) Variation No.91 – Additional Metal Work: Sludge Lagoons Handrails (\$2,808.00 GST excl).**
- n) Variation No.92 – Net deduction for Items R2 & R3 Earthworks (-\$142,838.10 GST excl).**

**REPORT:**

Following the awarding of Contract EC2005-033 to Belmadar Constructions Pty Ltd (now Fulton Hogan Pty Ltd) for the Construction of the Kingscliff Sewage Treatment Plant (STP), construction commenced 6 February 2006.

In accordance with the Council decision requiring a quarterly report on variations, the subject variations, during the December quarter 2007, are listed for Council's information, as follows:

Variation No.	Description	Amount (excl GST)	Status
79	Provision of Compressor to Drive Slide Gates in Sludge Dewatering Building:  1) Supply and Installation of one 25L/s commercial compressor unit. 2) Connection to pneumatically operated equipment (Centrifuge and to of sludge hopper). 3) Connection to electricity supply (415V 3 Phase).	\$10,127.00	Approved
80	Delay Cost Resulting from Latent Conditions and Requirement for Settlement Testing of the Oxidation Tank.	\$161,921.00	Approved
81	Epoxy Coating to top of External Walls in Inlet Works:  1) Installation of access scaffolding. 2) Remove Checker Plate lids. 3) Prepare concrete surfaces. 4) Mask up for overspray and epoxy coat required areas.	\$9,963.00	Approved
82	Additional Sub-base to roadworks near entrance security gate due to redesign as a consequence of integration with adjacent M&E Facilities Building complex.	\$1,914.00	Approved
83	Metalwork, Concrete Encasement, Painting:  1) Inlet Works: Three Additional Columns including bracing. 2) Mixed Liquor Distributor: Three Additional Beams. 3) Slide Gate V0312: Infill Panel to fill unwanted gap. 4) Chlorine Contact Tank: Alternative V-notch weir. 5) Control Building: Painting of ground floor ceiling (undercroft). 6) Concrete Encasement: Of Odour Control and Sewer Line pipework adjacent to Odour Control Facility. 7) Inlet Works: Deletion of Epoxy coating to underside aluminium lids.	\$19,167.00	Approved
84	Adjustment of Salary and Wage Rates for Delay Claim Variations No.37 & 38.	\$2,079.00	Approved

Variation No.	Description	Amount (excl GST)	Status
85	Net Deduction for Schedule of Rates Items A8a (300mm 316SS Aluminium cable trays and ladders) & A8b (300mm Aluminium cable trays and ladders).	-\$10,101.45	Approved
86	Monitoring of Structures and Additional Filling Costs: 1)Survey Monitoring of Settlement to Major Structures. 2)Additional Work to fill the Oxidation Tank.	\$13,602.00	Approved
87	Additional Drainage Works: 1)Eastern Buffer Zone: Regrade and trim drain, take delivery of river gravel from on-site stockpile and place along drain. 2)Control Building Area: Excavate drains, place geofabric, take delivery of river gravel from site stockpile and place along drain.  Additional Turfing Works: 1)Supply and lay 1,410m <sup>2</sup> of turf to western edge of the sludge lagoons.	\$32,482.00	Approved
88	Reimbursement of Telephone Service Charges incurred by Fulton Hogan: Telephone and Facsimile call costs made by TSC site staff.	\$2,336.00	Approved
89	Additional Electrical Works: 1)Pushbutton Station to Sludge Storage Silo: Supply and install push button station mounted on a GMS plate, associated wiring, and additional works in MCC3 and PLC modifications. 2)Two Float Switches to Effluent Pump Station: Supply and install float switches, associated wiring, and additional works in MCC2 and PLC modifications. 3)Additional Circuitry to Three Surface Aerators: Supply and install additional wiring to oil pressure switch and anti-condensation heaters, connect to VSDs and reprogramming of VSDs.  Additional Valve for MHL Storage Tank: 1)Disconnect previously installed ABS pipe work, supply and install Stop Valve and reconnect pipework.	\$10,252.000	Approved
90	Additional Concrete Works at Various Locations: 1)Sludge Dewatering Building: Infill between kerb and building along north side to accommodate changes to road works layout and levels. Steps to roller door also required. 2)Sludge Dewatering Building: Extension of	\$26,728.00	Approved

Variation No.	Description	Amount (excl GST)	Status
	<p>concrete slab to full length of building to eliminate small isolated areas of grass and improve access. Change concrete path slab to main doors to ramp to facilitate vehicle access to building.</p> <p>3) Feed Averaging Tank (FAT): Additional concrete infill slabs to accommodate changes to road layout and levels, improve access to FAT pumping system and eliminate small isolated area of grass.</p> <p>4) Maintenance Building: Extent of slab widened to improve vehicle access to building.</p> <p>5) Spoon Drains: Three additional spoon drains required to improve stormwater drainage from Electrical Switch room and Maintenance Building.</p> <p>6) Incoming Water Meter: Slab around the 150 diameter incoming water supply meter and valving installation to better facilitate maintenance.</p>		
91	<p>Additional Metal Work to Sludge Lagoon Handrails:</p> <p>1) Measure up and fabricate 12 mild steel extension brackets, hot dip galvanise, procure additional M12 Bolts (24 off) and install on site to the Sludge Lagoon Handrailing.</p>	\$2,808.00	Approved
92	Net deduction for schedule of rates Item R2 (Stripping Topsoil) & R3 (Bulk Structural fill compacted in place and trimmed to final design level).	-\$142,838.10	Approved

The net result of the approved variations during the December Quarter is an increased cost of \$142,306.45 (GST excl) bringing total variations approved to the end of December 2007 to \$3,324,558.14 (GST excl). This is within the current limit (\$4,495,610.00 GST excl) of delegated authority given to the Director of Engineering and Operations.

The approved variations have been or will be incorporated into the works.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The subject variations are within the contract budget and the total project budget.

If exercised in full, the increase in the delegation of the Director of Engineering and Operations to a total of 15% of the original contract sum (i.e. \$4,495,610.00) is within the project budget.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O33 [CNR-OC] Final Quarterly Variation Report for Contract EC2005-033 - Construction of the Kingscliff Sewage Treatment Plant: March 2008****ORIGIN:****Contracts****FILE NO: GC12/3-200533 Pt1, Site File No.34B1****SUMMARY OF REPORT:**

At the Council Meeting of 30 November 2005, a contract was awarded to Belmadar Constructions Pty Ltd (now Fulton Hogan Pty Ltd) for the construction of the Kingscliff Sewage Treatment Plant. The aim of this project is to upgrade the existing plant capability to service current and projected demand up to 25,000 EP (First Stage).

Construction commenced on 6 February 2006 and is scheduled to be finished by February 2008.

The Council decision required reporting, on a quarterly basis, on variations approved under delegation by the Director of Engineering and Operations. The total of approved variations to the end of March 2008 is \$3,411,182.14 (GST excl). This is within the current limit of delegated authority of 15% of the original contract sum (i.e. \$4,495,610.00 - GST excl). The Contract is now in the 24 month Defects Liability Period having reached Practical Completion on 5<sup>th</sup> February 2008, therefore this is the final Quarterly Variation Report for this Contract.

**RECOMMENDATION:**

**That the March 2008 Quarterly Variations of net value of \$86,624.00 (exclusive of GST) for Contract EC2005-033 Construction of the Kingscliff Sewage Treatment Plant, be received and noted: -**

- a) **Variation No.93 – Additional Concrete for Eastern Access Driveway (\$9,330.00 GST excl).**
- b) **Variation No.94 – Ethernet Switch Deletion (-\$2,558.00 GST excl).**
- c) **Variation No.95 – Sample Pump additional to Contract (\$4,645.00 GST excl).**
- d) **Variation No.96 – Recovery of Costs during Christmas Shutdown period (\$64,521.00 GST excl).**
- e) **Variation No.97 – Repair of Soft Spots in Roadwork (\$7,566.00 GST excl).**
- f) **Variation No.98 – PLC Control of Flow Pacing (\$3,120.00 GST excl).**

**REPORT:**

Following the awarding of Contract EC2005-033 to Belmadar Constructions Pty Ltd (now Fulton Hogan Pty Ltd) for the Construction of the Kingscliff Sewage Treatment Plant (STP), construction commenced 6 February 2006.

In accordance with the Council decision requiring a quarterly report on variations, the subject variations, during the March quarter 2008, are listed for Council's information, as follows:

Variation No.	Description	Amount (excl GST)	Status
93	Additional Concrete for Eastern Access Driveway: 1) Excavate to solid foundation material. 2) Supply & place crushed rock to replace soft material. 3) Form up. 4) Supply & place reinforcement. 5) Supply, place and finish concrete. 6) Amend Contract Drawings.	\$9,330.00	Approved
94	Ethernet Switch Deletion: 1) Deletion of 24-port Ethernet Switch.	-\$2,558.00	Approved
95	Sample Pump additional to Contract: 1) Procure pump, pipework and fittings. 2) Install including electrical supply. 3) Provide O&M Manuals and modify Contract drawings.	\$4,645.00	Approved
96	Recovery of Costs during Christmas Shutdown period: 1) Delay costs incurred by Fulton Hogan for the 2-week period over the 2007/2008 Christmas/New Year close down.	\$64,521.00	Approved
97	Repair of Soft Spots in Roadwork: 1) Repair of damage to roadworks caused by insufficient drainage outside of Sewage Treatment Plant site.	\$7,566.00	Approved
98	PLC Control of Flow Pacing: 1) Reprogramming of PLC control systems for plant components including onsite testing and commissioning.	\$3,120.00	Approved

The net result of the approved variations during the March Quarter is an increased cost of \$86,624.00 (GST excl) bringing total variations approved to the end of March 2008 to \$3,411,182.14 (GST excl). This is within the current limit (\$4,495,610.00 GST excl) of delegated authority given to the Director of Engineering and Operations.

The approved variations have been incorporated into the works. The Contract is now in the 24 month Defects Liability Period having reached Practical Completion on 5 February 2008, therefore this will be the final Quarterly Variation Report for this Contract.



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The subject variations are within the contract budget and the total project budget.

If exercised in full, the increase in the delegation of the Director of Engineering and Operations to a total of 15% of the original contract sum (i.e. \$4,495,610.00) is within the project budget.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O34 [CNR-OC] Contract EC2007-138 – Water Unit Facilities Building at Kingscliff Sewerage Treatment Plant**

**ORIGIN:**

**Water**

**FILE NO: EC2007-138**

**SUMMARY OF REPORT:**

A combined workshop and office facility building is proposed within the grounds of Kingscliff Sewage Treatment Plant. The building is required as an operational base for the water and sewer operations staff who manage the coastal areas from Fingal to Pottsville Beach. They are currently located at the Buchanan Street Depot at Murwillumbah and the efficiency of the operations group is suffering due to travel distances and lack of space for general operations.

The proposed building will provide a combined workshop and office space for use by staff and will be located to facilitate more efficient, localised operations.

Funding for the project will be sourced from the 2007/2008 Sewerage Revenue Budget.

A tender was called for the project in accordance with the NSW Local Government (General) Regulations 2005 and Council's Procurement Policy. Tenders closed on 14 February 2008.

Three tenders were received at the time of closing and this report recommends the award of the tender.

**RECOMMENDATION:**

**That:**

- 1. Council awards contract EC2007-138 – Water Unit Facilities Building at Kingscliff Sewerage Treatment Plant for the amount of \$499,330.91 (Excl. GST) to Multispan Australia Pty Ltd.**
- 2. The General Manager be given delegated authority to approve variations up to 20% of the initial contract sum.**
- 3. Council votes the additional expenditure of \$300,000 from the Sewer Fund.**

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:**

A combined workshop and office facility building is proposed within the grounds of Kingscliff Sewage Treatment Plant. The building is required as an operational base for the water and sewer operations staff who manage the coastal areas from Fingal to Pottsville Beach. They are currently located at the Buchanan Street Depot at Murwillumbah and the efficiency of the operations group is suffering due to travel distances and lack of space for general operations.

The proposed building will provide a combined workshop and office space for use by staff and will be located to facilitate more efficient, localised operations.

Funding for the project will be sourced from the 2007/2008 Water and Sewerage budget.

A tender was called for this project in accordance with the NSW Local Government (General) Regulations 2005 and Council's Procurement Policy. The tender closed 14 February 2008 with submissions being received from the following:-

Multispan Pty Ltd  
JJ Miller - Builder  
Build 1 Qld

**TENDER ASSESSMENT CRITERIA**

Six criteria were used to assess the value of each tender submission. The criteria and their weightings are listed in the table below;

<b>CRITERIA</b>	<b>WEIGHTING</b>
Track Record	15%
OHS Compliance	10%
Timing	5%
Use of External Contractors	5%
Qualifications / Accreditations	5%
Price	60%
<b>TOTAL</b>	<b>100%</b>

**TENDER EVALUATION:**

The Tender Evaluation was conducted in accordance with the above criteria. A copy of the tender analysis is included in the **ATTACHMENT** 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 were provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Tender.

Based on the tender analysis and evaluation in the attached **CONFIDENTIAL** report, the tender submitted by Multispan Australia Pty Ltd has been shown to be the best value for money. Multispan Australia Pty Ltd have successfully undertaken numerous projects for Tweed Shire Council with a good performance level.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Current budget allocation for this project of \$250,000 will require an increase of \$300,000. A significant portion of that work is the provision of car parking and drainage works which were originally proposed to be completed at a later date. Funds are available in the current Sewer Budget.

The total cost of this facility is considered reasonable as it provides a base for the Water Unit outdoor group that services the coastal areas. This group of 12 services the areas from Fingal Head to Pottsville, including Tumbulgum and currently operates from the Murwillumbah Depot.

The facility will also provide for the expected growth in this area over the next ten years.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. **Confidential Attachment** – EC2007-138 Supplementary Confidential Information to Agenda Item EC2007-138, Water Unit Facilities Building at Kingscliff Sewerage Treatment Plant - (DW 1787062).
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**O35 [CNR-OC] Coastal Turf Effluent Irrigation****ORIGIN:****Water****SUMMARY OF REPORT:**

Effluent reuse is an integral component of Tweed Shire Council's Integrated Water Cycle Management Strategy.

Action 11 of the IWCM Strategy Action Plan adopted by Council required the preparation of an Effluent Reuse Opportunities report.

At the Council Meeting of 26 July 2006, Council resolved as follows:-

*That Council:-*

1. *Adopts the Effluent Reuse Strategy as per this report.*
2. *Proceeds with the detailed design of the Hastings Point Turf Farm Effluent Irrigation Scheme.*
3. *Prepares the necessary agreement for the supply of Effluent for the Hastings Point Turf Farm Effluent irrigation Scheme.*
4. *Considers a future report for final approval for the Scheme following the negotiation of the agreement and the completion of Detailed Design.*

Council now has completed detailed design of the treated effluent transport system and negotiated an agreement to supply treated effluent to the turf farm for the purpose of irrigation with Mount Victoria Enterprises Pty Ltd (trading as Coastal Turf).

**RECOMMENDATION:**

**That Council:-**

1. **Approves entering into an agreement with Mount Victoria Enterprises Pty Ltd for the supply of treated effluent from Hastings Point Sewerage Treatment Plant.**
2. **Executes all documentation under the Common Seal of Council.**

## **REPORT:**

Effluent reuse is an integral component of Tweed Shire Council's Integrated Water Cycle Management Strategy. Tweed Shire Council has identified an area where treated effluent water from Hastings Point Sewerage Treatment Plant could replace existing irrigation with potable and ground water at several nearby locations, of which the Coastal Turf Farm represents one opportunity.

The agreement was prepared between Tweed Shire Council and Mount Victoria Enterprises Pty Ltd (trading as Coastal Turf) for the construction of a treated effluent pipeline with a pumping and control system from the Hastings Point Sewerage Treatment Plant to convey treated effluent to the turf farm for the purpose of irrigation.

Under the agreement Council's obligations are:-

1. Obtain all necessary consents and approvals.
2. Construct the pipeline to the Turf Farm boundary and provide all pumping and control equipment capable of supplying treated effluent to the supply point.
3. Operate and maintain the treated effluent supply system up to the supply point including electricity costs.
4. The Term of Agreement is 15 years.

Coastal Turf will pay Council the capital charge for an agreed total sum of \$260,000, inclusive of GST, on the practical completion date of the above infrastructure. Coastal Turf has obtained government funding for part of the capital charge.

In addition, Coastal Turf will pay operation and maintenance charges amounting to \$12 (inclusive of GST) per million litres (ML) of effluent supplied indexed annually by the average of the Australian Statisticians Index.

A copy of the Deed of Agreement is attached.

Funds for the construction of the effluent transport system have been allocated in the 2007/2008 financial year from Council's sewer fund. The funds will be recouped from Coastal Turf after system commissioning.

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

The agreement has been prepared by Council officers and reviewed by Council's Legal & Property Officer.

## **POLICY IMPLICATIONS:**

Nil.



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Deed of Agreement (DW 1801353)
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**O36 [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 2008 Tweed NAIDOC Committee, Tweed Byron Local Aboriginal Land Council, approves the request for waiver for use of the Tweed Heads Civic Centre on 6 and 11 July 2008 and the South Tweed Community Hall on 10 July 2008, for NAIDOC Week celebrations, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".**
- 2. With reference to the request from the Rotary Club of Tweed Heads South Inc, provides the Tweed Heads Civic Centre Auditorium for a reduced fee of \$187.50 being 50% of the full fee of \$375 for the Rotary Art Show being held on 25, 26 and 27 July 2008, and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".**

**REPORT:**

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

Organisation Name	Request	Est \$ Amount of Waiver	Recommendation	Meet Guidelines?
2008 Tweed NAIDOC Committee, Tweed Byron Local Aboriginal Land Council	Request that fee be waived for hire of Tweed Heads Civic Centre on 6 and 11 July 2008 and South Tweed Community Hall on 10 July 2008 for NAIDCO Week celebrations	\$655	That the fee of \$655 be waived.	Yes
Rotary Club of Tweed Heads South Inc	Request that fee be reduced for hire of the Tweed Heads Civic Centre Auditorium for the annual Rotary Art Show on 25 to 27 July 2008.	\$187.50	That the fee be reduced to \$187.50 being 50% of the scheduled fee of \$375.	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. 2008 Tweed NAIDOC Committee, Tweed Byron Local Aboriginal Land Council (DW1780690)
  2. Rotary Club of Tweed Heads South Inc (DW1786345)
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**O37 [CNR-OC] NSW Ministry Grants**

**ORIGIN:**

**Community & Cultural Services**

**SUMMARY OF REPORT:**

The NSW Ministry for the Arts has announced a series of grants for the Museum (\$23,000) and Capital Infrastructure Museums (\$100,000) Programs.

**RECOMMENDATION:**

**That Council:**

- 1. Accepts the NSW Ministry for the Arts grants for the Museum (\$23,000) and Capital Infrastructure Museums (\$100,000).**
- 2. Executes all documentation under the Common Seal of Council.**
- 3. Votes the expenditure and includes the expenditure as part of the 2008-2009 budget deliberations.**

**REPORT:**

The NSW Ministry for the Arts has announced the 2007 Annual Grants for the Capital Infrastructure and Museum Programs.

The Ministry announced in 2007 a grant of \$15,559 from the Museum Program towards 50% of the part-time Collection Assistant's position (year 2). The position is funded for three years. Council is to fund the additional 50%. The position is crucial to the effective management of the Shire's extensive collection. The position will assist the Senior Museum Curator in the development of the collection of the new Tweed River Regional Museum.

The Ministry has also announced two additional grants totalling \$23,000. The Ministry has approved a grant of \$15,000 towards the second stage of the digitisation of the photographic collection and \$8,000 towards the second stage of the "Migration to the Tweed" project.

Stage 1 of both programs has delivered exciting and tangible outcomes. One such outcome was the Tweed Migration project.

A grant of \$100,000 through the Capital Infrastructure Program for the construction costs of the new Tweed River Regional Museum (Stage 1) was announced by the Ministry. The grant, unfortunately, is not as extensive as was to be hoped and without further sources of funding this will impact upon the budget for the project.

Council will seek further support for the project from other Government sources.

Unfortunately, the Art Gallery was unsuccessful in its application for funding.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Council's 50% of the Collection Assistant's position is covered in the current budget.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

Nil.

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**O38 [CNR-OC] Shire Wide Community Plan and Shire Wide Cultural and Community Facilities Plan****ORIGIN:****Community & Cultural Services****SUMMARY OF REPORT:**

In late 2006 Tweed Shire Council engaged SGS Economics & Planning (SGS) to prepare a Shire Wide Community Plan and Shire Wide Cultural and Community Facilities Plan. The plan was informed by extensive consultation with the community and stakeholders. The purpose of the report is to identify the types of community facilities that will be required over the next 20 years, the most appropriate locations for these facilities and potential funding opportunities. It was intended that the plan would form the basis for a Shire Wide Community Facilities Section 94 Contribution Plan as well as amendments to existing Plans. Recent advice from the Department of Planning (Planning Circular PS 07-018), however have made some of the recommendations and assumptions in the report doubtful.

**RECOMMENDATION:****That Council:-**

- 1. Endorses the principles outlined in the report entitled “Shire Wide Community Plan and Shire Wide Cultural and Community Facilities Plan” by SGS Economics & Planning (SGS Report) while recognising that there are budgetary constraints which will prevent Council from providing facilities at the level expressed, and in particular to support in principle, subject to available funds:**
  - (a) Commencement of community facility building works when 60% occupancy of Greenfield development has occurred;**
  - (b) The provision of facilities for isolated areas with small populations;**
  - (c) Flexible multi-purpose facilities and programs in co-location partnerships with private and public sector providers.**
- 2. Reviews its community facilities and library requirements in light of the recommendations of the SGS Report, taking into consideration budgetary constraints.**
- 3. Identifies publicly owned and managed land in the Shire suitable for the provision of identified community facilities.**

4. **Subject to State Government approval, amends S94 Plan No 10 (Cobaki Lakes) and S94 Plan No. 19 (Casuarina Beach/Kings Forest) to retain the current community facility size and utilise the new rates contained within the SGS Report.**
  
5. **Recognises that S94 funding is no longer likely to be available for the desired Regional Performing Arts Centre and alternative funding sources need to be explored if this facility is to be provided.**

**REPORT:**

In late 2006 Tweed Shire Council engaged SGS Economics & Planning (SGS) to prepare a Shire Wide Community Plan and Shire Wide Cultural and Community Facilities Plan. The plan was informed by extensive consultation with the community and stakeholders. The purpose of the report is to identify the types of community facilities that will be required over the next 20 years, the most appropriate locations for these facilities and potential funding opportunities. It was intended that the plan would form the basis for a Shire Wide Community Facilities Section 94 Contribution Plan as well as amendments to existing Plans. Recent advice from the Department of Planning (Planning Circular PS 07-018), however have made some of the recommendations and assumptions in the consultants report doubtful. Pagination as marked refers to the SGS Report

The purpose of the document is to provide the Tweed Shire with a framework for the future provision of community facilities within the Tweed LGA by:

- Providing a desired outcome for the establishment of community facilities infrastructure in the Tweed LGA;
- Setting out best practice planning principles for the establishment and provision of community facilities infrastructure;
- Indicating minimum best practice desired standards for the provision of community facilities infrastructure in the Tweed LGA; and
- Determining future demand for facilities provision within the Tweed LGA (p.i.)

For the purposes of the study communities of interest were defined through a process of consultation with Council staff and it was agreed that the shire was to be divided into seven (7) broad geographical areas:

Rural: Rural NW, Rural SW, Murwillumbah, Dulguigan and Tumbulgum  
Coastal: North Coast and South Coast  
Urban: Tweed Heads overall (p.ii.)

Three key documents were reviewed as part of the analysis of the requirements:

- The Far North Coast Regional Strategy;
- Tweed Social Plan; and
- The Tweed Youth Needs Analysis

An extensive review of the documents (Appendix F) is located at the end of the SGS report. The findings of the literature review indicated that issues could be expressed as comprising a number of target groups: Children 0-11 years; Young people 12-24 years; Women; Older people and Aboriginal and Torres Strait Islander People. Needs reflected the requirements of each target group. (pp 5-8 & 26-28) .

The report was based upon a Conceptual Framework that was based on six (6) steps:

- Establish Desired Outcomes;
- Identify Expressed Needs;

- Establish Standards of Service;
- Identify Existing Provision Rates for community Facilities;
- Determine Current Gaps and Likely future Need; and
- Review and Monitor Standards and Need. (p.iii.)

SGS recommends that a desired outcome may be expressed as:

*“The Tweed LGA will be provided with appropriate and timely community facilities and services to support current and future residents of the Tweed LGA; in order to ensure the highest level of social cohesion and to support the health, social wellbeing and economic prosperity of the Tweed community”*

SGS also recommends that Council embark upon a needs based approach as opposed to an ad hoc approach and should be based upon the following needs:

- Expressed needs (the community says it wants something);
- Indicative needs (based on information);
- Normative needs (based on standards); and
- Comparative needs (comparing against a similar area). (p.12)

SGS has predicated the report upon the use of benchmarks to determine the need for facilities. This is, however as SGS intimates, fraught with difficulty as there are few exact or universally recognised standards upon which to base assumptions. SGS therefore recommends that standards or benchmarks are considered to be minimum best practice in determining need but should be tested against expressed needs and verified through community consultation. There is some merit in this practice but the assumptions bear little relevance to the economic imperatives of funding facilities, especially in a community which is rapidly aging.

**PRINCIPLE:**

**That Council:-**

**Provides facilities at a level commensurate with need and bases future decisions on the provision of facilities upon Expressed, Indicative, Normative and Comparative needs.**

**RECOMMENDATION:**

**That Council:-**

**Identifies publicly owned and managed land in the Shire suitable for the provision of identified community facilities.**

**INFRASTRUCTURE REQUIREMENTS 2007 AND POST 2007**

The report identified two time critical issues: facilities that were required immediately (2007) and those that were required post 2007 until 2024. For the purposes of the report, facilities also encompassed those provided by State and Federal Governments such as schools and Community Health Centres. SGS identified thirteen (13) local specific facility requirements required in 2007 and fourteen (14) local specific facility requirements post 2007 that are normally Council’s responsibility (Table 3 p.ix).

**Urban North (See Table 10 p.39)**

SGS identified that the Council needs (2007-2024) to plan for 8 community facilities required in 2007 and an additional 8 community facilities in 2008-2024 for the Urban North (at the 40% threshold) comprising in total seven (7) Community meeting Rooms/Multi-purpose Halls; one (1) Multi-purpose Community Centre/Civic Centre; one (1) Youth Facility/Service; Three (3) Branch Libraries; three (3) Neighbourhood Centres and one (1) Performing Arts/Exhibition/Convention Centre.

**Coastal (see Table 11 p.41)**

SGS identified three (3) community facilities required in 2007 and six (6) additional Community Infrastructure needs for the Coastal areas in 2008-2024 (at the 40% threshold) comprising in total: Two (2) Community Meeting Rooms/Multi-purpose halls; two (2) Multi-purpose Community Centre/Civic Centres; two (2) Youth Facilities; two (2) Branch Libraries and one (1) Neighbourhood Centre.

**Rural West (see Table 12 p.42)**

SGS also identified two (2) additional facilities in 2007 located in the Rural West (at the 40% threshold) as comprising in total: one (1) Youth Centre and one (1) Neighbourhood Centre (currently planned as the Murwillumbah Community Centre) and none in the period 2008-2024.

Where “other” is indicated refers to facilities that are the responsibility of State, Federal or private/not for profit organisations. Examples include Schools, Ambulance & Fire Stations and Community Health Centres.

**Required additional Community Facilities: 2007 and Post 2007**

	2007		2008-2024		Total	
	Other	Council	Other	Council	Other	Council
Urban	18	8	16	8	34	16
Coastal	10	3	19	6	29	9
Rural	6	2	0	0	6	2
<b>Total</b>	<b>34</b>	<b>13</b>	<b>35</b>	<b>14</b>	<b>69</b>	<b>27</b>

The findings for Council's responsibilities for the years 2007 are summarised below

Level	Facility	Urban	Coastal	Rural
<b>Local</b>	Community Meeting Room/Multi-purpose hall	4	-	-
<b>District</b>	Multi-purpose Community Centre/Civic Centre	-	1	-
	Youth Facility/Service	-	1	1
	Branch Library	2	1	-
	Neighbourhood Centre	2	-	1
<b>Whole of Shire</b>	Performing Arts/Exhibition/Convention Centre	-	-	-
<b>Total</b>		<b>8</b>	<b>3</b>	<b>2</b>

The findings for Councils responsibilities for the years 2008-2024 are summarised below

Level	Facility	Urban	Coastal	Rural
<b>Local</b>	Community Meeting Room/Multi-purpose hall	3	2	-
<b>District</b>	Multi-purpose Community Centre/Civic Centre	1	1	-
	Youth Facility/Service	1	1	-
	Branch Library	1	1	-
	Neighbourhood Centre	1	1	-
<b>Whole of Shire</b>	Performing Arts/Exhibition/Convention Centre	1	-	-
<b>Total</b>		<b>8</b>	<b>6</b>	<b>-</b>

SGS recommends that the provision of facilities be based upon the benchmark of a 40% threshold. This implies that the facility would be built when the community reached 40% of the projected population increase. This would deliver facilities in a timely manner. The reality of the cost effective delivery of community facilities indicates that this is unachievable and would create a financial strain upon the Council. It would be more appropriate that the threshold be at 60% of the projected population increase.

Principles for the provision of facilities include:

- **Maximising usage of existing Community Facilities**
- **Developing Flexible, Multi-Purpose Community Facilities;**
- **Planning for Program and Service Delivery;**
- **Co-locating Compatible Uses and creating Community Hubs;**
- **Creating Community facilities Appropriate to the level of Service Demanded;**
- **Locating Community Facilities in Functional Activity Centres with Public Transport Access where appropriate;**
- **Engaging in Partnerships with Private and Public Sector to Deliver Affordable and Accessible Community Facilities and Services;**
- **High Quality Urban Design Outcomes for Community Facilities; and**
- **Recognising the Need to Support Isolated Areas with Declining or Small Populations (p.13-16)**

It would be prudent of Council to plan to appropriately fund the delivery of services from the facilities and include such funds in the Council's Business Plan

**RECOMMENDATION**

**That Council:-**

**Endorses the principles outlined in the report entitled "Shire Wide Community Plan and Shire Wide Cultural and Community Facilities Plan" by SGS Economics & Planning (SGS Report) while recognising that there are budgetary constraints which will prevent Council from providing facilities at the level expressed, and in particular to support in principle, subject to available funds:**

- **Commencement of community facility building works when 60% occupancy of Greenfield development has occurred;**
- **The provision of facilities for isolated areas with small populations;**

- **Flexible multi-purpose facilities and programs in co-location partnerships with private and public sector providers.**

**RECOMMENDED FACILITIES**

A review of the relevant S94 plans indicate that the recommendations proffered by SGS generally reflect those recommended through the S94 plans. The table below reflects the comparisons between the requirements recommended by SGS and those expressed in the S94 plan

**URBAN NORTH**

SGS Recommendations	S94 PLAN
Multi-purpose Community Centre incorporating Library and multiple flexible meeting rooms <b>(2007 - Urban North) p.70</b>	Multi-use Hall with attached Child Care Facility <b>(Cobaki Lakes Town Centre - threshold 1000 lots)</b>
Multi-purpose Community/Civic Centre with expanded Neighbourhood centre functions co-located/integrated Youth Centre <b>(Cobaki Lakes - Post 2007) p.70</b>	Youth Activity Centre <b>(Cobaki Lakes Town Centre - threshold 1000 lots)</b>  Multi-use Hall with attached Child Care Facility <b>(Cobaki Lakes South West - threshold 3000 lots)</b>
Community Health Centre incorporating Aged Care Services <b>(Cobaki Lakes - Post 2007) p.70</b>	Multi-use Hall extension <b>(to include aged recreation and Community Health - Town Centre-threshold 3000 lots)</b>
Multi-purpose Centre with attached Childcare Centre <b>(Bilambil Heights) p.70</b>	Community Health Centre <b>(Town Centre - threshold 3000 lots)</b>
<b>Amendment of s94 Plan &amp; New S94</b> That the existing S94 Plan for Cobaki Lakes be amended to include the above mentioned facilities that are required Post-2007 <b>p.70</b>	Multi-Use Hall extension - Aged Recreation <b>(South West - threshold 4000 lots)</b>
That a Cultural & Community Facilities Section 94 be developed for Bilambil Heights <b>p.70</b>	



**COASTAL CATCHMENT**

SGS Recommendations	S94 PLAN
<p>Multi-purpose Community/ Civic Centre incorporating Library and a co-located or integrated youth facility <b>(priority - 2007) p.71</b></p> <p>Multi-purpose Community/Civic Centre with expanded Neighbourhood centre functions co-located/integrated Youth Centre <b>(Kings Forest - Post 2007) p.71</b></p> <p>Community Health Centre incorporating Aged Care Services/Respite Centre <b>(Kings Forest - Post 2007) p.71</b></p> <p><b>Amendment of s94 Plan</b> SGS recommends that the amendment of the existing Section 94 Plans for Kings Forest include the above mentioned facilities that are required Post 2007 <b>p.71</b></p>	<p>Multi-use Hall &amp; Child Care facility <b>(Kings Forest Town Centre - 1,000 lot threshold)</b></p> <p>Multi-use Hall extensions <b>(Kings Forest Town Centre - 3,000-5,000 lot threshold)</b></p> <p>Youth activity centre <b>(Kings Forest Town Centre - 1,000 lot threshold)</b></p> <p>Youth activity centre <b>(Kings Forest - 3,000-5,000 lot threshold)</b></p> <p>Library <b>(Kings Forest Town Centre - 3,000-5,000 lot threshold)</b></p> <p>Community Health Care <b>(Kings Forest Town Centre - 3,000-5,000 lot threshold)</b></p> <p>Multi-use Hall &amp; Meeting Facility <b>(Casuarina - 1,000 lot threshold)</b></p> <p>Multi-use Hall &amp; Child Care <b>(Kings Forest local Shopping Centres - 3,000 lot threshold )</b></p> <p><b>Multi-use Hall &amp; Child Care extension (Kings Forest Local Shopping centre - 5,000 to 6,000 lot threshold)</b></p> <p>Multi-use Hall &amp; Child Care plus extension <b>(Kings Forest local Shopping Centres - 3,000 lot threshold)</b></p> <p>Multi-use Hall &amp; Child Care extension <b>(Kings Forest Local Shopping centre - 5,000 to 6,000 lot threshold)</b></p>



**RURAL WEST**

SGS Recommendations	S94 PLAN
It is recommended that a multi-purpose community centre with expanded neighbourhood centre functions, youth facilities and larger meeting spaces be incorporated as part of the redevelopment of the Murwillumbah Community Centre and surrounding precinct <b>p.71</b>	N/A Funded through the Seven Year Plan

**WHOLE OF SHIRE**

SGS Recommendations	S94 PLAN
It is recommended that a Cultural & Community Facilities Whole of Shire Section 94 Plan be developed for Tweed Shire, this plan should incorporate the identified need for a Shire Wide Regional Performing Arts Centre <b>p.71</b>	N/A Subject to Planning Circular PS 07-018

**RECOMMENDATION:**

**That Council:-**

**Recognises that S94 funding is no longer likely to be available for the desired Regional Performing Arts Centre and alternative funding sources need to be explored if this facility is to be provided.**

The recommendations made by SGS generally reflect those expressed in the relevant S94 plans (s94 plan number 10 and s94 plan number 19). Budget considerations, especially in the provision of services that are delivered through the newly created facilities, will restrict the ability of Council to effectively provide and deliver these services.

**RECOMMENDATIONS:**

**That Council:-**

**Amends S94 Plan No 10 (Cobaki Lakes) and S94 Plan No 19 (Casuarina Beach/Kings Forest) to retain the current community facility size and utilise the new rates contained within the SGS Report.**

**Library Services**

Both the SGS and the s94 (Cobaki and Casuarina/Kings Forest) plans recommend the establishment of Branch Libraries at Cobaki (attached to the Multi-purpose Community Centre and multiple flexible meeting rooms) and an additional branch at Kings Forest Town Centre (3,000 – 5,000 lot threshold). Council previously resolved to adopt a three library policy through the Richmond Tweed Regional Library Service (Murwillumbah/Kingscliff/Tweed Heads). The mobile library also provided additional services to centres outside the three main urban centres.

A resolution on the proposed additional branches is outside the scope of the SGS report and needs to be separately considered when the Tweed Shire Library Facilities Plan (no 11) is reviewed.

**RECOMMENDATION:**

**That Council:-**

**Reviews its community facilities and library requirements in light of the recommendations of the SGS Report, taking into consideration budgetary constraints.**

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

1. Whole of Shire Cultural and Community Facilities Plan Final Report prepared by SGS Economics & Planning (DW1739483)
-

**O39 [CNR-OC] Aboriginal Advisory Committee Constitution**

**ORIGIN:**

**Community & Cultural Services**

**SUMMARY OF REPORT:**

Council adopted the Terms of Reference of the Aboriginal Advisory Committee at a meeting held on 21 August 2007. The Committee at its meeting held on Friday, 4 April 2008 has requested that the attached amended Terms of Reference be adopted by Council.

**RECOMMENDATION:**

**That Council adopts the Terms of Reference for the Aboriginal Advisory Committee as per the attachment to this report.**

**REPORT:**

Council adopted the Terms of Reference of the Aboriginal Advisory Committee at a meeting held on 21 August 2007. The Committee at its meeting held on Friday, 4 April 2008 has requested that the attached amended Terms of Reference be adopted by Council. The Committee noted that the quorum for the meetings was seven (7). The Committee recommends that the quorum be reduced from seven (7) to five (5). The Committee was concerned that meetings did not proceed as a result of a lack of quorum and that the reduced quorum would allow meetings to proceed.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Terms of Reference of the Aboriginal Advisory Committee (DW 1800196)
-

**O40 [CNR-OC] Second Round Applications for 2008 Tweed Shire Salt Cultural Arts Fund****ORIGIN:****Community & Cultural Services****SUMMARY OF REPORT:**

The Tweed Shire Salt Cultural Arts Fund was initiated by the Ray Group in partnership with Tweed Shire Council and is funded by the fees and charges derived from SALT Central Park major events.

The fund aims to support Tweed Shire Council's cultural policy by funding a broad range of cultural and arts related projects that reflect the spirit of the policy's eight strategic elements and guiding principles and contributes to the cultural wellbeing of the community.

The Tweed Shire Salt Cultural Arts Fund is administered by Tweed Shire Council twice a year and comprises two separate funding categories (a) Community Projects and (b) Individual Initiatives. Second round applications closed on Friday, 29 February 2008.

Council is advised that all monies have now been expended in the Tweed Shire Salt Cultural Arts Fund and this will be the final allocation of funds.

**RECOMMENDATION:**

**That Council allocates Second Round Tweed Shire Salt Cultural Arts Fund as follows:**

<b>Applicant</b>	<b>Amount Approved</b>
<b>Anglican Parish of Murwillumbah</b>	<b>\$1,000</b>
<b>Tweed Valley Jazz Club</b>	<b>\$2,000</b>
<b>Lesley Gail &amp; Gloria Roszkiewicz</b>	<b>\$1,000</b>
<b>Kingscliff Public School P &amp; C Association</b>	<b>\$1,000</b>
<b>Chillingham Community Association</b>	<b>\$990</b>
<b>Murwillumbah Theatre Company</b>	<b>\$810</b>
<b>Howard Jenner</b>	<b>\$600</b>
<b>David Rousell</b>	<b>\$600</b>
<b>TOTAL</b>	<b>\$8,000</b>

**REPORT:**

The Tweed Shire Salt Cultural Arts Fund was initiated by the Ray Group in partnership with Tweed Shire Council and is funded by the fees and charges derived from SALT Central Park major events.

The Fund aims to support Tweed Shire Council's cultural policy by funding a broad range of cultural and arts related projects that reflect the spirit of the policy's eight strategic elements and guiding principles and contributes to the cultural wellbeing of the community.

The Tweed Shire Salt Cultural Arts Fund is administered by Tweed Shire Council twice a year. Second round applications closed on Friday 29<sup>th</sup> February 2008 and were assessed by Tweed Shire Council's Community Cultural Development Advisory Committee. The following applications were received.

<b>Applicant</b>	<b>Amount requested</b>	<b>Proposed Event/Project</b>
Anglican Parish of Murwillumbah	\$2,500	All Saints "Four Seasons Concerts"
Mr. Any Kidd	\$3,000	Produce book on ecological and social approach to self-reliance
Tweed Valley Jazz Club Inc	\$2,000	Combined High Schools Jazz Music Workshop
Ms Marianne Gulluzzo	\$1,000	Undertake University Course
Tweed Unlimited Arts Inc	\$2,500	Purchase a Pottery Kiln
Lesley Gail & Gloria Roszkiewicz	\$1,000	Research & Development (Stage 1) of publication of Art Book/Directory of local female Arts Workers and Craftspeople
Kingscliff Public School P & C Association	\$1,240	Inaugural Salt Musical Scholarships
Chillingham Community Association	\$990	Chillingham Artists and Painters Group
Murwillumbah Theatre Company	\$2,000	Construction of set
Howard Jenner	\$600	Produce oral history of surfing culture
David Rousell	\$600	Glassblowing workshop

Each application was assessed by Council's Community Cultural Development Advisory Committee according to the degree in which it demonstrated the following criteria:

- Addresses the Salt Cultural Arts Fund objectives
- Aims to achieve artistic merit

- Expands community participation in and/or audiences for cultural and arts activities
- Enhances and complements the Shire's existing calendar of cultural events
- Shows evidence of adequate planning and a capacity to manage the project
- Provides evidence of consultation with and support from the community
- Demonstrates an attempt to obtain financial and/or in-kind assistance from other sources

**RECOMMENDATION:**

Council allocates Second Round Tweed Shire Salt Cultural Arts Fund as follows:

<b>Applicant</b>	<b>Amount Approved</b>
Anglican Parish of Murwillumbah	\$1,000
Tweed Valley Jazz Club	\$2,000
Lesley Gail & Gloria Roszkiewicz	\$1,000
Kingscliff Public School P & C Association	\$1,000
Chillingham Community Association	\$990
Murwillumbah Theatre Company	\$810
Howard Jenner	\$600
David Rousell	\$600
<b>TOTAL</b>	<b>\$8,000</b>

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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**O41 [CNR-OC] Second Round Applications for Financial Assistance 2007/2008 - Festivals Policy****ORIGIN:****Community & Cultural Services****SUMMARY OF REPORT:**

Tweed Shire Council recognises a need to assist non-profit community groups, organisations and individuals who are interested in and are working towards the enhancement and the well being of its residents and the Shire.

Council advertises and invites applications for financial assistance from eligible organisations in accordance with its Festivals Policy twice a year under Section 356 of the Local Government Act, 1993. Applications for financial assistance close at the end of July for the first round and end of February for the second round.

Second round applications for financial assistance under Council's Festivals Policy closed on 29 February 2008 and were considered by the Community Cultural Advisory Committee on 12 March 2008.

**RECOMMENDATION:**

**That Council allocates the Second Round Donations for 2007/2008 under the Festivals Policy, as follows:-**

<b>Applicant</b>	<b>Amount Approved</b>
<b>Cabarita Beach Pottsville Beach Lions Club</b>	<b>\$2,100</b>
<b>Murwillumbah Festival of Performing Arts Inc</b>	<b>\$3,000</b>
<b>Island Style Promotions on behalf of Gold Coast Malibu Club</b>	<b>\$1,500</b>
<b>Cabarita Beach Surf Life Saving Club Inc</b>	<b>\$1,500</b>
<b>Tyalgum Festival Committee Inc</b>	<b>\$4,500</b>
<b>Caldera Environment Centre</b>	<b>\$2,000</b>
<b>Murwillumbah Combined Family &amp; Child Services auspiced by</b>	
<b>Tweed Shire Women's Service Inc</b>	<b>\$1,500</b>
<b>Tweed NAIDOC Committee</b>	<b>\$2,000</b>
<b>TOTAL</b>	<b>\$18,100</b>

**REPORT:**

Tweed Shire Council recognises a need to assist non-profit community groups, organisations and individuals who are interested in and working towards the enhancement and the well being of its residents and the Shire.

Council advertises and invites applications for financial assistance from eligible organisations in accordance with its Festivals Policy twice a year under Section 356 of the Local Government Act, 1993. Applications for financial assistance close at the end of July for the first round and end of February for the second round.

The 2007/2008 Festivals Budget was prepared on the following basis:

\$49,100	General
\$10,000	Wintersun multi-year funding

An amount of \$32,000 was allocated in the first round. An amount of \$18,100 and the \$10,000 Wintersun multi-year funding is available for allocation in the second round. An additional amount of \$1,000 was returned to the budget being reimbursed from Council's GST account.

The Community Cultural Advisory Committee considered the following requests for financial assistance, using the funding guidelines outlined in the Festivals Policy.

<b>Applicant</b>	<b>Amount requested</b>	<b>Proposed Event</b>
Cabarita Beach Pottsville Beach Lions Clubs	\$2,500	Lions Greenback Charity Fishing Competition to be held on 7 and 8 June 2008
Murwillumbah Festival of Performing Arts Inc	\$3,500	Murwillumbah Festival of Performing Arts to be held 20 June to 16 July 2008
Island Style Promotions on behalf of the Gold Coast Malibu Club	\$3,000	Malfunxion Surf Festival to be held on 22 to 27 April 2008 to be held at Kingscliff Beach
Cabarita Beach Surf Life Saving Inc	\$1,500	Tweed Coast Annual Raft Race and Annual Picnic Day to be held on 26 January 2009
Tyalgum Festival Committee Inc	\$5,000	Tyalgum Festival of Classical Music to be held on 5 to 7 September 2008
Tweed Valley Banana Festival Inc	\$7,500	Tweed Valley Banana Festival to be held on 22 to 30 August 2008
Caldera Environment Centre	Not stated	World Environment Day to be held on 7 or 8 June 2008
Murwillumbah Combined Child & Family Services auspiced by Tweed Shire Women's Service Inc	\$2,000	From Belly 2 Big School Expo to be held on 14 May 2008
Tweed NAIDOC Week Committee	\$17,950	Tweed NAIDOC celebrations to be held on 6 to 11 July 2008

Under Council's Festivals Policy for 2007/2008 the following amounts were distributed:

**First Round:**

<b>Applicant</b>	<b>Amount Approved</b>
Tweed Valley Banana Festival & Harvest Festival Inc	\$7,500
Wollumbin Dreaming Inc	\$5,000
Murwillumbah Community Centre	\$2,000
Seniors Expo	\$6,000
Speed on Tweed	\$7,500
Kids In Need	\$1,000
Whole Woman Festival	\$2,000
Nitromax Productions	\$1,000
<b>TOTAL</b>	<b>\$32,000</b>

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The 2007/2008 Festivals Budget was prepared on the following basis:

\$49,100	General
\$10,000	Wintersun multi-year funding

An amount of \$18,100 is recommended for distribution in the Second Round. An additional amount of \$1,000 was returned to the budget being reimbursed from Council's GST account.

**POLICY IMPLICATIONS:**

Festivals Policy

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

Nil.

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**O42 [CNR-OC] Second Round Applications for Financial Assistance  
2007/2008 - Donations Policy****ORIGIN:****Community & Cultural Services****SUMMARY OF REPORT:**

Tweed Shire Council recognises a need to assist non-profit community groups, organisations and individuals who are interested in and are working towards the enhancement and the well being of its residents and the Shire.

Council advertises and invites applications for financial assistance from eligible organisations in accordance with its Donations Policy twice a year under Section 356 of the Local Government Act, 1993. Applications for financial assistance close at the end of July for the first round and end of February for the second round.

Second round applications for financial assistance under Council's Donation Policy closed 29 February 2008.

**RECOMMENDATION:**

**That Council allocates the second round donations for 2007/2008 under the Donations Policy as follows:-**

<b>Applicant</b>	<b>Amount Approved</b>
<b>Tweedelsea RSL Day Club</b>	<b>\$750</b>
<b>Westpac Lifesaver Rescue Helicopter</b>	<b>\$944</b>
<b>Tweed Valley Vehicle Restorers Club</b>	<b>\$500</b>
<b>Tweed Coast CFS/ME/FMS Support Group</b>	<b>\$500</b>
<b>Blind Citizens Australia Tweed Valley Branch</b>	<b>\$704</b>
<b>Zonta Club Southern Gold Coast/Tweed</b>	<b>\$257</b>
<b>Burringbar School of Arts Hall</b>	<b>\$1,000</b>
<b>Tweed Valley Woodcrafters Association</b>	<b>\$1,000</b>
<b>Tyalgum Community Pre School</b>	<b>\$1,000</b>
<b>Blind &amp; Vision Impaired Support Group</b>	<b>\$2,000</b>
<b>1st Chinderah Scout Group</b>	<b>\$1,000</b>
<b>Mount Warning Community Pre School</b>	<b>\$500</b>
<b>Possums Community Pre School</b>	<b>\$500</b>
<b>Tweed Palliative Support Inc</b>	<b>\$2,000</b>
<b>TOTAL</b>	<b>\$12,655</b>

**REPORT:**

Tweed Shire Council recognises a need to assist non-profit community groups, organisations and individuals who are interested in and working towards the enhancement and the well being of its residents and the Shire.

Council advertises and invites applications for financial assistance from eligible organisations in accordance with its Donations Policy twice a year under Section 356 of the Local Government Act, 1993. Applications for financial assistance close at the end of July for the first round and end of February for the second round.

The following criteria is required to be used to determine the applications:

- No financial assistance will be given to privately owned businesses/companies.
- Organisations must be Tweed based or the funds are to be used on a service or activity for Tweed.
- No financial assistance will be given to Government Departments or agencies or for support of Government owned facilities.
- No financial assistance will be given to sporting organisations as these organisations have ample other avenues for financial assistance.
- The funds are not to be used for a social activity for members of the organisation exclusively.

The 2007/2008 Budget allocation for Donations is \$30,000 (including the \$6,800 donated to the Showgrounds/Agricultural Society) of which \$10,000 of the budget expenditure was allocated in the First Round and the balance of \$12,655 is available for allocation in the Second Round for determination by Council.

Application were assessed by the Community Cultural Development Committee on 12 March 2008.

The applications received by 29 February 2008 are listed below:

<b>Applicant</b>	<b>Donation Requested</b>	<b>Purpose</b>
Mountain View Retirement Village	\$1,500	12 month Broadband internet satellite connection for Village residents
Tweedelsea RSL Day Club	\$1,500	To provide entertainment to elderly citizens at weekly meetings
Residents of Noble Lakeside Park Estate	Not stated	Donation towards fundraising events for Cancer Research
Westpac Life Saver Rescue Helicopter	\$2,000	Towards cost of toughbook laptop computer for use onboard helicopters
Tweed Valley Vehicle Restorers Club	\$1,500	Annual event "Tweed Valley Tour" for venue hire, catering etc

<b>Applicant</b>	<b>Donation Requested</b>	<b>Purpose</b>
Tweed Coast Support Group CFS/ME/FMS	\$1,500	Quarterly newsletter, flyers and brochures and library resources and printed material for GP's
Blind Citizens Australia, Tweed Valley Branch	\$704	Upgrade of computer equipment to include 2 flat wide screen computer monitors
Zonta Club Southern Gold Coast/Tweed	\$256.90	Women's Health Forum – venue costs, advertising and event flyer
Burringbar School of Arts Inc	\$1,000	Repairs to guttering over deck and fire escapes, water damaged wall and repaint wall
Tweed Valley Woodcrafters Association	\$2,000	Dust filtration system for new shed/premises at Murwillumbah Showgrounds
Tyalgum Community Pre School	\$1,000	Assist with cost of shade sails over playground
Camera Arts Club Murwillumbah	\$990	Purchase of an overhead projector
Blind & Vision Impaired Support Group (NSW Far North Coast) Inc	\$4,000	Sensory awareness and mobility skills enhancement program through group activities and outings
1st Chinderah Scout Group	\$3,000	Purchase camping equipment, materials to build new trailer and repairs to leaking roof
St James Anglican Church Kingscliff Parish	\$2,000	Towards wheelchair accessible toilets and shower
Mount Warning Community Pre School	\$959	ADSL Broadband internet access for 24 month period
Possums Community Pre School	\$2,000	Replacement of 21 year old fence in pre school playground
Chillingham Community Association	\$500	Purchase of artists easels
Tweed Palliative Support Inc.	\$2,000	Training of 2008 volunteers (approx 20 people) and ongoing training for 35 carers
Cabarita Beach Business Association Inc	\$2,000	Defray expenses for running community Christmas party in 2008
Martin Munz & Bernadette Maher	\$1,800	To make road signs for Tweed Valley Way to slow traffic through Burringbar village
Tyalgum Diggers District Sports Association	\$3,800	Purchase an electric deep fryer to improve kitchen facilities

Under Council's Donations Policy for 2007/2008 the following amounts were distributed:

**First Round:**

<b>Applicant</b>	<b>Amount Approved</b>
Riding for the Disabled Association (NSW) Tweed Valley Centre	\$2,000
Chillingham Community Pre School Tweed Combined Country Halls Association	\$1,000 \$700
Kids in Need Inc	\$2,000
Oxley RSL Day Club	\$1,000
Cooloon Children's Centre	\$1,500
Photo Arts Club Tweed	\$1,800
<b>TOTAL</b>	<b>\$10,000</b>

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

An amount of \$12,655 is recommended for distribution in the Second Round being the balance of the budget for 2007/2008.

**POLICY IMPLICATIONS:**

Donations Policy.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O43 [CNR-OC] Mature Banksia Plantings - Lot 500 SALT****ORIGIN:****Natural Resource Management****SUMMARY OF REPORT:**

At its meeting held 13 November 2007, Council considered a report regarding vegetation clearing in dunal areas of Lot 500 adjacent to SALT. Council resolved to:-

- "1. *Erect visual screens, of size similar to the lost vegetation view line profile, at the location of unauthorised clearing with signage explaining why screens have been erected.*
2. *Department of Lands to be asked to contribute 50% of the cost of screens and signs.*
3. *Replace removed trees with tubestock on a 2:1 basis, with the number planted to be related to the number of trees recorded as having been removed to date. The species to be selected from the Management Plan species list."*

A subsequent letter was received by the owners of 18 North Point Avenue, the residence directly affected by the screen, describing the affect the screen has had on them and offering to "*replace the Banksias, provide all ongoing maintenance, including watering by a Council appointed contractor and meet all other Council's cost in this matter*".

Following consideration of the issues, Council is in a position to accept this offer under certain conditions as detailed in the report.

**RECOMMENDATION:****That Council:-**

- 1. Facilitates the planting of mature Banksias in a dunal area adjacent to SALT development as proposed by the adjacent resident and that Council staff to undertake this planting in accordance with the rehabilitation plan with costs to be incurred by the adjacent resident.**
- 2. Receives a report from the Natural Resource Management Section on the establishment of the trees in November 2008, approximately eight months after the initial planting and subsequent potential for removal of the screen.**
- 3. Notes that this is not to be considered a precedent for planting or maintenance activities by local landowners on adjacent Crown land.**

**REPORT:**

At its meeting held 13 November 2007, Council considered a report regarding vegetation clearing in dunal areas of Lot 500 adjacent to SALT. Council resolved to:-

- "1. *Erect visual screens, of size similar to the lost vegetation view line profile, at the location of unauthorised clearing with signage explaining why screens have been erected.*
2. *Department of Lands to be asked to contribute 50% of the cost of screens and signs.*
3. *Replace removed trees with tubestock on a 2:1 basis, with the number planted to be related to the number of trees recorded as having been removed to date. The species to be selected from the Management Plan species list."*

A subsequent letter was received by the owners of 18 North Point Avenue, the residence directly affected by the screen, describing the affect the screen has had on them and offering to "*replace the Banksias, provide all ongoing maintenance, including watering by a Council appointed contractor and meet all other Council's cost in this matter*".

In considering this request, Council requested a report on the feasibility of replanting the area with mature Banksias. Council's Natural Resource Management Section noted that attaining mature Banksias to replant may be difficult and their potential for survival is reduced over small specimens. If mature trees were planted, an establishment time of approximately 12 months would still be required to ensure the trees survival prior to removal of the screen.

Planting of mature banksias has been undertaken, supported by the landowner and SALT contractors.

It is noted that the positioning of the screen does not adequately address the issue of view clearing as the plants removed were further seaward in the dunal system.

Given the uncertainties above, it is proposed to undertake the review of the screen in November 2008, approximately eight months after the planting. This will be sufficient time, particular over the winter period, to determine the success or otherwise of the semi-mature plantings.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O44 [CNR-OC] Urban Sustainability Program****ORIGIN:****Natural Resource Management****SUMMARY OF REPORT:**

The Urban Sustainability Program is a funding program of the NSW Environmental Trust. In 2007 six Northern Rivers Councils submitted a joint application for \$1,906,130 over three years. The project aim is to facilitate, through on ground works and extension, the active management of North Coast watercourses and coastal lakes. Issues addressed will include stormwater pollution and nutrient runoff, acid sulfate soils, and loss/degradation of aquatic habitat values. The application was successful and Tweed Shire Council will receive \$300,000 over three years.

**RECOMMENDATION:**

**That Council accepts the grant from the Urban Sustainability Program in the amount of \$300,000 over the next three years and votes the expenditure.**

**REPORT:**

The Urban Sustainability Program is a funding program of the NSW Environmental Trust. In 2007 the Floodplain Officers of Clarence Valley Council, Tweed Shire Council, Richmond River County Council, Port Macquarie Hastings Council, Kempsey Shire Council and Greater Taree/Manning Valley Council, submitted a joint application for \$1,906,130 over three years. The project aim is to facilitate, through on ground works and extension, the active management of North Coast watercourses and coastal lakes. Issues addressed will include stormwater pollution and nutrient runoff, acid sulfate soils, and loss/degradation of aquatic habitat values.

Council has received notice that the application was successful. Council's portion of this grant is \$300,000 over three years. The project budget will provide \$30,000 per year for project management by Council's Assistant Floodplain Officer.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Council will receive \$100,000 per year for three years. The project budget has allocated \$30,000 per year for project management by Council's Assistant Floodplain Officer, half of the annual salary for the officer. The other half will be funded from River Management Programs.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O45 [CNR-OC] Closure of Murwillumbah Garbage Depot**

**ORIGIN:**

**Waste Management**

**SUMMARY OF REPORT:**

Council has for some time been negotiating with the Department of Environment & Climate Change (DECC) over the future operations of the Murwillumbah Garbage Depot due to potential leachate contamination of groundwater.

The DECC originally specified closure by 30 April 2009, however Council has negotiated an extension of time with the garbage depot now to close on 30 November 2009.

**RECOMMENDATION:**

**That, given the advice from the Department of Environment & Climate Change (DECC), the Murwillumbah Garbage Depot will close effective 30 November 2009.**

**REPORT:**

Council has for some time been negotiating with the Department of Environment & Climate Change (DECC) over the future operation of the Murwillumbah Garbage Depot. DECC was concerned that leachate from the waste was contaminating groundwater at the site. Council did not agree with this assessment on the basis of the type of material which has been deposited in the Murwillumbah landfill and the acidic nature of the surrounding ground water environment. However, the cost of proving this one way or the other would be considerable in light of the limited life of the landfill.

DECC then sent correspondence to Council with the option of either installing a leachate barrier system or close the garbage depot. As the depot has been operating for over 30 years, the installation of the leachate barrier system would be extremely difficult and have an estimated cost of over \$300,000. A decision was therefore taken to close the garbage depot as it has limited life in any case and is costly to operate. The major centre of population serviced by the Murwillumbah depot is closer to the Stotts Creek landfill than significant other areas of the Shire which rely on the Stotts Creek facility.

A fully detailed closure plan will have to be developed by Council.

Council has been able to negotiate an extension of time with the garbage depot to close on 30 November 2009.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The cost of closure will be covered by Council's Waste reserves established for this purpose.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O46 [CNR-OC] Entomological Control Report for period January to March 2008**

**ORIGIN:**

**Director Community & Natural Resources**

**SUMMARY OF REPORT:**

The following report summarises local Arbovirus, biting insect and vermin monitoring/control carried out during January to March 2008.

**RECOMMENDATION:**

**That the Entomological Control Report for the period January to March 2008 be received and noted.**

**REPORT:**

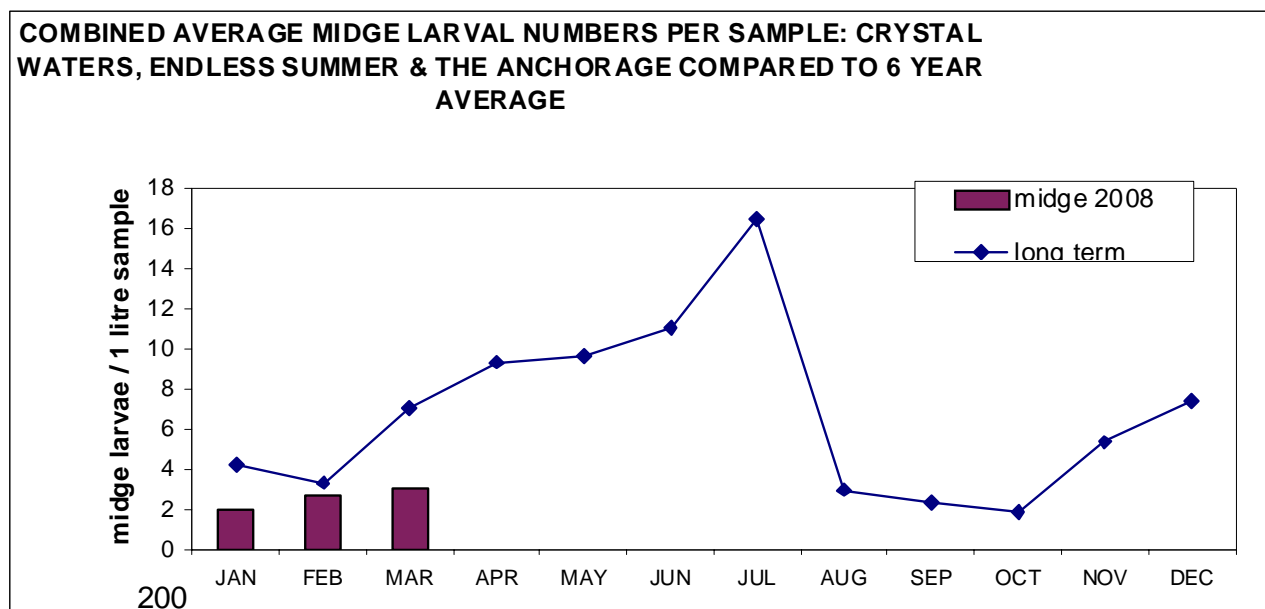
**BITING MIDGE**

**Seasonal activity**

Biting midge activity was below seasonal average over the report period. However, moderate activity was reported at times from areas of Tweed Heads South, Tweed Heads West, Banora Point and parts of Bilambil Heights. There were only 8 enquiries related to biting midges over the report period.

Monitoring of biting midge larval numbers in canal estates indicated below average midge numbers in these canals during the report period.

The following graph depicts biting midge larval numbers averaged in 3 major canal estates this year.



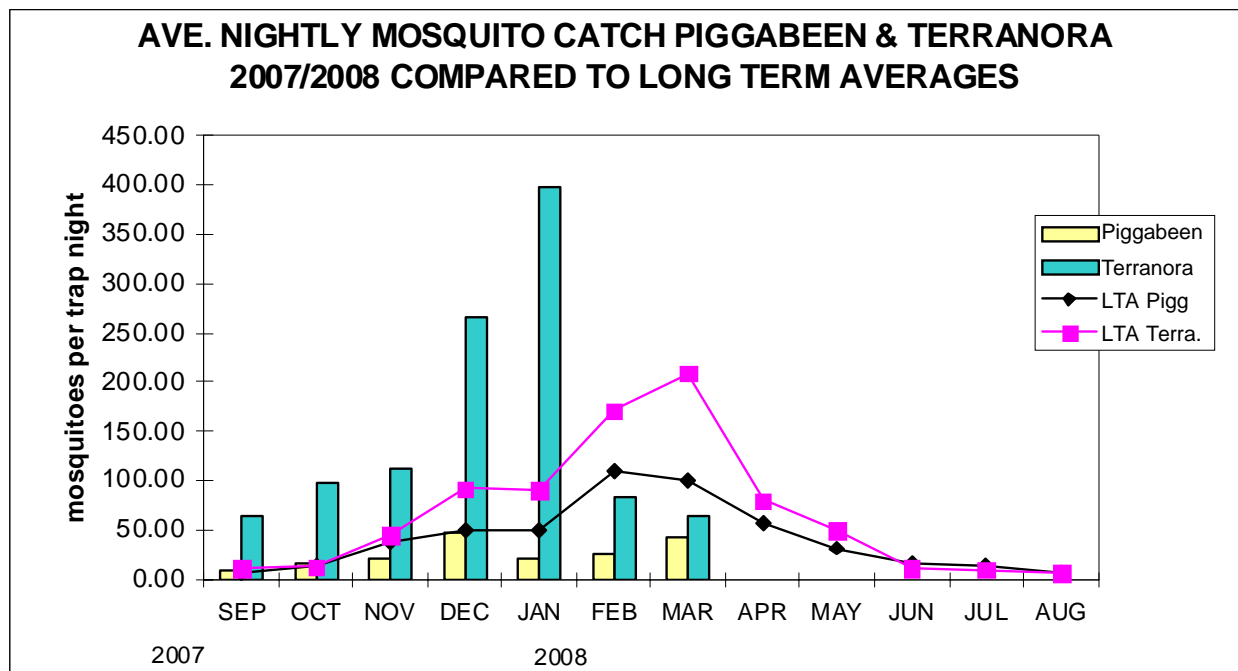
**Control**

The next canal beach spraying is proposed for July when midge larval numbers generally reach their peak. New canal spray permits have been issued to Council by The Australian Pesticides and Veterinary Medicines Authority. The new permits request daily water sample testing from specified canal sites for 96 hours post spray to monitor for pesticide residues. This testing will replace the long-term pre and post-spray non-target monitoring that has satisfied the Pesticide Authority that these organisms are not being adversely affected by midge control activity. Analysis to detect the midge control chemical in water to a level of 0.8 ppb can be carried out by Council's Water Laboratory. However, this analysis will add several thousand dollars to the annual midge control costs.

## MOSQUITOES

### Seasonal activity

The early summer rain that caused one of the busiest early mosquito seasons we have had in the last decade continued throughout January and February. However, by mid summer, wetland mosquito predator complexes such as fish and aquatic insects had reached numbers that exerted good control over mosquito breeding in most areas. The mosquito predators, combined with ground based larval control, led to below average mosquito numbers by late summer. There were 16 mosquito related enquiries over the report period with areas surrounding Terranora Broadwater the principal area suffering mosquito nuisance. The dryer March conditions did not trigger any rain induced mosquito hatches; however, larger than predicted tides pushed in by low pressure systems and large easterly swells caused several salt marsh mosquito hatches. The most frequently collected mosquito larvae and trapped mosquitoes were the brackish water breeding species *Culex Sitiens*, followed by the fresh water breeding *Culex annulirostris* and the salt marsh breeding *Aedes vigilax*. *Cx. Sitiens* was by far the dominant mosquito species caught in Carbon dioxide baited monitoring traps.



### *Aedes aegypti* survey

Council's entomology unit, in collaboration with NSW Health and The Department of Medical Entomology at Westmead Hospital, is taking part in a NSW North Coast survey for the exotic mosquito species *Aedes aegypti*. This container-breeding mosquito sporadically transmits Dengue Fever in parts of North QLD and has recently been found in areas of Central QLD. *Ae. aegypti* was once well established in northern NSW but disappeared following eradication campaigns and reduced mosquito breeding potential following widespread water reticulation replacing domestic rainwater tanks. The survey is the first comprehensive *Ae. aegypti* study carried out in NSW since 1984. The survey focused on high risk sites such as nurseries (particularly those importing ornamentals from North QLD), caravan parks (where many visitors stay on return trips from North QLD) and heavily vegetated dwellings close to these sites. The intensive survey of these sites has also helped educate land and business owners to the mosquito health risk pertaining to containers holding water on their premises. The most commonly found

mosquito breeding sites have been - pot plant bases, Bromeliad plants, buckets, old tires, blocked roof guttering and boats. Hundreds of mosquito larvae from these sites have been collected, preserved and sent to The Department of Medical Entomology at Sydney's Westmead Hospital for identification. To date, no *Aedes aegypti* have been found.

### Control

Aerial mosquito larval control was only necessary on one occasion over the report period. The following table outlines this season's treatments, which were carried out with the bacterial larvicide Bti. Favourable weather during spraying helped with the extremely good larval reductions.

#### AERIAL MOSQUITO SPRAYING - TAPPS AVIATION

2007/08

Date	Site	Time	Chemical & rate	Hectares & amt. used	Weather	Target species	Pre spray dip ave.	Post spray dip ave
15-Nov-07	Bilambil	0630	Vectobac	20ha	Fine	Ae.vigilax	10	0
			1.2L/ha	27L	3k W; 18C	V.funerea	5	0
15-Nov-07	N. Tumbulgum	0610	Vectobac	5ha	Fine	Ae.vigilax	20	0
				8L	3k W; 18C	V.funerea	9	0
8-Dec-07	Terranora	0730	Vectobac	12ha	Fine	Ae.vigilax	2	0
			1.2L/ha	15L	5k N; 23C	V.funerea	2	0
						Cx. Sitiens	32	0
8-Dec-07	Bilambil	0745	Vectobac	8ha	Fine	Ae.vigilax	4	0
			1.2L/ha	10L	5k N; 23C	V.funerea	4	0
8-Dec-07	Cobaki	0800	Vectobac	13ha	Fine	Ae.vigilax	4	1
			1.2L/ha	15L	5k N; 23C			
14-Dec-07	Bilambil	0700	Vectobac	20ha	Fine	Ae.vigilax	11	0
			1.2L/ha	27L	8k S; 21C	V.funerea	8	0
14-Dec-07	N. Tumbulgum	0640	Vectobac	5ha	Fine	Ae.vigilax	15	0
				8L	8k S; 21C	V.funerea	10	0
14-Dec-07	Terranora	0740	Vectobac	12ha	Fine	Ae.vigilax	2	0
			1.2L/ha	15L	8k S; 21C	V.funerea	2	0
14-Dec-07	Upper Bilambil	0800	Vectobac	7ha	Fine	Ae.vigilax	10	0
			1.2L/ha	8L	8k S; 21C			
6-Feb-08	Bilambil	0700	Vectobac	23ha	Fine	Ae.vigilax	12	0
			1.0L/ha	25L	8k NW; 24C	V.funerea		

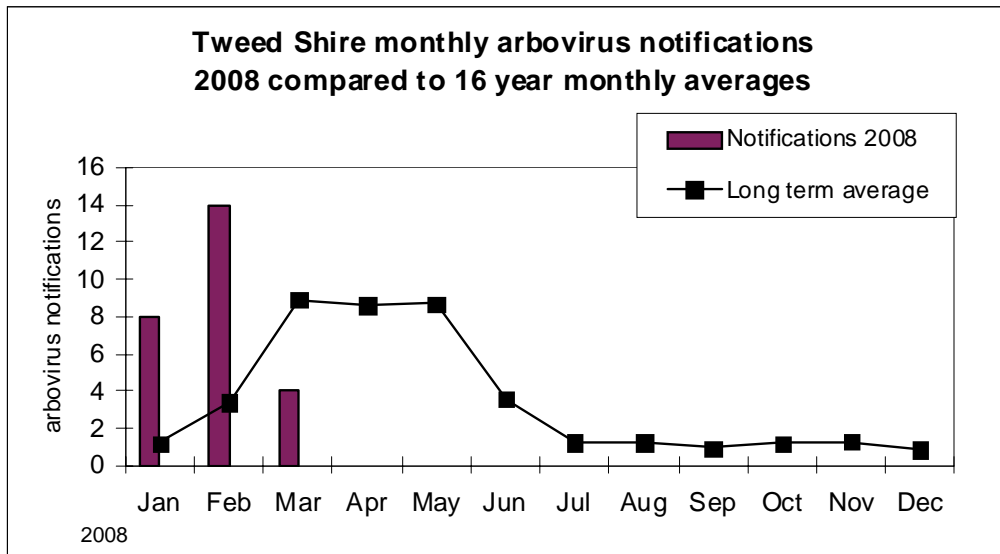
Ground based treatments focussed on the application of sustained release Methoprene pellets to inhibit adult mosquito emergence. Treatment areas included Pottsville, Banora Point West, Cobaki, and Terranora.

### Arbovirus

There were 26 arboviral notifications over the report period 01January to March 31, comprising 14 cases of Ross River virus and 12 cases of Barmah Forest virus.

The good falls of early summer rain following the very long dry spell caused an early mosquito season and subsequent early arbovirus transmission peak.

The following graph shows combined monthly RRv and BFv notifications 2008 compared to long-term averages.



## **OTHER PESTS**

### **Rodents**

Rodent baiting was carried out over the report period around coastal holiday parks and gardens, sewer treatment plants, adjacent to several drainage reserves and infested sections of Tweed River rock walls. Rodents have been particularly active around the new sewer treatment plant at Chinderah and at Hastings Point plant where they have caused considerable destruction to electrical fittings. Increased abatement measures have been introduced at these sites.

### **Rabbits**

Rabbit baiting with Pindone oat bait has continued to be the focus for rabbit control at Casuarina Beach and in some rabbit infested parts of Murwillumbah. Hares are also thriving along parts of the coastal strip and causing a few problems with dune vegetation regeneration works.

### **Miscellaneous**

It was a relatively quiet summer pest enquiry period from the public with 114 enquiries over the 3 month report period requesting miscellaneous pest information and identifications. The most common enquiries related to ants, wasps, rodents, termites and cane toads.

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

Nil.

### **POLICY IMPLICATIONS:**

Nil.

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Nil.

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