



TWEED SHIRE COUNCIL

AGENDA

OPERATIONS COMMITTEE MEETING

Tuesday 24 June 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

O1 [PR-OC] Control of Burning

ORIGIN:

Building & Environmental Health

SUMMARY OF REPORT:

The Protection of the Environment Operations (Clean Air) Regulation 2002 provides a comprehensive range of controls on burning in the open, including a framework for Councils to exercise a level of control that is appropriate to local conditions. The latter is achieved by Councils nominating their local government area for listing on Schedule 8 of the Regulation. It is considered that Tweed Council can more effectively exercise control in relation to the open burning of material within its area by having Council included on the list of Councils under Part 3 of the Regulation.

RECOMMENDATION:

That Council seeks an amendment to the Protection of the Environment Operations (Clean Air) Regulation 2002 to list Tweed Shire Council within Part 3 of schedule 8 of the Regulation.

REPORT:

At its meeting of 17 October 2006, Council resolved as follows:-

"That Council:

1. *Seek an amendment to the Protection of the Environment Operations (Clean Air) Regulation 2002 to list Tweed Shire within Part 2 of Schedule 8 of the Regulation.*
2. *Seek the Department of Environment and Conservations opinion with a view to grant an approval for the purposes of Part 2A of the Protection of the Environment Operations (Clean Air) Regulation 2002 and 1) above in respect of the burning of dead and dry vegetation on the premises on which the vegetation grew, by means of a notice published in the Tweed Link, subject to the following conditions:*
 - (i) *in any area other than an area zoned Residential 2(a)-(f) or Environmental Protection 7(a), (d), (f) & (l) as defined within Tweed Local Environment Policy 2000, and*
 - (ii) *has a minimum land parcel size of 1 hectare, and*
 - (iii) *the burn is located at a minimum distance of 250m from any other dwelling, school, hall, place of assembly or the like, and*
 - (iv) *the activity complies with any other provisions of the Protection of the Environment Operations Act 1997 and its subordinate legislation and/or the provisions of any other relevant legislation,*
 - (v) *the period of the approval is indefinite unless revoked."*

This resolution was passed in order to allow Council to achieve a level of control in relation to the burning of vegetation either in the open or in an incinerator by prohibiting such burning without first obtaining an approval to do so from Council, however this resolution has not been fully implemented at this stage.

The Protection of the Environment Operations (Clean Air) Regulation 2002 specifically allows Council's to select an appropriate level of control in relation to the burning of material within their local areas. The level of control can vary depending on what council considers necessary to suit its own specific requirements and circumstances. The mechanism to achieve this control is to have the Council included under the relevant Part of Schedule 8 of the Regulation.

For Local Government areas listed in Part 1 of Schedule 8 of the Regulations, all burning in the open or in an incinerator is prohibited except with an approval.

For Local Government areas listed in Part 2 of the Schedule, all burning of **vegetation** in the open or in an incinerator is prohibited except with an approval. Councils have the powers to grant approvals for burning dead and dry vegetation on the premises on which the vegetation grew.

For Local Government areas listed in Part 3 of the Schedule, burning anything other than vegetation such as **certain domestic waste** in the open or in an incinerator is prohibited except with an approval. However Clause 6F permits the burning of domestic waste if domestic waste collection services are not available.

There are occasions where the open burning of material other than vegetation is carried out and this frequently results in complaints being made to Council. In order for Council to achieve an appropriate level of control in relation to the burning of material other than vegetation it is considered necessary that Council is included in the list of Councils under Part 3 of Schedule 8 of the Regulation.

In respect to having Council included in the list under both Part 2 and Part 3 of Schedule 8 of the Regulation it is considered that this course of action will enable Council to appropriately control the burning of **both** vegetation and certain domestic waste material within its area. This same approach has been taken by a number of other Councils including both Ballina Council and Lismore City Council who would face similar issues to that of Tweed Council in respect to the open burning of material.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Nil.



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O2 [PR-OC] Extinguishment of Easement for Batter Variable Width at Seabreeze Estate, Pottsville

ORIGIN:

Development Assessment

FILE NO: DA4420/276 Pt40

SUMMARY OF REPORT:

Council has received an application for the extinguishment of an Easement for Batter Variable Width which benefits Tweed Shire Council, as originally created by DP 1045822. The easement ensured retention of an earth batter which was essential to the functionality of a constructed wetland, but as a result of recent earthworks the easement is no longer required.

RECOMMENDATION:

That: -

- 1. Council approves the extinguishment of the Easement for Batter Variable Width sixteenthly referred to in the Section 88B instrument annexed to DP 1045822 subject to the applicant meeting all survey, legal and Conveyancing costs.**
- 2. All documentation be executed under the common seal of Council.**

REPORT:

The subject easement was created as part of the Stage 1 release of the Seabreeze Estate. Stage 1 created 34 residential lots but also included all necessary infrastructure including roads, servicing, a sewer pump station and a wetland for treatment of stormwater runoff. The Easement for Batter was a protective element for the wetland, which was constructed at a higher level than the adjoining land to the south. This adjoining land was and still is a residual parcel of privately owned land that is currently the subject of a rezoning application (to enable future residential development).

As a consequence of the multiple development stages for the Seabreeze estate and the extent of earthworks required over the site, all the bulk earthworks for the estate were not able to be completed at the initial stage. The existing ground levels on the southern side of the wetland are lower than final design levels, but the wetland still had to be constructed to match future levels. The residual lot was isolated from the wetland by the construction of an earthen berm, which also ensured stormwater was retained within the wetland. This berm was subsequently covered by the Easement for Batter.

Recent earthworks over the remaining land parcels at Seabreeze (per CC04/1256: "Phase 5" bulk earthworks) have now filled the residual land adjoining the wetland, up to the original batter level. Presentation of this report has been withheld pending verification that the earthworks have been completed.

The easement is fully contained within private land, which is now higher than the wetland. If the easement is extinguished the land owner will have the option to fill the land and construct a retaining wall close to the boundary. Land levels within the site are now fixed at a higher level, with minimum floor level requirements for the estate previously fixed by the original consent. It is considered that extinguishment of the easement will not disadvantage Council nor affect functionality of the wetland.

Multiple re-subdivisions of the site since the initial Stage 1 release have not altered the original easement, resulting in the current property description of Lot 1147, DP 1115395.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Original easement per DP 1045822 (sheet 3) (DW 1840058)
 2. Original 88B instrument (sheet 5) (DW 1840062)
-

03 [TCS-OC] AC2008-046 Provision of Apprentices and Trainees to Tweed Shire Council utilising Group Training Services

ORIGIN:

Human Resources & Risk

SUMMARY OF REPORT:

This report outlines the tender AC2008-046 Provision of Apprentices and Trainees utilising Group Training Services for a two (2) year period. Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation, Pricing Report included in **CONFIDENTIAL ATTACHMENT A**. It is recommended that Council accepts the tender of Skilled Group for the Provision of Apprentices and Trainees for a two (2) year period.

Attachment A is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-

- (i) Prejudice the commercial position of the person who supplied it, or
- (ii) Confer a commercial advantage on a competitor of the Council, or
- (iii) Reveal a trade secret.

RECOMMENDATION:

That:

- 1. The tender from Skilled Group for the provision of Apprentices and Trainees for a two (2) year period commencing 1 July 2008 be accepted.**
- 2. Attachment A is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**
 - (i) Prejudice the commercial position of the person who supplied it, or**
 - (ii) Confer a commercial advantage on a competitor of the Council, or**
 - (iii) Reveal a trade secret.**

REPORT:

Council Tender AC2008-046 invited responses for the provision of Apprentices and Trainees to Tweed Shire Council utilising Group Training Services

The following Selection Criteria and Weightings were determined prior to the issuing of the Tender:

No	Criteria	Weighting
1	Recruitment Services	10%
2	Financial Services	10%
3	Support Services	30%
4	Cost Structure	50%

Tenders Received

A total of five (5) responses were received for tender AC2008-046.

East Coast Training
New Group Training Inc
Northern Rivers Training Group
On-Q Human Resources
Skilled Group

Selection Criteria

The assessment was based on the selection criteria previously mentioned.

Tender Evaluation

The Tender Evaluation was conducted by Council's Tender Assessment Panel, consisting of Manager Risk and Human Resources, Chief Human Resources Officer and Training and Development Officer. A copy of the Tender Evaluation Report is included in **ATTACHMENT A** which is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-

- (i) Prejudice the commercial position of the person who supplied it, or
- (ii) Confer a commercial advantage on a competitor of the Council, or
- (iii) Reveal a trade secret.

Based on the services to be provided and their existing employment placement record, it is recommended that Tenderer, Skilled Group, be nominated for the provision of Apprentices and Trainees to Tweed Shire Council utilising Group Training Services

Details of Skilled Group's relative competitiveness are shown in the Evaluation Report **CONFIDENTIAL ATTACHMENT A** which was endorsed by the Tender Assessment Panel.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

This tender process is in accordance with Section 55 of the Local Government Act 1993 and Part 7 (Tendering) of the Local Government (General) Regulation 2005.

Funding is provided within the 2008/2009 Budget for the provision of appropriate trainees and apprentices.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment A** - Supplementary Information - AC2008-046 Provision of Apprentices and Trainees utilising Group Training Services (DW 1841402).
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O4 [TCS-OC] Conflict of Interest and Secondary Employment

ORIGIN:

Human Resources & Risk

SUMMARY OF REPORT:

Local Government Circular No. 08/20, 23 April 2008 reflected issues arising from the Independent Commission Against Corruption (ICAC) Investigation Report dated 15 November 2007 – (refer to Attachments 1 and 2) regarding corrupt procurement procedures at Bankstown and Strathfield Councils. The Commission advised NSW Councils to take steps to adopt recommendations 2, 3 and 4 of that Report as they have broader relevance.

At its meeting of Wednesday 7 May 2008, Council's Executive Management Team endorsed the recommendations as stated and endorsed an updated Secondary Employment Policy and Application Form.

RECOMMENDATION:

That Council adopts the updated Secondary Employment Policy and Application Form which reflects the Independent Commission Against Corruption (ICAC) recommendations of 15 November 2007.

REPORT:

Local Government Circular No. 08/20 dated 23 April 2008 (Attachment 1) reflected issues arising from Independent Commission Against Corruption (ICAC) Investigation Report dated 15 November 2007 (Attachment 2), regarding corrupt procurement procedures at Bankstown and Strathfield Councils. The Commission advised NSW Councils to take steps to adopt recommendations - points 2, 3 and 4 of that report as they have broader relevance.

Council's Executive Management Team at its meeting of Wednesday 7 May 2008 endorsed the recommendations as stated and endorsed an updated Secondary Employment Policy and Application Form.

The updated Policy has reorganised the current policy in format only and not in intent. The format is now aligned with LGSA policy guidelines.

The revised Application Form expands upon the original and requires more information which provides a greater level of integrity for audit purposes.

The updated Policy and Application Form (Attachment 3) are tabled for Council's adoption. The current Policy and application form are contained in Attachment 4.

The Local Government Act 1993 Section 353 states:

"353 Other work

(1) The general manager must not engage, for remuneration, in private employment or contract work outside the service of the council without the approval of the council.

(2) A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council that relates to the business of the council or that might conflict with the member's council duties unless he or she has notified the general manager in writing of the employment or work.

(3) The general manager may prohibit a member of staff from engaging, for remuneration, in private employment or contract work outside the service of the council that relates to the business of the council or that might conflict with the member's council duties.

(4) A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council if prohibited from doing so under subsection (3)."

The Model Code of Conduct for Local Councils in NSW sections 6.13 and 6.14 "other business or employments: states:

"6.13 *A member of staff of council who is considering outside employment or contract work that relates to the business of the council or that might conflict with their council duties, must notify and seek the approval of the general manager in writing. (section353).*

6.14 *Before you engage in outside employment or business you must ensure that it will not:*

- *conflict with your official duties*
- *interfere with your council work*
- *involve using confidential information or council resources obtained through your work with the council*
- *require you to work while on council duty*
- *discredit or disadvantage the council.*

Tweed Shire Council has implemented the following procedures to address secondary employment and potential conflicts of interest:

- (a) A Secondary Employment Policy and Application form
- (b) Discussion of secondary employment and pecuniary interest is conducted during Induction Sessions. Details of the protocols are provided in the Induction Folder.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Amendments to current Secondary Employment Policy V1.0 adopted 15 December 2004.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Local Government Circular No Circular No. 08/20 dated 23 April 2008 (DW 1807685).
 2. Excerpt from ICAC Report (15 November 2007) (DW 1835867).
 3. Current Secondary Employment Policy Version 1.1 adopted 15 December 2004 (DW 1260557).
 4. Amended Secondary Employment Policy Version 1.2 (DW 1835670).
-

O5 [TCS-OC] Monthly Investment Report for period ending 31 May 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:

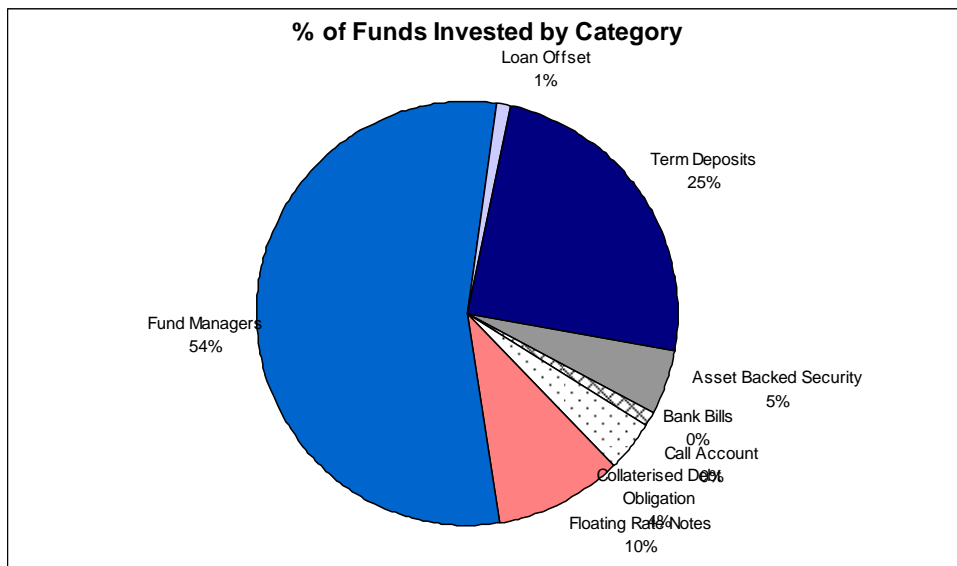
That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 May 2008 totalling \$102,034,757.78 be received and noted.

REPORT:

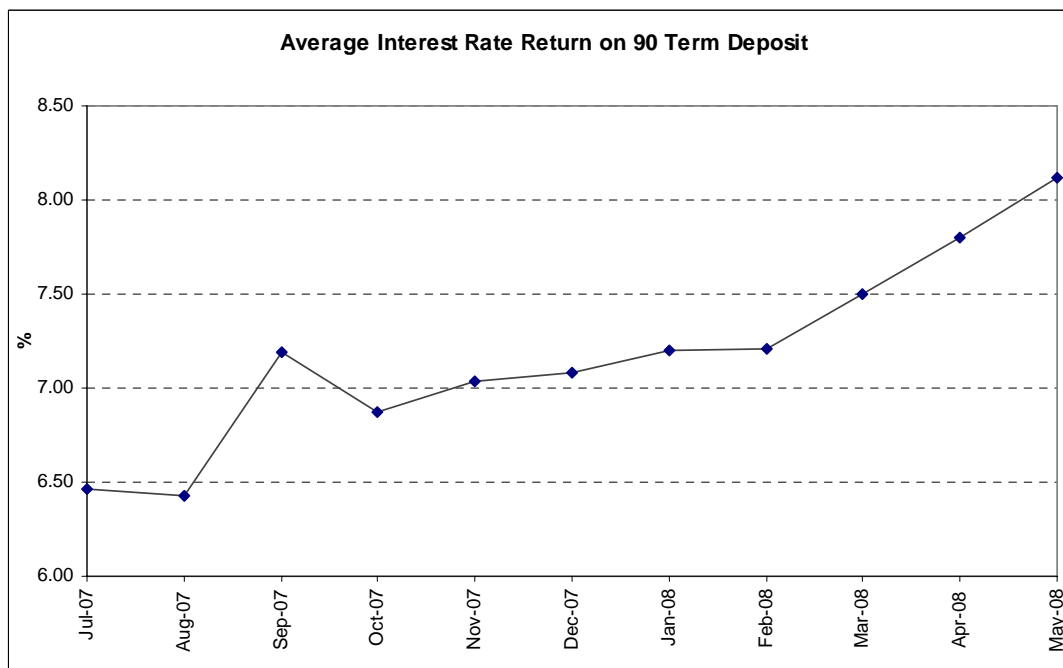
Report for Period Ending 31 May 2008

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.

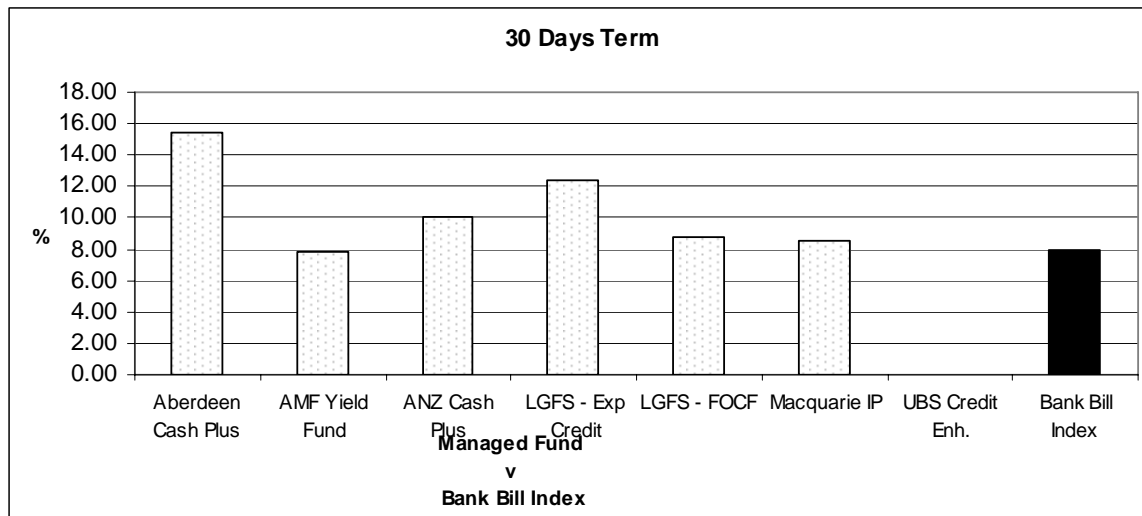
1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



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



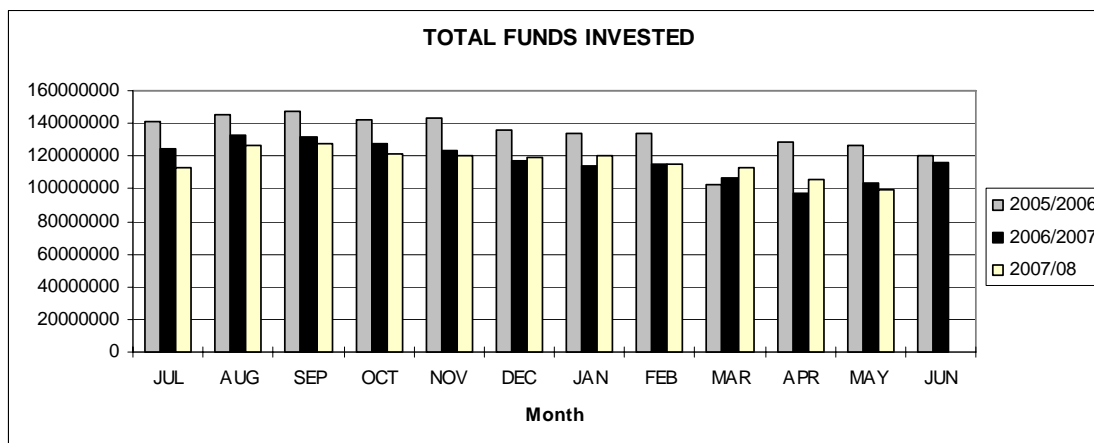
3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS - NET OF FEES



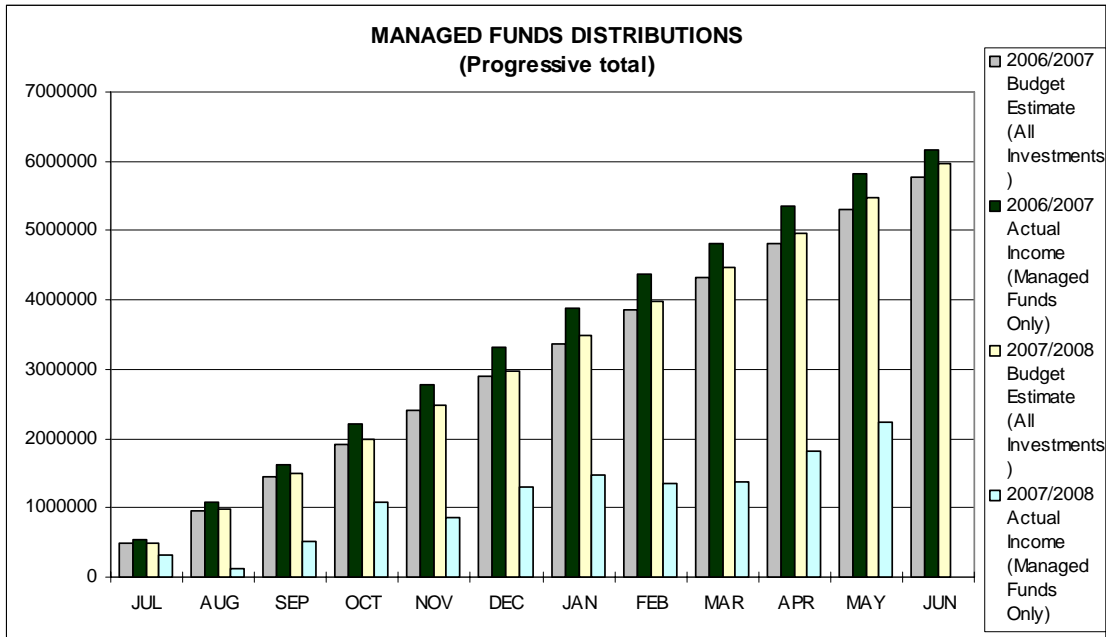
4. FUND MANAGERS END OF MONTH BALANCE

Fund	Amount Invested	Percentage of Total Fund Managers	30 Day Return (Annualised) %	Distribution for Month/Quarter	Financial Year to Date Distribution
Aberdeen Cash Plus	\$3,715,612	6.63%	10.17	Quarterly	\$507,093
AMF Yield Fund	\$10,803,601	19.27%	8.00	\$95,652	\$705,704
ANZ Cash Plus	\$894,191	1.60%	10.47	\$5,940	\$226,359
BlackRock	closed	closed	closed	Quarterly	\$639,621
LGFS - Exp Credit	\$6,000,731	10.71%	11.32	\$12,381	\$335,803
LGFS - FOCF	\$24,072,954	42.95%	8.52	Quarterly	\$381,830
Macquarie IP	\$10,563,429	18.85%	8.50	Quarterly	\$996,646
UBS	closed	closed	closed	Quarterly	\$47,949
Total	\$56,050,518	100%		\$113,973	\$3,841,005

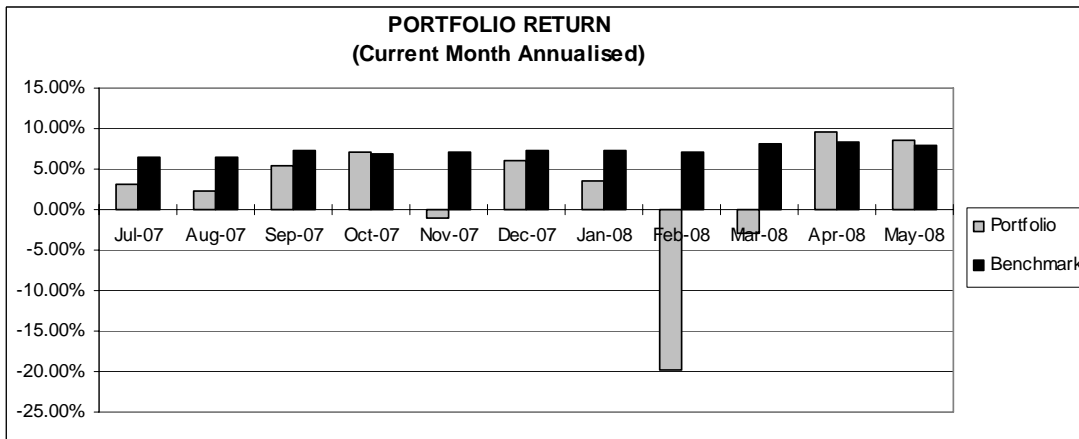
5. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



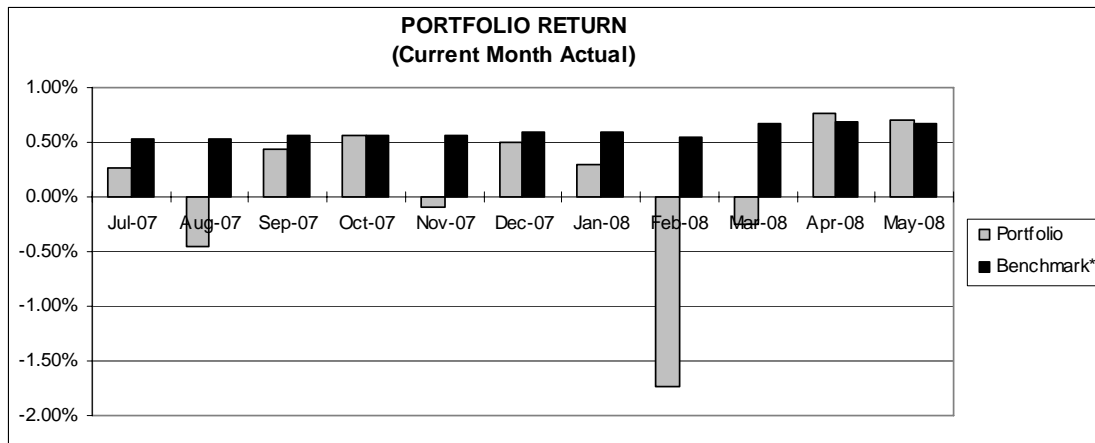
6. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



7. PORTFOLIO PERFORMANCE



8. MARKET COMMENTARY



9. INVESTMENT SUMMARY AS AT 31 MAY 2008

Institution	Amount Invested	Term	% Return	Estimated interest due on maturity \$	Final Maturity
Adelaide Bank	\$5,000,000.00	90	8.070	99,493.15	08-Jul-08
Adelaide Bank (interest rate resets every 90 days)	\$2,000,000.00	182	7.750	77,287.67	11-Aug-08
Bank of QLD	\$5,000,000.00	90	8.270	101,958.90	10-Jun-08
Citibank	\$3,000,000.00	120	7.970	78,608.22	28-Jul-08
Citibank	\$3,000,000.00	90	8.090	59,843.84	08-Jul-08
Commonwealth Bank Loan Offset	\$993,000.00	185	7.895	39,735.64	14-Jun-10
Commonwealth Bank Call Account	\$0.00	call	7.200	n/a	
Suncorp Metway	\$1,000,000.00	365	8.390	83,900.00	16-Apr-09
Suncorp Metway (interest rate resets every 90 days)	\$3,000,000.00	274	7.940	178,813.15	11-Nov-08
Suncorp Metway (Fixed interest rate full term)	\$3,000,000.00	1094	8.300	746,317.81	01-Apr-11
Total	25,993,000.00			Total 1,465,958.38	

10. MARKET COMMENTARY

Domestic Economy

The Reserve Bank of Australia (RBA) has held interest rates at the 12 year high of 7.25% for three months, though market speculation still favours a tightening bias. There are considerable inflation risks remaining and while there is evidence that the economy is slowing the RBA will maintain their tightening bias for the foreseeable future.

Global Economy

According to the latest forecasts by the international Monetary Fund (IMF), they expect the world economy will grow much more slowly in the next two years as a result of the credit crunch. In its latest economic forecast, the IMF says that world economic growth will slow to 3.7% in 2008 and 2009, 1.25% lower than growth in 2007. The downturn will be led by the USA, which the IMF believes will go into 'mild recession' this year.

Council's Investment Portfolio Performance

Council's Investment Portfolio posted moderate returns during May. The fund managers particularly performed well, regaining some of the losses sustained year to date. For example, high running yields for funds like Aberdeen have been an indication that actual returns will be on the upside when market conditions stabilize. This stabilization occurred during May, leading to a 30 day annualised return of 10.47% for Aberdeen.

Market instability arising from the credit crunch has featured during most of the current financial year and these conditions look like continuing into the next financial year.

Council's actual income from managed fund investments for the financial year to date is down on budget estimates. Actual income from managed funds year to date is \$3.8m (\$2.24m net including change in capital value). Total investment income year to date from all sources including term deposits, asset backed securities and managed funds is \$4.59m compared with year to date budgeted investment income of \$5.5m. From July, Council's Monthly Investment Report will show total investment income inclusive of term deposit interest, managed funds distributions and direct securities coupons compared with budgeted total investment income.

Term deposits and floating rate notes are performing close to long term averages and continue to moderate the volatile returns experienced by the managed funds held in Council's investment portfolio.

Source: Oakvale Capital limited

Net Return

Net return for May on total amount invested (\$102,034,758) was \$593,000 or 6.97% annualised.

11. INVESTMENT SUMMARY AS AT 30 APRIL 2008**GENERAL FUND**

COLLATERISED DEBT OBLIGATION	4,013,760.00	
FLOATING RATE NOTE	9,787,943.91	
ASSET BACKED SECURITY	6,189,536.00	
FUND MANAGERS	6,293,131.55	
LOAN OFFSET	993,000.00	
TERM DEPOSITS	17,000,000.00	
CALL	0.00	44,277,371.46

WATER FUND

TERM DEPOSITS	0.00	
FUND MANAGERS	42,429,253.77	42,429,253.77

SEWERAGE FUND

TERM DEPOSITS	8,000,000.00	
FUND MANAGERS	7,328,132.55	15,328,132.55

TOTAL INVESTMENTS **102,034,757.78**

It should be noted that the General Funds investments of \$44 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

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

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



Chief Financial Officer (Responsible Accounting Officer)

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

O6 [TCS-OC] Change of Venue - Council Meeting 2 September 2008

ORIGIN:

Corporate Compliance

SUMMARY OF REPORT:

Council's Code of Meeting Practice, Clause 2.1, enables meetings to be held at other venues as determined by Council.

At its meeting held on Tuesday 13 May 2008, Council amended its meeting dates for the remainder of 2008. It is recommended that the venue for the 2 September 2008 meeting be changed to the new Sustainable Living Centre at the Kingscliff Waste Water Treatment Plant, with the meeting commencing at 2.00pm.

The official opening of the Kingscliff Waste Water Treatment Plant and Sustainable Living Centre will be held preceding the Council meeting.

RECOMMENDATION:

That:-

- 1. Council determines in accordance with Clause 2.1 of Council's Code of Meeting Practice that the venue of the 2 September 2008 meeting be held at the new Sustainable Living Centre located at the Kingscliff Waste Water Treatment Plant with the meeting to commence at 2.00pm.**
- 2. The change of meeting venue and meeting time be suitably advertised.**

REPORT:

As per summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Local Government Act 1993, Sections 365

POLICY IMPLICATIONS:

Code of Meeting Practice, Clause 2.1- How often does the Council meet.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

07 [TCS-OC] 2008/2009 Water and Sewerage Developer Contribution Fees and Charges

ORIGIN:

Corporate Compliance

SUMMARY OF REPORT:

Council at its meeting on 3 June 2008 adopted the Fees and Charges for 2008/2009. A wording error has been identified with the title of Fee/Charge at Item 89 – Water and Sewerage Developer Contribution.

The corrected wording will not change the intent or the actual charge to be levied as more specific wording later for this item has now been provided. Council did not receive any submissions on this item, when the fees and charges were placed on public exhibition.

RECOMMENDATION:

That Council amends Item 89 of the 2008/2009 Fees and Charges – Water and Sewerage Developer Contribution to read :

***"Based on single Equivalent Tenement ("ET") Charge.
Each new Lot created = 1.0ET excepting each new Residential lot
created > 2000m² = 1.2ET".***

REPORT:

Council at its meeting on 3 June 2008 adopted the Fees and Charges for 2008/2009. A wording error has been identified with the title of Fee/Charge at Item 89 – Water and Sewerage Developer Contribution.

The wording in the adopted 2008/2009 Fees and Charges was:

*Based on single Equivalent Tenement ("ET") Charge.
Each new Lot created 1.0ET <= 2000m². Each new lot created 1.2ET > 2000m²..*

The correct wording for Item 89 of 2008/2009 Fees and Charges – Water and Sewerage Developer Contribution should be:

*Based on single Equivalent Tenement ("ET") Charge.
Each new Lot created = 1.0ET **excepting each new Residential lot created > 2000m² = 1.2ET.***

The corrected wording will not change the intent or the actual charge to be levied as more specific wording later for this item has now been provided. Council did not receive any submissions on this item, when the fees and charges were placed on public exhibition.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

2008/2009 Fees and Charges

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Nil.

08 [EO-OC] Extinguishment of Easement for Right of Carriageway - Pottsville

ORIGIN:

Design

SUMMARY OF REPORT:

Council has received an application for the extinguishment of an Easement for Right of Carriageway which benefits Tweed Shire Council as created in DP 1115395. The purpose of the easement is to provide a temporary road reserve extending from Camden Court, within Lot 1230 in DP 1118282 for use by the public until such time as Camden Court is extended and dedicated to the public as road reserve.

The applicant has now submitted a plan of subdivision of Lot 1230 in DP 1118282 being stage 13 of the Seabreeze Estate at Pottsville, in which Camden Court is to be completed and dedicated to the public as road reserve thus eliminating the necessity for a right of carriageway.

It is recommended that Council approve the extinguishment of the easement at the cost of the applicant.

RECOMMENDATION:

That:-

- 1. Council approves the extinguishment of the Easement for Right of Carriageway twelfthly referred to in the section 88B instrument of DP 1115395 subject to the applicant meeting all survey, legal and conveyance costs; and**
- 2. All documentation be executed under the Common Seal of Council.**

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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09 [EO-OC] Application for Gate across Public Road Reserve - Corkwood Road, North Tumbulgum

ORIGIN:

Design

SUMMARY OF REPORT:

An application has been received from the owners of Lot 1 in DP 589498 to erect a gate across a public road reserve at Corkwood Road, North Tumbulgum to assist with the movement of stock.

Corkwood Road is formed from the intersection of Terranora Road to the entry of Lot 1 in DP 589498 and is utilised by the applicants and the owners of Lot 2 of DP 589498. The road reserve North West of this area is unformed and is located over a very steep and heavily forested area. It is proposed that a gate being a minimum width 12ft will be installed approximately 40m south east of Lot 1 having no impact on the access to any neighbouring properties. It is further proposed by the applicant that the gate will remain open at all times only to be closed for short periods when moving stock between Lot 61 DP 774633 and Lot 1 DP 589498 for agistment purposes.

Pursuant to s67, Part 6 of the *Roads (General) Regulation 2000*, the consent of the neighbouring property must accompany any application for a gate across a public road where the road bounds two or more separate properties. The consents of the owners of Lot 2 DP 589493 and Lot 61 DP 774633 are attached.

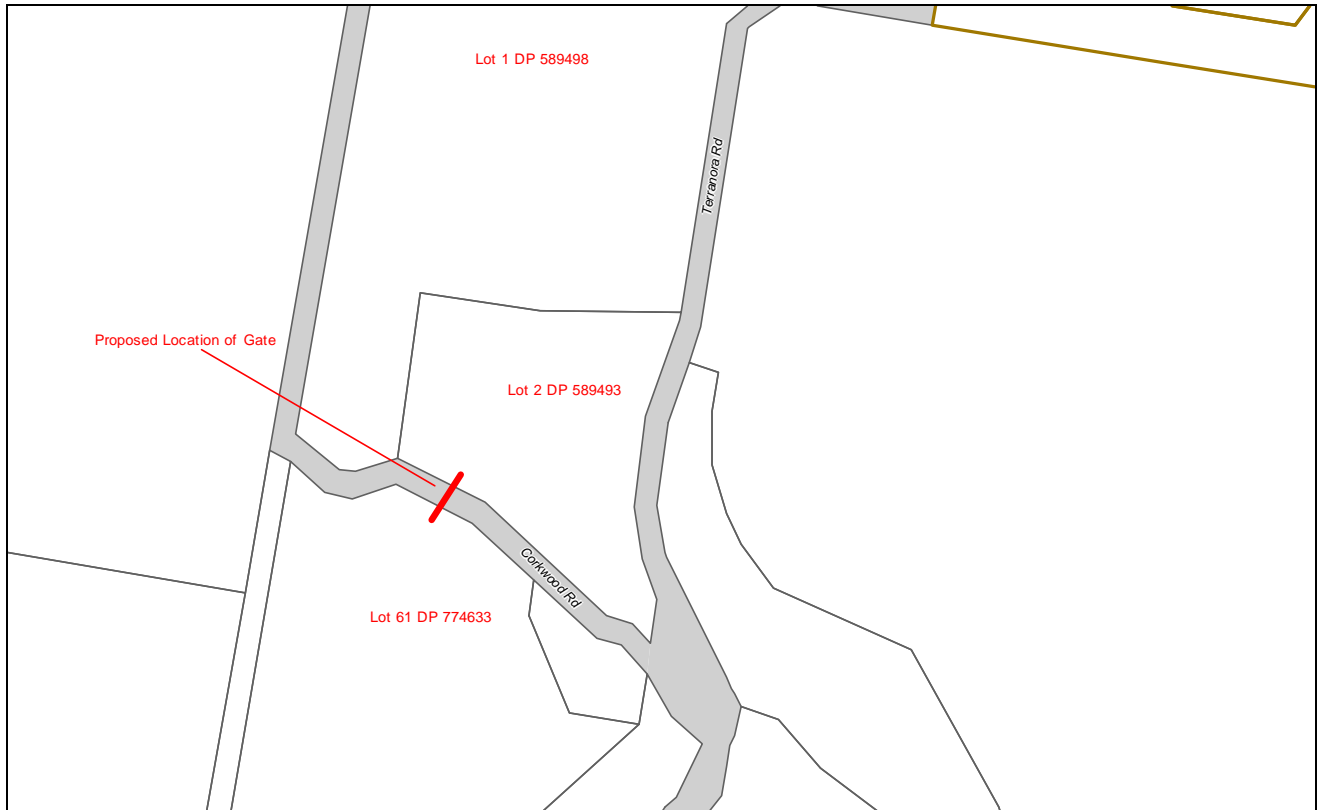
Should the application be allowed the owners of Lot 1 in DP 589498 would be required under section 128 of the *Roads Act 1993*, to attach a notice to both sides of the gate bearing the words "PUBLIC GATE" in letters at least 75 millimetres high and ensure that the gate and notices are maintained in good condition.

RECOMMENDATION:

That Council advertises the proposal for a public gate across the road reserve at Corkwood Drive approximately 40m south east of Lot 1 in DP 589498 in the Tweed Link, inviting written submissions for a period of 28 days from the date of the advertisement.

REPORT:

As per Summary of Report. Below is a plan of Corkwood Road showing the area where the gate is proposed to be erected.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment** - Letters of consent from the owners of Lot 2 DP 589493 and Lot 61 DP 774633. . (DW DW 1830886 and 1830887).

O10 [EO-OC] Classification of Land as Operational, Pottsville**ORIGIN:****Design****FILE NO: DA4420/276 Pt35****SUMMARY OF REPORT:**

Proposed Lot 1327 in a Subdivision of Lot 1230 in DP 1118282 at Pottsville is to be transferred to Council as a Drainage Reserve following registration of the plan of subdivision.

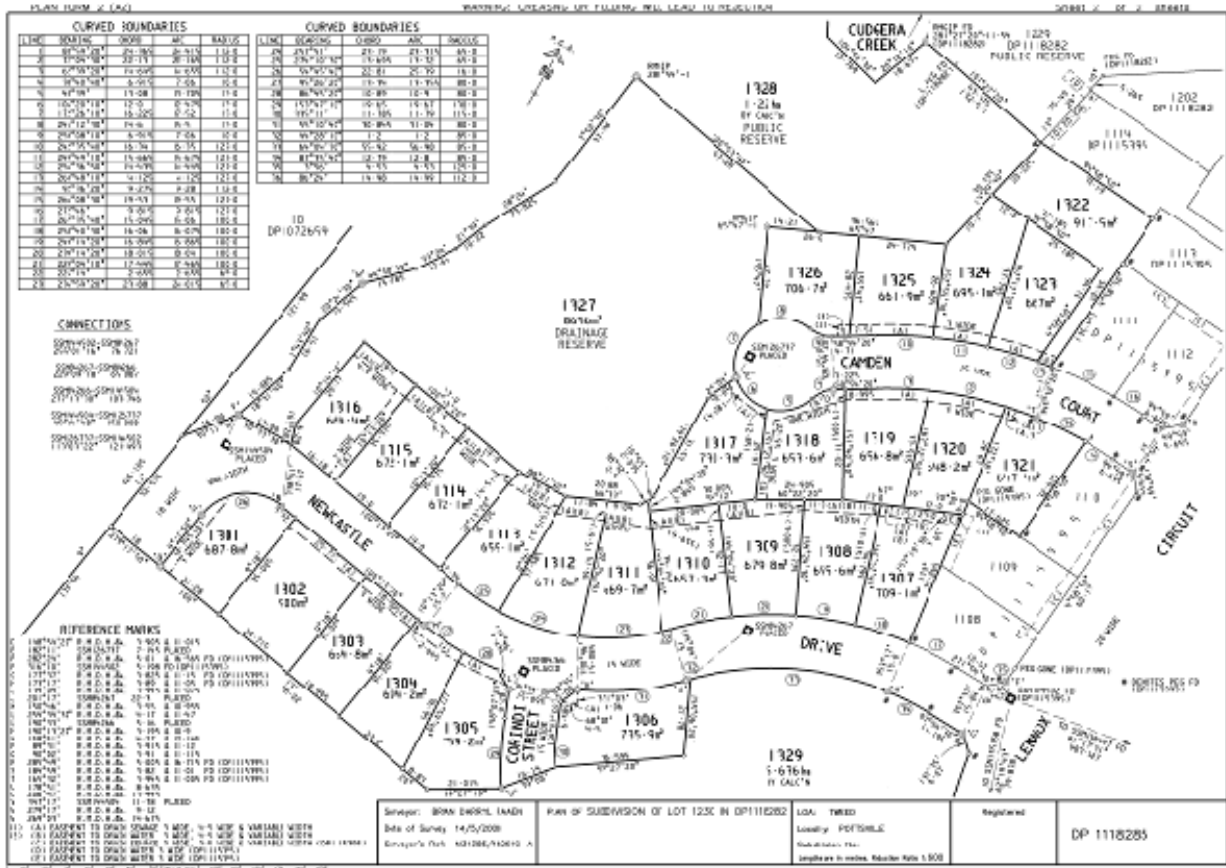
It is therefore necessary to resolve to classify this parcel as “Operational” pursuant to the provisions of the Local Government Act, 1993.

RECOMMENDATION:**That:-**

- 1. Council approves the transfer of proposed Lot 1327 in a Subdivision of Lot 1230 in DP 1118282 at Pottsville as Drainage Reserve; and**
- 2. Proposed Lot 1327 be classified as “Operational” pursuant to Section 31 of the Local Government Act, 1993; and**
- 3. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report. A copy of the plan showing proposed Lot 1327 as Drainage Reserve is shown below:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

011 [EO-OC] Extinguishment of Easement for Right of Carriageway - Riveroak Drive, Murwillumbah

ORIGIN:

Design

SUMMARY OF REPORT:

Council has received an application for the extinguishment of an Easement for Right of Carriageway which benefits Tweed Shire Council as created in DP 1057733. The purpose of the easement is to provide a temporary road reserve extending from Riveroak Drive, within Lot 132 in DP 1057733 for use by the public until such time as Riveroak Drive is extended and dedicated to the public as road reserve.

The applicant has now submitted a plan of subdivision of inter alia Lot 132 in DP 1057733, being stage 5 of the Hundred Hills Estate at Murwillumbah, in which Riveroak Drive is to be completed and dedicated to the public as road reserve thus eliminating the necessity for a right of carriageway.

It is recommended that Council approve the extinguishment of the easement at the cost of the applicant.

RECOMMENDATION:

That:-

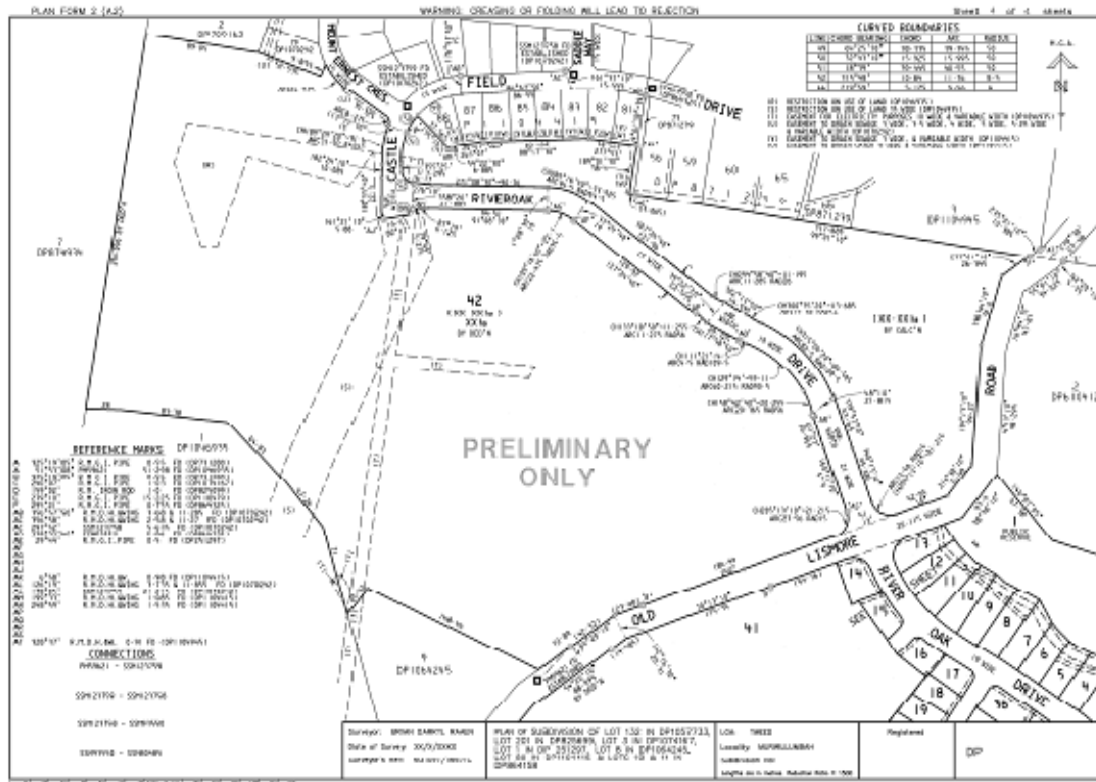
- 1. Council approve the extinguishment of the Easement for Right of Carriageway sixthly referred to in the section 88B instrument of DP 1057733 subject to the applicant meeting all survey, legal and conveyance costs; and**
- 2. All documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report.

DP 1057733 showing the right of carriageway within Lot 132 marked as (f):-





LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

012 [EO-OC] Park Naming Guidelines Review

ORIGIN:

Design

SUMMARY OF REPORT:

At its meeting held on 29 May 2007 Council resolved to not consider park naming submissions until the public reserves naming policy is revised and informs applicants accordingly.

A review of the guidelines from other Councils and the Geographic Names Board indicates that Council's existing policy does not provide clearly defined parameters as found elsewhere.

A revised policy has been drafted and is embodied in the report.

It is recommended that the revised policy be advertised for a period of twenty eight (28) days with an invitation for public submissions.

RECOMMENDATION:

That Council advertise the revised Policy for the Naming of Public Reserves for a period of twenty eight (28) days and invite submissions from the public.

REPORT:

As per Summary of Report, the draft guidelines follow:

NAMING OF COUNCIL PUBLIC PARKS

Objective: *To provide a consistent, transparent and standard procedure for the naming of Public Parks under the control of Council*

Policy: *That Council adopt the following guidelines when considering and approving the naming of Public Parks under the control of Council where each application is to be assessed on its own merits.*

1. Application

Council requires an application for the naming of Public Park under the control of Council to be in writing providing the following information:

- (i) a clear description of the public park to be named, including street address, locality and/or property particulars;*
- (ii) the proposed name and the reason for the choice of that proposed name, particularly if the proposed name relates to flora, fauna, or contains any descriptive element relating to the Tweed Shire area;*
- (iii) any history of the land set aside for public park relative to the name proposed;*
- (iv) any history or historical involvement with the Tweed Shire area of the person or organisation after whom the naming is sought;*
- (v) contributions by the person or organisation to the Tweed Shire community which may warrant consideration for the proposed name;*
- (vi) any history of service to the Tweed Shire community that was on a voluntary basis;*
- (vii) any detailed information in relation to the service and its contribution to the betterment of the Tweed Shire community;*

2. Assessment Criteria

- (a) Council will not consider the names of living persons in accordance with the guidelines of the Geographical Names Board;*
- (b) No duplication of names within the Tweed Shire local government area;*
- (c) The person after whom the naming is sought should have made a significant and long term contribution to the Tweed Shire community;*
- (d) The person after whom the naming is sought must be widely known and respected within the community;*
- (e) The person after whom the naming is sought must have a recognised historical link with the locality or is generally acknowledged as having made a significant contribution to the social, economic, sporting or cultural development of the community;*
- (f) The person after whom the naming is sought must have been a resident of the Tweed Shire;*

- (g) Names of Aboriginal origin associated with the locality or associated with the historical background of the locality will be highly regarded, but must be accompanied by written approval of the name from the Local Aboriginal Land Council existing in the locality of public reserve to be named;
- (h) Prior ownership of the land is not sufficient reason to apply the owner's name, personal or corporate, to the public park;
- (i) The proposed descriptive name refers to flora, fauna or other descriptive elements refers to local indigenous species and relates directly to the Tweed Shire area.

3. Approval Process

- (1) If Council approves the application against the criteria listed above, then a report will be made to Council for a resolution to advertise the name in the Tweed Link or any other local newspaper inviting submissions from the public for a twenty eight (28) day submission period. Any submissions received will be considered in a further report to Council.

- (2) Proposal to be assessed against any submissions received and a recommendation for approval or otherwise to be made in report to Council.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Draft Policy proposal.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O13 [EO-OC] Surf Life Saving Far North Coast 2007/08 Season Report

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

Surf Life Saving Far North Coast has provided Council with a report on the activities of the local surf life savings clubs for the 2007/08 season, thanking Tweed Shire Council for their support and partnership in providing this essential community service.

RECOMMENDATION:

That the Surf Life Saving Far North Coast 2007/2008 Season report be received and noted and Surf Life Saving Far North Coast be acknowledged for their significant contribution to public safety.



REPORT:

As per Summary of Report.

Letter from Surf Life Saving Far North Coast Inc:



SURF LIFE SAVING FAR NORTH COAST Inc



Friday 23rd May 2008

Dear Mike Rayner

I hope that you and your family had a happy and safe summer. The official Surf Life Saving Beach Patrolling season is now over and I would like to take this opportunity to inform you of what your local Surf Life Saving clubs have been up to and the services we have provided to the community this summer.

1111	Rescues	159
1111	Preventative actions	6253
1111	Shark alarms	25
1111	Searches	27
1111	Lost Children	13
1111	First aid treatments totalling	440
	o Marine stings	263
	o Minor cuts and abrasions	133
	o Major wounds	18
	o Fractures	5
	o Spinal injury	5
	o Other	41
1111	Drowning	10
1111	Events requiring incident reports	19
1111	Incidents requiring ambulance	13
1111	Beach closures	82

SURF LIFESAVING CLUB - CASUARINA
 COUNCIL MEETINGS
 SURF LIFESAVING CLUB - CABARITA
 SURF LIFESAVING CLUB - CUDGEN
 BEACHES - GENERAL

SURF LIFESAVING
 2/6/08
 11AM
 KNIGHTIP

During the 2007/08 season our members have contributed 33,522 voluntary patrol hours on the Tweed, Byron, Ballina, Richmond Valley & Clarence Shire beaches. This contribution is a valuable resource to the community and we strive to provide the best possible service and use the most up to date approved methods.

Surf Life Saving Far North Coast prides itself on the proud tradition of saving lives on our beaches. Our role as the guardians of the surf that has been going on since 1907 and is known world wide as the prime aquatic rescue organisation within Australia and around the world.

The role of the Surf Lifesaver has developed and changed as time goes by and the clubs have adapted to better practises as they are developed.

I have attached a fact sheet for your information which profiles the patrol activities of the affiliated Surf Life Saving Clubs in your council area. As you can see our Surf Clubs have again provided a first class lifesaving service to the beach going public, reinforcing ourselves as a highly valuable asset to the local community and Australia as a whole.

Surf Life Saving Far North Coast appreciates the valuable assistance that your Council gives to our clubs. This partnership is an essential community partnership which provides considerable value to both the clubs and community in general.

I will take this opportunity on behalf of the clubs of the Far North Coast and their members, to thank you for your support during the 2007/08 season and look forward to continuing to grow and strengthen our relationship into the future.

Yours in Surf Life Saving

John Beasley
President
Surf Life Saving Far North Coast

ASSOCIATED SPONSORS

NBN Television Southern Cross Credit Union

Surf Life Saving Far North Coast
Branch Office, Pacific Parade, Lennox Head
PO Box 327, Lennox Head NSW 2478
Website: <http://www.slsfnc.com.au>

Telephone: 02 6687 6507
Facsimile: 02 6687 6531
E-Mail: business@psnc.com.au
ABN: 41 046 815 250

* NOTE: Copies also with Troy Green & Administrators



Surf Life Saving Far North Coast Branch The Facts & Figures 2007/08 Patrolling Season Tweed Shire Council Clubs

Fingal Rovers SLSC

- | | |
|--|---|
| <ul style="list-style-type: none"> ☛ 105 Volunteer Members ☛ 43 Active Patrolling Lifesavers <p style="text-align: center;"><u>Patrol Statistics</u></p> <ul style="list-style-type: none"> ☛ 1,937.75 Hours Patrolling ☛ Average patrol hours/person 45.06 ☛ 31 Lives Saved <ul style="list-style-type: none"> ○ No Gear 6 ○ Tube 3 ○ Board 9 ○ IRB 11 ○ RWCV 1 ○ Other 1 ☛ 407 Preventative actions ☛ 21 First aid treatments <ul style="list-style-type: none"> ○ Fracture/ Dislocation 1 ○ Marine Stings 11 ○ Minor cuts and abrasions 5 ○ Other 3 ○ Spinal 1 ☛ 3 Beach Closures | <ul style="list-style-type: none"> ☛ 21 Nippers (5 – 13 year olds) <p style="text-align: center;"><u>71 Awards</u></p> <ul style="list-style-type: none"> ☛ 2 Advanced Resuscitation Certificates ☛ 6 Bronze Medallions ☛ 2 Defibrillation Certificates ☛ 4 Gold Medallions ☛ 4 Senior First Aid Certificates ☛ 3 Silver Medallion Advanced Emergency Care ☛ 10 Silver Medallion Basic Beach Management ☛ 2 Spinal Management Certificates ☛ 5 Surf Rescue Certificate ☛ 5 Assessors ☛ 8 Facilitators ☛ 20 Junior Surf Education Awards ☛ 71 Award Proficiencies |
|--|---|

Cudgen Headland SLSC

- | | |
|---|---|
| <ul style="list-style-type: none"> ☛ 960 Volunteer Members ☛ 158 Active Patrolling Lifesavers <p style="text-align: center;"><u>Patrol Statistics</u></p> <ul style="list-style-type: none"> ☛ 4,387.75 Hours Patrolling ☛ Average patrol hours/person 27.77 ☛ 6 Lives Saved <ul style="list-style-type: none"> ○ No Gear 4 ○ Board 1 ○ IRB 1 ☛ 406 Preventative actions ☛ 1 Drowning ☛ 56 First aid treatments <ul style="list-style-type: none"> ○ Fracture/ Dislocation 1 ○ Marine Stings 38 ○ Minor cuts and abrasions 14 ○ Other 3 ☛ 1 Searches ☛ 2 Shark Alarms ☛ 1 Lost Child ☛ 3 Beach Closures | <ul style="list-style-type: none"> ☛ 128 Nippers (5 – 13 year olds) <p style="text-align: center;"><u>229 Awards</u></p> <ul style="list-style-type: none"> ☛ 8 Advanced Resuscitation Certificates ☛ 24 Bronze Medallions ☛ 1 Defibrillation Certificates ☛ 1 Gold Medallion ☛ 4 IRB Crew Certificates ☛ 8 Senior First Aid Certificates ☛ 1 Silver Medallion Advanced Emergency Care ☛ 19 Silver Medallion Basic Beach Management ☛ 1 Spinal Management Certificates ☛ 17 Surf Rescue Certificate ☛ 2 Level 1 Surf Official ☛ 143 Junior Surf Education Awards ☛ 128 Award Proficiencies |
|---|---|



Salt SLSC

245 Volunteer Members	112 Nippers (5 – 13 year olds)	
58 Active Patrolling Lifesavers		
Patrol Statistics		
2,141.75 Hours Patrolling	118 Awards	
Average patrol hours/person 36.92	2 Advanced Resuscitation Certificates	
10 Lives Saved	15 Bronze Medallions	
o Tube 3	2 Defibrillation Certificates	
o Board 3	2 Gold Medallion	
o IRB 2	1 IRB Crew Certificates	
o Other 2	2 Senior First Aid Certificates	
317 Preventative actions	2 Silver Medallion Advanced Emergency Care	
6 First aid treatments	8 Silver Medallion Basic Beach Management	
o Marine Stings 3	2 Spinal Management Certificates	
o Minor cuts and abrasions 2	1 Boat Sweep Accreditation	
o Other 1	81 Junior Surf Education Awards	
6 Beach Closures	50 Award Proficiencies	

Cabarita Beach SLSC

426 Volunteer Members	211 Nippers (5 – 13 year olds)	
68 Active Patrolling Lifesavers		
Patrol Statistics		
4,803.5 Hours Patrolling	169 Awards	
Average patrol hours/person 70.63	6 Advanced Resuscitation Certificates	
7 Lives Saved	13 Bronze Medallions	
o No Gear 3	19 Senior First Aid Certificates	
o Tube 3	4 Silver Medallion Basic Beach Management	
o IRB 1	5 Surf Rescue Certificate	
626 Preventative actions	2 Level 1 Surf Coach	
32 First aid treatments	120 Junior Surf Education Awards	
o Major Wound 1	300 Award Proficiencies	
o Marine Stings 13		
o Minor cuts and abrasions 13		
o Other 4		
o Spinal 1		
4 Searches		
5 Shark Alarms		
12 Beach Closures		
4 Incidents Requiring Ambulance		
9 Incident Reports Completed		

Surf Life Saving Far North Coast: Valuing an Australian Icon

This season the clubs of the Far North Coast Branch collectively dedicated around 33,522 patrol hours to serve the community, keeping them safe as the movement continually strives to work with government and stakeholders to provide the safest possible beach and aquatic environment.

Value of Volunteer Surf Life Saving Operations in the Far North Coast – season 2007/08	
In 2007/08, Surf Life Saving FNC volunteers contributed 33,522 hours	
The value of volunteering time	\$1.182m
In 2007/08, Surf Life Saving FNC volunteers performed 187 rescues	
The value of these rescues	\$25.993m
Total value in time and rescues	\$27.175m*
<small>*These figures are based on official membership & rescue statistics from the 2007/08 volunteer patrol season, and findings from Valuing an Australian Icon: The Economic and social Contribution of Surf Lifesaving in Australia, a report compiled by The Allen Consulting Group published in October 2005.</small>	
<small>http://www.slsa.com.au/slsa/contents/resource/0000481_docsource.pdf</small>	

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

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O14 [EO-OC] Murwillumbah Multi-Level Car Parking Complex - Proposed Car Parking Arrangements**ORIGIN:****Planning & Infrastructure****SUMMARY OF REPORT:**

This report recommends how the proposed car parking spaces, which will be created on completion of the Murwillumbah multilevel car parking complex, will be allocated.

Options for partial cost recovery for the construction of the complex are also discussed in accordance with Council's resolution of 31 July 2007 which reads in part:

"That:-

.....

6. *Council will consider options for equitable financing of a level of the car park which will include:-*
- Making a special rate on Murwillumbah CBD businesses and/or*
 - Commercialisation of a level by sale/lease of spaces or paid car parking."*

Previously 92 spaces existed at ground level under the current complex footprint. At completion there will be 98 spaces at ground level plus an additional 179 spaces, resulting in a net gain of 185. This report addresses the proposed management of the subject car parking.

RECOMMENDATION:

That, in relation to the Murwillumbah car parking complex:-

- 1. 38 of the 98 ground floor car spaces be restricted to a two hour limit (8.00AM to 5.00PM Monday to Friday), subject to Local Traffic Committee approval;**
- 2. The remaining 54 (non disabled) car spaces on the ground floor be restricted to a four hour limit (8.00AM to 5.00PM Monday to Friday), subject to Local Traffic Committee approval;**
- 3. The open top level of the car park be allocated as public unrestricted car spaces;**

4. The remainder of the spaces on the middle level of the complex be paid coupon car parking (Monday to Friday only), subject to Roads and Traffic Authority and Local Traffic Committee approval, for a trial period of six months. The coupons are to be purchased from the Murwillumbah Civic Centre or the Tweed Regional Aquatic Centre (when opened) at the rates stated below:-
 - Daily - \$2
 - Monthly - \$36
 - Annually - \$350;
5. The proposal and fees for coupon parking be publicly advertised for a 28 day period prior to implementation;
6. Nearby businesses be formally approached to determine their interest in leasing spaces on the middle covered level of the car park complex based on a monthly or yearly rental period at a cost of \$52.00 per month per space or \$550.00 per year per space with increases based on CPI;
7. Council staff negotiate with businesses in Proudfoots Lane with a view of relocating reserve parking from behind the shops to the middle level of the car park with a no cost exchange for converting the privately owned parking to 2 hour time restricted parking available to the general public;
8. All car parking arrangements adopted for the car parking complex be reviewed six months after the commencement of operation of the car parking complex.

REPORT:

Introduction:

A 277 space multilevel car park is currently being constructed adjacent to the Civic Centre in Murwillumbah. This report recommends how the proposed car parking spaces could be allocated. Options for partial cost recovery for the construction of the complex are also discussed.

The three level car park will provide the following car spaces:-

- Ground level : 98 covered spaces (access from Council Administration Centre lane only), six of which are earmarked as disabled spaces;
- Middle level : 87 covered spaces (access from Queen Street only with ramp connection to and from the top level);
- Top Level: 92 uncovered spaces (access from Queen Street only with ramp connection to and from the middle level).

One lift and various stairwells will provide pedestrian access between levels. A total of 277 spaces will be created, of which 197 are new spaces. The car parking complex is due for completion in October 2008.

The Need for Parking Spaces around the Civic Centre

The multilevel car park was built to cater for:-

- the high demand for car parking along Main Street and Council's Civic Centre;
- the demand for car parking from the proposed Tweed Regional Aquatic Centre being built adjacent; and
- to provide parking spaces that Council has collected from developers through Section 94 contributions for unsupplied on site parking. In this regard the major development has been the expansion of Council's offices for which contributions were obtained for staff car parking.

The need for car parking within Murwillumbah was discussed in detail in the "Murwillumbah CBD Parking Study" which was considered by Council at its meeting of 23 January 2007. This study analysed both on street and off street car parking in the Murwillumbah CBD. Based on surveys undertaken in October and November 2006 the report concluded that public car parking provision is not at a critical stage in Murwillumbah as car parking spaces were available. The study also recommended various actions to improve car parking supply within the Murwillumbah CBD.

'Pre-Construction' Car Parking Arrangements:

A detailed car parking survey was undertaken for the Murwillumbah CBD area in October and November 2006 prior to the construction of the multilevel car park. The results of this survey can be summarised as follows:-

1. The most highly used on street car parking spaces are those along Main Street and Queen Street Murwillumbah and the highest usage occurs between 9.30 AM and 12.00 PM (up to 97% usage);
2. The second most highly used car parking spaces are those along King Street and Commercial Road, Murwillumbah;
3. The most highly used off street public car parking areas are Council's car park next to the Come Alive Gym between Proudfoots Lane and Wollumbin Street and Council's Civic centre car park.

The area taken up by the multilevel car park and the Tweed Regional Aquatic Centre covered approximately 92 pre-existing car spaces. The ground floor of the multilevel car park will provide 98 spaces representing a net gain of up to 68 car parking spaces at ground level. The major car parking benefits of the complex have effectively been provided in the first and second floors of the complex (179 car spaces). The addition of the Civic Centre Multi-level Car Park will therefore add approximately 197 additional car parking spaces.

When construction of the car park complex commenced, approximately 30 remaining car parking spaces around the Council offices were signposted as 2 hr limited parking. This compared with the original (pre car park construction) number of 22 time limited parking spaces. These original time limited spaces provided adequate limited parking. Parking surveys conducted since this time have indicated that a number of these two hour spaces were regularly vacant. Therefore the original number of 22 limited time parking spaces appears to be an adequate number to apply to the immediate surrounds outside of the new car park complex.

It should also be noted that 30 of the 50, two hour limited spaces in Council's Knox Park car park were also converted to all day parking to compensate for the loss of all day parking in the Civic Centre car park during construction. These time limited spaces will be reviewed after the opening of the new car park complex.

With regard to Council employees, 45 spaces for staff and 33 spaces for Council owned vehicles were provided in the Civic centre basement area and surrounds. A further 23 spaces were provided for Council staff in Sunnyside Lane on the demolished bakery building site. These spaces are currently highly used. Neglecting the Sunnyside Lane car park, 78 spaces were provided for Council vehicles and Council staff prior to the construction of the car park.

Estimated Usage of the Multi Level Car Park Complex

To assess the potential usage of the car park complex, a car park user profile is required. It is expected that the immediate users of the car park will be as follows:-

- Aquatic centre visitors;
- Council employees and visitors to Council's offices (including library); and
- Visitors, shoppers to local businesses, commuters and other employees of local businesses.

The expected car parking demand of each of the above groups is discussed below.

Car parking Demand By Aquatic Centre Complex

The proposed redevelopment of the Murwillumbah Memorial Swimming Complex will include sports remedial and recreational activities. The redevelopment will require an additional 34 car spaces for daily general pool activities and up to 120 car spaces for major events, totalling 154 car spaces. A major event would be a regional swimming carnival. Other special events such as local school carnivals would have a much lesser car parking impact as the many of the participants will be arriving by bus. Provision will be made outside of the Tweed Regional Aquatic Centre to cater for the parking of three school buses. Even so, parents and others will be arriving by car and will require car parking. The number of car spaces required by these patrons could be approximately 20 spaces, although an accurate survey was not undertaken to verify this. The spaces available in the car parking complex on one level can cater for this additional number of vehicles.

Major events would be typically 'one off' and usually held on a weekend or at night. This demand could be catered for at 'off peak' times. Generally, on a daily basis, 34 car spaces are expected to be consumed by customers of the pool complex.

Car parking Demand By Council Employees and Visitors to Council Offices

The original Civic Centre car parking requirements were adequately addressed in the original development application. The parking requirements of the 1998 expansion and the recently completed expansion of the Civic Centre will be in addition to this.

The TSC Section 94 Plan No 18 1998 required a cash contribution for the provision of 29 spaces and the Section 94 Plan No 18 2005 – 2025 will require a cash contribution for the provision of 13 spaces for the recently completed office extensions. TSC has also paid for 39 spaces under the Section 94 Plan 23 Offsite Parking scheme for future staff. Therefore 81 car spaces are ultimately required (29 + 13 + 39). The funds paid by Council into the Section 94 Plan have already been provided to partly fund the current car park construction.

A survey was undertaken on the 5 December 2006 of the Murwillumbah Civic Centre Car Park (the public parking area) to determine current usage by TSC staff. It was observed that between 7.00am and 8.00am, 43 TSC staff used the car park. As discussed above TSC has paid for 39 spaces under the Section 94 Plan 23 Offsite Parking scheme and is within the planned range of staff usage.

The Murwillumbah Memorial Swimming Complex will require a further 34 spaces on a daily basis. The addition of the Civic Centre Multi-level Car Park will add an additional 197 car parking spaces than previously existed. This results in a surplus of 121 immediate car spaces and 82 future car spaces after allowances for TSC's S94 No. 23 Offsite Parking commitments for both the TSC Chambers expansion and the Murwillumbah Memorial Swimming Complex redevelopment (197 - 13 - 29 - 34 = 121 immediate and 197 - 13 - 29 - 39 - 34 = 82 ultimate). This equates to more than one level of car parking being surplus within the new complex on an immediate basis to be allocated to other users. As stated previously however, approximately 20 additional spaces may be required for local school swimming carnivals held during the week which

can be accommodated within the surplus car parking. Also 120 additional spaces for major events will be required however these will typically occur outside of business hours.

The existing spaces external to the complex and located near the Civic Centre area have catered adequately for visitors to Council's Civic Centre. These spaces are currently signposted as 2 hour limited parking. Some 17 of these spaces will be lost to cater for a bus zone for the aquatic centre. Even so there should be sufficient remaining car spaces to cater for visitors. This is discussed later within this report.

Car parking Demand by CBD Business Employees and Patrons of CBD Businesses

The demand for car parking by CBD Business employees and patrons was assessed in the Murwillumbah Car parking Study where it was evaluated that only 900 of a theoretically required 2,092 car parking spaces are provided off street, leaving a theoretical shortfall of 1,192 car spaces that would be the responsibility of business owners to provide within their properties if they were being developed in accordance with contemporary car parking standards.

A survey was conducted on the 27th, 28th and 31st March 2008 for the car parking spaces located on private property just off Proudfoots Lane between Commercial Road and Brisbane Street. The survey showed that these car parks were being filled before 9.00AM. This indicates that employees are using these spaces, not customers.

It is very likely that some CBD business employees and business patrons will park in the car parking complex. The actual demand is difficult to assess. A survey undertaken following opening and operation of the car park complex could assess this demand.

The Need for Limited Parking Spaces around the Civic Centre

Currently there are 49 two hour off street car spaces available around the Civic Centre. Informal surveys on 'non construction' days indicate that there are significant vacancies in these car spaces and so this number could be reduced.

A parking survey conducted in September 2007, just prior to the commencement of construction of the complex, indicated that approximately 40% of the available 2 hour spaces available were not used. i.e. only 31 spaces of the (then) available 51 spaces on average were being used.

On completion of the roadworks required for the Tweed Regional Aquatic Centre, 31 angle car spaces will be available (following the loss of 17 spaces to cater for bus zones and pick up/set down areas for the pool complex). These spaces are already currently signposted as 2 hour parking and should satisfy the two hour parking requirements for the Civic Centre. These 31 two hour spaces are still more than the original number of 22 limited time parking spaces that were provided for the Civic Centre prior to construction commencing. Therefore 2 hour parking is not necessarily required to be provided in the new complex, however it is expected that drivers will favour parking in the ground floor spaces rather than the upper floors as they are covered and provide more convenient access to Council offices, CBD area and Commercial Road. To ensure that adequate provision has been allowed for customers to businesses, it is recommended that just

under half of the ground floor parking spaces (38 spaces) be allocated as two hour spaces; those closest to the CBD (southern side). This is only an estimate and limited time parking could be reviewed following the initial operation of the complex.

The lower (ground floor) car parking is also the appropriate location for users of the adjacent pool complex. To ensure that the remaining spaces on the lower floor are not 'parked out' by Council staff and other all day parkers, four hour limited parking would be appropriate. Four hour limited parking would enable the typical user of the pool complex to complete their visit. It should be noted that 6 of the 98 ground floor car spaces have been earmarked as disabled spaces.

Both two hour and four hour time limited parking should only be applied at general peak parking times; i.e. 8.00AM to 5.00PM Monday to Friday.

Signposting at the various entrances to the car park should also advise patrons of alternative accessing (e.g. "ground level car park access from Tumbulgum Road" signage to be placed at the entrance to Levels 1 and 2 and similar reciprocal signage should be provided at the ground level entrance.)

Summary of Expected Car park Usage

Based on the demand considerations above it is expected that the user profile and demand for car parking in the new complex will be as follows:-

User Category	Car spaces Required
CBD visitors/shoppers	49
Council employees	42
Commuters/other employees	121
Visitors to Council's Offices	31
Aquatic centre visitors	34
Total Car spaces (immediate)	277

The above are estimates only as a comprehensive survey of potential car park patrons was not undertaken.

Of additional interest is that there are over 50 businesses along Main Street Murwillumbah alone with well over 100 employees, most of whom could be patrons of the car parking complex.

Possible Cost Recovery Mechanisms

At Council's meeting of 31 July 2007, Council considered a report regarding tenders for the Tweed Regional Aquatic Centre and Car park and resolved (in part):-

"That:

.....

6. Council will consider options for equitable financing of a level of the car park which will include:-

- Making a special rate on Murwillumbah CBD businesses and/or*
 - Commercialisation of a level by sale/lease of spaces or paid car parking."*
-

The application of any possible cost recovery mechanism to the complex will come at a financial risk. Certainty cannot be provided as to the success of any cost recovery scheme. An example of financial risk is the purchase and installation of equipment that will become redundant if a scheme proves unsuccessful.

With regard to imposing a user charge for car parking, demand is expected to be very elastic (i.e. a small increase in cost would mean a large drop in demand) in that employees of Murwillumbah businesses may not be willing to pay any charge at all for all day car parking. Similarly patrons of CBD businesses would most likely only pay when all avenues to find an alternative 'free' car space around the Murwillumbah CBD are exhausted.

Whilst investigating this matter Council officers were advised that customers of businesses would not be prepared to pay anything for parking and, in any event, Council should "build a case and sell it" upfront to justify any such scheme. "Building a case and selling it" should include the social and economic benefits to the community rather than just cost recovery for Council. This would include community consultation and feedback.

Commuter parkers are typically forced out of the CBD by parking restrictions and these drivers show some ingenuity in finding alternative parking spaces. It is important to note that commuters are typically prepared to walk up to 1.5 km in larger towns and cities to obtain unrestricted parking (as observed by parking surveys).

As determined by the "Murwillumbah CBD Parking Study", a minimum of 33 spaces (7%) of the public off-street car parks and 61 spaces (13%) of on-street car parks were vacant within the Murwillumbah CBD during the survey period in late 2006. Therefore car spaces are available and will be sought in the first instance by parkers, rather than paid parking.

Options

1. Introduction

The table below shows typical car parking charges in various urban centres:-

Location	On Street Parking Cost (per hour)
Gold Coast	\$ 0.40
Cairns	\$ 0.50
Townsville	\$ 0.70
Perth	\$ 1.50
Brisbane	\$ 4.00
Sydney	\$ 4.40

Lismore City Council charges \$2.00 per day per space in some off street spaces via ticket (pay and display) machines. A daily charge is used as the majority of the spaces are used by employees of nearby businesses.

Council's Financial Services Unit has advised that a major consideration in implementing any paid parking scheme is Fringe Benefits Tax (FBT). FBT becomes an issue for both

Council and businesses. There is quite an exhaustive list that must be satisfied for a fringe benefit tax liability to exist, however in simple terms, if Council charges less than \$7.07 per day per space (2008/09 FBT year) then no liability will arise. Income greater than this amount has significant ramifications for Council's potential payment of FBT, as not only will the spaces afforded by the car parking complex be subject to FBT but also all other car spaces that are provided by Council.

\$7.07 per space per day approximately equates to a parking charge of \$1.40 per hour per space (assuming a 40% usage rate over a twelve hour day) or \$0.70 per hour per space (assuming an 80% usage rate over a twelve hour day).

Various options for cost recovery are discussed below:

2. Metered and 'Pay and Display' Parking

Council may establish and operate pay parking schemes under Part 4 of the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999. Any ticket parking scheme needs to be implemented in accordance with the RTA's "Pay Parking Guidelines" and requires advice from the Local Traffic Committee.

The most cost effective metered parking for all or some of the public car spaces created by the car parking complex would be pay and display (or "voucher") ticket machines. These machines have been shown to be far superior than mechanical meters in terms of payback and negate the need for boom gates. The advantages of these machines over other paid parking methods are:-

- The expiry time on the ticket reduces confusion by drivers and will assist rangers. It also serves as a receipt for the driver.
- Electronic coin validation accepts the full coin set and rejects foreign objects.
- Greatly reduced maintenance cost.
- Less frequent coin collection, with better security.
- Removal of the coin box causes printing of an audit ticket which gives close control of cash collection.
- Audit and statistical data are available for detailed analysis which can also be connected to Council's Intranet for instant information retrieval.
- Complex fee scales can be introduced and varied on site via an internal keyboard.
- Unused time is not left for the next customer.
- The machines provide high security against vandalism.

The cost for these machines varies, but a supply and install cost of \$14,000 per machine would be reasonable. A change machine would also be highly beneficial located adjacent to each pay and display machine (supply and install cost of \$2,000 per machine). Although one ticket machine and one change machine per floor would be adequate, two machine sets per floor being located at each end of the car park would be more convenient to car park patrons.

As the complex will have more convenient pedestrian access to the eastern end of the CBD, its partial use for turnover parking is preferred. The middle level would be most appropriately used as pay parking as it is covered.

Two pay and display machines should be adequate if one floor is subject to a voucher parking arrangement. Therefore approximately \$32,000 (two machine sets covering one floor) would need to be spent on providing the machines. The machines could typically operate between 6.00AM and 6.00PM Monday to Friday. The machines would also incur coin collection, repair and maintenance costs together with consumable costs such as paper. A complaint/information response system would also need to be established which has Council resourcing implications.

Due to an expected high elasticity of demand, a parking charge might only be successful if a very low cost strategy is implemented; for example, the promotion of a “silver coin parking” strategy. Assuming a low parking charge for the Murwillumbah CBD of 20 cents per hour (for example) and a 40% usage per space, it is expected that one machine could provide an average weekly income of about \$700 per week (\$1,400 per week or \$72,800 per annum for both machines). A payback period on this scenario would be about six months to recover the initial capital costs of purchasing and installing the machines. There would be Council resourcing implications however as described above.

If the parking charge is increased to \$1.00 per hour, the payback period reduces significantly to just a matter of weeks, following which revenue of about \$360,000 per year could be realised. However as stated above, it is expected that parking demand is highly elastic and demand could drop significantly with the typical Murwillumbah commuter not accepting a \$1.00 per hour parking charge.

3. Boom Gate System

There are various boom gate systems available. The most popular include:-

- Manned boom gate – the motorist obtains an entry ticket via an automated entry station. A car park attendant then requires payment by the exiting motorist.
- ‘Pay-by-Foot’ boom gate – a motorist pays by cash or credit card prior to exiting the car park by visiting a ‘pay-by-foot’ kiosk located within the car park complex. The validated ticket is then inserted into an automated exit station terminal which opens the exit boom gate.

The advantages of the manned boom gate system include the guaranteed payment of fees and the ability of the cashier to immediately explain and/or resolve any ticketing queries.

The disadvantages of the manned boom gate system include:-

- high labour costs (requiring an operator/cashier plus a standby operator/cashier);
- high capital costs (supply and installation of the boom gates, entry station, operator’s cubicle and the operator’s point of sale terminal); and
- the breakdown of any key component of the equipment may result in the disablement of the pay parking facility.

This option is resource intensive and is more suited to large car parking complexes.

The advantages of the ‘pay-by-foot’ boom gate system include minimum labour costs and less coin collection.

The disadvantages of the 'pay-by-foot' boom gate system are similar to the manned boom gate system and include:-

- high capital costs (supply and installation of the boom gates, entry and exit stations and payment kiosk/s); and
- the breakdown of any key component of the equipment may result in the disablement of the pay parking facility.

The boom gate options are the least desirable as the capital cost of the equipment and other costs are high (greater than \$40,000).

4. Coupon or Permit Parking

A coupon or permit system could be adopted where specially formatted coupons could be purchased at Council's Murwillumbah Civic Centre reception or the Tweed Regional Aquatic Centre reception (once opened) and then placed on the driver's side dashboard. The relevant time period for the permit could be easily scratched or circled on the coupon.

The advantages of the coupon or permit system include minimum labour costs together with minimal capital costs.

The coupon or permit system has the following disadvantages:-

- It may be slightly confusing to the elderly;
- 'Unmarked' coupons would be invalid and/or may not be scratched sufficiently for enforcement personnel to properly interpret;
- Hourly coupons not being available. The minimum permit time being morning or afternoon session parking;
- The need to print and issue differently formatted coupons for session, daily, weekly, monthly or yearly use; and
- The 50 or more metre walk to obtain a coupon from Council's reception and then walk back again just to obtain a daily coupon would be very inconvenient for most parkers. Even a shorter walk to the pool's reception to purchase a daily coupon (once open) may prove inconvenient.

The recommended payments for coupons in such a system for the Murwillumbah complex are as follows:-

- Daily - \$2 per day (as per Lismore City Council's off street parking rate)
- Weekly (Monday to Friday) = 5 daily coupons = \$10
- Monthly - \$36
- Annually - \$350

The above fees effectively provide no discount for the weekly coupon, a 10% discount for the monthly coupon and a 20% discount for the yearly coupon.

This coupon system has been successfully adopted for some 680 car park spaces controlled by the Queensland University of Technology in Brisbane.

A twelve month supply of coupons may cost in the order of \$2,000 to print (covering one level of car parking in the complex only).

Assuming a 40% usage of the 87 first floor spaces and that the monthly coupon would be the most popular, it is expected that an average weekly income of about \$313 per week (\$13,780 per annum) could be achieved. A payback period on this scenario would be about six weeks to recover the initial capital cost of printing the coupons.

This option is considered the most desirable option as financial risk is minimised due to low upfront implementation costs.

5. Private Leasable Spaces

Council officers have received requests for car parking spaces to be provided within the car park complex for particular businesses. These requests have come from business owners located on Queen Street. It is not considered equitable to allocate public spaces for private use without charge. The extent of possible leasing of car parking spaces is not known, but an estimate would be that up to 10 spaces could be leased in the first instance. These spaces would be adequately signposted for the lessees on an 'as leased' basis and security of the spaces can be provided by regular parking enforcement by Council's Rangers. The covered spaces nearest to Queen Street on the first level would be the most appropriate for these spaces.

For full cost recovery, an appropriate leasing fee would be commensurate with the cost of constructing an individual car parking space within the complex. An approximate cost has been calculated as \$12,750 per space for this particular complex using actual construction costs. An appropriate payback period could be 25 years for any lease. Accounting for say 7% interest (for borrowings) and a \$25 administrative fee per annum over this period provides a required lease rate of approximately \$550.00 per year per space. To provide more flexibility in leasing arrangements, a minimum monthly parking charge of \$52 per month could also apply (which accounts for a \$75 administrative fee per annum). These charges have significant inequities which are discussed in a following section of this report, however the lessees would have secured, reserved spaces.

As stated above, a survey of possible lessees was not undertaken. The potential clientele for such a lease would be local business owners and their senior employees. It is expected that there would not be any demand from general employees within the Murwillumbah CBD for such a lease.

It is recommended that nearby businesses be formally approached to determine a better estimate of possible leased spaces based on a particular lease rate.

6. Local Business Rate

Council's resolution of 31 July 2007 suggests making a special rate on Murwillumbah CBD businesses to partly recover costs.

After discussions with Council's Financial Services Unit, it is considered that the likelihood of a successful application for a special rate, both from a business and Department of Local Government perspective, would be extremely low. As Council has

just secured a 7 year increase, the Department of Local Government may not entertain another variation.

Further, many Murwillumbah businesses have also already provided adequate off street parking but others have not. To impose a business rate on all businesses for the purpose of further increasing off street parking would be inequitable given their different rates of parking provision.

The application of a local business rate is therefore not recommended.

Rates have been discussed with at least one CBD business owner who advised that rates for this purpose should not be targeted at the businesses themselves but rather at the community as a whole.

Cost Recovery Inequities

The combination of the cost recovery mechanisms described above can provide for inequities in the perceived “value” of a car space. A 12 month lease costing \$550 per annum per space is more expensive than expending \$2.00 per day per space over the same period (total of \$440 per annum based on a 220 day working year) and much more expensive than expending \$350 per annum for an annual parking coupon. The difference in cost (\$200) effectively equates to the convenience of having a nominated, guaranteed, secure and under-cover car space available. The difference in cost is obviously greater if free parking were adopted. This difference may be considered too high for the intended lessees, especially if numerous unoccupied free spaces are commonplace after opening of the complex. It is therefore important to gauge the extent of possible leased parking **based on the fee proposal suggested in this report.**

Commercial Agreement with Shop Owners with Properties Abutting Proudfoots Lane

Another option, not for cost recovery but for more effective parking for the Murwillumbah CBD, is to enter into an agreement with business owners who have properties abutting Proudfoots Lane (northern side) with conditions as follows:-

- Council will provide long term reserved spaces for each business within the new car park complex to substitute for the existing private spaces located behind the business/shop;
- Council will only entertain an agreement if the business owners enter into a ‘no cost’ lease agreement covering the existing car parking areas located on their property;
- Council will only entertain an agreement if sufficient business owners agree to enable the car park areas to be operated more effectively with two hour time limits during business hours;
- Council would prefer an agreement that allows Council to link all private car parking areas together, provide minor improvements, re-linemark them and regulate them with two hour parking.

The benefit of the above arrangement is that shop customers will be allowed access to more centralised CBD parking, with all day parking being moved to the CBD periphery (i.e. to the new car parking complex).

It may prove difficult to obtain the agreement of all property owners to realise this option. Some businesses may need the convenience of a car located adjacent to their business (e.g. a real estate office) while others may feel that walking an extra 50 to 100 metres to collect their car is far too inconvenient. These matters would need to be assessed on a case by case basis.

Conclusions and Summary

The following table recommends the proposed immediate allocation of parking spaces within the car parking complex:-

Level	Car spaces Provided	Allocation
Ground Floor	98	Public spaces (34 of which will be used by Aquatic Centre patrons); 38 of which to be restricted to a two hour limit (8AM to 5PM Monday to Friday) and the remainder (54) to be four hour parking (8AM to 5PM Monday to Friday).
Middle Floor	87	Leased spaces to be determined and created as required. Remaining spaces to be subject to a coupon parking system for a 6 month trial period.
Top Floor	92	All public spaces (42 spaces of which may be taken up by Council employees).


The existing public car spaces outside of the complex (i.e. those surrounding the Anzac Park) should remain as 2 hour parking.

The use of the paid parking spaces could be very low. Therefore coupons purchased from Council reception for a six month trial is recommended as these represent the lowest capital outlay. If successful, machines could then be considered.

Notwithstanding any comments made within this report, any aspect of parking allocation within the complex can be reviewed following initial operation of the car park and the receipt of feedback from the public.

Coupon Example:

TYPICAL PARKING COUPON (Front)



Student Learning Support Centre Car Park

Full Day Permit

\$5.00

Queensland University of Technology

1. Scratch off today's date only (year, month, day, date) you wish to park.
2. Place on driver's side dash board this side up.
3. Permit is invalid if more than one date is scratched or if no date is scratched.

Year

2007	2008
------	------

Month


Jan	Feb
Mar	Apr
May	Jun
Jul	Aug
Sep	Oct
Nov	Dec

Day

Mon
Tue
Wed
Thu
Fri
Sat
Sun

Date

1	8	15	22	29
2	9	16	23	30
3	10	17	24	31
4	11	18	25	
5	12	19	26	
6	13	20	27	
7	14	21	28	



TYPICAL PARKING COUPON (Back)

This permit is only valid in the Student Learning Support Centre Car Park.

- The purchase of this permit does not guarantee that a parking space will be available
- Park your vehicle in the car park before scratching the permit. This permit is single use only and scratching more than one date will void the permit.
- The permit is to be placed on the dashboard of your vehicle on the lower right hand side.
- The entire permit must be visible through the windscreen while the vehicle is parked.
- No refunds are available if the permit has been scratched.

OTHER SIDE UP

Please display this permit by placing it on the dashboard of your vehicle on the lower right hand side. Failure to display the permit can result in an infringement notice of a penalty unit.

The permit is **NOT** valid in the following areas:

- | | |
|--------------------------|--|
| 1. Disabled Parking Bays | 4. Any area not marked as a parking area |
| 2. Loading Bays | 5. University Vehicle Only Bays |
| 3. Against Yellow lines | 6. Authorised Vehicles Only Bays |

Plastic pockets are available from the Parking Office to display the permit on your windscreen if required.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Financial implications are as stated within this report.

There will be some resource implications in administrating the leasing arrangements and managing the coupon system and pay and display machines as identified within this report.

POLICY IMPLICATIONS:

Paid parking will be introduced into Murwillumbah.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Nil.

O15 [EO-OC] Contract Plant Hire and Contract Truck Haulage - Variation to Contracts**ORIGIN:****Works****SUMMARY OF REPORT:**

This report provides information on the impact of rising fuel prices on plant and truck operation costs and recommending a variation in existing contracts for the contract plant hire and contract truck haulage.

Attachment A is **CONFIDENTIAL** in accordance Section 10A(2)(d)(i) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

RECOMMENDATION:**That:**

- 1. The existing plant hire and truck haulage contractors be given the option of either -
 - A. Remaining on existing contract conditions including a full CPI adjustment effective from 1 July 2008, or**
 - B. Accepting a variation providing for the quarterly adjustment of hire rates, plus a discounted CPI adjustment effective from 1 July 2008****
- 2. For the purposes of Option B, the variation in hire rates to be applied to the next quarter commencing 1 July 2008 be 10.5% for plant hire and 10.5% for truck haulage**
- 3. For the purposes of Option B, the discounted CPI increase to apply from 1 July 2008 will be calculated on the 12 months to 30 June 2008 CPI when it is announced, with the discount equal to the contribution by automotive fuel to the total CPI for all groups, as disclosed on the Australian Bureau of Statistics website**
- 4. Attachment A is CONFIDENTIAL in accordance Section 10A(2)(d)(i) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.**

REPORT:

At its meeting on 19 June 2007 Council accepted tenders for Contract Plant Hire and Contract Truck Haulage for a two year period. The contract rates are subject to a Consumer Price Index (CPI) increase after the first year.

Over the past six months the cost of fuel, diesel fuel in particular, has increased an extraordinary amount. For Council the cost of diesel fuel has increased by 39.62% from the 2006/07 average to May 2008

A number of hire plant contractors have requested a review of hire rates having regard to the fuel cost increases. While the contracts provide for a CPI increase it will not compensate for the fuel cost increases, and it is considered that a contract variation is reasonable if Council is to maintain an adequate pool of plant available for hire.

It would be desirable if such a variation in contract hire rates was able to be adjusted over time to reflect prevailing fuel prices so that Council could take advantage if fuel prices subsequently fell, and to avoid having to repeat this exercise if they were to rise sharply again. Also, as the CPI takes fuel prices into account, the scheduled CPI increase in contract rates will have to be discounted by the amount attributable to fuel cost increases so that Council is not paying twice for the same impact. The detailed composition of the CPI available from the Australian Bureau of Statistics makes this a simple task.

As the proposed variation in plant hire contract rates and CPI discount was not included in the original contract, it is recommended that the proposed variation be offered to each contractor as an alternative to the existing contract conditions. That is, they have the option of remaining on the existing contract conditions and rates with full CPI adjustment, or accepting the variation as offered, including quarterly reviews of hire rates subject to movements (both increase and decrease) in the cost of diesel fuel plus a CPI adjustment discounted by the amount attributable to fuel cost increases.

In calculating the recommended contract plant hire rates variation, the components of the total cost of plant and truck operation (labour, fuel, servicing, finance, etc) were considered for both plant and trucks. The component proportions of total cost were obtained by analysis of Council plant financial records and verified by reference to figures provided by a contractor. The calculations are included as a confidential attachment. The proposed quarterly reviews of contract rates would be adjusted using the same formula but with the current diesel fuel price paid by Council.

Future multi-year plant hire contracts would also benefit by being structured to provide for cost component adjustment in addition to CPI adjustment.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The increase in plant and truck haulage hire rates will cause an increase in the cost of all civil construction and maintenance works. However increased costs will be managed within budget program allocations.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment A** - Supplementary Confidential Attachment (DW 1841733).
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O16 [CNR-OC] Water Quality Protection Funding**ORIGIN:****Natural Resource Management****SUMMARY OF REPORT:**

This report seeks Council's approval to increase the geographical scope of the River Health Grants Scheme, an initiative which allocates funds to projects which improve water quality in the upper Tweed River Catchment. In June 2006 Council approved a recommendation that funding from the Water Unit (Water and Sewer Dividend) be utilised to undertake works on private and public land that would benefit water quality and river health in the sub-catchments contributing to the Tweed Potable Water Supply. This area is comprised of the Tweed and Oxley Rivers and their numerous tributary creeks upstream of Bray Park. This initiative has been running as the River Health Grants Scheme, and has been successful in supporting riparian protection works at approximately 20 sites in the potable water supply catchment.

Due to a reduction in State Government funding of the Tweed Estuary Management Program in 2008-2009, funds available for priority projects in the lower Tweed Estuary have declined. It is proposed to allow use of funds from the Water Dividend in the support of projects in the lower estuary, in particular, Terranora and Cobaki Broadwaters and their catchments. A key benefit of using additional Tweed Shire Council funding in this area will be the ability to leverage funds from alternative State and Commonwealth Government funding schemes.

RECOMMENDATION:**That Council:-**

- 1. Expands the geographical scope of the River Health Grants Scheme to include riparian lands in the Terranora and Cobaki Broadwater Catchments.**
- 2. Amends the existing Water Supply Catchment Stream Bank Protection Policy to reflect the expanded scope of the River Health Grants Scheme.**

REPORT:

Council is the lead agency managing the environmental health of the Tweed River, its catchment, estuary and multiple tributaries. This program is managed through the Tweed River Committee.

An important current initiative of the Tweed River Committee is the review of the management plans for Terranora and Cobaki Broadwater. A critical recommendation of this plan will be to launch a new project, aimed at increasing landholder stewardship of the riparian zones in the Terranora and Cobaki Broadwater tributaries. This will be modelled on Council's existing and successful 'River Health Grants Scheme'.

Since June 2006 Council has delivered the River Health Grants Scheme in the Upper and Mid-Tweed and Oxley River catchments to initiate riparian projects which serve to protect and improve water quality. The goal of this program is to enhance the environmental condition of the Tweed River and its Catchment and as such, maintain the most important component of the Shire's fresh water supply. The River Health Grants Scheme has been successful in attracting a diverse range of landholders, and projects have ranged in size from significant works on a dairy farm immediately adjacent to the Bray Park raw water intake (Approx \$49,000 over a 1.2 km frontage), to targeted exotic vine weed removal at Rowlands Creek (\$2,156 over 600m). In each case of funding, an agreement with land holders has been signed which details Council's contribution to a project and the commitments and responsibilities of the land holder. Each grant is based on the agreement that the landholder will contribute significantly to the project, in most cases by undertaking agreed works, with materials supplied by Council. A key point in relation to this report is that the River Health Grants Scheme was limited in geographical scope to sub-catchments contributing to the Tweed's potable water supply.

In the 2006-2007 financial year, a grant of \$500,000 was received from the NSW Estuary Management Program for ongoing implementation of projects in the Tweed River Estuary. In the 2007-2008 financial year, Council received \$150,000. Council has once again applied for funding of \$500,000 in 2008-2009, however it is expected that a substantially smaller sum than that requested will be received. Due to this significant reduction in funding, the ability of Council to deliver and initiate new projects that will be recommended in the Terranora and Cobaki Broadwater Management Plan is constrained.

As such, the recommendation of this report is that the River Health Grants Scheme be expanded in its geographical scope to allow investment in projects that will sustain the ecological health of the Terranora and Cobaki Broadwaters. The original premise of the River Health Grants Scheme was that a portion of the profit derived from supply of potable water to residents of the Shire should be spent on maintaining the quality of the catchment from which freshwater is supplied. This connection can be extended to the relationship between discharge of treated effluent to the Terranora system and Water Unit investment in works that will enhance the ecological health and resilience of the Terranora Broadwater.

Water Supply Catchment Stream Bank Protection Policy

The River Health Grants Scheme is supported by the Water Supply Catchment Stream Bank Protection Policy. In order to change the scope of the River Health Grants Scheme as described above, it will be necessary to amend this policy. The proposed amended policy is reproduced below. The original policy "Water Supply Catchment Stream Bank Protection Policy" is included under separate cover and will be replaced with the proposed new policy if adopted by Council.

RIVER HEALTH GRANTS POLICY

Objective

To support rural land owners in the Tweed Shire to manage riparian zones on their property in a manner which protects and enhances the quality of the Tweed Shires raw water supply, and the ecological health of Terranora and Cobaki Broadwaters.

Applicable Sub-catchments

The Tweed River sub-catchments contributing to the town water supply and covered by this policy include:

- *The Upper Tweed River (including Kunghur Creek, Midginbil Creek, Perch Creek, Sunday Creek and tributaries)*
- *Clarrie Hall Dam Catchment (including Doon Doon Creek, Commissioners Creek and tributaries)*
- *Rowland's Creek and Chowan Creek*
- *Smiths Creek*
- *The Upper and Lower Oxley River (including Tyalgum Creek, Hopping Dicks Creek, Brays Creek, Back Creek, Fowlers Creek, Pumpenbil Creek, Wollumbin Creek and tributaries)*
- *Byrrill Creek (including Cedar Creek, Kunghurloo Creek, Cabbage Tree Creek and tributaries).*

The sub-catchments making up the catchment of Cobaki and Terranora Broadwaters include:

- *Bilambil Creek*
- *Duroby Creek*
- *Piggabeen Creek*
- *Cobaki Creek*

Rationale

Tweed Council has responsibility for the provision of water and sewerage to over 70, 000 residents within the Shire. All drinking water is sourced directly from the Tweed River, and all treated effluent is discharged into the Tweed Estuary.

It is vital to the wellbeing of our community, in terms of health and economic activity, that our water source be protected, and that estuary health be maintained. To achieve this, Council must take an active role in protecting the environmental health of the freshwater and estuarine reaches of the Tweed River.

The health of the Tweed River and the quality of water that flows through it is directly related to the condition of land adjacent to the banks of the river and its smaller tributary

streams. Because most of this land is in private ownership, land holders who are protecting streams supply a vital service to the community, and should be supported to do this.

Where riparian land management does not conform to broadly recognised principals of best practice, it is in the community's interest to assist landholders to improve their performance. As a minimum standard, Council should aspire to provide off stream water access to cattle where ever practical, to reduce the amount of manure being deposited directly into the river. This is a key activity in reducing the risk of Giardia or Cryptosporidium out breaks in the shire's water supply.

Discharge of treated effluent to the Tweed River is a key source of nutrient input to the system. The other major source of nutrients and sediment is catchment runoff. To manage the long term health of the estuary it is of critical importance to reduce catchment contributions. As with the upper river tributaries, revegetation of estuarine creek and river banks is a major requirement, and one which must be undertaken to a large extent on private land.

Traditionally Council has concentrated its water management resources in the field of engineering, and this has required major investment in facilities such as water treatment plants, reservoirs and pipe networks.

Through adoption of this policy, Council will implement a River Health Grants program, which will financially support rural land owners in managing their stream banks.

Implementation

The aim of Councils River Health Grant Scheme is to improve and protect water quality and riparian ecosystem health. To achieve this, the scheme will supply funding to rural land holders to target the typical problems found on our river banks including erosion and weed infestation. To improve the hygiene of our water supplies, a priority activity will be to supply off-stream stock watering points throughout the catchment.

In almost all situations, healthy river banks are associated with healthy native vegetation. Where practical, revegetation of bare river banks will be encouraged, for water quality benefit, as well as the important role stream bank vegetation plays in protecting wildlife.

Eligible Landholders and Activities

- Applicants for assistance under the River Health Grants Scheme should own land zoned rural under Councils planning scheme.
 - Generally, a minimum bank length of 100 metres will be considered for funding.
 - Subject to agreement and design, funding will be provided for:
 - Fencing, permanent or electric (materials, not labour).
 - Stock drinking troughs – (materials, not installation)
 - Erosion stabilisation – (design, materials, equipment).
 - Revegetation - (minimum width 10 metres – materials and some maintenance).
 - Stabilising stock stream access or crossing points - (design, materials, equipment).
 - Weed control – (primary control, consumables and tuition in appropriate techniques).
-

- *Maintenance of sites.*

Selection Process

Applications will be selected based on the potential improvement they can make to the health of the relevant riparian area and water quality. Value for money will be a factor of consideration, so projects that include a significant land owner commitment to costs will be viewed favourably. Project proposals that achieve multiple aims, for example improving water quality and enhancing wildlife habitat, will also be prioritised.

Land owner obligations

- *Participation in this project does not change the ownership rights of the land owner in any way.*
- *Land owners will be asked to sign an agreement with Council confirming their intention to complete and maintain stated works, in a certain time frame, for a nominated sum. The basis of the agreement will be good faith.*
- *Landowners will be expected to maintain their projects in the long term, however they will be eligible for maintenance assistance in the first three years after completion of works.*
- *Allow access by Council to inspect works or use the site for monitoring or promotion purposes (subject to notification).*

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funding for this project is to be sourced from the existing catchment water quality budget. No additional expense over the continuing yearly commitment is required.

POLICY IMPLICATIONS:

A policy titled, 'Water Supply Catchment Stream Bank Protection Policy' was adopted by Council to support implementation of the River Health Grants Scheme. This policy must be amended to reflect the proposed expansion of the geographical scope of the River Health Grants Scheme. The recommended changes to the policy are shown in the body of this report.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

1. Water Supply Catchment Stream Bank Protection Policy (DW 1834165)
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017 [CNR-OC] Water Supply and Sewerage Capital Contributions – Seaside City**ORIGIN:****Water****SUMMARY OF REPORT:**

Lots in the Seaside City subdivision were created prior to Water Supply and Sewerage being available to the site. As a consequence of an agreement with Richtech Pty Ltd, the owner of most lots at Seaside City, water supply and sewerage will be available to all lots at Seaside City in the near future. Richtech are to be reimbursed for the capital costs of their work by way of a Section 94 plan.

The normal opportunity to require Section 64 Developer Contributions under the Local Government Act 1993 in respect to the conveyancing and treatment headworks is not available for the first equivalent tenement contribution, particularly if single houses are developed on a lot. It is proposed to charge capital contributions under Section 68 of the Local Government Act for Water Supply and Sewerage equivalent to one ET charge on the first development of each lot.

Due to the unusual nature of this development, it is proposed that the S149(2) certificate for each affected lot, shown in the attached drawing, contain the words “Prior to any development requiring connection to water supply and/or sewerage, capital contributions in respect of water supply and sewerage headworks equivalent to one equivalent tenement are required.”

RECOMMENDATION:**That:-**

- 1. The words “Prior to the first development requiring connection to water supply and/or sewerage, capital contributions in respect of water supply and sewerage headworks equivalent to one equivalent tenement are required” be included on the s149(2) certificate for each lot within the area known as Seaside City.**
- 2. Following receipt of a capital contribution in respect of a lot, the words be removed from any future s149(2) certificate issued for that lot.**
- 3. Council advise the current owners of the affected lots.**

REPORT:

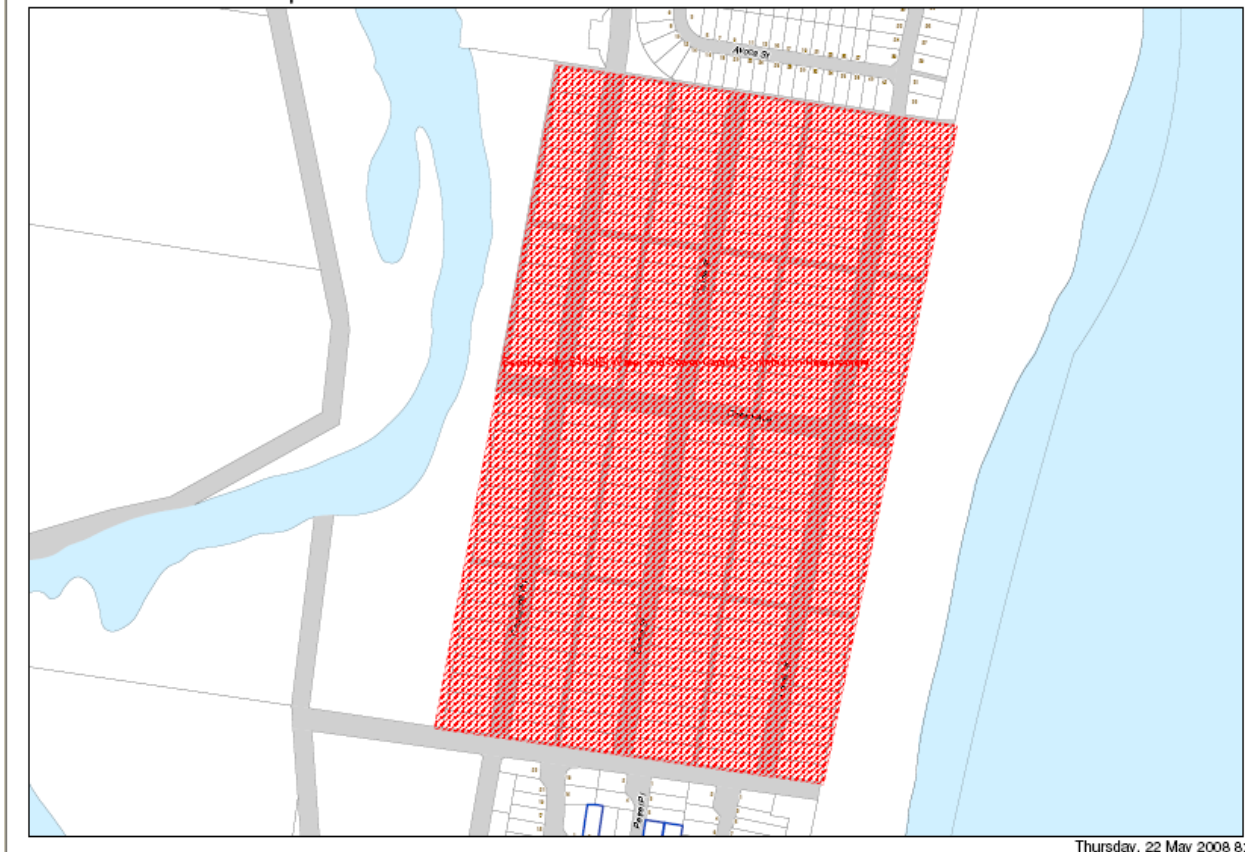
Lots in the Seaside City subdivision were created prior to Water Supply and Sewerage being available to the site. An agreement between Richtech Pty. Ltd. and Tweed Shire Council has provided a mechanism for the provision of services to existing lots at Seaside City. These lots have not been previously rated for water or sewerage.

The consequence of the agreement is that water supply and sewerage will be available to each existing lot within the subdivision even though none of these lots have contributed to the development of headworks through payment of Section 64 Developer Charges. It is normal for each lot with water supply and sewerage available to be credited with one equivalent tenement contribution.

A consultant for Richtech has advised that Richtech will pay an equivalent developer contribution for each lot that it owns on completion of the water supply and sewerage works, but would not be willing to pay on behalf of lots not in its ownership. The total of Water and Sewer contributions payable in respect to Seaside City is approximately \$3,000,000.

It is proposed to collect this capital contribution to Council's Water Supply and Sewerage systems when the first development application is made in relation to each lot within Seaside City. This will be in addition to the S94 Contribution that is required to repay Richtech for the provision of services to each lot.

Because this is an unusual situation, it is considered prudent that the Section 149 (2) certificate for each lot include the requirement for this capital contribution to be paid at the time of the first development on that lot.

Water and Sewer Capital Contribution**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Failure to collect developer contributions in respect to the first ET on each lot could cost Council up to \$3,000,000 towards the cost of developing water supply and sewerage headworks to ensure these lots can be serviced.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O18 [CNR-OC] Extinguishment of Easement for Water Supply - Banora Point**ORIGIN:****Water****FILE NO: DA3035/140 Pt5****SUMMARY OF REPORT:**

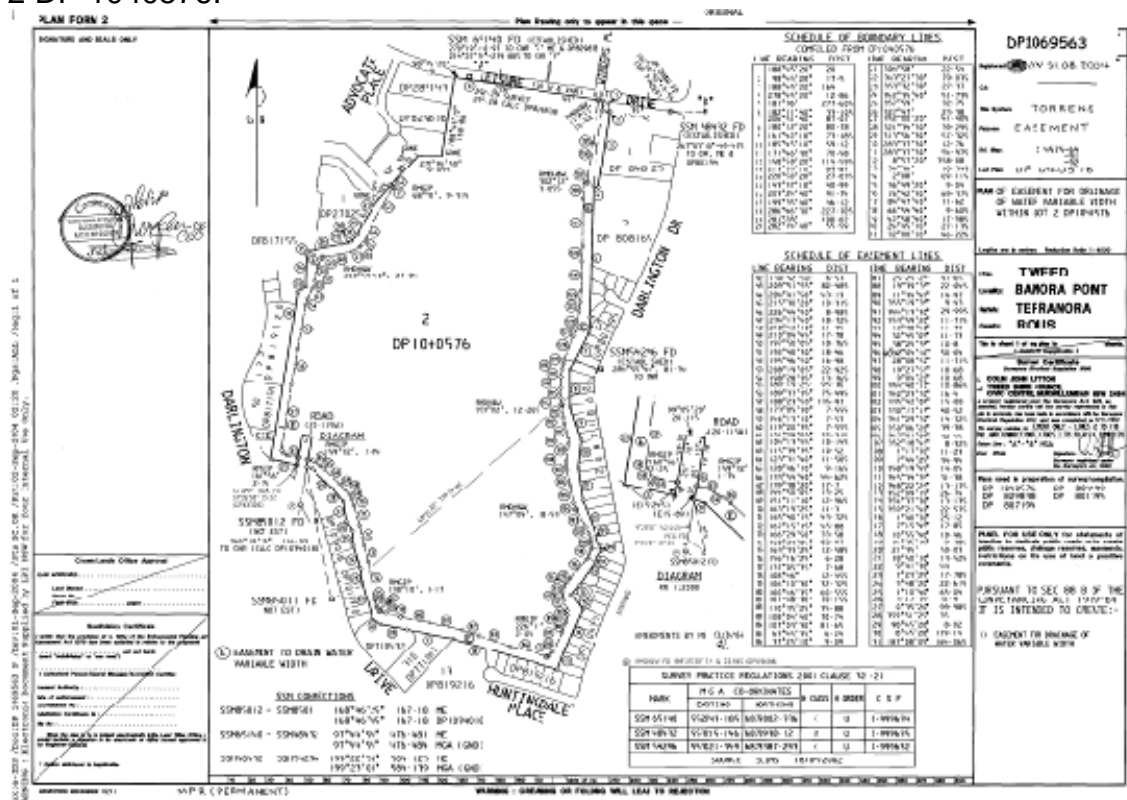
Council has received an application for the extinguishment of an Easement for Water Supply variable width within Lot 2 DP 1040576, created by DP 731994. The easement benefits Lot 253 in DP 829118 which is a Council owned drainage reserve. A new easement for drainage of water has been created by DP 1069563, within Lot 2 DP 1040576, partly over the existing easement for water supply. The easement for supply of water is no longer necessary within this area and this particular easement no longer serves that purpose.

It is therefore recommended that Council approve the extinguishment of the easement at full cost to the applicant.

RECOMMENDATION:**That:-**

- 1. Council approves the extinguishment of the Easement for water supply within Lot 2 DP 1040576, created by DP 731994, subject to the applicant meeting all survey, legal and conveyance costs; and**
- 2. All documentation be executed under the Common Seal of Council.**

Below is a copy of DP 1069563 which created the new Easement for Drainage within Lot 2 DP 1040576:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O19 [CNR-OC] Classification of Land as Operational, Murwillumbah**ORIGIN:****Water****FILE NO: DA04/1591****SUMMARY OF REPORT:**

Proposed Lots 62 and 63 in a Subdivision of Lot 4 in DP 1074167 at Murwillumbah are to be transferred to Council as a Drainage Reserve and Sewage Pump Station following registration of the plan of subdivision.

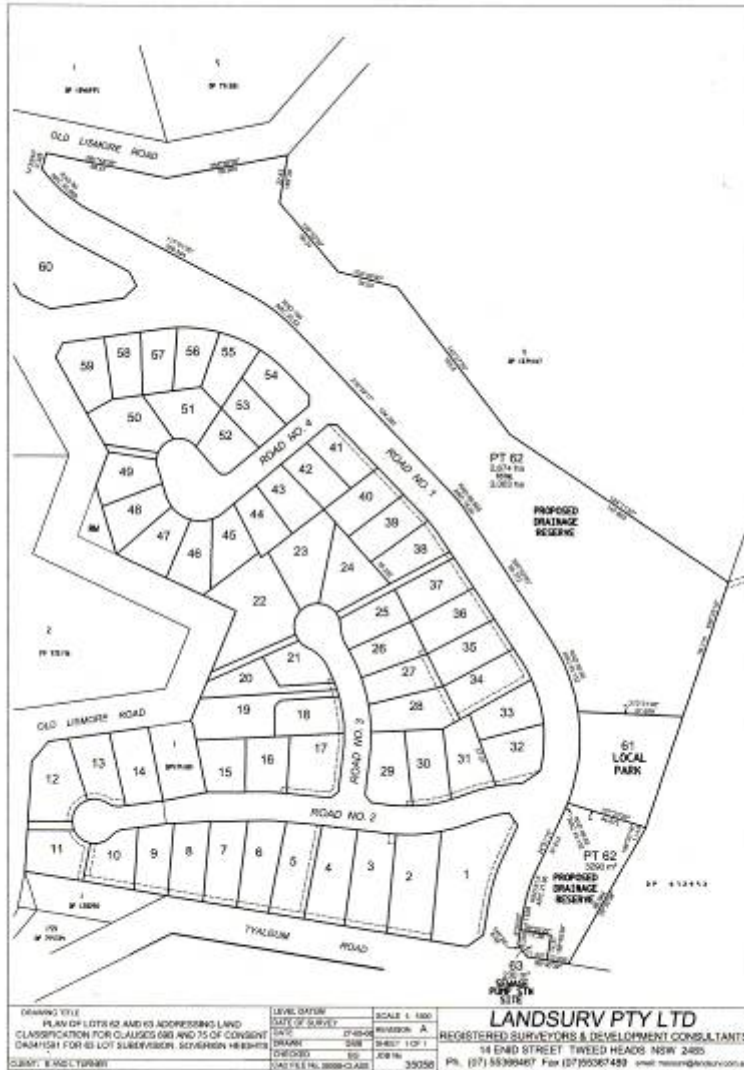
It is therefore necessary to resolve to classify these parcels as “Operational” pursuant to the provisions of the Local Government Act, 1993.

RECOMMENDATION:**That:-**

- 1. Council approves the transfer of proposed Lot 62 in a Subdivision of Lot 4 in DP 1074167 at Murwillumbah as Drainage Reserve; and**
- 2. Council approves the transfer of proposed Lot 63 in a Subdivision of Lot 4 in DP 1074167 at Murwillumbah as Sewage Pump Station; and**
- 3. Proposed Lots 62 and 63 be classified as “Operational” pursuant to Section 31 of the Local Government Act, 1993; and**
- 4. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report. A copy of the plan showing proposed Lot 62 as Drainage Reserve and proposed Lot 63 as Sewage Pump Station is shown below.



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O20 [CNR-OC] Acquisition of Crown Land - Lot 1 DP 1111237 - Tyalgum Weir

ORIGIN:

Water

SUMMARY OF REPORT:

The Tyalgum Weir is a Council structure located within the bed of the stream in the Oxley River at Tyalgum. This area, shown as Lot 1 in DP 1111237, is currently Crown Land however due to the fact that it contains Council infrastructure it is necessary for Council to acquire it.

Department of Lands has provided their concurrence to the acquisition of Lot 1 DP 1111237 as required.

The acquisition is to proceed under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 whereby an application is to be made to the Department of Local Government for approval to the acquisition.

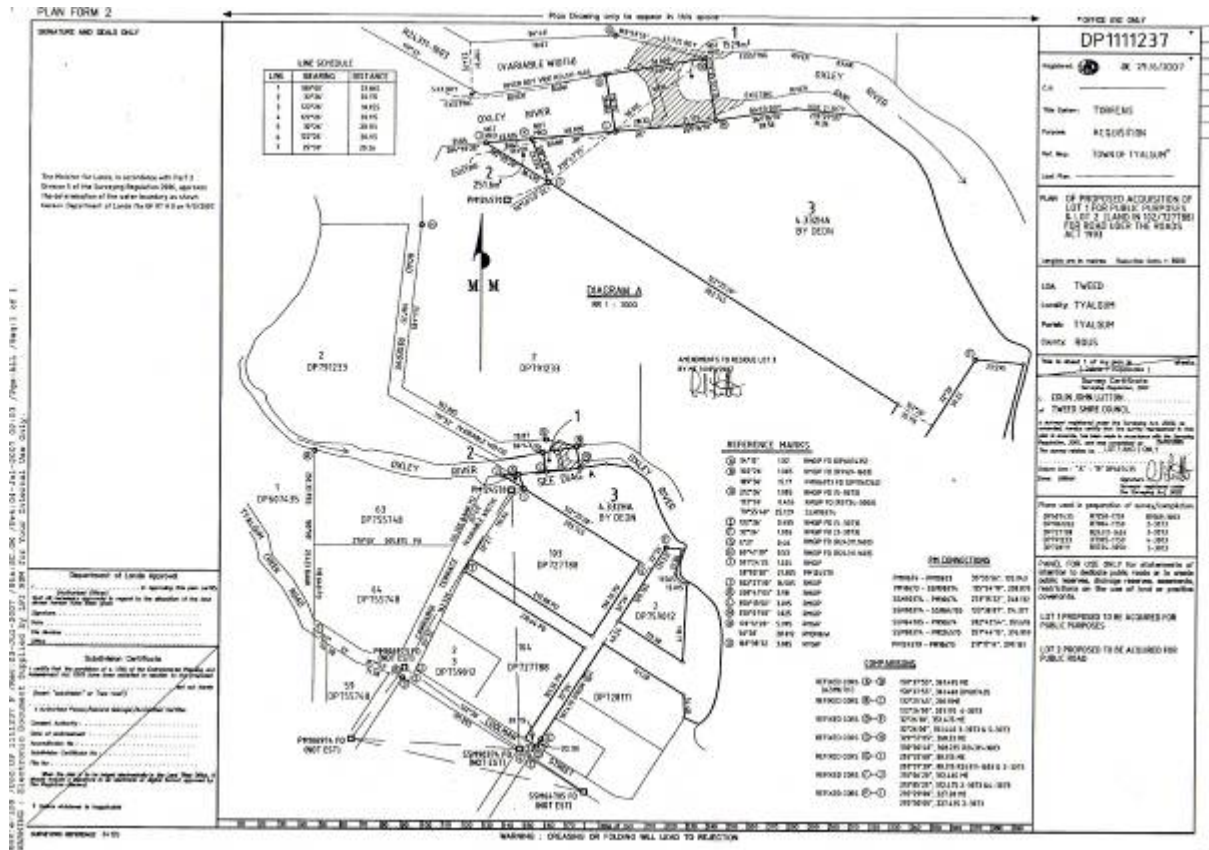
RECOMMENDATION:

That:-

- 1. Council approves the acquisition of Lot 1 in DP 1111237 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor;**
- 2. Lot 1 in DP 1111237 be classified as operational following gazettal of the acquisition; and**
- 3. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report. Copy of DP 111237 is attached for information purposes.



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

O21 [CNR-OC] Lease of 1 Nullum Street, Murwillumbah

ORIGIN:

Community & Cultural Services

SUMMARY OF REPORT:

TTEC Enterprises Ltd (TTEC), formerly known as Tweed Training and Enterprise Company Ltd, currently hold a month to month lease of Council premises at 1 Nullum Street, Murwillumbah. The current tenancy follows the expiry of the lease on 1 March 2005.

The lease provides that TTEC is the head lessee with various community groups as sub-lessees.

It is intended that ultimately the services currently leasing the property will be housed in the new Community Centre in Knox Park.

RECOMMENDATION:

That:-

- 1. Council approves entering into a lease with TTEC Enterprises Ltd for the premises located at 1 Nullum Street, Murwillumbah for a term of two years or the completion of the redevelopment of the Murwillumbah Community Centre, whichever is the earlier at a lease fee of \$8,000 per annum.**
- 2. All documents to be executed under the common seal of Council.**

REPORT:

TTEC Enterprises Ltd (TTEC), formerly known as Tweed Training and Enterprise Company Ltd, currently hold a month to month lease of Council premises at 1 Nullum Street, Murwillumbah. The current tenancy follows the expiry of the lease on 1 March 2005.

The lease provides that TTEC is the head lessee with various community groups as sub-lessees, which included Tweed Palliative Support, Volunteering Tweed and Murwillumbah Community Centre.

It is intended that ultimately the services currently leasing the property will be housed in the new Community Centre in Knox Park.

Pending completion of the Community Centre, a new lease has been negotiated whereby TTEC will again be the head lessee and will continue to maintain responsibility for the management of the premises with the sub-lessees, who, it is anticipated, may vary during the course of the term.

The negotiated terms of the lease are as follows:

1. Term of two years or the completion of the redevelopment of the Murwillumbah Community Centre, whichever is the earlier;
2. Rental to be \$8,000 per annum, paid quarterly in advance;
3. TTEC to maintain management of the premises

It is necessary to resolve to approve entering into the lease with TTEC on these terms and to execute the necessary documentation under the common seal of Council.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

O22 [CNR-OC] Lease to Chillingham Community Association – 1469 Numinbah Road Chillingham**ORIGIN:****Community & Cultural Services****SUMMARY OF REPORT:**

The Chillingham Community Centre has sought a new lease for Council owned buildings, which includes the community centre building and toilets at Chillingham. The current lease has expired and the tenancy is now on a month to month basis. The Community Association has requested a new lease to formalise their tenancy and to secure future funding for the various activities undertaken by them.

The land is operational land, so there are no statutory restraints in relation to the leasing of the land. A two year term with an option for a further two years is recommended at a peppercorn rental to assist the Community Association to continue their activities.

During its tenure the Association has established a community vegetable garden and nursery, undertaking grounds maintenance, environmental works and education events. It also holds weekly art classes, youth drumming classes and choir meetings.

RECOMMENDATION:**That:-**

- 1. Council approves entering into a lease with the Chillingham Community Association for the premises located at 1469 Numinbah Road, Chillingham for a term of two years with an option for a further two years at a lease fee of \$1 per annum.**
- 2. All necessary documentation is executed under the common seal of Council.**

REPORT:

The Chillingham Community Centre has sought a new lease for Council owned buildings, which includes the community centre building and toilets at Chillingham. The current lease has expired and the tenancy is now on a month to month basis. The Community Association has requested a new lease to formalise their tenancy and to secure future funding for the various activities undertaken by them.

The land is operational land, so there are no statutory restraints in relation to the leasing of the land. A two year term with an option for a further two years is recommended at a peppercorn rental to assist the Community Association to continue their activities.

During its tenure the Association has established a community vegetable garden and nursery, undertaking grounds maintenance, environmental works and education events. It also holds weekly art classes, youth drumming classes and choir meetings.

The table below illustrates the range of activities undertaken by the Association:

Chillingham Community Centre Activities			
Weekly	Monthly	Annually	Prospective
Art class	Venue hire	Xmas dinner/party	Monthly markets
Youth drumming	Kids club	Cultural feasts x 2	Outdoor films
Choir	Committee meetings	Youth Festival	Travellers breakfast
Community vegie garden		TAFE Outreach courses	Pizza nights
Nursery		Craft workshops	Skateboarding area
Grounds maintenance			Multi function recreation facilities at tennis courts
Film nights			
Environmental works			
Environmental education			
Computer/Office services			
Save the Children Play Scheme			
Tennis Court hire			

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O23 [CNR-OC] Request for "In Kind" Support/Waive Fee**ORIGIN:****Community & Cultural Services****SUMMARY OF REPORT:**

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

In accordance with Section 356 of the Local Government Act 1993 - Donations, Council resolved on 6 October 2004 that:-

"... in future, all donations made by Council, whether in cash or in kind, be made by way of a resolution of Council."

RECOMMENDATION:**That Council:-**

- 1. With reference to the request from Tweed Gold Coast Family History & Heritage Association Inc, provides the Tweed Heads Civic Centre Auditorium and South Sea Islander Room for a reduced fee of \$714 being 50% of the full fee of \$1428 for the annual Antique Fair to be held on 8-10 August 2008 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 Christmas Day Lunch Committee, provides the Tweed Heads Civic Centre free of charge for the Christmas Day Lunch for the needy and lonely on 25 December 2008, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".**
- 3. With reference to the request from Quota International of Tweed Heads/ Coolangatta Inc, provides the Tweed Heads Civic Centre for a reduced fee of \$187.50 being 50% of the full fee of \$375 for the Twin Towns Craft Fair on 18 and 19 July 2008 (including set-up on 17 July) and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".**

REPORT:

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

Organisation Name	Request	Est \$ Amount of Waiver	Recommendation	Meet Guidelines?
Tweed Gold Coast Family History & Heritage Association Inc	Request fee be reduced for hire of Tweed Heads Civic Centre and South Sea Islander Room for Antique Fair on 8-10 August 2008	\$714	That the fee be reduced to \$714 being 50% of the scheduled fee of \$1428.	Yes
Christmas Day Lunch Committee	Request fee be waived for hire of the Tweed Heads Civic Centre for the Christmas Day Lunch for the needy and lonely on 25 December 2008.	\$220	That the fee of \$220 be waived for the purpose of a Christmas Day Lunch for the needy and lonely on 25 December 2008.	Yes
Quota International of Tweed Heads/ Coolangatta Inc	Request fee be waived for hire of the Tweed Heads Civic Centre for the "Twin Towns Craft Fair" on 18 and 19 July 2008 (including set up on 17 July).	\$187.50	That the fee be reduced to \$187.50 being 50% of the scheduled fee of \$375.	Yes. Funds raised to be donated to local community organisation.

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. Tweed Gold Coast Family History & Heritage Association Inc (DW1834209)
 2. Christmas Day Lunch Committee (DW1835847)
 3. Quota International of Tweed Heads/Coolangatta Inc (DW1837315)
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O24 [CNR-OC] Banora Point Community Centre Terms of Reference

ORIGIN:

Community & Cultural Services

SUMMARY OF REPORT:

This report recommends the adoption of the Terms of Reference for the Banora Point Community Centre.

RECOMMENDATION:

That Council adopts the Banora Point Community Centre Terms of Reference.

REPORT:

The Banora Point Community Centre is an important community facility. The Centre is currently directly managed by the Community & Cultural Services Unit through the Banora Point Community Centre Caretaker.

During the development phase of the Centre an Establishment Committee was created to oversee the management of the facility. Unfortunately the Committee lapsed. A reference group comprising some members of the previous Establishment Committee was convened to oversee the development of the Terms of Reference. The Terms of Reference provides a framework for the community to assist the Council in the management of the Centre. It is proposed that the Caretaker would still report to the Manager Community & Cultural Services but provide reports to the Committee on the use of the facility

It is proposed that the membership of the Committee be advertised as soon as is possible. It is further proposed that the composition of the Committee be determined by the incoming Council.

**TWEED SHIRE COUNCIL
COMMUNITY & CULTURAL SERVICES – TERMS OF REFERENCE
BANORA POINT COMMUNITY CENTRE ADVISORY COMMITTEE**

OBJECTIVES:

Over many years Tweed Shire Council has developed a range of community facilities that, without the personal devotion of many volunteers and administrators, would not be able to service the residents. This document provides a firm statement for guidance in their work, which allows interested community members to assist Council with the care, control and management of specific facilities, and provides such community members with guidance and direction so as to ensure the facility is efficiently managed for the benefit of the community.

MEMBERSHIP:

Membership of the Banora Point Community Centre Advisory Committee (hereafter known as “the Committee”) shall consist of a maximum of 7 persons with voting rights, including:

- One Councillor
- A representative of the Banora Point District Residents Association and
- Five interested residents

A non-voting ex-officio Tweed Shire Council staff member – Manager Community & Cultural Services or their nominee shall provide support and advice to the Committee.

Council members shall be elected for the term of Council by resolution of Council.

The life of the Committee shall be for the term of the Council. Committee membership shall be reviewed following Council elections and new nominations shall be called for all voting positions. Existing members may be entitled to renominate in writing. Council will appoint the new committee following advertisement of the vacancies and upon receipt of a report from staff. Selection shall be based on the following criteria:

- Demonstrated active participation in the community
- Residency of the Tweed Shire
- A willingness to work with a diverse community

Membership of the Committee will be terminated automatically after a member’s absence from three consecutive meetings without apologies.

Members will be expected to attend a minimum of 50% of Ordinary Meetings during each calendar year.

MEETINGS:

Meetings of the Committee shall be held quarterly and at such a time and place as the Committee sees fit. The Minutes of the meetings shall identify the month, date, time and place of the next meeting.

At least seven (7) days notice shall be given to members of the agenda, time and place of a meeting, however the Chair shall have the right to call a Special Meeting at any time he/she deems fit provided a period of seven (7) days notice has been given stipulating the proposed meeting. Decisions made at the Special Meeting will have the full status of decisions made at any ordinary meeting, providing all conditions of an ordinary meeting, have been complied with.

A quorum at any meeting of the committee shall comprise four (4) members.

ELECTION OF CHAIR AND OFFICERS

In October of each year and in December of the year in which Council elections are held, the Committee shall elect from its members a Chair who shall be responsible for the proper conduct of Committee meetings and shall represent the Committee in dealings with the public and with Council.

The Minute Secretary shall be elected from the members. The Minutes will be approved by the Chair, in consultation with the members, by the conclusion of the following week and shall be made available to Council through the Manager Community & Cultural Services or nominee at the earliest opportunity after any meeting of the Committee.

The Committee shall have power to co-opt members of the public with special expertise to attend meetings. However such persons shall not be entitled to vote in respect of any issue before the Committee.

If at the commencement time of any meeting of the Committee the Chair is absent, the members present may elect one of their number to occupy the Chair for that meeting, who shall stand down if and when the Chair arrives.

OPERATING GUIDELINES:

All Local Committees appointed by Council are to operate in accordance with the following Code:

POWERS AND DUTIES

The committee will be responsible for advice to Council on the care, control and management of the Banora Point Community Centre for which they have been appointed. The committee is limited to the annual budget as approved by Council, but all expenditure must be undertaken by Council.

Under Section 377 of the Local Government Act, 1993, expressly prohibits the committee from:

- (a) Fixing any charges, rates for fees (the committee may make recommendations to Council in relation to the fixing of charges, rates and fees for use of the facility).
 - (b) Adopting a Management Plan
 - (c) The borrowing of any monies.
 - (d) Adopting a Financial Statement not approved by Council.
 - (e) The sale, lease or surrender of any land or other property vested in its care under the provisions of the Act.
-

- (f) Voting of money for expenditure on its works, services or operations unless approved by Council.
- (g) Accepting any tenders (as determined under the Act).
- (h) The payment of any reward, allowance or travelling expenses to its members, without Council's consent.
- (i) The carrying out to any works on or to the facility including alteration, reconstruction or construction without the prior consent of Council. This consent may be contained within the approved annual works program and budget as advised to the committee.

Without limiting or restricting the preceding, the committee is required to:

- (a) Assist Council in the management of the facility in accordance with the approved Terms of Reference.
- (b) Assist Council in the maintenance of the facility to the satisfaction of Council and users.
- (c) Permit authorised Council officers to enter the facility at any reasonable hour for the purpose of carrying out inspections.
- (d) Comply with the requirements of relevant Act of Parliament and ancillary regulations, rules and by-laws and the requirements of the relevant public authorities including Council and to meet all charges in connection therewith.

CONFLICT OF INTEREST

Each member of the committee is to be provided with a copy of the Tweed Shire Council Code of Conduct.

The Chairman and Minutes Secretary are to keep in their possession a copy of the Code of Conduct.

The Code of Conduct is to govern the conduct of all business conducted by the committee.

The Chairman shall report any breach of the code by members or staff to the General Manager for immediate investigation.

INSURANCE

Council's insurance policies cover community committees in the following areas:

- (a) Buildings and Contents – coverage extends for fire, theft as well as extraneous peril (ie. Storm and tempest, rainwater, explosion, aircraft, riots and strikes, malicious damage, earthquake, water damage and car).
- (b) Public Liability – coverage extends to provide for public liability cover. NOTE: Public Liability insurance DOES NOT cover committee members for personal injury or property loss whilst acting as the committee.
- (c) Personal Accident – coverage extends to committee members and voluntary workers assisting Council with the care, control and management of specific facilities. Coverage to volunteers applies only in respect of those specific activities formally approved by the committee or Council.

Exception: Contents

Any contents owned and stored in the building by user groups must be insured by that group.

Volunteers

The following requirements for volunteers working for Section 355 committees are:

- That the volunteer has a clearly defined task and they have been briefed and understand that task.
- That the volunteer is trained to undertake the task.
- That volunteers are supervised.
- That a register of volunteer's names, addresses etc be kept.

Not complying with the requirements may affect the eligibility of a claim under this cover. No charge is payable by the committee for this cover.

REPORTING

The committee is required to forward to Council a copy of the minutes of each meeting.

DISORDER IN COMMITTEE MEETING

The provisions of the Code of Conduct and meeting procedure relating to the maintenance of order in Council meetings apply to meetings of Section 355 Committees of the Council.

If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council, may remove the person from, and, if necessary, restrain the person from re-entering the meeting.

ALTERATION OF TERMS OF REFERENCE AND OPERATING GUIDELINE

The Terms of Reference may be altered or amended by Council on the recommendation of the Committee at any ordinary meeting provided due notice is given or at the discretion of Council.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

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O25 [CNR-OC] Stage 3 of Migration to the Tweed Migration Heritage Project

ORIGIN:

Community & Cultural Services

SUMMARY OF REPORT:

Council has been offered a grant of \$11,400 from the NSW Migration Heritage Centre for the project "Moving to the Tweed Migration Heritage, People and Demographic Change Stage 3". Council is not required to match funds.

RECOMMENDATION:

That Council

- 1. Accepts the grant of \$11,400 from NSW Migration Heritage Centre for the project "Moving to the Tweed Migration Heritage, People and Demographic Change" and votes the funds.**
- 2. Votes to affix the Seal of Council to any necessary documentation.**

REPORT:

Since 2006, Tweed Shire Council has been, through Tweed River Regional Museum, collaborating with the NSW Migration Heritage Centre to document the post war migration heritage of the Shire. Stages 1 and 2 of the Project have resulted in publication of a major book, website and statements of significance for migrant objects in the collections. Stage 3 will document the Chinese heritage of the Shire and result in a publication of scholarly quality. This collaboration is ongoing and results in new research that can be incorporated into the new exhibitions of the Museum.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

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1. Migration Heritage Centre (DW1836622)
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O26 [CNR-OC] Tweed River Regional Museum Deductible Gift Recipient (DGR) Status

ORIGIN:

Community & Cultural Services

SUMMARY OF REPORT:

The Australian Tax Office has granted Deductible Gift Recipient ("DGR") Status to Tweed River Regional Museum on the condition that the Museum's governing document, the Tweed River Regional Museum Strategic Plan 2004, reflects this fund.

RECOMMENDATION:

That Council votes to amend the Tweed River Regional Museum Strategic Plan 2004 by inserting into Section 7.4 of the Development Plan the following clause reflecting the establishment of this fund:

"Council will seek donations of funds and gifts to the Museum and resultant funds to be held in Gift Fund for the sole purpose of the Regional Museum in the Tweed Shire Council Tweed River Regional Museum Trust Account, established in 2008".

REPORT:

In 2004, Tweed Shire Council adopted the Tweed River Regional Museum Strategic Plan as the Museum's governing document. In 2008, Tweed Shire Council applied for Deductible Gift Recipient ("DGR") Status for the Tweed River Regional Museum to the Australian Tax Office.

The ATO has registered Tweed River Regional Museum on the condition that the governing document be amended to reflect the appropriate DGR Fund.

Council to amend the Tweed River Regional Museum Strategic Plan 2004 by inserting into Section 7.4 of the Development Plan the following clause: "Council will seek donations of funds and gifts to the Museum and resultant funds to be held in Gift Fund for the sole purpose of the Regional Museum in the Tweed Shire Council Tweed River Regional Museum Trust Account, established in 2008".



GPO Box 712G, Hobart Tas 7001



Australian Government
Australian Taxation Office

Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Our reference: S&ME/TDMS/5993033
Telephone: 13 28 69
Facsimile: 1300 139 011
E-Mail: saron.ladd@ato.gov.au

MUSEUM-GENERAL
TAXATION-Deductible
GIFT RECIPIENT
19 May 2008
CORBET G.

TWEED SHIRE COUNCIL
FILE NO.
DOC. NO.
RECD 23 MAY 2008
ASSIGNED TO
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

Dear Sir/Madam

**Notification of your conditional endorsement as a deductible gift recipient
For your action**

We consider the Tweed River Regional Museum to be eligible for endorsement as a public museum under item 12.1.3 of section 30-100 of the *Income Tax Assessment Act 1997*.

We have decided to endorse you although your governing document does not contain a suitable gift fund.

An amendment to your governing document will be required to include a suitable gift fund. We require notification of the amendment being made within the next 3 months.

Gift Fund

Sub-section 30-125 (2) of the *Income Tax Assessment Act 1997* provides that an entity seeking endorsement of an institution it operates must maintain for the principal purpose of the institution, a gift fund.

A gift fund has the following characteristics:

- it is a fund
- it is maintained for the principal purpose of the fund, authority or institution
- all gifts, and deductible contributions, of money or property for that purpose are made to it
- any money received by the entity, because of such gifts, or deductible contributions, is credited to it
- it does not receive any other money or property
- the fund is used only for the principal purpose of the fund, authority or institution, and
- the entity is required by a law, its constituent documents or governing rules to transfer any surplus assets of the gift fund to another gift deductible fund, authority or institution when the fund, authority or institution is wound up or the DGR endorsement is revoked, whichever occurs first.

We require that the governing document of the museum be amended to include a gift fund.

What you need to do

When your governing document has been amended, you need to send the updated copy to:

Australian Taxation Office
PO Box 3000
PENRITH NSW 2740

If we have not received your constitution with the required amendments within three months, your endorsement may be revoked.

A notice advising of your endorsement will be issued shortly.

More information

If you have any questions regarding this matter please phone **13 28 69** between 8.00am and 5.00pm, Monday to Friday, and ask for Aaron Ladd on extension number 10441.

Yours faithfully

Mark Konza
Deputy Commissioner of Taxation

Per 
(Aaron Ladd)

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

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