



TWEED SHIRE COUNCIL

AGENDA

OPERATIONS COMMITTEE MEETING

Thursday 30 October 2008

Chairman: Cr J van Lieshout, Mayor

Councillors: Cr B Longland, Deputy Mayor
Cr D Holdom
Cr K Milne
Cr W Polglase
Cr K Skinner
Cr P Youngblutt

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REPORTS THROUGH GENERAL MANAGER

01 [GM-OC] Tweed Heads Visitor Information Centre - Project Budget

ORIGIN:

Business & Economic Development

SUMMARY OF REPORT:

In 2004 the Tweed Heads Master Plan was established by the State Government to guide the revitalisation of the Tweed Heads CBD. One of the main highlights of the plan is the redevelopment of the Jack Evans Boat Harbour as a major tourism destination. This redevelopment is to include an iconic gateway Visitor Information Centre (VIC).

Last year the Tweed Heads VIC concept attracted funding of \$178,000 from Tourism NSW. Council has resolved to match this funding.

A Development application was lodged earlier this year and development consent was granted on 26 June.

The Department of Commerce has been engaged to project manage the design and construction of the project.

Tenders were invited in August and a preferred contractor has been identified. The current cost of construction has risen dramatically over the last 18 months \$300,000. An application for funding under the Regional Partnership Program had been lodged with the previous Federal Government but had not been approved at the time of the Federal Election. The new Federal Government subsequently announced that the program would be replaced by the Better Regions Program and the Council should reapply when applications are called. Council has subsequently written to the local member, Justine Elliot MP, requesting the Federal Government to contribute the funding shortfall.

This report therefore recommends that Council allocates an additional \$150,000 to the project budget if either the Federal or State governments assist in matching the shortfall.

RECOMMENDATION:

That Council;

- 1. Endorses an additional budget allocation of up to \$150,000 (50% of the project shortfall) from the additional Federal Assistance Grant only if either the Federal or State governments contribute the remaining project budget shortfall of the Tweed Heads Visitor Information Centre,**

2. **Writes to the State Minister for Tourism outlining the benefits of the project and invite the Department to contribute \$150,000 (50%) to the project shortfall,**
3. **Temporarily abandons the project if the Federal or State government funding to match the project shortfall is not forthcoming.**

REPORT:

Background

This project will provide a permanent, purpose-built Visitor Information Centre (VIC) in the Chris Cunningham Park / Jack Evans Boat Harbour reserve next to the intersection of Wharf Street and Bay Street in Tweed Heads. This intersection is centralised to the Tweed business district. This site is a prime location for a Visitor Information Centre. The project was originally identified through the master planning process for Tweed Heads and is currently recognised in the Tweed Heads Master Plan as well as the Jack Evans Boat Harbour Master Plan.

The Department of Lands have granted a licence so that the construction can commence and development consent for the building has been granted. The site will remain a Crown Reserve and the licence will establish Tweed Shire Council as the Trustee.

Over the past ten years, the VIC in Tweed Heads has been hosted in four temporary locations including a booth in Tweed Centro mall and an ex bank building in Wharf St and its current location in commercial space within the Twin Towns Services Resort / Club complex.

The new Centre will establish:

- A clearly recognisable gateway to northern New South Wales and the Tweed Shire
- Opportunities for economic development for the region and social participation for the community,
- The first major step in the implementation of the Tweed Heads Master Plan - Gateway Statement to the Park,
- A focal point for tourists to meet/gather/commence their journey through the Tweed,
- A benefit that will cover a wider geographic area - visitors heading south into Northern NSW and north into South East Queensland.

Additionally in September this year the Fédération Internationale de l'Automobile (FIA) announced that the 2009 leg of the World Rally Championship (WRC) will be held in the Tweed Valley. This will attract intense international attention along with thousands of tourists and up to 50 million television viewers. This is an incredible opportunity for the Tweed and the VIC project will be critical to providing information and advice to tourists that will be visiting for the event.

Additional tourism programs that are currently attracting a lot of attention to the Tweed include the National Landscapes program and Federal Government's "Australia's Green Cauldron" program. Due to the high profile nature of these programs it is paramount that the Tweed's VICs be presented in its best possible light for them to be successful.

Federal Government Funding

In 2006 Council resolved to enter into an agreement with the Department of State and Regional Development – Tourism NSW to jointly develop a VIC within the Jack Evans Boat Harbour precinct. Subsequently the State government granted \$178,000 to Council for the project. Early development of the project was conducted through the Gateway Implementation Group. Council has subsequently budgeted \$180,000 to match the State funding. It was envisaged that the Federal Government could be a partner in the project on the basis of 1/3 Federal Govt, 1/3 State Govt and 1/3 Council.

In September 2007 an application was lodged with the Federal Government's Regional Partnership Program to match the capital funding for \$180,000.

An outcome of the Federal Government election in 2007 was that this grants funding program was to be audited and all outstanding applications were to be placed on hold pending this review. In the last Federal Budget a new funding program was announced, Better Regions, which would replace the Regional Partnerships Program. It was not clear at this stage what would happen to the application for the VIC as it was lodged but not determined.

Finally in July 2008 the Federal Government determined that a Senate Standing Committee would determine the outstanding applications. Council has not officially been notified that this application has not been successful.

By engaging a contractor Council will have officially commenced the capital project which would invalidate the Federal Government funding application.

Additional Project Funding

The tender process has identified that there are several variables in the original project estimates which have escalated over the last 12 months. These include increases in building costs and in particular the price of steel, which has undergone a considerable price increase over the last six months.

As a result of lengthy lead times in establishing replacement Regional Development programs by the new Federal Government and the increases in costs an additional \$300,000 is required to complete construction of this project. In review of Council's current budget it is proposed that half these funds be allocated from Council's budget and that a letter be sent to the State Minister for Tourism requesting they contribute the remainder. Council has also written to the Federal local member, Justine Elliot MP, to contribute towards the funding shortfall.

Current Lease Arrangements

After moving from the old Visitor Information Centre building at Wharf St in 2001, Tweed Tourism have moved to several locations within Tweed Heads including the old St George bank building where the commercial lease was shared with the Department of State and Regional Development, a kiosk in Tweed Mall shopping Centre and their current location at Twin Towns Resort facing Wharf St.

Twin Towns Services Club have provided the current location on a gratis basis. However the floor space represents prime commercial property which Twin Towns are under increasing pressure to lease to other commercial interests. The potential continuance of this gratis lease has been raised with Twin Towns' General Manager who will be discussing the matter at the next board meeting.

Continued delay to this project will most likely see Twin Towns concede to commercial realities for this floor space, resulting in Tweed Tourism being asked to vacate the premises. This would mean there would be no VIC in Tweed Heads.

Additional to this is that the closure of the Coolangatta VIC, located on Griffith St, is imminent. There is the potential that circumstances could leave the Tweed Heads / Coolangatta area without a VIC.

Site History

The proposed site has a very long and complicated history. As a matter of reference a chronology of the sites history has been compiled below.

1972	The site was donated to the State Government (Department . of Works) by Council via an agreed acquisition and disclaimer that Council would not pursue compensation. Purpose for donation was that the State Government would build a Visitor Information Centre on the site.
1972 – 1988	Centre was constructed and operated as a Visitor Information Centre by the Tourism Commission until 1988.
September 1988	Site agreed to be transferred back to Council as confirmed by letter from Tourism Commission.
September 1988	Department of Works leased site to Council who then sublet the building commercially to a bus company who were to run the Tourist Information Centre as well as ancillary commercial operations, particularly bus operations.
September 1989	Department of Works leased the Tourist Information Centre building to commercial operators and requested Council and lessees to vacate the premises.
June 1996	Department of Works approached Council to make an offer for the site for \$200,000. (Albury Visitor Information Centre was offered back to Albury Council on a gratis basis around the same time.)
June 1996	Council agreed to make a formal offer of \$144,000 which the Minister for Works accepted. Contracts contained clauses that any further title transfers will require the Ministers consent. Council advised the Minister that this was unacceptable.
1996 – 2001	Building was leased to Tweed Tourism (then Tweed and Coolangatta Tourism TACTIC) at rent reflective of non-commercial nature of operations.
May 1997	Department of Works publically auctioned the land. Council had agreed for the General Manager to bid up to \$200,000 at the auction. The site was sold for \$295,000. The land was zoned 5(a) Special Uses (Tourist Info Centre) and had a height limit of 50m AHD.

April 2000	Minister for Tourism announced six Tourist Gateways across NSW, with a grant of \$375,000 to establish one in the Tweed Valley.
August 2000	Gateway Implementation Group established. Original Gateway site was proposed for BP Chinderah Service Centre, however, construction delays at Chinderah led to the adoption of a new Dispersed Gateway Model, comprising Murwillumbah, Kingscliff and the current Jack Evans Boat Harbour / Chris Cunningham Park site.
2001	Lease offered to Tweed Tourism at full commercial rate. Tweed Tourism unable to afford commercial rent Tweed Tourism vacated at the end of the lease. The building was then leased out as a restaurant.
August 2002	Minister of Planning (Dr. Refshauge) established Ministerial Taskforce to provide planning advice on the Tweed Heads Town Centre.
August 2004	Tweed Heads Town Centre Master Plan was released by Minister. Council adopted the plan.
August 2006	Council resolved to adopt the Jack Evans Boat Harbour Design Concept and endorse the preferred Option 1, proceed with detailed design and contract documentation for Option 4, pursue additional funding for future construction stages and prepare and exhibit draft amendments to S94 Contribution Plan Nos 26 and 27.
2006 – 2007	Gateway Implementation Group identify Jack Evans Boat Harbour / Chris Cunningham Park as site for Tweed Heads Gateway Centre, in addition to Murwillumbah and Kingscliff Gateway VICs.. Preliminary design plans are drawn up.
2007	Minister for Planning (Mr Sartor) announces Cities Taskforce will review planning controls for Tweed Heads. Reference Panel established to review existing Council planning controls and policies as well as previous work undertaken by Tweed Heads Ministerial Taskforce (ie. Tweed Heads Town Centre Master Plan)
September 2007	Council receipts \$162,000 from Tourism NSW for development of Tweed Heads component of the Tweed Gateway Centre.
September 2007	Council applied for matching funding from Federal Government's Regional Partnership Program. This was to be matching Federal Govt. 33% / State Govt. 33% / Council 33%.
December 2007	DA for Centre submitted to Council
December 2007	Application lodged for lease of crown land
December 2007	Department of Lands refuses to give owners consent
January 2008	Department of Lands concurs to give owners consent
January 2008	DA re-lodged with Council
May 2008	Existing Regional Partnership Funding Program wound up by new Federal Government
June 2008	DA consent granted

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

This report recommends that Council re-allocate funds from its Economic Development Budget allocations to the Tweed Heads Visitor Information Centre project.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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O2 [GM-OC] Tender EC2007-132 Design and Construction - Tweed Heads Visitor Information Centre**ORIGIN:****Business and Economic Development****SUMMARY OF REPORT:**

In August tenders were invited for the design and construction of the Tweed Heads Visitor Information Centre (VIC). This report outlines the tenders and provides a recommendation on the preferred tenderer. The recommendations in this report have been formulated based on the Selection Criteria which is contained in the Tender Evaluation, Pricing Report included in **CONFIDENTIAL ATTACHMENT A**. A summary of the Selection Criteria is also included in the body of this report. It is recommended that Council accepts the tender of Pieris Pty Ltd for Design and Construction of the Tweed Heads Visitor Information Centre.

Due to cost increases with the project and the reluctance of the Federal Government to fund 1/3 of the project formal appointment will need to be withheld until additional funding is secured.

RECOMMENDATION:**That Council:-**

- 1. Accepts the tender (EC2007 – 132) from Pieris Pty Ltd to the value of \$490,000 exclusive of GST, conditional to additional project funding of \$300,000 being secured,**
- 3. Endorses all documentation to be completed under the Common Seal of Council,**
- 4. Endorses the General Manager be given delegated authority to approve variations up to 20% above the initial contract price. Any variations be reported to Council on a quarterly basis,**
- 5. Acknowledges ATTACHMENT A is CONFIDENTIAL in accordance with 10A(2)(d) of the Local Government Act 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to tender price and the evaluation for the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.**

REPORT:

Tender Evaluation

In August tenders were invited for the design and construction of the Tweed Heads Visitor Information Centre. The tender was split into two works packages;

- Work Package 1 included the design and construction of the Visitor Information Centre,
- Work Package 2 included the design and construction of the Visitor Information Centre as well as the demolition of the existing toilet block.

An invitation to tender was forwarded to four preferred contractors on the Department of Commerce short list. This process was agreed by Council at its meeting on 12 August in accordance with Section 169(8) of the Local Government (General) Regulations 2005.

The following three construction companies submitted tenders;

- Pieris Pty Ltd
- JVJ Constructions
- Robin Snow Building Services

A tender evaluation panel was established to select a preferred tender. The panel comprised of a representative from Department of State and Regional Development (Gateway Implementation Group (responsible for design and implementation of State Government funds)), Department of Commerce (Project Managers) and Tweed Shire Council.

Tenderers were assessed against a pre-determined selection criteria as indicated in the tender documentation. A weighted scoring system was used to assess each of the criteria in detail to provide an overall score.

Under the scoring methodology used, the best ranked tenderer was Pieris Pty Ltd. A financial review of the preferred tenderer was undertaken and confirmed they had the adequate financial resources available to undertake the project.

Details of the relative competitiveness of tenderers are shown in the Evaluation Report **CONFIDENTIAL ATTACHMENT A** which was endorsed by the Tender Evaluation Panel.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

The recommendations in this report are consistent with Council's Procurement Policy, Procurement Procedure, Contracts Management Process document and Tenders Procedure.

In accordance with Clause 15 of Tweed Shire Council Conditions of Tendering, Council reserve the right to accept or not accept tenders submitted.

UNDER SEPARATE COVER:

1. **CONFIDENTIAL ATTACHMENT A:** Tender Evaluation Report – Department of Commerce (DW 1904831)
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O3 [TCS-OC] Pecuniary Interest Returns 2007/2008

ORIGIN:

Corporate Compliance

SUMMARY OF REPORT:

The Pecuniary Interest Returns for the period 1 July 2007 - 30 June 2008 are tabled in accordance with Sections 449 and 450A of the Local Government Act 1993.

RECOMMENDATION:

That the Pecuniary Interest Returns for the period 1 July 2007 to 30 June 2008, as tabled, be received and noted.

REPORT:

Section 449 of the Local Government Act 1993 requires the General Manager to obtain returns disclosing interest of Councillors and designated persons.

Section 450(a)(2) of the Local Government Act 1993 requires the General Manager to table such returns at the first meeting of Council held after the last day for lodgement of the returns, that date being 30 September 2008.

The returns relate to the period 1 July 2007 - 30 June 2008 and are available for inspection by members of the public.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Nil.

O4 [TCS-OC] Monthly Investment Report for Period Ending 30 September 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. Council had \$135,502,723 invested as at 30 September 2008 and the net return on these funds was \$534,555 or 3.94% annualised for the month.

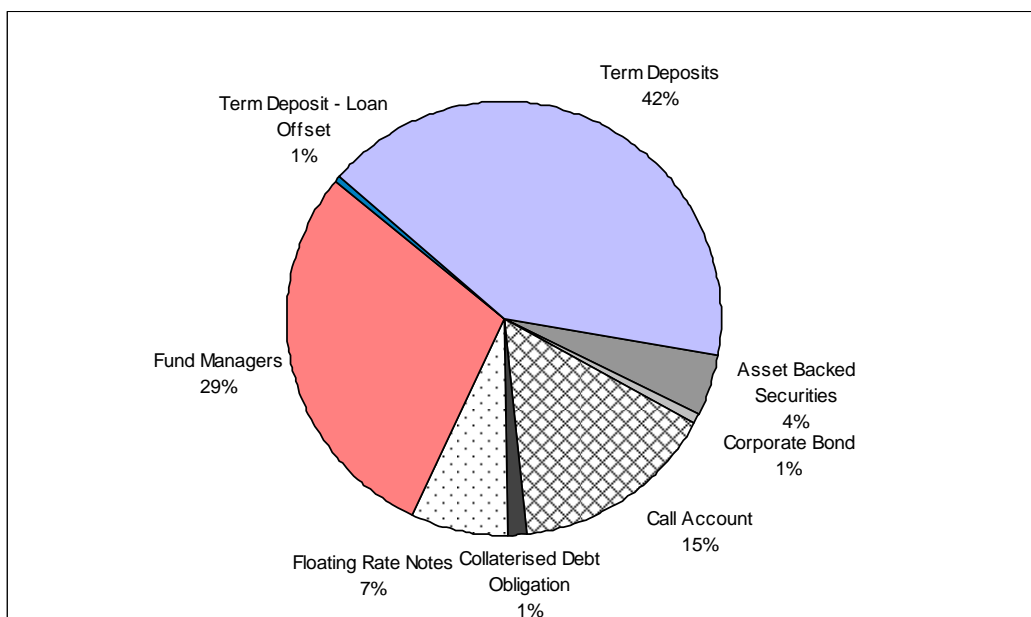
RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 30 September 2008 totalling \$135,502,722.94 be received and noted.

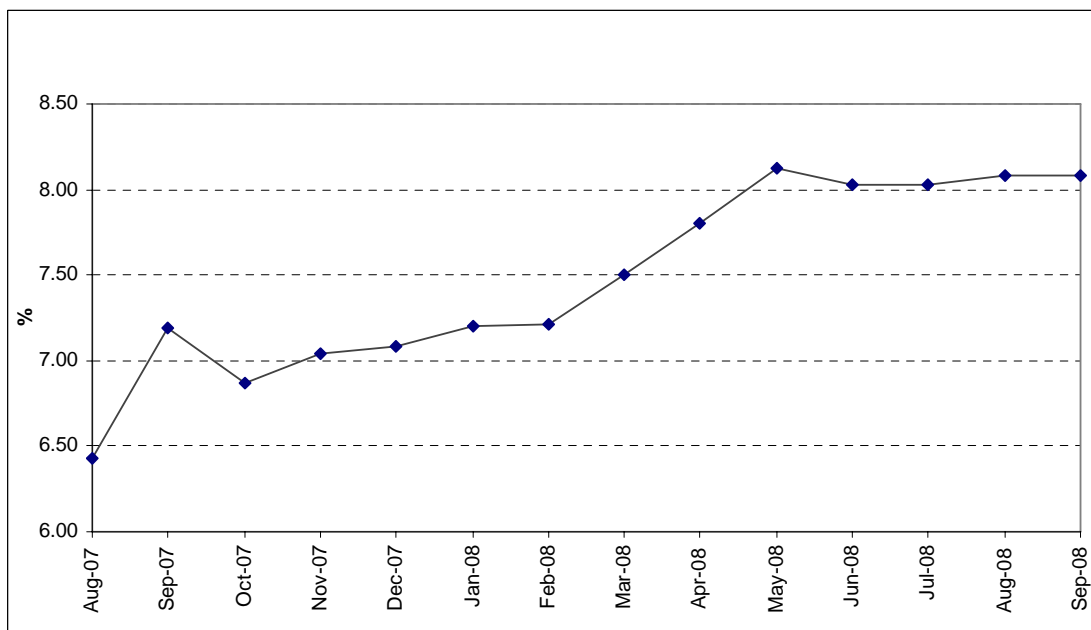
REPORT:

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), Cl. 212 of the Local Government (General) Regulations and Council policies. Council had \$135,502,723 invested as at 30 September 2008 and the net return on these funds was \$534,555 or 3.94% annualised for the month.

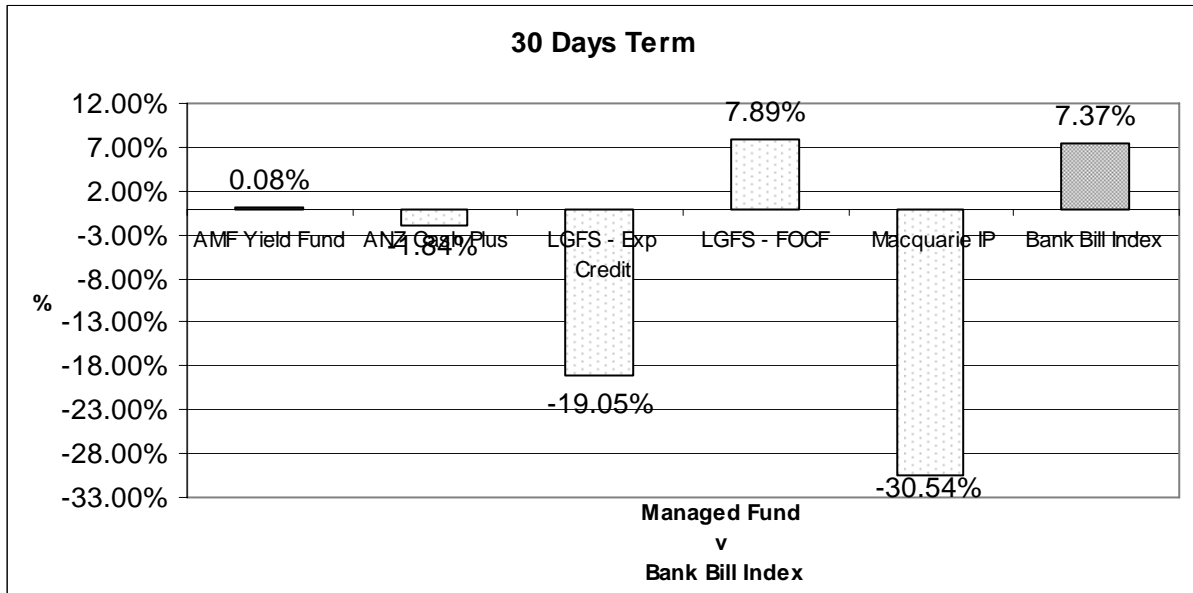
1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



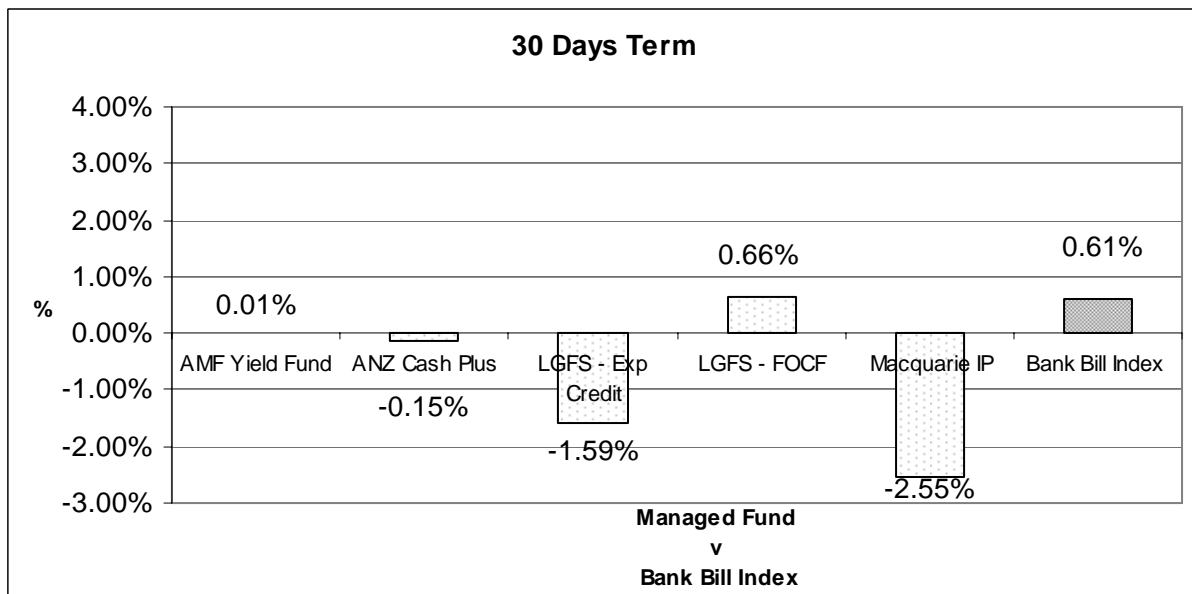
2. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)



3. FUNDS MANAGERS PERFORMANCE FOR MONTH - NET OF FEES (ANNUALISED)



4. FUNDS MANAGERS PERFORMANCE FOR MONTH - NET OF FEES (NOT ANNUALISED)



5. FUND MANAGERS - DETAILED INFORMATION

Fund	Credit Rating	Percentage of Total Fund Managers	Fund Managers Balance end of Previous month	Fund Managers Balance end of Current month	Distribution for Month/Quarter	
AMF Yield Fund	AAA	2.73%	\$11,019,741	\$1,060,963	\$41,222	Monthly
ANZ Cash Plus	AA	2.32%	\$903,889	\$902,656	\$9,532	Monthly
LGFS - Exp Credit	n/a	15.18%	\$6,006,913	\$5,903,734	\$28,433	Monthly
LGFS - FOCF	AA-	53.05%	\$20,510,088	\$20,638,185	\$35,106	Quarterly
Macquarie IP	A	26.73%	\$10,714,697	\$10,398,474	\$27,459	Quarterly
Total		100%	\$49,155,327	\$38,904,012	\$141,752	

* \$10m Redemption AMF Yield Fund September

6. TERM DEPOSITS

Institution	Short Term Credit Rating	Amount Invested	Term	% Return	Estimated interest due on maturity \$
Adelaide Bendigo Bank	A2	\$2,000,000.00	181	7.900	78,350.68
Bank of Queensland	A2	\$2,000,000.00	60	7.750	25,479.45
Bank of Queensland	A2	\$2,000,000.00	91	8.000	39,890.41
Bank of Queensland	A1+	\$2,000,000.00	70	7.750	29,726.03
BankWest	A1	\$5,000,000.00	91	8.150	101,595.89
BankWest	A1	\$2,000,000.00	90	7.800	38,465.75
BankWest	A1	\$4,000,000.00	91	7.710	76,888.77
BankWest	A1	\$2,000,000.00	106	7.800	45,304.11
Commonwealth Bank	A1+	\$993,000.00	182	7.895	39,091.28
Commonwealth Bank	A1+	\$20,800,000.00	overnight cash	6.950	N/A
Illawarra Mutual Building Society Local Government Financial Services	A	\$2,000,000.00	91	7.800	38,893.15
Macquarie Bank	A1	\$5,000,000.00	180	8.080	199,232.88
National Australia Bank	A1+	\$2,000,000.00	98	7.700	41,347.95
National Australia Bank	A1+	\$4,000,000.00	189	8.000	165,698.63
National Australia Bank	A1+	\$4,000,000.00	180	8.000	157,808.22
St George Bank	A1	\$3,000,000.00	93	7.700	58,857.53
St George Bank		\$5,000,000.00	95	7.990	103,979.45
Suncorp Metway	A+	\$2,000,000.00	180	7.840	77,326.03

Suncorp Metway	A+	\$3,000,000.00	90	7.490	55,405.48
Suncorp Metway	A+	\$1,000,000.00	365	8.390	83,900.00
Suncorp Metway	A+	\$3,000,000.00	1095	8.300	747,000.00
Total		77,793,000.00		Total	2,231,989.64

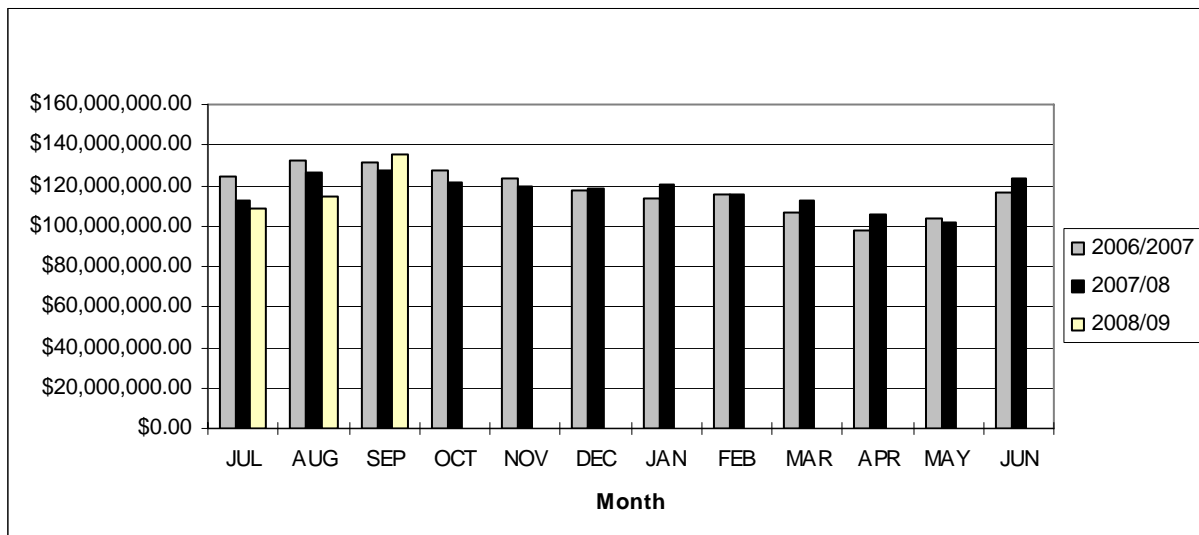
7. Direct Securities

Counterparty	Marked to Market Value	Next Quarterly or Final Coupon	% Return	Direct Security Type	Direct Security Name
Adelaide	\$1,000,467.00	\$17,745.41	8.195	FRN	ANZ
ANZ	\$966,871.00	\$18,468.38	7.577	FRN	ANZ sub-ordinated Debt
ANZ	\$1,073,610.00	\$457,869.98	8.650	FRN	Fixed Rate Note/Bond
CBA	\$987,896.42	\$19,615.21	8.057	FRN	CBA Colonial
CBA	\$2,014,741.53	\$41,205.78	8.227	FRN	CBA
Deutsche Bank	\$915,831.00	\$18,529.09	8.270	FRN	Select Access Members Equity Sub-ordinated Debt
Macquarie	\$1,818,900.00	\$40,413.54	8.980	ABS	Macquarie
Macquarie/HSBC	\$1,854,774.00	\$39,609.93	8.330	FRN	HSBC Notes
Merril Lynch	\$4,161,867.44	\$84,177.93	8.227	ABS	Argon Capital
NAB	\$1,998,452.22	\$37,607.79	7.590	FRN	NAB
Westpac CDO	\$2,012,300.00	\$43,611.94	8.747	CDO	Shield Series 18
Total	\$18,805,710.61				

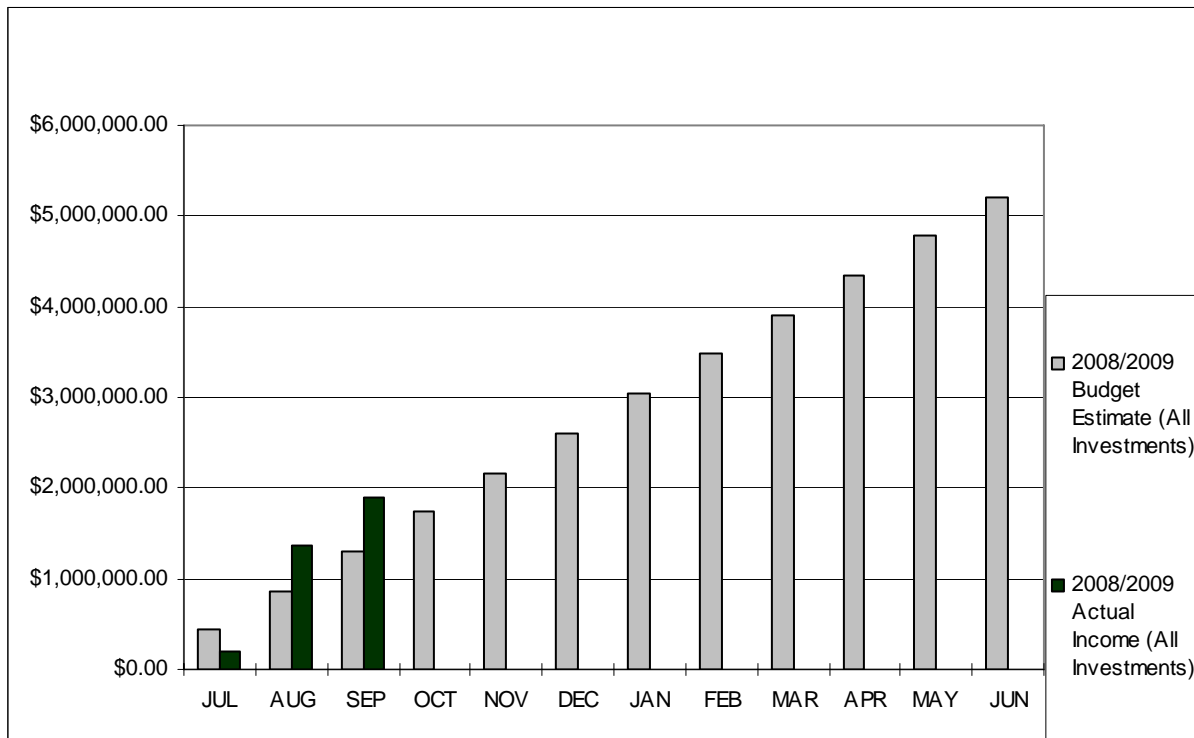
Legend:

ABS = Asset Backed Security
 CDO = Collateralised Debt Obligation
 FRN = Floating Rate Note

8. Total Funds Invested

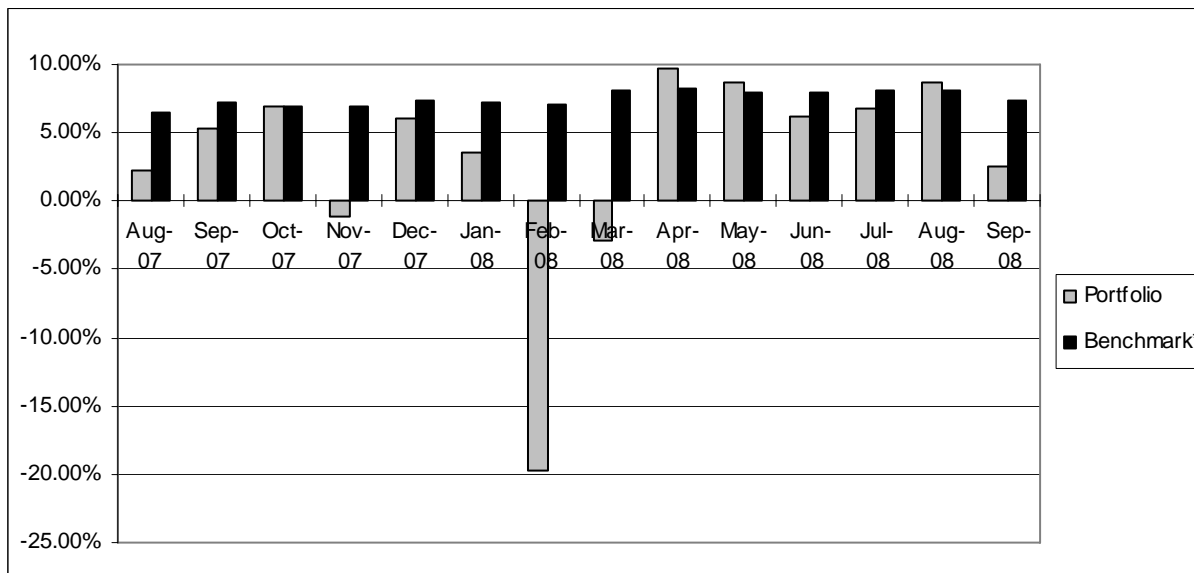


9. Total Portfolio Income

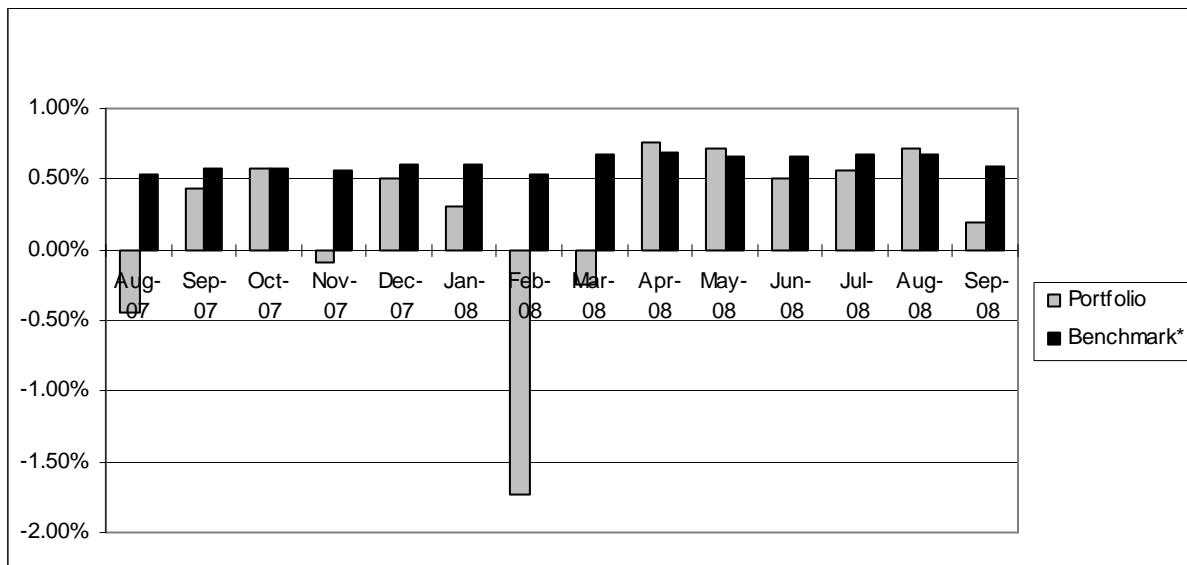


Note: From August 2008 includes net managed funds distributions, term deposit accrued interest & direct security accrued coupons

10. Portfolio Performance - Current Month Annualised Return



11. Portfolio Performance - Current Month Actual Return



12. MARKET SUMMARY

Domestic Economy

The Reserve Bank of Australia (RBA) cut the official cash rate by 100 basis points to 6.00% on 7 October 2008. The RBA decided "an unusually large movement in the cash rate was appropriate" given that the global outlook has deteriorated significantly and to "bring about a significant reduction in the costs to borrowers."

The unemployment rate rose from 4.1% to 4.3% in September.

Global Economy

The US Federal Reserve reduced the benchmark interest rate to 1.50% on 8 October, Bank of Japan left rates at 0.50% and Reserve Bank of New Zealand intends cutting the official cash rate from 8.00% to 7.00% later in October.

The credit squeeze turned into a credit freeze as inter-bank lending all but ceased. The US Treasury put forward a US\$700bn "bail-out" package for the US banking system that entails buying "toxic" mortgage debt securities and freeing the stalled financial markets. Federal Treasury Chairman Ben Bernanke said "if the credit markets are not functioning, jobs will be lost, unemployment will rise, more houses will be foreclosed upon and GDP will contract."

During the month the US Government bailed-out major mortgage and insurance companies and the Federal Reserve extended credit totalling \$180bn to other central banks.

Council's Investment Portfolio Performance

Term deposits and floating rate notes this month are again performing close to long term averages and continue to moderate the volatile returns experienced by the managed funds held in Council's investment portfolio. Returns from term deposits and floating rate notes will moderate in coming months as reductions in the cash rate filter through to these investments.

Council continues to reduce exposure to managed funds and the percentage of funds invested in managed funds is down to 29% compared with 42% last month. Most of the managed funds Council retains are providing comparable returns to term deposits.

Extreme volatility is still apparent in financial markets, although the effects have been mitigated significantly this month in Council's investment portfolio by sourcing new term deposits and reducing the amount held in managed funds. On average term deposits returned 7.98% pa to Council during September.

The \$6m Argon Asset Backed Security is currently valued by Oakvale Capital at \$4,161,867. The Helium component of this structured deal increased by approximately \$12,000 during September although the longer term value continues to decline on a marked to market basis.

The Portfolio Performance graph at Point 10 above shows 2.49% annualised return for the month of September, highlighting the impact of the reduction of certain managed funds capital values on the Portfolio return.

A clearer indication of Portfolio performance is provided by disregarding changes in capital values. For example, Council had \$135,502,723 invested as at 30 September 2008 and the net return on these funds was \$534,555 or 3.94% annualised for the month. The net return on funds invested is down this month due to approximately \$25m in General Fund refinanced loan funds drawdowns being added to invested funds on the last day of the month, effectively earning nil interest for September.

Source: Oakvale Capital limited

13. Investment Summary as at 30 September 2008

GENERAL FUND

COLLATERISED DEBT OBLIGATION	2,012,300.00	
CORPORATE BOND	1,073,610.00	
FLOATING RATE NOTE	9,739,033.17	
ASSET BACKED SECURITIES	5,980,767.44	
FUND MANAGERS	5,179,255.84	
LOAN OFFSET	993,000.00	
TERM DEPOSITS	56,000,000.00	
CALL	20,800,000.00	101,777,966.45

WATER FUND

TERM DEPOSITS	0.00	
FUND MANAGERS	31,233,935.72	31,233,935.72

SEWERAGE FUND

TERM DEPOSITS	0.00	
FUND MANAGERS	2,490,820.77	2,490,820.77

TOTAL INVESTMENTS 135,502,722.94

It should be noted that the General Funds investments of \$101 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:

*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.

O5 [EO-OC] Naming of a Council Public Road - Tweed Heads West

ORIGIN:

Design

FILE NO: GS5/1 Pt6

SUMMARY OF REPORT:

During the construction of the Tugun Bypass two new service roads were dedicated at Tweed Heads West, being the Eastern and Western Service Roads.

The Eastern Service Road runs southbound off the Pacific Highway to Kennedy Drive and the Western Service Road runs northbound from Kennedy Drive to the Pacific Highway

The Roads and Traffic Authority wrote to Council requesting names for the two new service roads.

Council advertised the proposed naming of these roads requesting submissions from the public for suitable names. No suitable submissions were received in this regard.

It is therefore recommended that names be given to these roads as selected from the list of suitable road names held by Council as follows;

Eastern Service Road – Cordyline Drive
Western Service Road – Sugarwood Drive

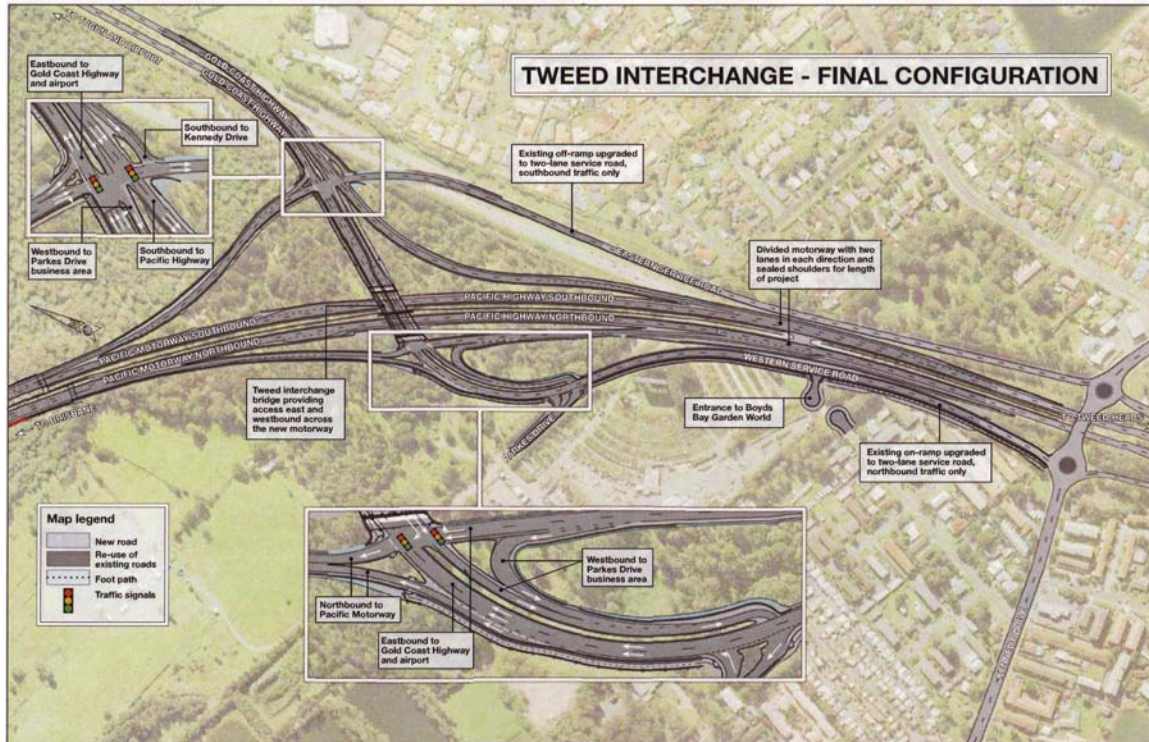
RECOMMENDATION:

That Council:-

- 1. Publicises its intention to name the Eastern Service Road that runs southbound off the Gold Coast Highway to Kennedy Drive at Tweed Heads West as “Cordyline Drive” allowing one month for objections to the proposal; and**
- 2. Publicises its intention to name the Western Service Road that runs northbound from Kennedy Drive to the Gold Coast Highway at Tweed Heads West as “Sugarwood Drive” allowing one month for objections to the proposal; and**
- 3. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994.**

REPORT:

As per Summary of Report.



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any **"non confidential"** attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au 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.

O6 [EO-OC] Naming of Public Road Tweed Heads West

ORIGIN:

Design

FILE NO: GS5/1 Pt 5

SUMMARY OF REPORT:

Council at its meeting of 2 September 2008, resolved to publicise its intention to formally name the road reserve that runs off the western service road, Tweed Heads West as **Wollemi Place**. A period of one month was allowed for objections to the proposal.

No objections were received to this proposal.

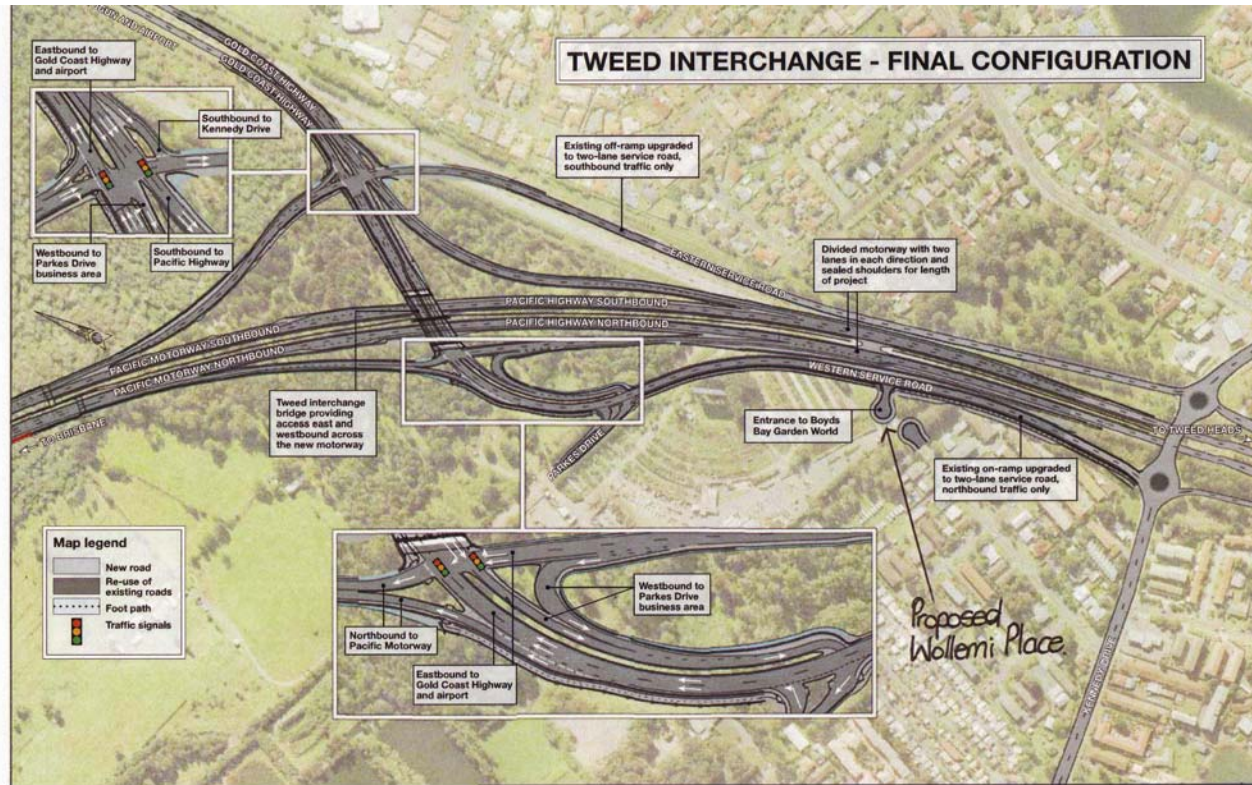
RECOMMENDATION:

That:-

- 1. Council adopts the name Wollemi Place for the road reserve that runs off the western service road at Tweed Heads West; and**
- 2. The naming of the public roads be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.**

REPORT:

As per Summary of Report.



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.

07 [EO-OC] Application to Close and Purchase Part of Road Reserve - Smiths Creek**ORIGIN:****Design****FILE NO: GR3/12/3****SUMMARY OF REPORT:**

Council has received an application to close and purchase part of a road reserve, which runs through Lot 1 in DP 1093198 a copy of the Deposited Plan is attached. The owners of the Lot 1 are proposing to submit a Development Application to Council for the construction of a dwelling on the parcel, however, due to the topographical restraints of the property the optimal site for construction of a dwelling is limited to an area within the current unformed road reserve, which runs north to south through Lot 1 in DP 1093198.

This report recommends that Council approves the closure and purchase of the unformed road reserve which runs south to north within Lot 1 in DP 1093198, however does not approve the closure and purchase of the section of road reserve running east to west along the northern boundary of Lot 1.

RECOMMENDATION:**That:-**

- 1. Council approves the closure and purchase of the unformed road reserve which runs south to north within Lot 1 in DP 1093198, however does not approve the closure and purchase of the section of road reserve running east to west along the northern boundary of Lot 1;**
- 2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;**
- 3. The title of the closed road be consolidated with the adjacent land at the applicant's cost;**
- 4. Easements be created over public authority reticulation services, if any; and**
- 5. All necessary documentation be executed under Common Seal of Council.**

REPORT:

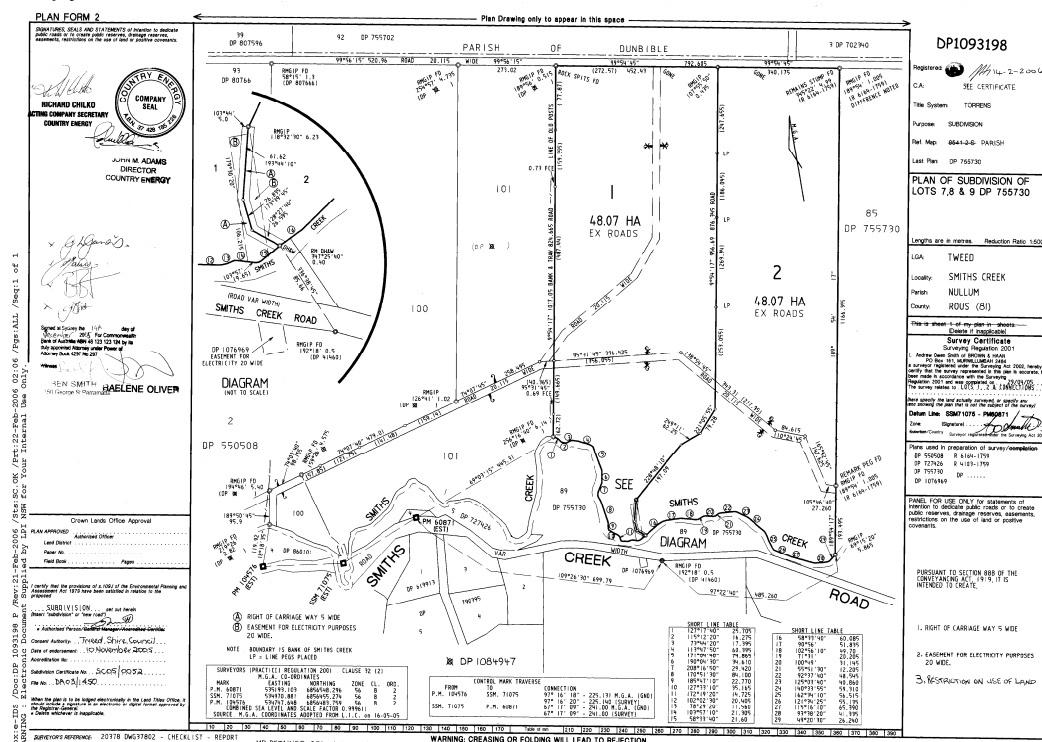
Council has received an application to close and purchase part of a road reserve, which runs through Lot 1 in DP 1093198 a copy of the Deposited Plan is attached. The owners of the Lot 1 are proposing to submit a Development Application to Council for the construction of a dwelling on the parcel, however, due to the topographical restraints of the property the optimal site for construction of a dwelling is limited to an area within the current unformed road reserve, which runs north to south through Lot 1 in DP 1093198.

The applicants have requested that two sections of road reserve be approved for closure and purchase. The initial section runs south to north through the centre of Lot 1 in DP 1093198 while the second section runs east to west on the northern boundary of Lot 1. The northern section of the road reserve running south to north within Lot 1 falls within an environmental protection zone which would make it improbable that this section of road reserve would ever be utilised by Council, however the closure of the section on the northern boundary will sever the current road network in place which does not comply with Councils current Road Closure policy.

An inspection of the site has been conducted and it was determined that no Council or other service infrastructure was apparent within or near this road reserve that would have any detrimental impact.

This report recommends that Council approves the closure and purchase of the unformed road reserve which runs south to north within Lot 1 in DP 1093198, however does not approve the closure and purchase of the section of road reserve running east to west along the northern boundary of Lot 1.

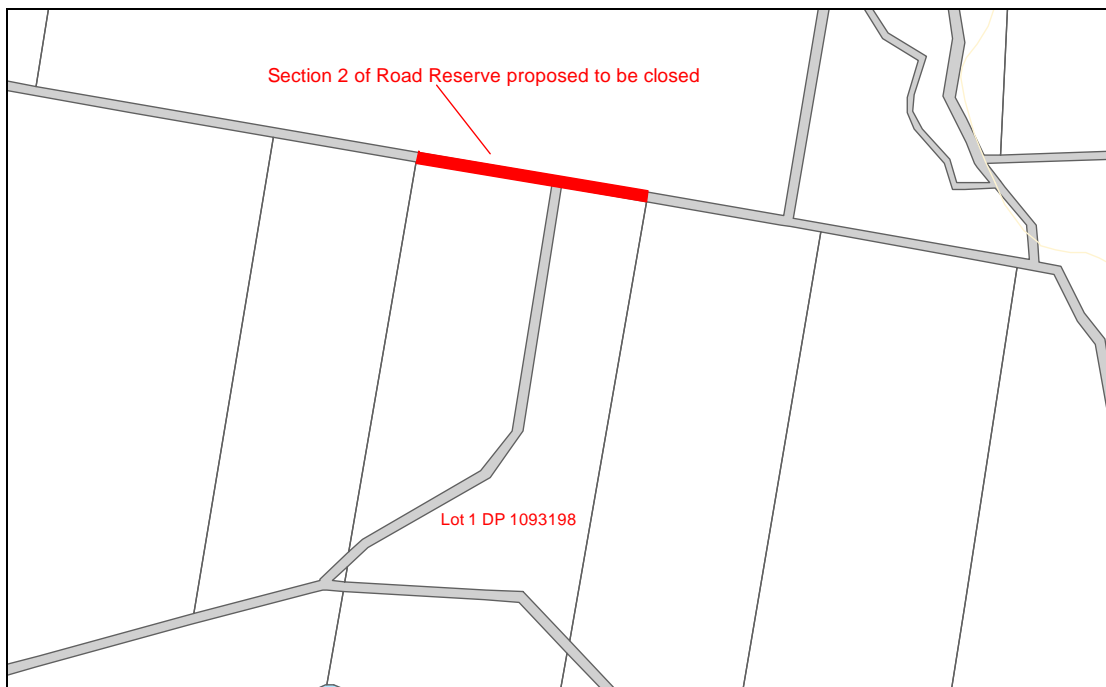
Copy of DP 1093198:-



Plan showing portion of Road Reserve recommended for closure and purchase:-



Plan showing portion of Road Reserve proposed to be closed by applicant which is recommended Council does not approve for closure:-



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.

O8 [EO-OC] Application to Close and Purchase Part of Road Reserve - Parish of Tyalgum

ORIGIN:

Design

FILE NO: GR3/12/12

SUMMARY OF REPORT:

Council has received a notice of application to close a section of Crown Road reserve north of Lot 8 DP 1079053, from Department of Lands. Council has been requested to provide its concurrence or objection to the closure of this section of Crown Public Road. A copy of the Deposited Plan is attached.

It is recommended that Council objects to the closure and purchase of the section of Crown Road Reserve north of Lot 8 DP 1079053 by the applicant as highlighted on the attached plan, and proceed with an application to transfer the whole of the width and length of the Crown Road Reserve.

RECOMMENDATION:

That Council:-

- 1. Advises the Department of Lands that it objects to the closure of part of the road reserve north of Lot 8 DP 1079053; and**
- 2. Proceeds with an application to transfer the whole width of the Crown Road Reserve north of Lot 8 DP 1079053 and the full length ending at portion 79 to the west being National Park.**

REPORT:

Council has received a notice of application to close a section of Crown Road reserve north of Lot 8 DP 1079053, from Department of Lands. Council has been requested to provide its concurrence or objection to the closure of this section of Crown Public Road. A copy of the Deposited Plan is attached.

Council have also received an application from the owner of Lot 76 DP 755748 to transfer this section of Crown Road reserve to Council for the purpose of constructing an access road to Lot 76 from the south eastern boundary of Lot 8 DP 1079053 to the eastern boundary of Lot 76. This applicant has submitted an objection to Department of Lands relating to the closure, a copy of which was also forwarded to Council.

Department of Lands have advised Council in their letter of 22 September 2008 that a 3m wide track exists within this road reserve, as noted on the attached plan, but does not fall within the area of road reserve that the applicant is seeking to close and purchase. Further Department of Lands have advised that it would be unlikely that the transfer of the full variable width of the road reserve would be transferred to Council and that it would be more probable that the Department would only consider transferring a width of 20.115m wide as is standard.

Despite the current formation of only a 3m wide track within this road reserve it is recommended Council retain the whole of the current road reserve to preserve the potential for future road construction within the road reserve corridor, rather than restricting it to the current track formation.

An assessment of the topography indicates that any future road would be more likely to be designed across the southern part of the road reserve, rather than improving the current track position. It is to be noted that the road reserve provides the most viable route to the National Park.

This objection satisfies Council's Road Closure and Purchase Policy where it states *"that roads not eligible for closure include roads that are capable of providing access to public and private properties and public or crown reserves"*.

It is recommended that Council objects to the closure and purchase of the section of Crown Road Reserve north of Lot 8 DP 1079053 by the applicant as highlighted on the plan below.



Copy of DP 1079053:-

PLAN FORM 2

Plan Drawing only to appear in this space

DIAGRAM 'A'
SCALE 1:1000

DIAGRAM 'B'
SCALE 1:1000

DIAGRAM 'C'
SCALE 1:1000

DIAGRAM 'D'
SCALE 1:500

SHORT BOUNDARIES

LINE	BEARING	DISTANCE
1	7°13'36" 20"	22.95
2	215°56'	19.71
3	209°54'	51.45
4	81°19'32" 0"	70.88
5	91°52'24" 0"	53.03
6	140°08'28" 0"	57.11
7	129°19'28" 0"	52.4
8	81°19'32" 0"	17.185
9	76°42'10" 0"	18.958
10	88°50'24" 0"	41.17
11	91°08'10" 0"	77.087
12	91°08'10" 0"	21.095

PLAN APPROVED

Subdivision Certificate

PLAN FOR USE ONLY

PLAN OF SUBDIVISION OF LOT 7 IN DP 1071380

LGA: **TWEED PUMPENBIL TYALGUM ROUS**

Parish: **TYALGUM**

County: **ROUS**

This is sheet 1 of my plan 2 sheets

Survey Certificate Serial No. 200

BARRIE RICHARD GREEN
of **MILLICAN SURVEYS**
P.O. BOX 770, TWEED HEADS NSW 2485

I certify that the survey represented in this plan is accurate for the purposes of the Torrens Title Act 1954 and that the survey was conducted in accordance with the Torrens Title Act 1954 and the Torrens Title Regulations 2000 and was completed on 14/10/2008.

The survey was conducted in accordance with the Torrens Title Act 1954 and the Torrens Title Regulations 2000.

I, the Surveyor, do hereby certify that the survey represented in this plan is accurate for the purposes of the Torrens Title Act 1954 and that the survey was conducted in accordance with the Torrens Title Act 1954 and the Torrens Title Regulations 2000.

PLAN FOR USE ONLY

PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

RESTRICTION ON USE OF LAND

CURVED BOUNDARIES

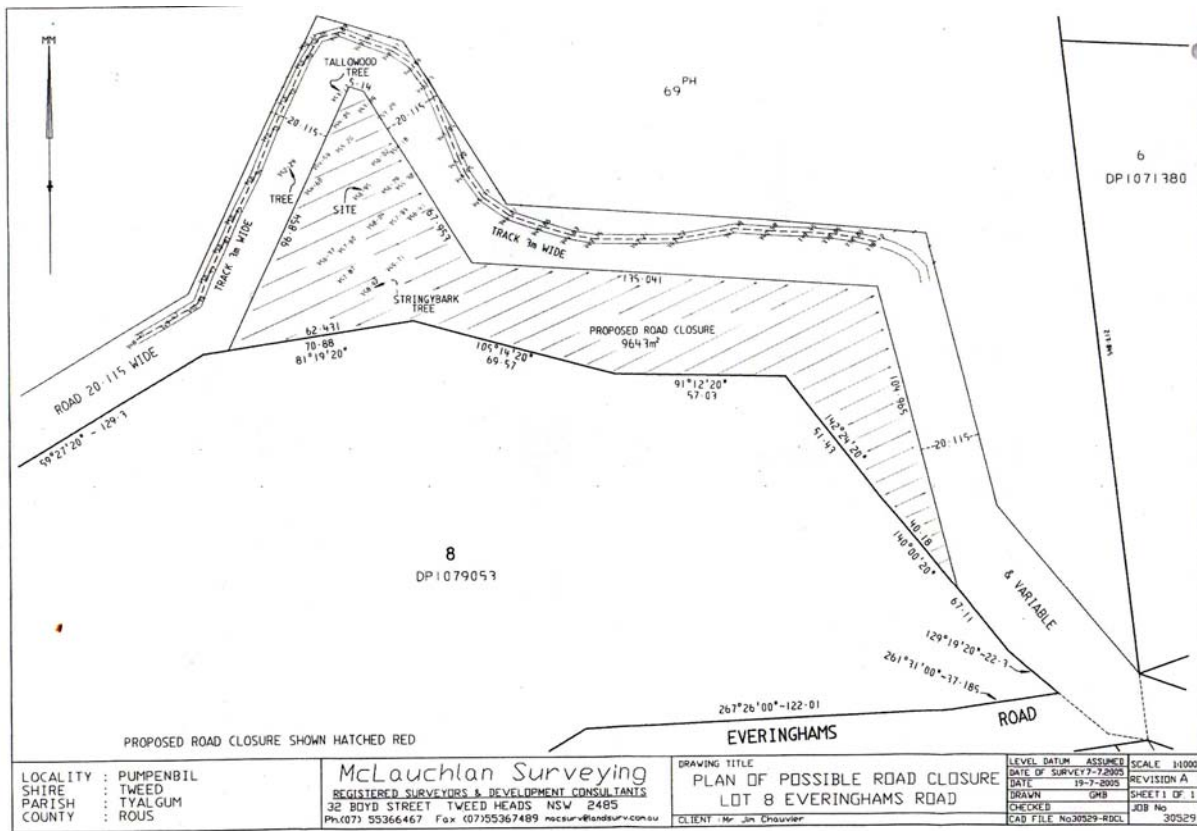
LINE	BEARING	DISTANCE	ARC	CHORD
1	121°10' 23" 45"	64.283	N/A	N/A
2	117°52' 22"	233.98	236°42' 15"	N/A
3	117°52' 22"	233.98	236°42' 15"	N/A
4	117°52' 22"	233.98	236°42' 15"	N/A
5	117°52' 22"	233.98	236°42' 15"	N/A
6	117°52' 22"	233.98	236°42' 15"	N/A
7	117°52' 22"	233.98	236°42' 15"	N/A
8	117°52' 22"	233.98	236°42' 15"	N/A
9	117°52' 22"	233.98	236°42' 15"	N/A
10	117°52' 22"	233.98	236°42' 15"	N/A
11	117°52' 22"	233.98	236°42' 15"	N/A
12	117°52' 22"	233.98	236°42' 15"	N/A
13	117°52' 22"	233.98	236°42' 15"	N/A
14	117°52' 22"	233.98	236°42' 15"	N/A
15	117°52' 22"	233.98	236°42' 15"	N/A
16	117°52' 22"	233.98	236°42' 15"	N/A
17	117°52' 22"	233.98	236°42' 15"	N/A
18	117°52' 22"	233.98	236°42' 15"	N/A
19	117°52' 22"	233.98	236°42' 15"	N/A
20	117°52' 22"	233.98	236°42' 15"	N/A

WARNING : CREAMING OR FOLDING WILL LEAD TO REJECTION

Source: IDS / Doc: DP 1079053 / Rev: 21 / Feb-2005 / Status: OK / Plan: 23-Feb-2005 02:25 / Pgs: AML / Req: 1 of 2 / Note: 1 - Electronic Document Supplied by DJF / Note: For Your Information, Use Only.

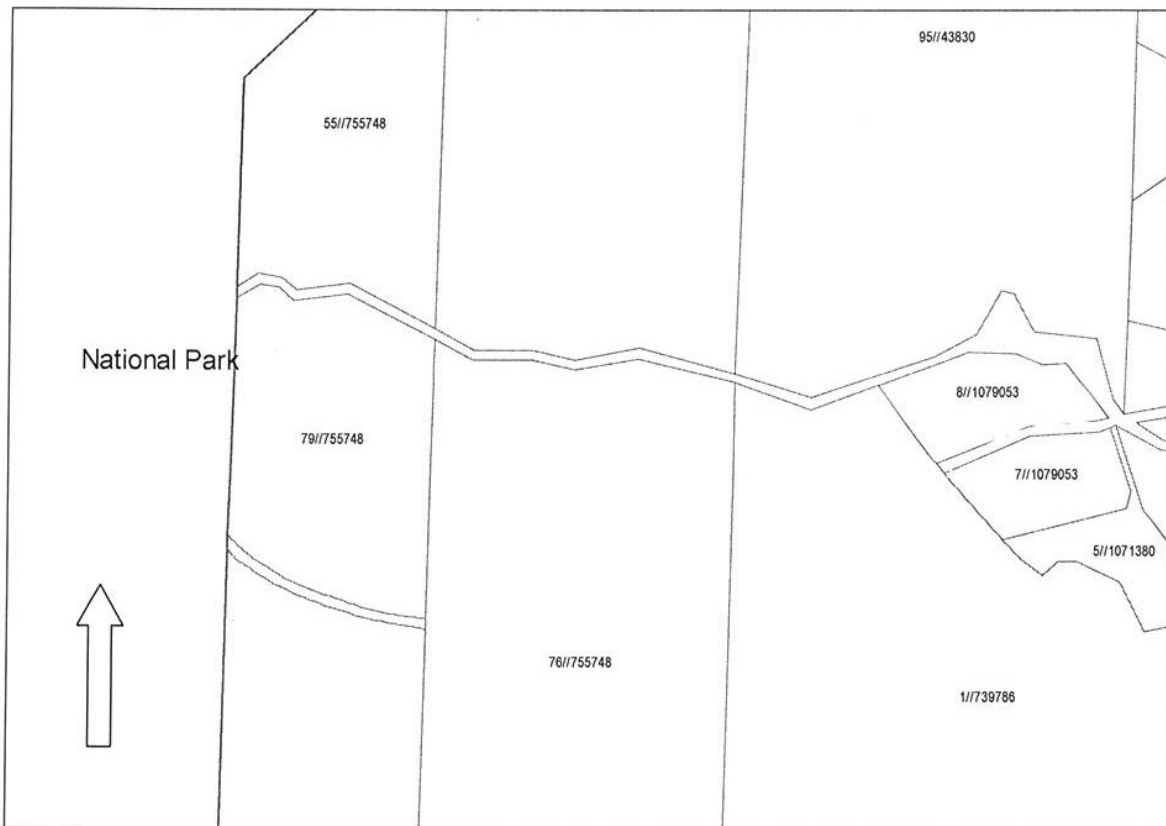
SURVEYOR REFERENCE 10529/1

Survey Plan showing current formation of 3m wide track and proposed area to be closed:-



DataWorks Document Number:

Plan showing proximity of Lot 76 in DP 755748 and the National Park:-



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).

1. Letter applying for extension of Everingham's Road dated 29 July 2008 (DW 1871307).
2. Copy of Letter to Department of Lands dated 17 September 2008 (DW 1897956).
3. Letter from Department of Lands dated 22 September 2008 (DW 1899626).

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O9 [EO-OC] Application to Close and Purchase Part of Road Reserve - Parish of Mooball

ORIGIN:

Design

FILE NO: GR 3/12/9

SUMMARY OF REPORT:

Council has received a notice of application to close a section of Crown Road reserve, which runs west of Lot 3 in DP 346722 at Cudgera Creek, from Department of Lands. Council has been requested to provide its concurrence or objection to the closure of this section of Crown Public Road. A copy of the Deposited Plan is shown in the body of this report.

It is recommended that Council does not object to the closure and purchase of the section of Crown Road Reserve that runs west of Lot 3 in DP 346722 at Cudgera Creek by the applicant as highlighted on the plan in the body of this report.

RECOMMENDATION:

That:-

- 1. Council approves the closure of part of the road reserve that runs west of Lot 3 in DP 346722 at Cudgera Creek; and**
- 2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;**
- 3. Easements be created over public authority reticulation services, if any; and**
- 4. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

Council has received a notice of application to close a section of Crown Road reserve, which runs west of Lot 3 in DP 346722 at Cudgera Creek, from Department of Lands. Council has been requested to provide its concurrence or objection to the closure of this section of Crown Public Road. A copy of the Deposited Plan is attached.

It should be noted that a dwelling currently exists fully within this Crown road reserve and that this application was a recommendation by Council Officers to the adjacent landowner which is running concurrently with an application for existing use rights for the dwelling.

In October 2006 Council were asked by Department of Lands to investigate a dwelling which was found to be existing within the Crown road reserve. It was discovered that the dwelling had been sold along with the adjoining property, Lot 3 in DP 346722, the previous June (2005) under the assumption of the new owners that the land and dwelling formed part of Lot 3. Unfortunately their Conveyancer did not indicate to them that the dwelling was possibly located within the road reserve. They have, since purchasing the property, renovated the cottage, including exterior cladding, new carpeting, paint, and kitchen upgrade.

Upon inspection by Council Officers it was confirmed that the cottage was indeed within the Crown road reserve and that the only option available to the owners was to close and purchase that section of road reserve and apply for existing use rights for the dwelling. Council Officers are of the opinion that the cottage was originally constructed for dwelling purposes and not as a garage or other such structure which may have later been converted to living quarters.

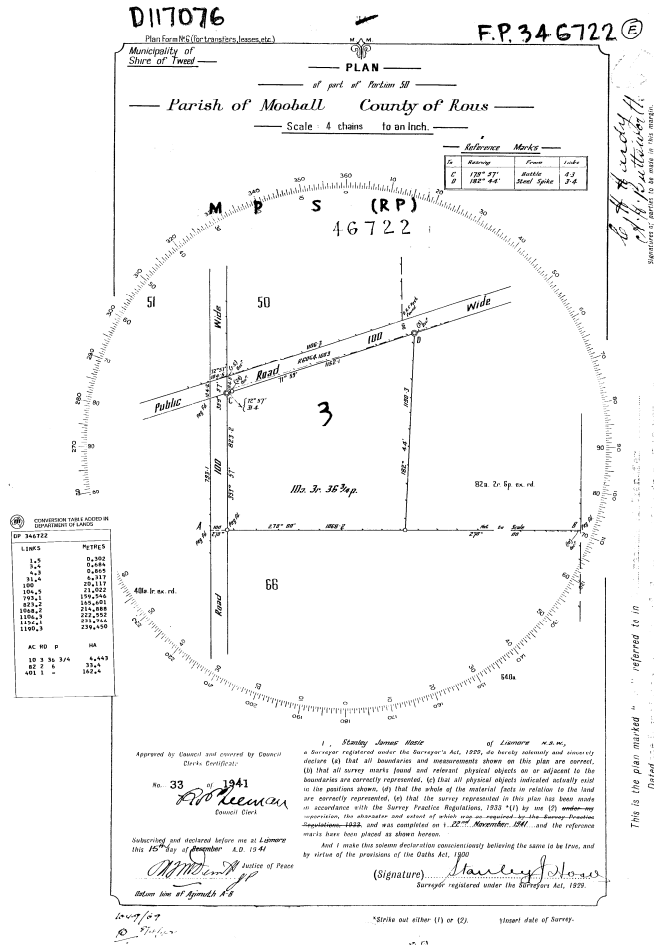
The owners of Lot 3 have provided a formal application for existing use rights along with Statutory Declarations from the previous owners indicating that the premises have been resided in on a continual basis since its construction. The dwelling has also been identified in a 1970 Department of Lands topographical map of the area. This application is currently being assessed by Council and awaiting approval.

Area 7 of the draft Employment Lands Strategy 2008 is located to the south of the area subject of this report. The applicant should be advised of the potential future impact should the strategy be adopted.

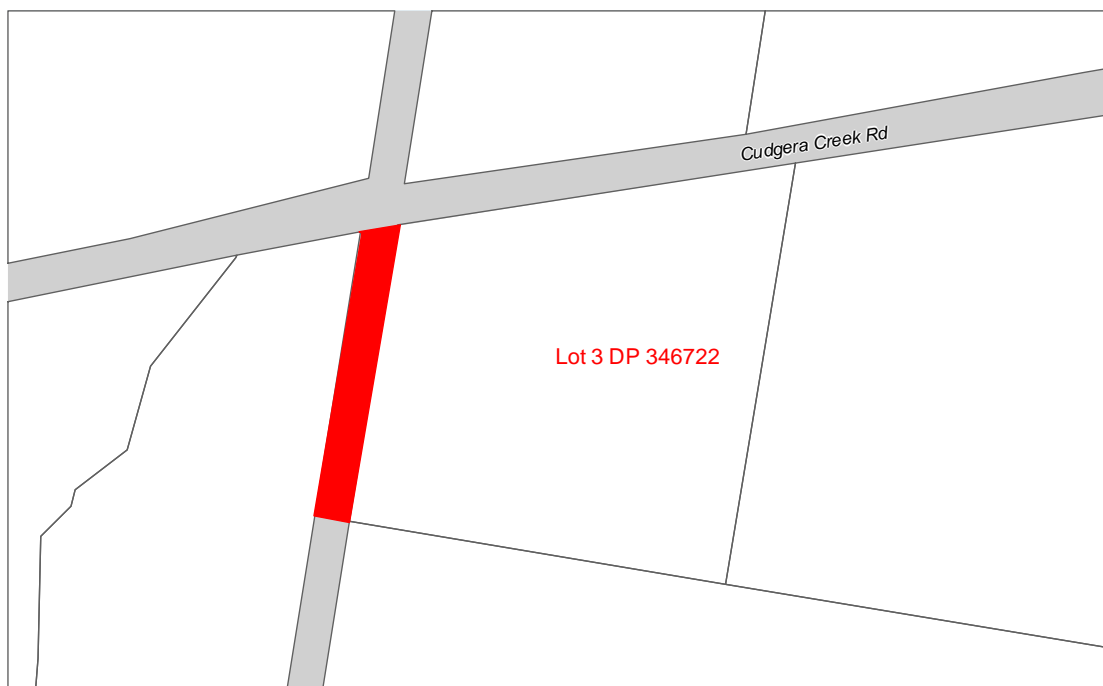
It is recommended that Council does not object to the closure and purchase of the section of Crown Road Reserve that runs west of Lot 3 in DP 346722 at Cudgera Creek by the applicant as highlighted on the attached plan.

Copy of DP 346722 below:-

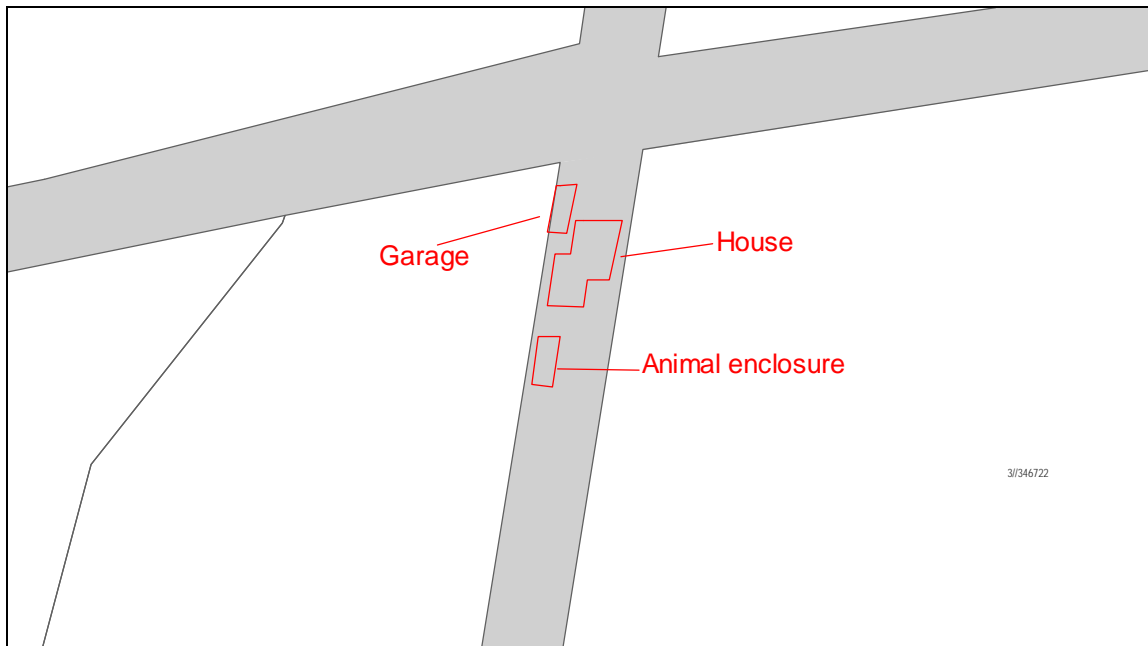
Root File: F:\DP\DP 346722 2 /Plan: 13-Sep-1997 /Plan: OK /Print: 14-Dec-2000 20:06 /Page: 1 /Seq: 1 of 1
WARNING : Electronic Document supplied by LEX NSW for your Internal Use Only



Plan of section of Crown road proposed to be closed:-



Plan showing dwelling within road reserve:-



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.

O10 [EO-OC] Classification of Land as Operational, Murwillumbah

ORIGIN:

Design

FILE NO: DA04/1618

SUMMARY OF REPORT:

Proposed Lot 1 in the subdivision of Lot 132 in DP1057733, Lot 201 in DP 825699, Lot 3 in DP 1074167, Lot 1 in DP 251297, Lot 8 in DP 1064245, Lot 89 in DP 1104415 and Lots 10 and 11 in DP 864158 on Old Lismore Road, Murwillumbah, known as the Hundred Hills development, is to be transferred to Council as a Drainage Reserve following registration of the plan of subdivision.

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

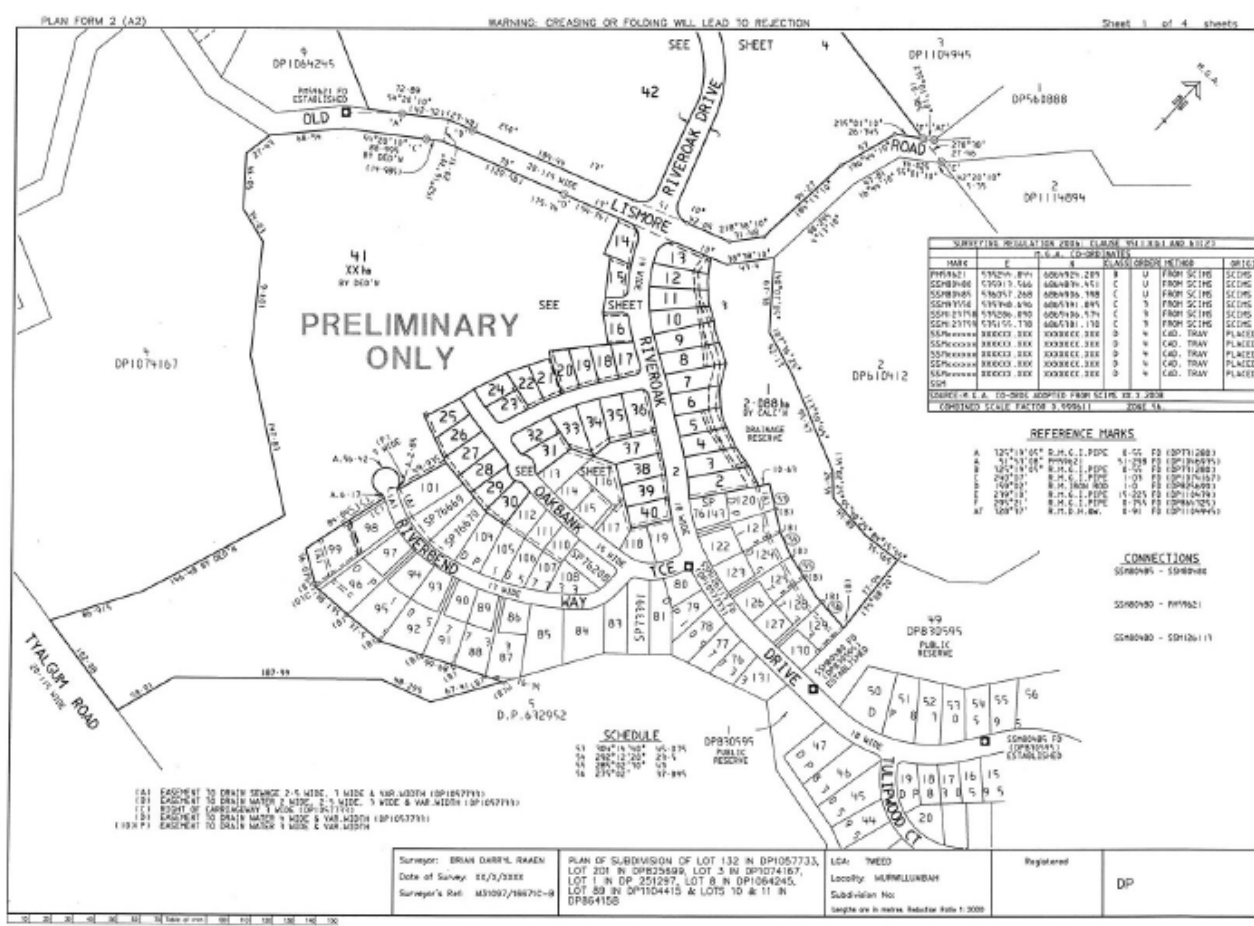
RECOMMENDATION:

That:-

- 1. Council approves the transfer of proposed Lot 1 in the subdivision of Lot 132 in DP1057733, Lot 201 in DP 825699, Lot 3 in DP 1074167, Lot 1 in DP 251297, Lot 8 in DP 1064245, Lot 89 in DP 1104415 and Lots 10 and 11 in DP 864158 at Murwillumbah as a Drainage Reserve.**
- 2. Proposed Lot 1 be classified as “Operational” pursuant to Section 31 of the Local Government Act, 1993; and**
- 3. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report. A copy of the plan of subdivision of Lot 132 in DP1057733, Lot 201 in DP 825699, Lot 3 in DP 1074167, Lot 1 in DP 251297, Lot 8 in DP 1064245, Lot 89 in DP 1104415 and Lots 10 and 11 in DP 864158 identifying proposed Lot 1 is shown below:-



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.

011 [EO-OC] Classification of Land as Operational - Chinderah Bay Drive, Chinderah**ORIGIN:****Design****SUMMARY OF REPORT:**

For the purpose of facilitating development of a 29 berth marina to proceed, Council resolved in a meeting held on 17 May, 2000 to, in summary:-

1. Approve the road closure of part of Chinderah Bay Road and sale of Lots 1, 3, 5 and 7 created from the road closure to Mr Patrick Harford;
2. Approve the leasing to Mr Patrick Harford of Lots 2, 4, 6 and 8 created from the road closure plan;
3. The transfer of Lots 1, 3, 5 and 7 be subject to performance criteria attached to an appropriate legal document and the preparation of Contracts for Sale;
4. All legal & survey plans to be borne by the applicant

Note: Lots 1 - 8 had been created earlier by excising pieces of the Old Pacific Highway road reserve at Chinderah.

Mr Harford sold his interests in Chinderah, including the approval for a 29 berth marina. The initial sale of the road closure parcels, Lots 1, 3, 5 and 7 in DP 1080842, were drawn in two Contracts, one for Lots 3, 5 and 7, being parcels on the foreshore and western side of Chinderah Bay Drive, which included an option to purchase back the parcels associated with the marina should no development (specified works associated with the marina development) be constructed within a specified time frame. Lot 1 is located on the eastern side of Chinderah Bay Drive and did not contain a buy back option.

Council, by including the buy back option in the Contract for Lots 3, 5 and 7 sought to ensure that these lots would only remain in private hands should the approved development proceed. And to avoid these lots remaining alienated from public ownership if the marina development was abandoned.

Both Contracts for Sale were completed on 24 June 2005, and a lease for Lots 2, 4, 6 & 8 commenced on 30 June 2005.

The development of the marina did not proceed within the specified time frame, or within extensions granted by Council.

At its meeting held on 24 June 2008, Council resolved to issue the Notice to Exercise of Option over Lots 3, 5 and 7 in DP 1080842 and to pursue payment of outstanding rental over Lots 2, 4, 6 and 8 in the same DP. The subject land is on Chinderah Bay Drive, Chinderah, south of River Street as shown in the plan in the body of this report.

Settlement of the purchase back of Lots 3, 5 and 7 was effected on 4 September 2008, where the outstanding rental was offset against the purchase price, and the lease over Lots 2, 4, 6 and 8 was surrendered concurrently with settlement of the purchase.

All documentation effecting the transfer of Lots 3, 5 and 7 is now completed and it is now necessary to resolve to classify these parcels as operational land pursuant to section 31 of the *Local Government Act, 1993*.

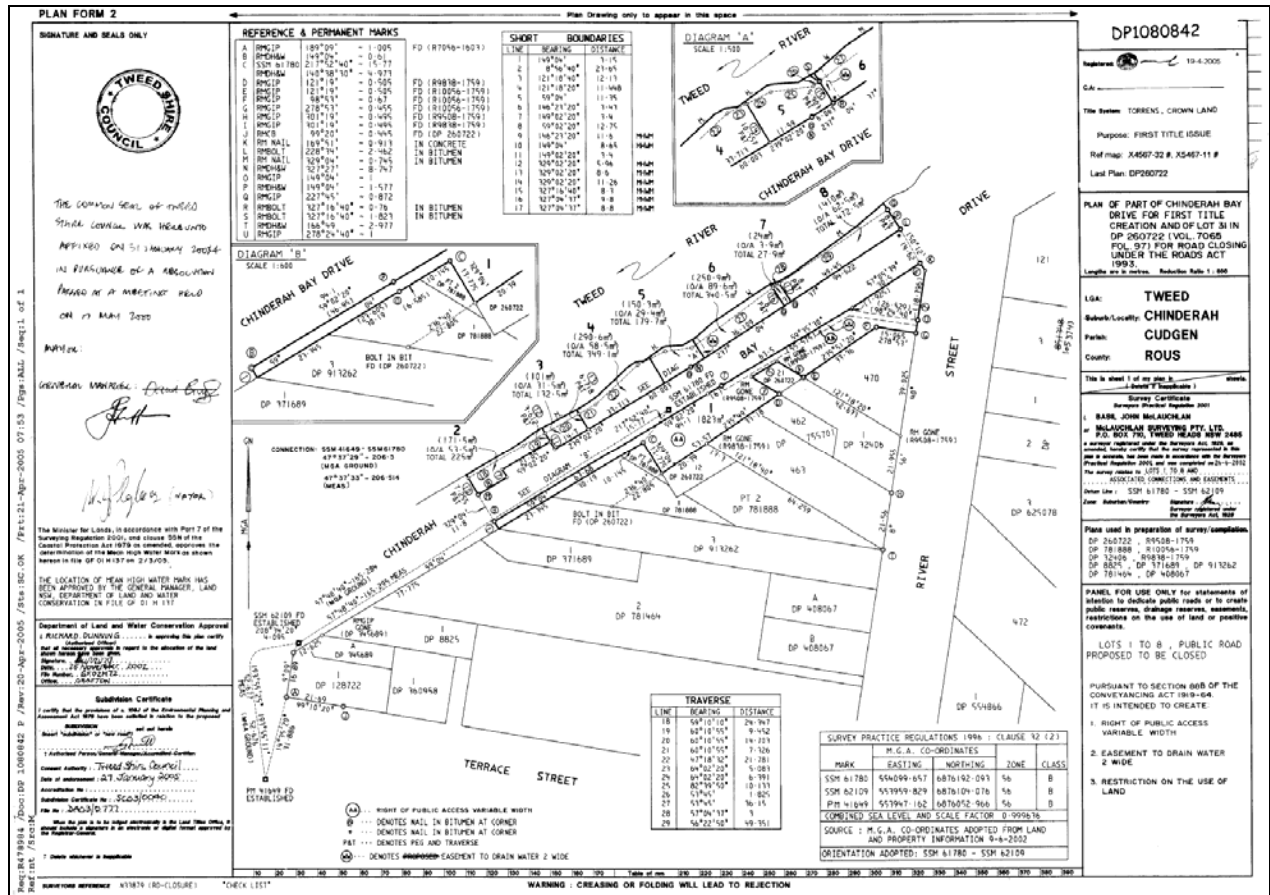
Lots 2 to 8 in DP 1080842 were vested in Council as operational land when the road closure was gazetted and ownership of Lots 2, 4, 6 and 8 remained with Council, as operational land. It is necessary now to re-classify Lots 3, 5 and 7 as they have been transferred back to Council. As the adjoining lots are operational and the parent and surrounding land is road reserve with an operational function (road reserves themselves do not require classification as Operational or Community under the Local Government Act as their functionality is regulated by the Roads Act) it is recommended that for purposes of consistency that Lots 3, 5 and 7 in DP 1080842 be also classified as 'Operational'.

RECOMMENDATION:

That Lots 3, 5 and 7 in DP 1080842 be classified as “Operational” land pursuant to Section 31 of the *Local Government Act, 1993*.

REPORT:

As per Summary of Report. A copy of DP 1080842 is shown below:-



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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O12 [EO-OC] Fees for New Ashes Interment Sites at Tweed Valley Lawn Cemetery

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

Council at its meeting held Tuesday 2 September 2008 resolved to advertise the following draft fees for interments at Tweed Valley Lawn Cemetery for twenty eight (28) days from 16/09/2008 to 14/10/2008 for :-

1. Memorial Cordyline Walk \$950; and
2. Lily Garden \$790.

There were no submissions received however; there were a number of telephone enquiries regarding these sites. The enquiries were of a general nature.

RECOMMENDATION:

That Council adopt the fees and charges for the new ashes interment areas within Tweed Valley Cemetery from 1 November 2008 as follows:-

1. **Memorial Cordyline Walk \$950 (including GST); and**
2. **Lily Garden \$790 (including GST).**

REPORT:

As per Summary of Report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The potential income will be utilised to offset current budget deficit for cemetery operations.

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.

013 [EO-OC] North East Weight of Loads Group NEWLOG

ORIGIN:

Works

SUMMARY OF REPORT:

Tweed Shire Council has been a member of the North East Weight of Loads Group (NEWLOG) since its inception in July 1994. There has been a Deed of Agreement between the participating Councils and Ballina Council as the administrating Council signed every five years. This Deed is due for renewal and requires Council's seal. Since 1994 NEWLOG has been instrumental in significantly reducing overloading on Regional and Local roads which will extend the life of the road pavements. Council's continuation in NEWLOG is considered to be a highly cost effective method of protecting a valuable asset.

RECOMMENDATION:

That the North East Weight of Loads Group (NEWLOG) Deed of Agreement be executed under the Common Seal of Council which expires on 1 July 2012.

REPORT:

Tweed Shire Council has been a member of the North East Weight of Loads Group (NEWLOG) since its inception in July 1994. There has been a Deed of Agreement between the participating Councils and Ballina Council as the administering Council signed every five years. This Deed is due for renewal and requires Council's seal.

There are 8 Councils now participating in NEWLOG, which operates south to Grafton and west to Tenterfield. The inspectors are authorised to intercept vehicles on both local and regional roads and breach if overloaded. Since 1994 the average number of vehicles in the region complying with the loading regulations has increased from 85% to 96%. This has a major effect on reducing damage to the road pavements.

The annual membership cost is approximately \$23,000, which is considered a minimal investment to protect an asset valued at \$300m. By reducing the incidence of overloading the life of Council's roads is being extended. In recognition of the work of the Groups in NSW the RTA contributes \$146,000 per group each year.

Further explanation of the activities and benefits of NEWLOG operations is shown below:-

Overview of the Group

The North East Weight of Loads Group, or Newlog, operates with the cooperation and participation of the RTA and all 8 North Coast Councils, from the Queensland Border in the north, west to Tenterfield and south to the Clarence Valley Council boundary with Coffs Harbour. The aims and objectives of Newlog are to preserve the road asset and promote road safety by encouraging heavy vehicles to comply with weight regulations on local and RTA owned roads.

The Roads Act and Road Transport (General) Regulations set down a schedule of maximum weights for various types of vehicles, which are designed to protect the road structure and ensure vehicles operate within the manufacturers specifications for safety.

The effects of overloading

Engineers design and build roads taking into account many factors in the *design life* of a road. Heavy vehicle use is one such factor. Heavy vehicles exceeding the design mass limit for the pavement will hasten the deterioration of a road and cause a reduction in the actual life achieved by the pavement, with a consequential increase in maintenance costs and the need to rebuild the pavement at an earlier age at dramatically increased whole of life cost than that intended.

Local roads are typically designed with a 20 year design life. A 10% overload by heavy vehicles will increase the damage caused by 45% and reduce this working life to 13.8 years, and a 50% overload will cause a 285% increase in damage with a resultant reduction in the working life to 5.2 years.

The Newlog Operation

Newlog operates with 4 full time inspectors who are trained and authorised by the RTA, and are complemented by casual inspectors who are available to provide relief for leave and other absences. They operate as an autonomous work team from two vehicles, by patrolling the road system or setting up the scales as a "weigh in motion" sites at fixed locations.

The inspectors endeavour to spend an equal amount of time in each Council area and also respond to seasonal freight movements and the overloading concerns of individual members. The member councils are Tweed, Byron, Ballina, Kyogle, Richmond Valley, Lismore City, Clarence Valley and Tenterfield.

As well as carrying out enforcement work, the group also provides an industry education and information role. The inspectors also police operational issues such as b-doubles off route and vehicles on load limited roads and bridges. This function has been very helpful in reducing the number of commercial vehicles using Kingscliff residential streets to access the northern Casuarina/SALT area.

Funding

The operation is funded by an annual fee from each member council, a grant from the RTA and income received by fines. The annual contributions have been indexed to increase in line with rate pegging increase, and the RTA has indexed its grant in line with the CPI. It is advised that fees for each member Council can be paid from its Block Grant allocation from the RTA as an eligible item.

Success of the operation

Since Newlog commenced operation in 1995, the number of overloaded vehicles has decreased from 15 in every hundred to about 3 in every hundred, and the magnitude of grossly overloaded vehicles has decreased significantly. A paper prepared in 1984 by the Chief Engineer of the RTA calculates the cost benefit of the operation at in excess of 8:1 – this means that the current annual cost of the Newlog operation of \$420,000 provides a saving of in excess of \$3.2 million in pavement repair costs.

Administration of NEWLOG

NEWLOG operates under a Committee of Management with representation from each Council.

The Committee of Management meets twice per year and the meetings are now held in conjunction with the Regional Directors Group Meetings.

The operation is managed by the Executive Engineer, Ballina Council and operates as an autonomous work group under the direction of a team leader who is one of the inspectors. Administrative procedures have been simplified and much of the data entry is carried on in the field which has reduced the operational cost and freed administrative staff for other duties.

A major challenge facing NEWLOG is the declining revenue from fines as the operation has been successful in raising compliance to approximately 97%. Improvements introduced such as Weigh in Motion (WIMO) weighing which allows a much larger number of vehicles to be weighed and the ability for the team leader to schedule patrols based on heavy vehicle and industry movements rather than rigid area based rosters is being successful in maintaining breach numbers.

Conclusion

NEWLOG operates to preserve the road asset by encouraging heavy vehicles to comply with weight regulations on local and RTA roads. It has been shown that the operation of Weight of Loads Groups area a cost effective means of preventing damage to the road system by overloading, and NEWLOG's operation represent a saving of \$2.8 million per annum in the local area.

THIS DEED OF AGREEMENT made the day of 2008

BETWEEN:

BALLINA SHIRE COUNCIL (BSC) Corner of Cherry and Tamar Streets, Ballina in the State of New South Wales

AND

THE LOCAL GOVERNMENT COUNCILS named in Schedule One hereto attached

WHEREAS:

- A. The parties hereto previously voluntarily agreed in writing to join together to form an association for the purposes of firstly administering the legislation referred to in Schedule 2 hereto attached; secondly to detect breaches of that legislation by road users and thirdly, to reduce maintenance costs of the roads for which each of the parties is responsible..
- B. That association is known as the North East Weights of Load Group (NEWLOG) and shall continue to be known by that name.
- C. Since the date of that Agreement, Copmanhurst Shire Council, Grafton City Council, Maclean Shire Council and the Pristine Waters Council have been amalgamated into one local government body known as the Clarence Valley Council.
- D. The time frame in which that agreement operated has expired.
- E. The parties wish to extend the operation of that agreement until 1 July 2012.

IT IS AGREED:

1. The parties hereto shall forthwith do all such things and sign all such documents as may be required to extend the operation of the said expired Deed of Agreement.
2. Ballina Shire Council shall continue to be known as the Administrative Council of the NEWLOG and continue to perform the administrative work of NEWLOG
3. The obligation on the parties to establish a management committee which shall have the responsibility for NEWLOG's affairs and operations shall continue.
4. A party to this agreement may terminate its membership in NEWLOG after the expiration of four years from 1 July 2008 by providing at least 6 months written notice to the administrative council.
5. The assets and liabilities of NEWLOG shall be held and borne by the parties hereto proportionate to the respective shares noted in Schedule 1.
6. The Deed of Agreement of 1998 is in all other respects confirmed.
7. During the currency of this Agreement Member Councils including the Administering Council shall each make an annual contribution towards the capital and operational costs of the Group being an amount calculated by the Management Committee due and payable to the Administering Council by 31 July each year.
8. The annual contribution will be recoverable by the group as a debt.

IN WITNESS WHEREOF the Common Seal of each of the Councils named as party hereto was affixed on the day and year first mentioned herein.

The Common Seal of Ballina Shire Council was hereunto affixed in pursuance of a resolution of the said Council passed on

.....
MAYOR

.....
GENERAL MANAGER

The Common Seal of Byron Shire Council was hereunto affixed in pursuance of a resolution of the said Council passed on

.....
MAYOR

.....
GENERAL MANAGER

The Common Seal of Clarence Valley Council was hereunto affixed in pursuance of a resolution of the said Council passed on

.....
MAYOR

.....
GENERAL MANAGER

The Common Seal of Kyogle Council was hereunto affixed in pursuance of a resolution of the said Council passed on

.....
MAYOR

.....
GENERAL MANAGER



The Common Seal of Lismore City Council was hereunto affixed in pursuance of a resolution of the said Council passed on

.....
MAYOR

.....
GENERAL MANAGER

The Common Seal of Tenterfield Shire Council was hereunto affixed in pursuance of a resolution of the said Council passed on

.....
MAYOR

.....
GENERAL MANAGER

The Common Seal of Tweed Shire Council was hereunto affixed in pursuance of a resolution of the said Council passed on

.....
MAYOR

.....
GENERAL MANAGER

The Common Seal of Richmond Valley Council was hereunto affixed in pursuance of a resolution of the said Council passed on

.....
MAYOR

.....
GENERAL MANAGER



SCHEDULE 1

PARTIES TO MEMORANDUM OF AGREEMENT

FOUNDATION MEMBERS	MEMBERSHIP STATUS	MEMBER FROM
Ballina Shire Council	2 units	1 July 1994
Byron Shire Council	2 units	1 July 1994
Copmanhurst Shire Council (now Clarence Valley Council)	2 units	October 1997
Grafton City Council (now Clarence Valley Council)	1 unit	1 July 1994
Kyogle Council	2 units	1 July 1995
Lismore City Council	2 units	1 July 1994
Maclean Shire Council (now Clarence Valley Council)	2 units	1 July 1994
Tenterfield Shire Council	2 units	January 1996
Tweed Shire Council	2 units	1 July 1994
Richmond Valley Council (formerly Richmond River Shire and Casino Municipal Councils; combined in 2003)	3 units	1 July 1994
Pristine Waters Council (now Clarence Valley Council)	2 units	1 July 2003

SCHEDULE TWO

LEGISLATION

Australian Road Rules
Local Government Act NSW 1993
Road Transport (General) Act NSW 2005
Road Transport (General) Regulation NSW 2005
Road Transport (Mass, Loading and Access) Regulation NSW 2005
Road Transport (Safety and Traffic Management) Act NSW 1999
Roads Act NSW 1993

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O14 [EO-OC] Tweed Road Contribution Plan - Indexation of Rates

ORIGIN:

Planning & Infrastructure

FILE NO: TRCP

SUMMARY OF REPORT:

The Environmental Planning and Assessment Act and Regulations allow for S94 Contribution rates to be adjusted in line with 'readily accessible index figures adopted by the plan'. The Tweed Road Contribution Plan as adopted states that contribution rates will be annually indexed in line with the ABS Implicit Price Deflator (IPD) for Non-Residential Construction. The application of this index to current TRCP rates results in an increase of 7.15%. The rates have been adjusted accordingly and will come into effect on 28 October 2008. The new rates will be published in the Tweed Link and on Council's website.

RECOMMENDATION:

That the report on Tweed Road Contribution Plan - Indexation of Rates, be received and noted.

REPORT:

The Environmental Planning and Assessment Act and Regulations allow for S94 Contribution rates to be adjusted in line with ‘readily accessible index figures adopted by the plan’. Regulation 32(3) of the Environmental Planning and Assessment Regulation states:-

- (3) *A council may make the following kinds of amendments to a contributions plan without the need to prepare a new contributions plan:*
 - (a) *minor typographical corrections,*
 - (b) ***changes to the rates of section 94 monetary contributions set out in the plan to reflect quarterly or annual variations to:***
 - (i) ***readily accessible index figures adopted by the plan (such as a Consumer Price Index), or***
 - (ii) *index figures prepared by or on behalf of the council from time to time that are specifically adopted by the plan,*
 - (c) *the omission of details concerning works that have been completed.*

Clause 9.2 of Tweed Road Contribution Plan Version 5 dated 20 July 2007 states as follows:-

9.2 Indexation

Contributions are fixed for a twelve month period from the date of development consent and thereafter levied at the contribution rate current at the time of payment.

Sector contributions in this Plan

- (i) *will be indexed on the 1st July of each year commencing on 1 July 2008 based on the Implicit Price Deflator for Private Gross Fixed Capital Expenditure for Non-dwellings Construction as published by the Australian Bureau of Statistics (5204.0) or*
- (ii) *will be adjusted based on revised works estimates prepared and the VLC transport/contribution models re-run with the “re-valued” works included as and when required.*

The quoted ABS product (5204) refers to the National Accounts, from which the indices are drawn. The ABS product referred to for the purposes of indexing the TRCP is: 8782.0.65.001 *Construction Activity: Chain Volume Measures, Australia.*

Index	Index Date	Rate	Released ABS	Rate date	% increase
IPD (Non-Residential Construction)	Mar-07	109.85	July 2007	20-Jul-07	
	Jun-08	117.70	October 2008	20-Oct-08	7.15%

Which results in the following adjustment to contribution rates:-

Sector	Locality	Base Rate			Total Trip End Contribution		Trip ends per Household	Household Contribution	
		Standard Trip End Contribution	Local Trip Contribution	Admin Fee 5%	Base Rate	Indexed figure		Base Rate	Indexed figure
1	Tweed Heads	\$568	\$ -	1.05	\$596	\$639	6.5	\$3,877	\$4,154
2	Tweed Heads South	\$811	\$ -	1.05	\$851	\$912	6.5	\$5,535	\$5,931
3	Cobaki	\$865*	\$ -	1.05	\$908	\$973	6.5	\$5,904	\$6,326
4	Bilambil Heights	\$1,603*	\$ -	1.05	\$1,683	\$1,803	6.5	\$10,940	\$11,722
5	Terranora	\$1,322	\$ -	1.05	\$1,388	\$1,487	6.5	\$9,023	\$9,668
	LAC1: 'Area E'	\$1,322	\$479	1.05	\$1,891	\$2,026	6.5	\$12,292	\$13,170
6	Kingscliff	\$745	\$ -	1.05	\$782	\$838	6.5	\$5,085	\$5,448
7	Duranbah/Cabarita	\$827	\$ -	1.05	\$868	\$930	6.5	\$5,644	\$6,047
	LAC2: Kings Forest Development	\$827	\$343	1.05	\$1,228	\$1,316	6.5	\$7,985	\$8,556
	LAC4: Casuarina	\$827	\$137	1.05	\$1,012	\$1,084	6.5	\$6,579	\$7,049
8	Pottsville	\$974*	\$ -	1.05	\$1,022	\$1,095	6.5	\$6,647	\$7,122
	LAC3: Koala Beach/Seabreeze	\$974*	\$79	1.05	\$1,105	\$1,184	6.5	\$7,182	\$7,695
9	Murwillumbah	\$1,010	\$ -	1.05	\$1,060	\$1,136	6.5	\$6,893	\$7,386
10	Rural - Inner East	\$1,386	\$ -	1.05	\$1,455	\$1,559	6.5	\$9,459	\$10,135
11	Burringbar	\$972	\$ -	1.05	\$1,021	\$1,094	6.5	\$6,634	\$7,108
12a	Rural - Inner North	\$2,041	\$ -	1.05	\$2,143	\$2,296	6.5	\$13,930	\$14,925
12b	Rural - Inner West	\$1,785	\$ -	1.05	\$1,874	\$2,008	6.5	\$12,183	\$13,054
13	Rural - Other	\$2,048	\$ -	1.05	\$2,150	\$2,304	6.5	\$13,978	\$14,977

These new rates will come into effect on date of publication in the next Tweed Link being 28 October 2008.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Contribution rates need to be regularly revised to enable provision of the works program in the plan without having to seek short-fall funds from alternative sources as the cost of construction increases.

POLICY IMPLICATIONS:

Section 94 Plan No 4 – Tweed Road Contribution Plan Clause 9.2 requires the annual indexation of contribution rates in line with the ABS IPD (Non-Residential Construction).

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O15 [EO-OC] Sportsfields - Tweed Coast**ORIGIN:****Recreation Services****FILE NO: GT1/51****SUMMARY OF REPORT:**

A number of s94 contributions plans for the Tweed Coast south of Kingscliff have the strategy of supplying some or all of their structured open space requirements off site. West Kingscliff land owned by Gales Kingscliff has been considered as a possible off site location for open space required for SALT.

In 2007 Gales Kingscliff commenced a Part 3A application process for approval of sandmining their land north and south of Altona Drive including the site of the proposed structured open space. There have been further talks with the applicant's representatives regarding the timing of the mining and how it will impact on the availability of the land for structured open space. These talks have not produced a definitive way forward and the use of this site for SALT structured open space requirements has considerable uncertainties regarding timing of availability and cost.

Alternatively, Council owns an 8ha site at Depot Road adjacent to the proposed Town Centre of Kings Forest that is a rehabilitated waste management site. The site is centrally located on the coast and is ideal for use as sports fields. Subsequently, it is proposed to supply these active open space requirements at the Depot road site instead of West Kingscliff to enable the development of the fields in the short term and provide a greater level of certainty to their actualisation.

RECOMMENDATION:**That Council:-**

- 1. Provides the 4.59ha of structured open space for SALT, Seaside City and Casuarina at the Depot Road Waste Services site and utilises the designated s94 funds collected in plans 19, 25 and 28 to develop the site for playing fields.**
- 2. Amends s94 Plan 25 to designate the Depot Road site as the location of overflow structured open space for SALT.**
- 3. Advise Gales Holdings that Council no longer requires part of their land at West Kingscliff for overflow structured open space for SALT.**

4. **Advise Leda Developments of the reduced area of Depot Road Waste Services land that may be available for negotiation via a Planning Agreement as open space for Kings Forest.**

5. **Acknowledges ATTACHMENT A is CONFIDENTIAL in accordance with 10A(2)(e) of the Local Government Act 1993, because it contains information that would, if disclosed, prejudice the maintenance of the law.**

REPORT:

1. Background

A number of s94 contributions plans for the Tweed Coast south of Kingscliff have the strategy of supplying some or all of their structured open space requirements off site at West Kingscliff. These plans include:-

Plan	Structured Open Space to be provided off site	Proposed Off Site Location	Current \$ Balance
CP19 Casuarina	1.5ha	Kings Forest	\$482,000
CP25 SALT	1.6ha	West Kingscliff	\$830,351
CP28 Seaside City	1.49ha	Kings Forest	nil
	Total 4.59ha		

CP 7 West Kingscliff estimates 8.8ha of structured open space will be required for development of that area. It has been envisaged that this will be provided on Gales Holdings land along Altona Drive between the Tweed Coast Road and the new Kingscliff Sewerage Treatment Works. There have been some talks with representatives of Gales Holdings the developers of West Kingscliff regarding the planning of this site and the possibility of providing the extra area needed for SALT.

In 2007 Gales Kingscliff commenced a Part 3A application process for approval of sandmining their land north and south of Altona Drive including the site of the proposed structured open space. There have been further talks with the applicants representatives regarding the timing of the mining and how it will impact on the availability of the land for structured open space. These talks have not produced a definitive way forward and the use of this site for the SALT structured open space requirements has considerable uncertainties regarding timing of availability and cost.

2. Depot Road Site

Council owns a 8ha site at Depot Road adjacent to the proposed Town Centre of Kings Forest that is a rehabilitated waste management site. The site has been capped by around 2 metres of fill and grassed. There are leachate ponds at the north east of the site and a number of bores that are monitoring ground water quality and methane.

Discussions with Leda Developments and Council's planners have canvassed the possibility of using the waste management site by means of a Planning Agreement for providing some of the structured open space to service Kings Forest. It is understood that Kings Forest will require a total of around 17ha of structured open space and Leda have indicated that this would be provided in two general locations, some near the town centre and the remainder at another site at the western end of the development area. Attached to this report is confidential legal advice from Maddocks regarding probity aspects of a Planning Agreement for use of this land.

At the time of writing of Contribution Plan 25, it was anticipated that the West Kingscliff site would be constructed prior to Kings Forest. Subsequently, the active open space allocations in this plan was located at West Kingscliff. However, the Part 3A application to sand mine the West Kingscliff site has made it apparent that West Kingscliff will not be available for sports fields for many years.

LEDA's initial discussions with Council proposed to utilise the total waste management site toward their requirements for active open space. Allowing the active open space allocation for Contribution Plans 19, 25 and 28 from West Kingscliff to Depot Road will leave 3.4ha of the 8ha site available for LEDA to negotiate via a Planning Agreement as their active open space contribution.

3. Revised Proposal for Depot Road Waste Services Site

The Depot Road site currently has a gently sloping landform that can readily be transformed into playing fields by site earthworks, drainage, surfacing and provision of associated infrastructure (car parks, access road sealing, irrigation, amenities buildings, power, sewerage, lighting etc).

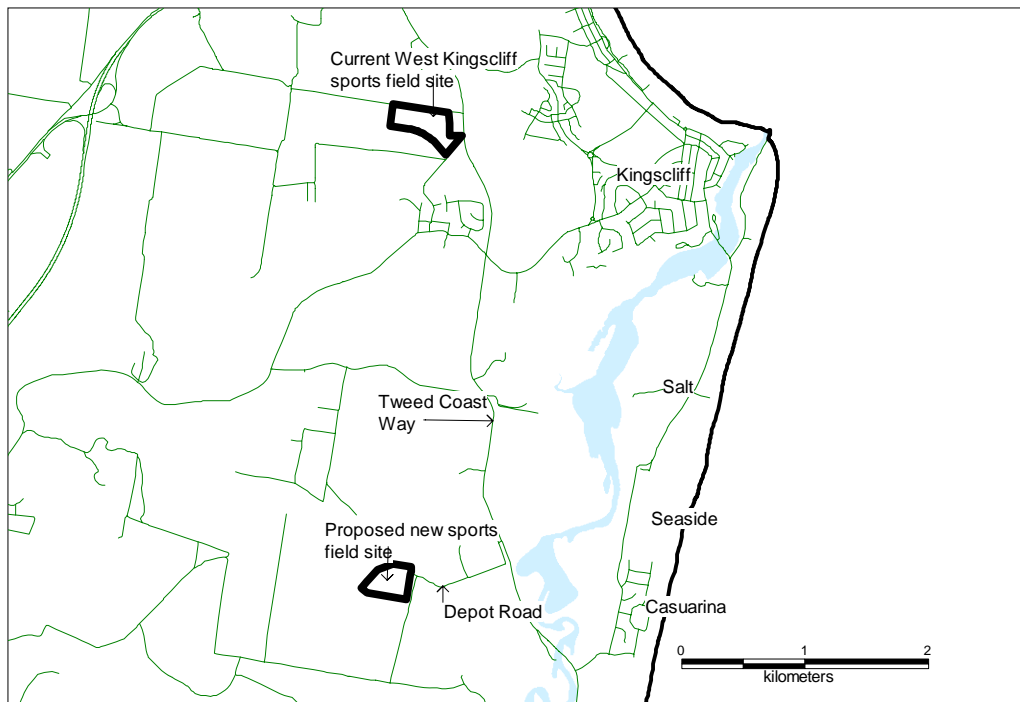
The site is in Council ownership and equally as well located to SALT as the West Kingscliff site.

The current provision of active open space servicing Kingscliff and surrounds is inadequate to effectively service the current and future requirements of the existing sporting organisations without consideration to emerging sporting requirements. The Depot Road site offers an opportunity to provide additional facilities in the short term and to integrate planning of these sports fields with the development of the Kings Forest site.

It is proposed therefore to:-

1. Provide the 4.59ha of structured open space for SALT, Seaside City and Casuarina at the Depot Road Waste Services site and utilise the designated s94 funds collected in plans 19, 25 and 28 to develop the site for playing fields. This would result in a maximum of 3.4ha being available to negotiate with Leda by means of a Planning Agreement for use as structured open space needed by the adjacent Kings Forest development.
2. Amend s94 Plan 25 to designate the Depot Road site as the location of overflow structured open space for SALT.
3. Advise Gales Holdings that Council no longer requires part of their land at West Kingscliff for overflow structured open space for SALT.
4. Advise Leda Developments of the reduced area of Depot Road Waste Services land that may be available for negotiation via a Planning Agreement as open space for Kings Forest.

Gales Holdings will still be required to provide around 8.8ha required for their own development of West Kingscliff as per CP7. They will need to manage the availability of their land as regards to sand mining at Altona Drive to provide staged structural open space as their residential development proceeds.



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Please see confidential attachment for legal advice.

POLICY IMPLICATIONS:

Amendment to Contribution Plan 25.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment A** Maddocks letter dated 7 March 2008 (DW 1893331).

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O16 [EO-OC] EC2007-046 Quarterly Variation Report on Contract - Construction of the Murwillumbah Regional Memorial Pool Complex and Car Park

ORIGIN:

Design

FILE NO: GC12/5-2007046

SUMMARY OF REPORT:

At the Council Meeting of 7 September 2007, a contract was awarded to Multi Span Australia Pty Ltd for the construction of the Murwillumbah Regional Memorial Pool Complex and Car Park at a cost of \$14,466,509 (GST Excl.).

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

The Council decision required reporting, on a quarterly basis, on variations approved under delegation by the Director of Engineering and Operations. The total approved variations to the end of September 2008 is \$269,264.41 (GST Excl.). This is within the current limit of delegated authority of 5% of the original contract sum (i.e. \$723,325.00 - GST Excl.).

In addition to the variations detailed in this report for the quarter to 30 September 2008, there are a number of other variations (and potential variations) under consideration resulting from additional works. This will result in further variations to the contract sum, potentially of the order of \$170,000.00. (GST Excl.) These potential variations are still within the current limit of delegated authority.

Finally, an error in December 2007 Quarterly Variation report for Variation No 6 - Stormwater line alteration to CWA has been corrected from \$735.00 (GST Excl) to \$931.00 (GST Excl).

RECOMMENDATION:

That:-

- 1. The September 2008 Quarterly Variations of \$216,856.66 (exclusive of GST) for Contract EC2007- Construction of the Murwillumbah Regional Memorial Pool Complex and Car Park, be received and noted:-**

- a) Variation No.18 – Lighting to Rear of CWA. (\$661.50 GST Excl.)
 - b) Variation No.19 – Increased storage tank size for Chlorine Storage. (\$3856.00 GST Excl.)
 - c) Variation No.20 – Internal step in Learn To Swim Pool. (\$1,198.00 GST Excl.)
 - d) Variation No.21 – Conduit to allow future lighting of Cenotaph (\$441.00 GST Excl.)
 - e) Variation No.22 – Demolish and replace existing sewer manhole (\$3,528.00 GST Excl.)
 - f) Variation No.23 – Demolish old pump room. (\$949.00 GST Excl.)
 - g) Variation No.24 – Remove and replace valve in balance tank. (\$2,007.77 GST Excl.)
 - h) Variation No.25 – Installation of irrigation conduits. (\$10,463.95.00 GST Excl.)
 - i) Variation No.26 – Pool Hall equipment fit out. (\$61,205.01 GST Excl.)
 - j) Variation No.27 – Fire proofing of grand stand storage area. (\$21,363.26 GST Excl.)
 - k) Variation No.28 – Additional fire door in grand stand for maintenance access. (2,615.37 GST Excl.)
 - l) Variation No.29 – Additional 25m pool accessories. (\$4,753.00 GST Excl.)
 - m) Variation No.30 – Conduit for Poseidon System for dive pool. (\$1,519.00 GST Excl.)
 - n) Variation No.31 – Meeting room kitchenette. (\$14,248.05 GST Excl.)
 - o) Variation No.32 – Lighting to storage area under grand stand. (\$2,658.25 GST Excl.)
2. An error in December 2007 Quarterly Variation report for Variation No 6 - Stormwater line alteration to CWA be corrected from \$735.00 GST Excl to \$931.00 GST Excl

REPORT:

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

1. Quarterly Variation Report 4

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

Variation No.	Description	Amount (Exc GST)	Status
18.	Lighting to rear of CWA. This was required for safety as the car park created an unlit area at the rear of the CWA building.	\$661.50	Approved
19.	Increased Chlorine storage tank size from 1 x 5000 litres to 2 x 5000 litres to limit number of fills required and more easily cater for extreme events.	\$3,856.00	Approved
20.	Internal step in Learn to Swim School to allow easy entry to pool, as well as, provide an area for students to sit whilst waiting for teacher.	\$1,198.00	Approved
21.	Conduit from pool hall to Cenotaph to allow future lighting of Cenotaph.	\$441.00	Approved
22.	Demolish and replace sewer manhole. Damaged manhole inside pool boundaries replaced prior to new paving being installed.	\$3,528.00	Approved
23.	Demolish old pump room. Remnants of underground structure discovered during excavation required removal.	\$949.00	Approved
24.	Remove and replace defective valve in balance tank.	\$2,007.77	Approved
25.	Installation of irrigation conduits to service landscaped areas in future.	\$10,463.95	Approved
26.	Pool hall equipment fitout, including pool covers for the 25 metre/diving, learn to swim and hydrotherapy pools and new diving boards for the 1 and 3 metre platforms.	\$61,205.01	Approved
27.	Fire proofing of storage area to rear of grandstand. BCA requirement	\$21,363.26	Approved
28.	Additional fire door in grandstand for maintenance access.	\$2,615.37	Approved
29.	Additional 25m pool accessories including false start poles, backstroke poles and pole sockets.	\$4,753.00	Approved
30.	Conduit for future Poseidon System.	\$1,519.00	Approved
31.	Kitchenette added to meeting room to improve functionality of the room.	\$14,248.05	Approved
32.	Lighting to store room under grand stand. Required for OHS reasons.	\$2,658.25	Approved

The total variations for the September quarter 2008 are \$131,467.16.

2. Quarterly Variation Report 3

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

Variation No.	Description	Amount (Exc GST)	Status
11.	Prepare Queen Street embankment for landscaping.	\$48,243.15	Approved
12.	Preparation of operations systems for completed Tweed Regional Aquatic Centre consisting of the following:- System Procedures, Integrated Software System and Hardware for the Aquatic Centre Management, Installation and Training, Branding, Marketing, Café for the Aquatic Centre Management, Centre Fit out and Management	\$99,308.06	Approved
13.	Lighting of Leisure pool.	\$17,740.15	Approved
14.	Internal stainless steel handrail to hydrotherapy pool. Recommended by physiotherapists to increase functionality of pool.	\$10,912.30	Approved
15.	Electronic key pad security devices. Operational safety OHS Requirement for staff.	\$4,410.00	Approved
16.	Turnstiles changed from manual to accept proximity card readers.	\$6,163.00	Approved
17.	Sheet piling of Queen Street retaining wall required due to poor ground conditions.	\$30,080.00	Approved

The total variations for the June quarter 2008 are \$216,856.66.

3. Quarterly Variation Report 2

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

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

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

4. Variations reported in the December quarter 2007 were:

Variation No.	Description	Amount (Exc GST)	Status
1.	Revised calculation of Contract amount based on final submission by preferred Contractor.	-\$266,862.00	Approved
2.	Grubbing & removal of tree stumps. Trees removed by Council Staff had to have their stumps removed prior to earthworks commencing.	\$3,724.00	Approved
3.	Additional Asbestos Removal. As demolition commenced more asbestos than detailed in the tender documents was discovered and had to be removed.	\$3,675.00	Approved
4.	CCTV conduiting to Car Park. Conduiting to enable future CCTV surveillance of the car park was not included in the contract.	\$6,682.00	Approved
5.	Kiosk Unisex Disabled WC Plumbing. A disabled toilet for the kiosk was not included in the contract.	\$245.00	Approved
6.	Stormwater line alteration to CWA. As Earthworks were undertaken a stormwater line from the CWA building was found to clash with the car park footings, which necessitated its relocation.	\$931.00 Previously incorrectly reported as \$735.00	Approved

The net result of the approved variations for the December 2007, March 2008, June 2008 and September 2008 Quarters is an increased cost of \$269,264.41 (GST Excl.) This is within the current limit (\$723,325.00 GST Excl.) of delegated authority given to the Director of Engineering and Operations.

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

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The subject variations are within the total project budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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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017 [EO-OC] EC2006-159 Supply of Manual Traffic Control Teams for Council Works: Contract Extension

ORIGIN:

Contracts

FILE NO: EC2006-159

SUMMARY OF REPORT:

Contract EC2006-159 for the Supply of Manual Traffic Control Teams was for a twelve (12) month term with provision for two (2) by twelve (12) month extension options. The first of the twelve (12) month extension periods expires on 1 January 2009. The current contractor, Workforce International Pty Ltd, has applied for the take up of the final twelve (12) month extension of the contract and has submitted a Schedule of Rates that would apply for the period of the extension.

Recommendations have been formulated based on the revised rates included in **CONFIDENTIAL ATTACHMENT A**. It is recommended that Council accepts the revised contract rates from Workforce International Pty Ltd and approves the contract extension for the period 2 January 2009 until 1 January 2010.

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

RECOMMENDATION:

That:-

- 1. Council accepts the revised contract rates from Workforce International Pty Ltd and approves the contract extension for the period 2 January 2009 until 1 January 2010.**

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

REPORT:**Background**

Contract EC2006-159 for the Supply of Manual Traffic Control Teams was for a twelve (12) month term with provision for two (2) by twelve (12) month extension options. The first of the twelve (12) month extension periods expires on 1 January 2009. The current contractor, Workforce International Pty Ltd, has applied for the take up of the final twelve (12) month extension of the contract and has submitted a Schedule of Rates that would apply for the period of the extension.

Tender Evaluation

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

It is recommended that Council accepts the revised contract rates from Workforce International Pty Ltd and approves the contract extension for the period 2 January 2009 until 1 January 2010.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funding is provided within the 2008/2009 Budget for EC2006-159 Supply of Manual Traffic Control Teams for Council Works.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

1. **Supplementary Confidential Attachment A** - EC2006-159 Supply of Manual Traffic Control Teams for Council Works(DW 1916340).
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O18 [CNR-OC] Water Charging - Defective Services**ORIGIN:****Director Community & Natural Resources****SUMMARY OF REPORT:**

The existing Council policy adopted 13 November 2007 provides relief to customers who have a water leak within their property of which they were unaware. The policy provides for a reduction in their water usage charge of 50% for consumption above the three year average. Since the first introduction of the policy in 1997, the cost per kilolitre of water has increased substantially, therefore increasing the burden on the unsuspecting user. Council currently reads water meters on a six monthly frequency at which time water leaks become apparent. It is proposed to increase the level of relief from 50% to 75% for legitimate water leaks to reduce the impact on the user. This policy would require review if a change was made to the frequency of meter reads.

RECOMMENDATION:

That Council amends its Water Charging - Defective Services Policy to provide 75% reduction in water usage charges over and above the average three year consumption where an applicant can satisfy the requirements of the policy in the case of an undetected water leak.

REPORT:

The existing Council policy adopted 13 November 2007 provides relief to customers who have a water leak within their property of which they were unaware. The policy provides for a reduction in their water usage charge of 50% for consumption above the three year average. Since the first introduction of the policy in 1997, the cost per kilolitre of water has increased substantially, therefore increasing the burden on the unsuspecting user. Council currently reads water meters on a six monthly frequency at which time water leaks become apparent. It is proposed to increase the level of relief from 50% to 75% for legitimate water leaks to reduce the impact on the user. This policy would require review if a change was made to the frequency of meter reads.

The proposed policy is detailed below:-

Water Charging - Defective Services

Once water has passed through any water meter it becomes the responsibility of the person to whom the property is rated.

Council will only consider varying water consumption accounts where:

- a. The applicant is the owner of the property
- b. The applicant has satisfied the Council that the defect in the service was not readily visible or apparent and that all reasonable steps have been taken to repair the leak.
- c. A copy of the invoice for repairs is provided to Council from a licensed plumber showing his licence number and the nature of the repairs carried out and confirming that in his opinion the leak would have been undetectable or a statutory declaration from the owner to that effect.
- d. An application for adjustment of the account must be received within 30 days of the issue date of the water account.

Where an application meets the criteria specified and the usage is in excess of the average consumption recorded at the subject property during the previous three (3) years, the consumption which is in excess of the average usage for the previous three (3) years, may be reduced by 75% for billing purposes.

The Revenue & Customer Service Coordinator has delegated authority to make adjustments to consumers' water account as per this policy and to endorse any arrangements entered into with the applicant to pay out the remaining accounts by instalments.

This policy to be reviewed if there are changes to the billing frequency.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The additional cost to Council will be in the order of \$30,000 per year. This cost equates to a 0.4 cent increase in the per kilolitre user charge or a \$1 cost per connection per year.

POLICY IMPLICATIONS:

Change to policy as per report.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Water Charging - Defective Services Policy Version 1.1 adopted 13 November 2007 (DW 1843635).
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O19 [CNR-OC] Entomological Control Report for period July to September 2008

ORIGIN:

Community & Natural Resources Division

SUMMARY OF REPORT:

The following report outlines control, monitoring and research relating to biting insects, pests and vermin carried out July to September 2008.

RECOMMENDATION:

That the Entomological Control Report for the period July to September 2008 be received and noted.

REPORT:

BITING MIDGE

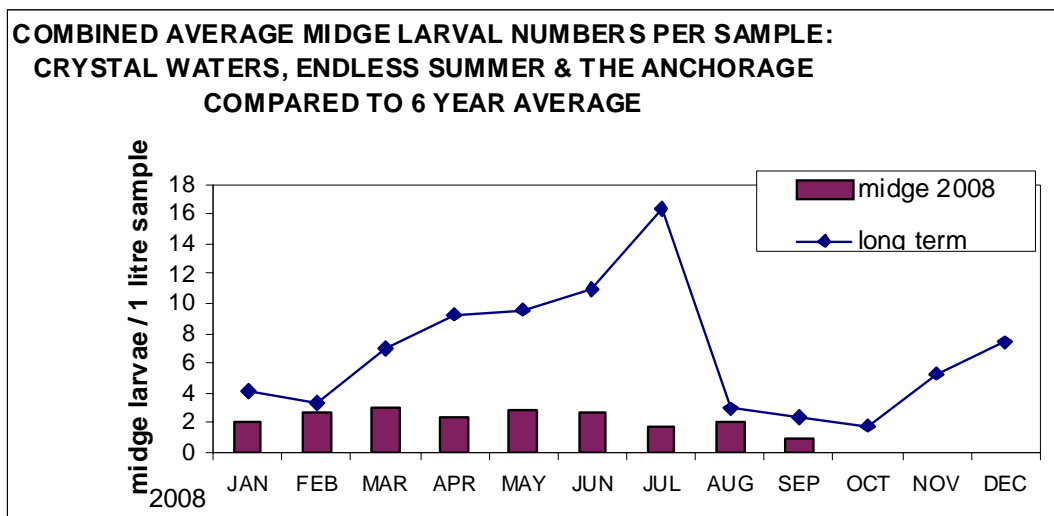
Seasonal activity

Biting midge activity remained below the seasonal average with only 4 enquiries related to biting midges over the report period.

Monitoring of biting midge larval numbers in canal estates indicated well below average midge numbers in these canals during the report period. Midge larval monitoring is carried out by extracting midge larvae from a series of 1 litre sand samples collected across the intertidal zone at set sample sites using a flotation and sieving technique.

Midge larval numbers have been temporarily reduced at many canal sites due to extensive beach maintenance dredging over the last year and by some unfavourable seasonal conditions during their peak emergence periods.

The following graph depicts biting midge larval numbers averaged in 3 major canal estates this year compared to long-term averages.



Control

A scheduled winter canal beach biting midge larvicide treatment, aimed at reducing biting midge spring emergence peaks was not carried out due to the very low midge numbers indicated by larval monitoring.

MOSQUITOES

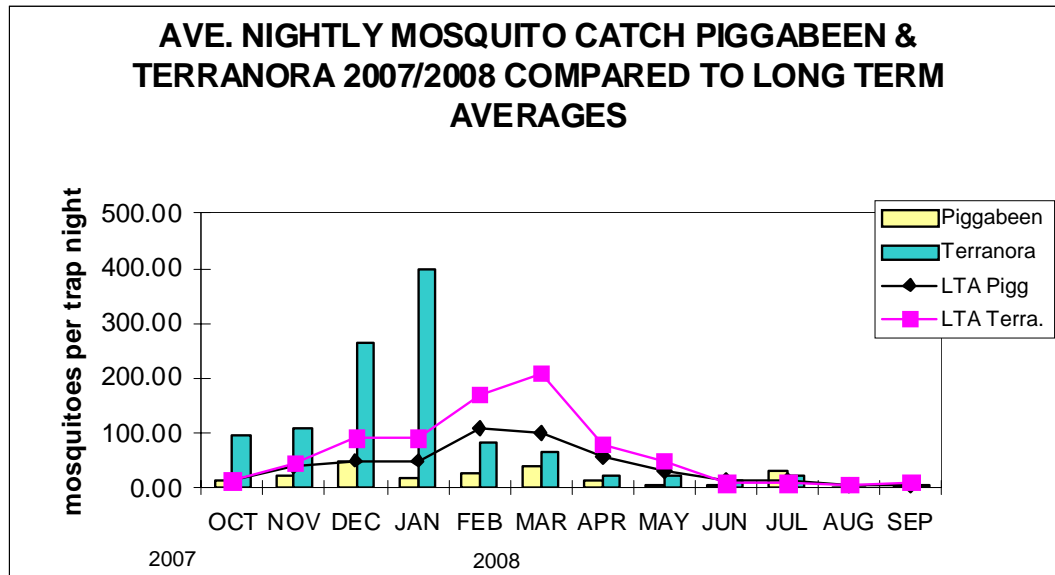
Seasonal abundance

Mosquito numbers remained around the long-term average for the report period.

The most frequently caught mosquitoes in carbon dioxide baited mosquito traps were the brackish water breeding species *Culex sitiens*, followed by the fresh water ground pool breeding *Culex annulirostris* and the domestic container breeding *Aedes notoscriptus*. As was the case over the whole mosquito season, *Cx. sitiens* was by far the dominant mosquito species caught in carbon dioxide baited monitoring traps. This species is not

targeted for control as it does not cause major local nuisance and is not a competent arbovirus carrier.

The following graph outlines monthly average mosquito catches in carbon dioxide baited traps at long term trapping sites this season.



Dungay mosquito survey

A rainforest site mosquito survey by the entomology unit was carried out near Dungay in September. This survey led to actions designed to reduce mosquito impacts for an international television production company filming in the local rainforest. Large numbers of film production workers have been subjected to severe mosquito attack at the site in the past and film management wish to reduce this nuisance and mosquito-born disease risk over coming seasons in an environmentally friendly way. Following the site visits a mosquito monitoring and management plan was prepared for the company. Native fish (Pacific blue-eye) bred by the entomology unit for mosquito control were provided to stock an off-creek water supply dam and a range of environmentally benign abatement measures and source reduction strategies suggested. Further study will be carried out in this area to further define nuisance mosquito species and breeding areas when substantial rain falls in the area.

Research project - Mangrove mosquito breeding habitat Terranora Broadwater

A proposal to include a local chronic mosquito producing mangrove area in a research study this summer to investigate mosquito larval habitats in sub tropical mangrove systems was successful. The study, to be carried out by Griffith University's School of Environmental Science will include a 15 hectare area adjacent to Terranora Broadwater. A site visit to this area by researchers was carried out with Council's entomologist in September. The research is to be funded by the QLD based Mosquito and Arbovirus Research Committee. The mangrove study site is surrounded by natural and man-made bunds, is poorly flushed by tides, has poor water quality and is a prolific mosquito breeding area. Mosquitoes emanating from this area affect residents of Terranora and West Banora Point. The study will include field observation and the use of remote sensing devices to observe hydrology patterns, water quality and the distribution of mosquito egg shells and larvae. The research may point to potential habitat modifications

such as increased tidal flushing to improve the wetland ecology and reduce the sites mosquito breeding potential.

Mosquito publication

A joint publication titled “Four Degrees of Latitude: Mosquito Control on the “Right” Coasts of Australia and Florida USA”, co-authored by Professor Pat Dale, Griffith University School of Environmental Science, Doug Carlson, Manager Indian River Mosquito District, Florida USA and Council’s entomologist was published in September in the Journal of The American Mosquito Control Association. The paper compares mosquito control within similar environments between 26 and 30 degrees of latitude on the east coasts of Australia and Florida USA. The paper describes and compares the relevant mosquito producing environments, the development of mosquito control, legislative framework, research and organizational differences between the areas. A copy of the paper is recorded in the Community & Natural Resources Division library.

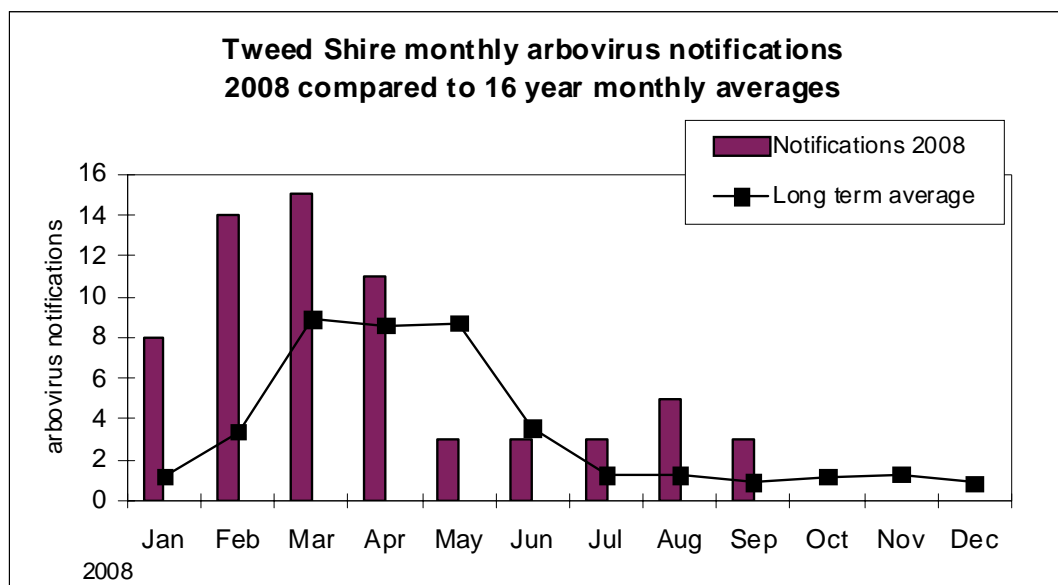
Control

Previously applied sustained release insect growth regulating pellets inhibited adult mosquito emergence at chronic coastal mosquito breeding sites. Re-treatment of these sites to limit early season mosquito nuisance has begun.

Arbovirus

The good falls of early summer rain following the very long dry spell caused an early mosquito season and subsequent early arbovirus transmission peak. Above average arboviral notifications extended into April with close to equal numbers of Ross River virus and Barmah Forest virus. During the report period a slight rise occurred in notifications with 9 cases of Ross River virus and 2 cases of Barmah Forest virus.

The following graph shows the seasonal combined monthly Ross River virus and Barmah Forest virus notifications compared to long-term averages.



OTHER PESTS

Miscellaneous

There were 65 miscellaneous enquiries over the quarter. The most common enquiries related to ants, rabbits and termites.

Rodents

Rodent baiting was carried out over the report period around coastal holiday parks and gardens, sewer treatment plants, adjacent to several drainage reserves and infested sections of Tweed River rock walls. Despite increased rat abatement practices at Hastings Point STP, gnawing damage to electrical wiring has still occurred.

Rabbits

Rabbit baiting has continued to be the focus for these pests in selected areas at Casuarina Beach and in some rabbit infested parts of Murwillumbah. Spring saw a new generation of these multi-coloured feral rabbits appear in the above areas. Sustainable rabbit control in the new coastal developments is proving to be difficult. On going discussion with the Rural Lands Protection Board is taking place to consider further rabbit calicivirus release. It appears the coastal rabbit populations have much higher immunity to the first released strain of calicivirus compared to inland European rabbit populations.

Pandanus plant hoppers

Continued monitoring of Pandanus trees for plant hopper related dieback has been carried out in coastal areas. Pandanus trees growing on beachside reserves at the southern end of Kingscliff have low plant hopper populations that still appear to be in a controlled situation due to heavy egg parasitism by a tiny wasp. This situation is a desired result that will hopefully lead to a balanced host/parasite relationship spreading from this site to other local Pandanus trees. If this occurs, it may remove the need for further systemic Pandanus insecticide tree injection in areas where the parasite co-exists with its host. The wasp parasitism rates have increased in the subject area over the last year from very low numbers of wasp emergence holes found on the occasional plant hopper egg-case, to high levels of parasitism with in excess of 70% of eggs found parasitized. The wasps have also extended their range from this core site by several hundred metres. The main concern with the present situation is the low number of fresh plant hopper eggs available for parasitism and the risk that the host-specific wasp parasites will not be sustained by the relatively small host plant hopper population found presently at southern Kingscliff.

An isolated large mature Pandanus tree was found to be heavily infested with Pandanus plant hoppers on the coast reserve at Hastings Point. The plant hopper eggs on this tree show signs of light wasp parasitism; however, the tree is suffering considerable dieback.

Termites

Inspection of 147 in-ground termite bait stations was carried out around Council owned buildings. Five termite bait stations were found active for termites. These stations were baited to eliminate nearby active termite colonies.

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.

O20 [CNR-OC] 2007/2008 Year Bushfire Mitigation Program – Funding Agreement

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

Tweed Shire Council has been successful in its application for funding through the Commonwealth Government's Bushfire Mitigation Programme for bushfire trail and hazard reduction works at Mt Nullum.

The funding is based on equal contributions from Council, the State and Commonwealth governments. The total funding amount is \$34,500 with Council's contribution to comprise in-kind costed input from its Bushland Officer and funds from the Bushfire Hazard Reduction budget.

RECOMMENDATION:

That:-

- 1. Council accepts the financial assistance from the NSW Rural Fire Service of up to \$23,000 for refurbishment of existing bushfire trails, installation of fire trail gates fuel hazard reduction and other works on fire trails at Mt Nullum.**
- 2. That all documentation be completed under the Common Seal of Council.**
- 3. Council votes the expenditure.**

REPORT:

Council, as a land manager, has an obligation under the Rural Fires Act 1997 to maintain an effective fire trail network to ensure a coordinated response to fires for the protection of land, life, property and the environment, consistent with the principles of ecologically sustainable development.

Much of Tweed's fire trail network is located in developed areas along the coast and takes the form of Asset Protection or Strategic Fire Advantage Zones in accordance with the *Tweed Bush Fire Risk Management Plan 2002*. Larger bushland areas, such as Mt Nullum, have traditionally received little funding for such works.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

\$11,500 will be contributed to the project from Council's Bushfire Hazard Reduction budget and through in-kind contributions by Council's Bushland Officer.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. 2007/2008 Year Bushfire Mitigation Programme (DW 1871969)
-

O21 [CNR-OC] Fire Mitigation Works Fund 2008/2009 - Allocation

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

Tweed Shire Council has been successful in an application made through the Bush Fire Management Committee for funding under the State Government Fire Mitigation Works Fund 2008/2009 for bushfire trail maintenance works at Rockface Road, Commissioners Creek.

The funding is provided without a financial contribution required from Council; however Council must prepare and submit to the Rural Fire Service (RFS), who administer the funds, progress reports as detailed in the accompanying document.

Further Council is to undertake the required works and subsequently submit a Completion of Works Form and a Payment Request Form for reimbursement. The total funding provided is \$15,000. The project will be supervised by Council's Bushland Officer in conjunction with the RFS.

RECOMMENDATION:

That Council:-

- 1. Accepts the financial assistance grant from the State Government of \$15,000 under the Fire Mitigation Works Fund 2008/2009 for refurbishment of an existing bushfire trail at Rockface Road, Commissioners Creek.**
- 2. Votes the expenditure and completes all necessary paperwork.**

REPORT:

Tweed Shire Council has been successful in an application made through the Bush Fire Management Committee for funding under the State Government Fire Mitigation Works Fund 2008/2009 for bushfire trail maintenance works at Rockface Road, Commissioners Creek.

The funding is provided without a financial contribution required from Council; however Council must prepare and submit to the RFS, who administer the funds, progress reports as detailed in the accompanying document.

Further Council is to undertake the required works and subsequently submit a Completion of Works Form and a Payment Request Form for reimbursement. The total funding provided is \$15,000. The project will be supervised by Council's Bushland Officer in conjunction with the RFS.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council to supervise the works at Council's costs. Council is required to vote the grant expenditure of \$15,000.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

1. Fire Mitigation Works Funds 2008/2009 Allocation (DW 1858303)
-

O22 [CNR-OC] Acceptance of a Contract from the North Coast Weeds Advisory Council

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

The Far North Coast Weeds Advisory Committee has offered Council a contract of \$10,000 for implementation of the Byrill Creek Plan for ongoing control of Riparian Vine Weeds.

RECOMMENDATION:

That Council:-

- 1. Accepts the contract of \$10,000 from the Far North Coast Weeds Advisory Committee for implementation of the Byrill Creek Plan for ongoing control of Riparian Vine Weeds in accordance with the conditions of contract number CMA6 81359-001.**
- 2. Votes the expenditure and completes all necessary paperwork.**

REPORT:

Byrrill Creek sub-catchment in the upper Tweed River has been identified as supporting the best remaining example of native riparian vegetation remaining in the Tweed Valley. The creek environment supports a large number of threatened species and its vegetation corridor is relatively un-fragmented compared to most other waterways. Despite high ecological values, the area is subject to weed infestation, and these weeds, in particular vines, threaten the future conservation of the area.

Council has been working within the riparian zone of the Byrrill Creek sub-catchment of the upper Tweed River for approximately three years to control infestations of exotic weeds and undertake works that will improve water quality. Funding for this project has been received from the NSW Environmental Trust, the Northern Rivers Catchment Management Authority, and from Council via the Tweed River Committee and Water Unit budgets.

Work in the area is continuing in an effort to ensure that native vegetation rehabilitation is successful, and to expand the area where weeds are treated and native vegetation rehabilitated.

The Far North Coast Weeds Advisory Committee has offered Council a sum of \$10,000 to continue control of riparian vine weeds in the Byrrill Creek sub-catchment. This funding will be used to engage bush regeneration contractors to undertake vine weed control on land owned by Council.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The contract will be administered by the Natural Resource Management section. Council is required to vote the grant expenditure of \$10,000.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

1. Contract from North Coast Weeds Advisory Committee (DW 1903186)
-

O23 [CNR-OC] Response to Byron Shire Council Submission to Infrastructure Australia - Casino to Murwillumbah Rail Corridor

ORIGIN:

Community & Cultural Services

SUMMARY OF REPORT:

Byron Shire Council has made a submission to Infrastructure Australia to refurbish the Casino to Murwillumbah Rail Corridor and extend it to Gold Coast Airport. It has requested Tweed Shire Council's support for this action. This report outlines the implications and benefits to Tweed Shire of the transport proposals. It recommends that Tweed Shire Council writes to Infrastructure Australia in support of the submission, and proposes an ongoing alliance with Byron Shire Council.

RECOMMENDATION:

That Council:

- 1. Responds to Byron Shire Council strongly in support of its submission to Infrastructure Australia;**
- 2. Proposes an ongoing alliance to work together on these projects; and**
- 3. Writes to Infrastructure Australia in support of Byron Shire's proposal.**

REPORT:

In May 2004, the State Government replaced the nightly XPT train service from Murwillumbah to Sydney with extended coach services to Casino to connect with the XPT there. This was to achieve budget savings of \$5m annually. The coach services offered some additional stops, but less accessible vehicles and the need for more passengers to change modes at Casino resulted in declining patronage. A community campaign to reinstate a less costly commuter rail service connecting to the XPT, which would provide for travel between regional towns better than the XPT could, has been ongoing. The rail infrastructure in the corridor is partly life-expired, and there is a need to upgrade or replace some bridges, but the track itself is in sound condition. The Commonwealth Government funded a feasibility study (the Price Waterhouse Coopers Study) for a commuter rail service that found a low-cost service could be feasible with gradual renewal of infrastructure. The Queensland Government currently intends to extend the railway from Robina to Coolangatta Airport by 2018, though this date may be flexible.

Comments on Byron's Submission:

The Submission is thorough, extending to the environmental, economic and social benefits for Byron and the Northern Rivers region of restoring and extending the railway. It systematically analyses and assesses goals, problems, challenges, options and solutions for the issue.

It does not focus specifically on Tweed outcomes, but many of the benefits for Byron would be shared by Tweed. The major difference is that Tweed would benefit rather less from the resumption of services on the existing line, but much more from the rail extension to Coolangatta.

From a Tweed point of view, services on the existing line would improve transport to and from the south, including tourist links with Byron and expansion of the local job market. The extension to Coolangatta, however, would greatly improve Tweed links with the Gold Coast, including the property market around Murwillumbah and the market for Tweed tourist attractions and recreation facilities.

Benefits for Tweed Shire of refurbishment of the existing line:

- Accessible public transport to central Byron, Lismore and Casino with connections to Sydney, with reduced traffic impact and greenhouse emissions
- Improved tourist access to the Green Cauldron hinterland, without increased motor traffic and parking, and lower environmental impact
- Improved general access to jobs, education, health, recreation and social facilities through the region. Historically, the line forms a spine linking local bus services in each town
- Compatibility with healthy transport modes such as cycling and walking
- Travel options more suitable for an older population, and for people younger than 17 years
- Freight transport options for the regional economy as fuel costs rise.

Benefits for Tweed Shire of extension of the line to Coolangatta:

- Greatly improved access to the Gold Coast and Brisbane, including the two airports, with reduced traffic volumes and greenhouse emissions
- Improved access to jobs, education, health, entertainment and cultural facilities
- Extended options for residential commuting from western parts of the Shire to the Gold Coast
- Travel options more suitable for an older population, and for people younger than 17 years
- Extended market for the Shire's tourist and recreation businesses, including town centre and beach access without need for car parking
- Freight transport options for the two neighbouring regions as fuel costs rise.

Conclusions:

Both transport proposals would be effective measures to reduce rapidly-increasing greenhouse emissions in transport, and provide alternative local transport as car use becomes increasingly prohibitive.

Both proposals would also utilise existing regional assets that could be restored at significantly less cost than providing new assets for regional growth.

The effect of two or more Council's support will be greater than a single voice.

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BSC File No: COR404500/#800242
Contact: Graeme Faulkner



14 October 2008

Mr Mike Rayner
General Manager
Tweed Shire Council

By email: mrayner@tweed.nsw.gov.au

Dear Mike

Submission to Infrastructure Australia - Casino to Murwillumbah Rail Corridor

Byron Shire Council is seeking your support for Council's submission to Infrastructure Australia for the refurbishment of the Casino to Murwillumbah Rail Corridor and its extension to the Gold Coast airport. A copy of Council's submission is attached for your consideration.

This submission arose as a result of Council's resolution at its Ordinary Meeting of 9 October 2008, as follows:

"That Council prepare and lodge a submission to Infrastructure Australia by 15 October for funding to:

- a) refurbish the Casino-Murwillumbah rail line for the introduction of commuter rail services
- b) construct a rail link from Murwillumbah to connect with the Queensland Rail at Coolangatta Airport.

This submission to note the strong community support, including NOROC, for a regional and cross border rail network in the context of:

- a) The southward expansion of the South East Queensland urban corridor into NSW, which is the fastest growing urban corridor in Australia.
- b) The expected threefold increase in truck traffic through the Pacific Highway corridor in the next 10 years, which will shortly become the busiest transport corridor in the country.
- c) The potential for an efficient rail network to assist workers, low income families, students, tourists and others, and freight movement, while promoting sustainable economic growth and reducing carbon emissions.

Copies of the submission to be forwarded to local State and Federal members and the NSW Premier and Transport Minister." (Resolution 08-595)

I would appreciate you giving consideration to this matter and I would be grateful if you would advise me as soon as possible whether your Council supports Byron Shire's submission.

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Yours sincerely

A handwritten signature in black ink, appearing to read "Graeme Faulkner".

Graeme Faulkner
General Manager

Attachment (#799880)

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Implementation of the proposals would be a State Government and/or Federal Government responsibility.

POLICY IMPLICATIONS:

Council's policies generally favour proposals that provide transport facilities and increase accessibility to support the Shire's growth, and also that will increase sustainability by reducing greenhouse emissions and using energy more efficiently.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Report to Tweed Shire Council's Executive Management Team Meeting held 15 October 2008 - Byron Shire Council Submission to Infrastructure Australia - Casino to Murwillumbah Rail Corridor (DW 1911246).
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O24 [CNR-OC] Planning for Aged Population – Information for Councillors

ORIGIN:

Community & Cultural Services

SUMMARY OF REPORT:

The Federal Government has identified the need for Government agencies to plan for an imminent ageing population. However, in Tweed, the aged population is already here, and has been for some time. In short, Tweed Shire is a little further advanced than much of Australia in identifying and addressing issues.

Council has already formed strong partnerships to identify and address aged issues at a community level. It is apparent that, at this stage, Council needs to work to a framework that will address both current and future needs of our existing aged, and encompass a 'whole of Council' approach.

Council has the benefit of being able to consult an existing aged population as to their needs. In August 2008, Council staff, utilising the World Health Organizations Aged Friendly Cities framework, facilitated two Healthy Ageing Consultations with aged service providers and local seniors.

The information collected is being collated. It will then be developed into a Healthy Ageing Strategy to be submitted for consideration.

RECOMMENDATION:

That Council notes the report submitted relating to Planning for Aged Population.

REPORT:

The Federal Government has identified that, as people live longer, and may have 20-30 years of retirement, there is a need to ensure adequate systems are in place to maintain their health and quality of life and ensure there are housing and other services for them as they age.

In Australia, Federal, State and Local Governments have published documents that identify these issues and assist Government agencies to commence planning for an imminent ageing population. However, in Tweed, the aged population is already here, and has been for some time.

Tweed Shire has one of the highest populations per capita of people aged over 65 in Australia, ie. 22.5% of our population. The Australian Bureau of Statistics (ABS) identifies that, in Australia, people over 65 currently account for 13% of national population. The ABS (3222.0-Populations Projections Australia 2006 to 2101) has identified this proportion to increase to 23% by 2056. In short, Tweed Shire is currently where the rest of Australia will be in approximately 50 years. For over 20 years, Tweed has been a retirement haven due to the climate, the extraordinary natural beauty, median housing prices, the large number of caravan parks, manufactured home villages and retirement villages, the large number of registered clubs in the area which provide entertainment and reasonably priced meals, and the considerable opportunities for recreational pursuits.

Economic implications to Council of this high number of aged are apparent. Many ageing issues currently lie outside Federal/State health funding and fall on the shoulders of Local Government. There is also considerable budgetary pressure on Council owing to the Pensioner Rate Rebate Scheme. In 2007/2008, Council subsidised pensioners, after the 55% rate rebate from the State Government, a total of \$1,501,000.

Tweed Shire Council and many Tweed organisations, including health services, hospitals, retail businesses and registered clubs have, owing to demand, been addressing the issues and needs of an ageing population at a local level for a considerable time, and have developed some expertise in this area. It should be noted here that the NSW Office of Ageing is shortly relocating to Tweed Heads from Sydney.

Currently, Tweed Shire Council funds the following staff working in aged care:

- Community Worker Aged & Disability – full time (part funded by DADHC). Addresses core aged issues, facilitates community development and events, provides support and advice on administrative and funding issues for aged community groups and Home and Community Care service providers.
- Healthy Ageing Project Officer – 14hrs per week. Addresses information issues for the healthy aged. Establishes community links to ascertain needs of the aged. Actively pursues these needs to find solutions and create pathways that establish independence and socialisation for our aged, allowing them to make informed decisions about their health and lifestyle.

Tweed Shire Council has already formed strong partnerships to identify and implement projects to address many aged issues at a community level. These are identified in relevant Workplans, Access & Equity Reports and reports to the Department of Ageing Disability & Home Care.

To date, it has been an ongoing struggle to have the needs of the most vulnerable group in Tweed, the frail aged, recognised and addressed by State and Federal Governments. It is hoped, in light of the current Federal and State Governments need to address an ageing population, that our current needs in Tweed, in particular with regard to hospital, care facilities and community care for the frail aged, will be acknowledged and appropriately funded. This matter will be addressed in a separate Council Report by Tweed Community Options.

In short, Tweed Shire, both in aged population levels and identifying and addressing issues for the aged, is a little further advanced than much of Australia.

For example:

- Since 1999, Council Officers, working with Tweed Seniors, have facilitated an annual Expo to provide information and workshops for seniors to allow them to make informed decisions about their future wellbeing. Expo 2008 attracted 2000 seniors.
- In 2003, Council identified there was a need to implement strategies to address the issues faced by the aged, and implement projects to improve their quality of life. In 2004, Council created the position of Healthy Ageing Project Officer.
- In 2004, Council identified, via facilitation of the Tweed Aged Interagency, that State Government services for the frail aged, such as assistance to help them remain in their own home, did not meet the needs of our ageing population. In consequence, Councillors and Senior Council staff met with Senior Officers from the Department of Ageing Disability & Home Care to address this matter. Both parties continue to meet to ensure the service provision levels for the frail aged and people with a disability continue to address our needs.
- In 2007, Council established the Tweed Healthy Ageing Partnership - Council Officers, in partnership with relevant Tweed Aged Service Providers meet regularly to address issues and implement projects.

The needs of the current 65 -75 cohort are quite different to the needs of the 75 - 85 cohort, as these will be different again for those now approaching retirement age. There is a broad variance in education and health levels, approaches to fitness, cultural and social pursuits, and levels of financial security amongst these 3 aged demographics, and these will continue to change.

It is therefore apparent that in Tweed, at this stage, we need to work to a framework that will address both the current and future needs of our existing aged, and encompass a "whole of Council" approach that can inform our responses to needs as change demands.

Tweed Shire Council has the benefit of being able to consult an existing aged population as to their needs. To this end, Council Officers working with the aged have, in discussion with the Healthy Ageing Partnership, identified the World Health Organizations "Aged Friendly Cities" as a framework that is relevant to our needs and will allow Tweed to build the capacity to address the issues for our aged population.

In August 2008, Council staff facilitated two Healthy Ageing Consultations with aged service providers and local seniors. Informed by the World Health Organizations Aged Friendly Cities framework, the following topics were addressed:

- Outdoor spaces and buildings
- Transportation
- Housing
- Social participation
- Respect and social inclusion
- Civic participation and employment
- Communication and information
- Community and Health Services

The information collected is being collated. It will then be developed into a Healthy Ageing Strategy to enable and inform a "whole of Council" approach. The Healthy Ageing Strategy will then be submitted for Council's consideration.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

O25 [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 the Blind & Vision Impaired Support Group (NSW Far North Coast) Inc, provides the Banora Point Community Centre free of charge for one, 2 hour meeting on the third Monday of each month (excluding December and January) from November 2008 to November 2009, 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?
Blind & Vision Impaired Support Group (NSW Far North Coast) Inc	Request fee be waived for hire of Banora Point Community Centre for one, 2 hour meeting on the third Monday of each month (excluding December and January) from November 2008 to November 2009 for group meetings.	\$330	That the fee of \$330 be waived.	Yes

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should requests be approved for the waiving of fees for room hire, the income for the meeting room will be impacted by the amount of the fee reduction.

Should requests for "in kind" support be approved, this will impact on the costing of Council's involvement in the activity.

POLICY IMPLICATIONS:

In considering this request, reference should be made to:-

- Festivals Policy.
- Donations Policy.
- Guidelines for Fee Reduction, Auditoriums, Meeting Rooms and Halls.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Blind & Vision Impaired Support Group (NSW Far North Coast) Inc (DW 1904390)

