

REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES

18 [CNR-CM] Caring for our Country Grant for project “Supporting Sustainable Agriculture in the Tweed”

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

The Australian Government Caring for our Country initiative has offered Council a \$99,280 (GST exclusive) contract to support sustainable agriculture on the Tweed. This project will facilitate through on-ground works and extension the uptake of practices aiming at improving on farm productivity and ecological integrity simultaneously. This project will undertake two main actions:

1. Planting of three kilometres of riparian vegetation and vegetative buffer strips on floodplain’s farm drainage channels.
2. Implementation of a nutrient recycling program through prescription composts on one conventional (sugar cane-soybean rotation) and one organic (vegetable) farm.

RECOMMENDATION:

That Council accepts the grant of \$99,280 from Australian Government Caring for our Country initiative for “Supporting Sustainable Agriculture in the Tweed” project and votes the expenditure.

REPORT:


The Australian Government Caring for our Country Initiative commenced on 1 July 2008 and integrates delivery of the Australian Government's previous natural resource management programs, including the Natural Heritage Trust, the National Landcare Program, the Environmental Stewardship Program and the Working on Country Indigenous land and sea ranger program.

The previous Natural Heritage Trust funded several grants awarded to Council's Natural Resource Management section. The current round of funding is offering Council a \$99,280 (over two years) contract to continue this work.

Anticipated project outcomes include:-

- Soil Carbon regeneration
- Atmospheric carbon sequestration
- Reduced soil acidification
- Improved soil and NR management methods
- Reduced chemical input in sensitive area
- Improved catchment water quality
- Improved farm profitability and environmental services

Following is a copy of the letter received from Australian Government Land & Coasts:-



Australian Government
Department of the Environment, Water, Heritage and the Arts
Department of Agriculture, Fisheries and Forestry

27 July 2009

Mr Sebastien Garcia-Cuenca
Sustainable Agriculture Program Leader
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

AGREEMENTS
GOVT GRANTS - GENERAL

TWEED SHIRE COUNCIL
FILE No. AGRICULTURE - SUSTAINABLE
Doc. No.
REC'D 31 JUL 2009
ASSIGNED TO: GARCIA-CUENCA, S.
HARD COPY IMAGE

Rel Doc: 2023981

Dear Mr Garcia-Cuenca

Funding of \$99,280 (GST exclusive) is being offered for your Caring for our Country project Supporting Sustainable Agriculture in the Tweed. Ministers will also be writing to you formally to congratulate you on your project being approved for funding.

Please find enclosed, for your information only, a copy of a blank standard Funding Deed, which will need to be signed by both the Australian Government and your organisation. This Deed is the standard Deed issued by the Australian Government Land and Coasts Division to deliver the Caring for Our Country 2008-2013 initiative. Please note that the standard clauses within the Deed are not negotiable.


The Deed contains information relating to:

- standard terms and conditions of the Funding Deed; and
- basic project financial and reporting requirements, including the need to develop a project logic or MERI plan, (for this project, a MERI plan will be required).

The activities and milestones to be incorporated into the schedule will need to ensure that your project meets the targets and outcomes for which it has been approved for funding. You will be contacted shortly by Australian Government Land and Coasts project manager, Damien Coke, to discuss the activities and milestones specific to your project.

If you have any questions about this, please contact Damien Coke on 02 6272 3272, or by email at: Damien.Coke@nrm.gov.au

Yours sincerely



Tony Bartlett
Branch Manager
Finance and Community Grants Branch
Australian Government Land and Coasts

Level 1, 7 London Circuit, Canberra City ACT 2601 or GPO Box 858 Canberra ACT 2601
www.nrm.gov.au

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Financial Contribution as per contract.

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.

19 [CNR-CM] Koala Planning & Recovery**ORIGIN:****Natural Resource Management****SUMMARY OF REPORT:**

In response to the Tweed Coast Koala Habitat Atlas, which was completed in 1996, Council resolved (2 July 1997) to prepare a Koala Plan of Management (KPOM) consistent with the provisions of State Environmental Planning Policy 44 – Koala Habitat.

There is strong anecdotal evidence that koala populations along the Tweed Coast have continued to decline and contract (see attachment).

Funds have not yet been made available from Council's budget or grant monies for the preparation of a Koala Plan of Management pursuant to Council's resolution of 2 July 1997.

Since its inception, the Natural Resource Management Unit has been actively seeking external funding to support the preparation of a comprehensive Koala Plan of Management which would address the Council resolution and cover all relevant issues relating to the management of koalas including strategic planning, development control, recovery actions (eg. on-ground works) monitoring and educational components.

A sum of \$20,000 has been re-allocated from the Biodiversity Program budget to support the preparation of the KPOM and other sources of funding within the NRM budget are fully committed.

The remaining \$80,000 is required to undertake the KPOM is proposed to be sourced from external grant funding. Notification of which is expected in December 2009 to January 2010.

Once the KPOM has been prepared and approved by Council, substantive funding is likely to be needed to commence its effective implementation.

Council currently provides incentive funding for private landholders through its Biodiversity Grant initiative and this funding is available to enhance koala habitat and corridors. Council's NRM Community Support Officer is also able to facilitate linkages between landholders and sources of external funding that may be available for koala habitat restoration.

Council Officers are also currently working on a number of other initiatives that will improve the prospects for koalas including a draft Biodiversity Development Control Plan, a review of the Tree Preservation Orders and improved wildlife signage, and will initiate other interim initiatives consistent with the recent Council resolutions of 21 July 2009 (see Recommendation 1 below) until a comprehensive Koala Plan of Management is funded and prepared.

RECOMMENDATION:

That:-

- 1. The following interim actions be undertaken until a comprehensive Koala Plan of Management is able to be funded and prepared:**
 - a) Articles will be placed in the Tweed Link and other media to alert residents to the issues faced by koalas on the Tweed and ways they can assist to improve their future.**
 - b) Council's Biodiversity Program Leader will continue to work with community interests to seek funding for the preparation and implementation of a KPOM.**
 - c) Council's Natural Resource Management Section will continue to work with landholders and community groups to address koala recovery and welfare.**
 - d) Council's Environmental Education Officer will highlight the issues faced by koalas when addressing student and other community groups.**
 - e) In response to enquiries from interested landholders, Council's Natural Resource Management Unit will inspect their properties to determine the presence of koala habitat or corridors and provide advice on strategies to preserve and enhance these areas including funding support where appropriate.**
 - f) Council officers continue preparation of a draft Biodiversity Development Control Plan, which will address the specific development control issues related to koalas and their habitat.**
 - g) Council officers review the Tree Preservation Orders to better protect existing koala and other significant habitat and hold a Council workshop to discuss the relevant issues.**
 - h) Council officers continue improving wildlife signage throughout the Shire.**
 - i) Council officers prepare a scoping report for Council's consideration on the additional ameliorative measures and associated implementation costs at the Clothiers Creek Road black spot.**
- 2. Council considers a budget allocation of \$80,000 be made in the 2010/11 budget to prepare a KPOM should Council's application for external funding to support the project be unsuccessful.**

3. **Subject to the recommendations of the Koala Plan of Management (referred to in 1 above) and a report by Council officers on its implementation, Council considers an appropriate budget allocation in the 2011/12 Council budget to implement the Koala Plan of Management.**

REPORT:**Introduction**

Koalas were once widespread and abundant in Tweed Shire, especially along the Tweed Coast where the suitable habitat was common. However, over the last 20 years the number of koalas has declined dramatically and their range has contracted significantly. Koalas have mostly disappeared north of Chinderah and a range of pressures continue to threaten the viability of the remaining population between Kings Forest and Pottsville. The demise of Tweed Coast koala populations has coincided with significant urban development. For koalas, urban development results in loss of habitat, lower reproduction rates due to disruption of their social structure and increased mortality due to dogs, motor vehicle strike and bushfire. Mortality due to disease may also be exacerbated by the pressures faced by urban koala populations. Further details of the status of koalas in the Tweed Shire are presented in the attachment.

This report provides a summary of Council's past and current response to the issue of koala management and responds to recent Council resolutions that seek to improve the prospects for koalas within the Shire.

Koala Planning Overview

The following chronology represents key milestones in koala planning in Tweed Shire:

- 1993 Council Resolution to support AKF with Tweed Coast Koala Atlas
- 1995 SEPP 44 Koala Habitat gazetted
- 1996 Koala Plan of Management (KPOM) for Koala Beach approved under SEPP44 and by Council
- 1996 Tweed Coast Koala Atlas completed
- 1997 Council Resolution to prepare KPOM and other measures
- 1998 Community-based koala survey initiated as part of the Tweed Vegetation Management Strategy (TVMS)
- 2000 KPOM reiterated in Tweed Strategic Plan 2000
- 2004 KPOM reiterated in TVMS
- 2007 Council adopts TVMS
- 2007 Funding sought for KPOM – unsuccessful
- 2008 NSW Koala Recovery Plan adopted
- 2009 Kings Forest Concept Plan provokes renewed community debate on koala management issues

- 2009 Funding application for KPOM resubmitted
- 2009 Council resolves to expedite selected koala planning issues

Tweed Coast Koala Habitat Atlas

In April 1993 Council resolved to contribute financially to the Australian Koala Foundation (AKF) to assist them in the preparation of a Tweed Coast Koala Atlas (Phillips & Callaghan 1996) for the eastern section of the Shire. The 37608 hectare study area comprises approximately 29 % of Tweed Shire.

The objectives of the AKF study were as follows:

1. to quantify tree preferences and habitat utilisation;
2. to delineate areas of Primary and Secondary Koala Habitat;
3. to examine the relationship of this information in terms of State Environmental Planning Policy No.44 (Koala Habitat);
4. to identify threatening processes; and
5. to recommend measures to provide Koala populations with a measure of long term viability.

The Koala Habitat Atlas (Phillips & Callaghan 1996) describes the following four categories Koala Habitat:

1. Primary Koala Habitat (2.5% of study area). Tree species preferentially utilised by koalas in which tree utilisation is independent of tree density. Preferred trees are a dominant or co-dominant component of the overstorey vegetation.
2. Secondary Koala Habitat (10.7 % of study area) (Secondary (A) Habitat). Tree species preferentially utilised by Koalas, on average, constitute less than 35 % of the overstorey vegetation.
3. Marginal Koala Habitat (10.3 % of study area) (Secondary (B) Habitat). Tree species preferentially utilised by Koalas are largely absent or otherwise occur at very low densities (<10%).
4. Habitat Value "Unknown" (0.7% of study area). Composition of the vegetation remains unknown, but where it is possible for one or more preferentially utilised tree species to occur as a dominant or co-dominant component of the overstorey.

The remainder of the study area was either cleared of native vegetation (66.3 %) or contained other categories of vegetation not listed above (9.5%).

The Atlas recommended a variety of measures considered necessary to provide for the long term persistence of koalas in the Tweed Coast Study area, including the following:

- Introducing local and state moratoriums on land use activities that would have adverse impacts on primary and secondary habitat identified in the Atlas.
- Introduction of regulatory land use planning measures to protect potential koala habitat (LEP amendments, Development Control Plans, Tree Preservation Orders, Council policy, modification of Bushfire Management Plans/Strategies, Koala Management Plan -SEPP 44, encourage conservation agreements with NPWS (now DECC), traffic management, dog control).
- Initiate a community-based koala survey.
- Employ an environmental officer to supervise implementation of the recommendations.
- Introduction of co-ordinated feral dog and fox control programs with landholders and NPWS (now DECC).
- In consultation with the AKF develop guidelines and standards for assessing Koala Habitat.
- Promote koala habitat enhancement projects to re-establish viable koala populations.
- Consider protocols developed by the AKF for koala translocation.

1997 Council Resolution

In response to the Tweed Coast Koala Habitat Atlas, Council resolved on 2 July 1997 as follows:

1. *Place the Tweed Coast Koala Atlas on public exhibition for a period of 28 days and provide a copy of the submissions to the AKF for their information.*
2. *Seek comments on the final Koala Atlas from relevant government authorities prior to the preparation of a Koala Management Plan.*
3. *Initiate a community based koala survey with the assistance of the National Parks and Wildlife Service.*
4. *Adopt as, an interim measure, areas mapped as primary and secondary (class A) Koala Habitat in the Atlas and the following Eucalyptus species as representing potential koala habitat in that area covered by the Tweed Coast Koala Atlas for the purposes of SEPP 44 and the Threatened Species Conservation Act 1995: Tallowood Eucalyptus microcorys, Swamp Mahogany E. robusta, Forest Red Gum E. tereticornis, Hybrid E. patentinervis (E. tereticornis x E. robusta), Small fruited Grey Gum E. propinqua.*

5. *Seek assistance from the AKF or other appropriate consultants to help Council develop interim development assessment guidelines and standards to identify and manage core koala habitat.*
6. *Seek assistance from the National Parks and Wildlife Service and the AKF (or other appropriate consultants) to prepare a draft DCP (Koala Management Plan) for further public exhibition and review of submissions to the Tweed Coast Koala Atlas.*

The 1997 Council resolution above has been implemented in part by the following actions:

- Item 1 Tweed Coast Koala Atlas was publically exhibited and comments received.
- Item 2 Comments received from government departments but Koala Plan of Management remains to be funded.
- Item 3 A community-based koala survey was conducted as part of the Tweed Vegetation Management Strategy but the results have not been analysed in detail.
- Item 4 All development applications for lands over 1ha must be accompanied by a koala habitat assessment which should address issues raised in the Tweed Coast Koala Habitat Atlas at a site specific scale. This has resulted in a number of site-specific management plans and conditions of consent directed at the protection of koalas and their habitat.
- Item 5 Not implemented although this item will be partly addressed the Biodiversity Development Control Plan which is currently in preparation.
- Item 6 Not implemented although this item will be partly addressed the Biodiversity Development Control Plan which is currently in preparation.

Recent initiatives

At the time of the 1997 Council resolution, the Strategic Planning Unit (now Planning Reforms Unit) was responsible for its implementation however in May 2007 Council underwent a restructure and responsibility for koala management and planning was assumed by the newly-created Natural Resource Management Unit under the Biodiversity Program area.

To date, no internal funding has been made available for the preparation of a KPOM. Two recent applications have been made to secure funding to prepare a KPOM. The first, submitted in May 2007, sought \$60,000 and was unsuccessful. More recently (May 2009), another application was submitted for \$80,000 supplemented by an additional \$20,000 from the Biodiversity Program. Council has recently been advised that this application will not be determined until December 2009 or January 2010. The application aimed to establish the current distribution, status and future prospects for koalas on the Tweed Coast and provide a Koala Plan of Management (KPOM) consistent with SEPP 44 and the NSW Koala Recovery Plan.

In addition to seeking funds for a Comprehensive Koala Plan of Management, Council resolved (18 November 2008) to prepare a draft Biodiversity Development Control Plan. This plan, which is currently in preparation, has been funded in part by the Northern Rivers Catchment Management Authority and addresses numerous biodiversity related themes including koala habitat management.

Future Planning and Funding Options

As noted above, Council has recently applied for external funding to support the preparation of a comprehensive KPOM. The KPOM will inform Council's entire response to koala management. It is important to note that the KPOM will cover all relevant issues relating to the management of koalas including strategic planning, development control, recovery actions (eg. on-ground works), monitoring and educational components. Further, the KPOM would provide guidance and where, when and how recommended actions should occur. Given that actions will need to occur across multiple tenures over the entire landscape it is important a holistic approach is taken and that all relevant stakeholders are involved. It is anticipated that the preparation of a KPOM would take approximately a year to complete and would be supervised by a steering committee consisting of relevant Council officers, Councillors, State agencies representatives and community interests.

As noted above Council has recently applied for external funding of \$80,000 to be supplemented by \$20,000 from Council's Biodiversity Program budget. After accounting for staffing costs and external grant assumptions, the recurrent Biodiversity Program budget is approximately \$180,000 of which 11% (\$20,000) has been allocated to planning and policy projects with the remainder allocated to Education (5%), On-ground works (74%), Monitoring, Research (5%) and Capacity Building (5%). Within the current financial year the Planning and Policy allocation has already been allocated to support work on the draft Biodiversity DCP which addresses koala management. The additional \$20,000 committed to the proposed KPOM would be drawn from the proposed On-Ground budget.

Notwithstanding, the need for an integrated approach to koala planning which will be achieved through the preparation of a KPOM, Council officers will continue to work on the Biodiversity DCP which will address key development control issues which may affect koalas or their habitats. In addition, Council biodiversity grants are available to community groups and private landholders for koala habitat protection and restoration works.

Although uncertainty remains in relation to funding the preparation of a KPOM, consideration also needs to be given to the funds and other resources necessary to implement the recommendations of the Plan. It is expected that several hundred thousand dollars would be needed for implementation of on-ground works to address both restoration (habitat recovery, planting etc) and threat abatement measures (fencing roadkill blackspots, underpasses etc).

Recent Council Resolutions

In response to widespread community concern for the future of koalas in the Tweed Shire Council has made a number of recent resolutions related to koala management, planning and recovery. This section lists and responds to these resolutions.

Resolution – Tweed Koala Status (Council Meeting of 21 April 2009)

RESOLVED that Council holds a workshop with Council staff on the State of the Tweed Koalas

Response -

A Council workshop was held on 26 May 2009. The following presentations were delivered followed by questions and general discussion:

- Overview of Koala Planning on the Tweed (Mark Kingston - Biodiversity Program Leader, TSC);
- Koala Status and Viability of Koalas on the Tweed (Mark Kingston on behalf of Steven Philips, Biolink Ecological Consultants);
- Koala Health and Welfare Issues (Lorraine Vass – President, Friends of Koala);
- Koala Development Control Issues (Sandy Pimm - Specialist Ecologist Planner, TSC).

Question without Notice - Koala Plan of Management (Council Meeting of 21 July 2009)

Cr D Holdom

Asked given that Council has applied for funding for a comprehensive shire wide Koala Plan of Management that will overarch all existing and complement all site specific KPOM's in place now in the Tweed Shire, and also that Council has been advised that we should know the outcome of that application by October 2009, could the General Manager investigate and report back to Council the following if Council finds that the application for funding has been successful?

What areas of Council's 2009/2010 expenditure could be re-prioritised to possibly accommodate the funding for a comprehensive shire wide KPOM?

The General Manager responded that Council officers will prepare a report in the event that the funding application is unsuccessful.

Response -

As per the General Managers response above.

Resolution - Koalas – Marketing Campaign (Council Meeting of 21 July 2009)

RESOLVED that:

- A. Council develops a marketing campaign to educate and enlist the assistance of the community in the preservation and enhancement of Koala populations.
- B. Where Koala habitat or corridors occur on private property, Council to inform landholders and provide appropriate strategies to preserve and enhance these habitats and linkages.

- C. Council develops an interim Koala Recovery Action Plan, as a matter of urgency, until a Koala Management Plan is able to be funded and implemented:-
- i. This plan to include addressing ameliorative measures to known Koala problem hotspots such as Clothier's Creek Road and South Tweed.
- D. Council brings forward a report on appropriate incentives that could be provided for Private Landholders to enhance Koala habitat and corridors.
- E. Council writes to the Minister for the Environment and the local State Members with a request that:
1. The SEPP 44 Koala legislation be reviewed, as a matter of urgency to provide stronger protection for koalas, and
 2. Additional identified tree species utilised by Tweed Coast Koala populations that are not listed in the SEPP 44 for Koalas be included as a matter of urgency.
- F. The Tweed Link to be utilised as a medium to promote this marketing campaign to the community.

Response -

A marketing campaign aimed at enlisting community awareness and support for the preservation of koala populations represents a single component of a comprehensive and holistic response to the conservation of koalas within the Shire. Other important considerations include a better understanding of the size, distribution and dynamics of the current koala population(s), recommendations and priority actions relating to zoning provisions, development control procedures, threat abatement and habitat management priorities, and coordination among stakeholders.

To be effective a broad-scale marketing campaign needs to be targeted at implementing priority actions, which first need to be identified. Consistent with the provisions of SEPP 44, the preparation of a comprehensive KPOM represents the appropriate mechanism for this to occur. The preparation of a KPOM also provides a basis for Council to consider the resources required for its implementation.

In relation to the specific items above the following actions can be undertaken within current resource constraints:

Item A

- Articles will be placed in the Tweed Link and other media to alert residents to the issues faced by koalas on the Tweed and ways they can assist to improve their future.
- Council's Biodiversity Program Leader will continue to work with community interests to seek funding for the preparation and implementation of a KPOM.

- Council's Natural Resource Management Unit will continue to work with landholders and community groups to address koala recovery and welfare.
- Council's Environmental Education Officer will highlight the issues faced by koalas when addressing student and other community groups.

Item B

In response to enquiries from interested landholders, Council's Natural Resource Management Unit will inspect their properties to determine the presence of koala habitat or corridors and provide advice on strategies to preserve and enhance these areas.

Item C

To be meaningful, the preparation of an interim Koala Recovery Action Plan would need to be underpinned by a strategic response to updated information on the current status of koalas within the Shire (population size, distribution, dynamics, threats etc), consultation among key stakeholders (residents, developers, community groups, major landholders etc) and reasonable certainty regarding funding for implementation. These issues would be addressed within a KPOM.

Notwithstanding this, Council officers will continue to work on the following interim actions until a KPOM is prepared and implemented:

- Draft Biodiversity Development Control Plan which will address the specific development control issues related to koalas and their habitat;
- Review the Tree Preservation Order to better protect existing koala habitat;
- Improving community awareness (see specific actions under Item A above);
- Assisting and supporting landholders to restore koala habitat through advice, and funding support (eg. Council Biodiversity Grants).

In relation to Item C (i): Council officers are currently working on improving wildlife signage throughout the Shire and will prepare a scoping report for Council's consideration on the additional ameliorative measures and associated implementation costs at the Clothiers Creek Road black spot.

Item D

At present Council is able to provide advice and funding support to private landholders to enhance koala habitat and corridors. Council Biodiversity Grants (approx \$100,000pa) are available to private landholders and community groups for on-ground works that improve biodiversity outcomes including the actions that improve koala habitat. A report to Council on this program was considered and approved by Council at its meeting of 27 January 2009. In addition to this source of funding support Council is also active in applying for external funds some of which may be available for koala habitat restoration.

Item E

Noted - letters to be sent as per resolution.

Item F

Noted. See response to Item A.

Resolution - Koalas – Recovery of Tweed Coast Koala (Council Meeting of 21 July 2009)

RESOLVED that the Recovery of the Tweed Coast Koalas is to be classed as an urgent and very high priority.

Response -

This resolution is supported by our current understanding of the status of the Tweed Coast Koala population (see attachment).

Resolution - Koalas – Council Tree Preservation Orders (Council Meeting of 21 July 2009)

RESOLVED that a review of Council's Tree Preservation Orders (TPO) be undertaken to include identified Koala habitat:-

- a) Currently identified Koala habitat to be included in the TPO as a matter of urgency.
- b) Further identified Koala habitat to be included as a high priority as information becomes available.
- c) Council holds a workshop on the Tree Preservation orders to facilitate further preservation of native bushland and urban vegetation, especially landscape values and waterways corridors.

Response

Council officers are currently reviewing the existing Tree Preservation Orders and will schedule a workshop to discuss possible options to strengthen current controls on land clearing.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Recommendation 1 can be implemented with current resources.

Recommendations 2 and 3 have possible implications for the 2010/11 and 2011/12 Council Budgets.

POLICY IMPLICATIONS:

Nil at present. Any policy changes arising from recommended actions above (eg. Council's Development Control Plan and Tree Preservation Order) will be reported to Council in due course.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Ecological Status and Viability of Koala Populations in the Tweed Local Government Act - briefing notes prepared for the Council Koala Planning Workshop (26 May 2009) by Steve Phillips and Marama Hopkins, Biolink Ecological Consultants (ECM 3916149)
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20 [CNR-CM] EC2009-055 Provision of In House Consultancy Services for Water and Sewerage Projects**ORIGIN:****Water****SUMMARY OF REPORT:**

This report outlines the tender for EC2009-055 Provision of In House Consultancy Services for Water and Wastewater Projects:

Recommendations have been formulated based on defined selection criteria as included within this report. The results of the tender assessment process are detailed in **CONFIDENTIAL ATTACHMENT A**. Based on price and non-price criteria it is recommended that Council accepts the conforming tender from MWH Pty Ltd for EC2009-055 Provision of In House Consultancy Services for Water and Wastewater Projects:

RECOMMENDATION:**That:**

- 1. Council accepts the tender from MWH Pty Ltd for EC2009-055 for the provision of in house consultancy work for a two year period at the schedule of fees nominated in the tender with an option to extend the contract for a further two year period.**
- 2. The General Manager be given delegated authority to engage MWH Pty Ltd to undertake individual projects up to the value of \$150,000 (inclusive of GST).**
- 3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(c) or Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business**
 - (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret**

REPORT:

The existing contract for provision of in house consultancy services awarded originally in April 2005 and extended in May 2007 has now expired. There is an identified need to procure specialist engineering consulting services to assist across the planning, operations and capital works functions of the Water Unit.

Open tenders were called on 12 May 2009 seeking proposals from experienced engineering consultants for the provision of In House Consultancy Services for Water and Sewer Projects for a two (2) year period.

This tender also provides Council with an option to extend the contract period for an additional two (2) years without the need to call for public tenders.

Broadly, the nominated consultant will be required to provide General Engineering Services relating to Water and Wastewater Treatment, Pumping Stations and Reservoirs, Electrical, Pipelines, Water and Sewer Modelling, Environmental Management, Water Management Planning, Asset Management and Estimating.

The brief required consultants to submit a schedule of fees nominating hourly rates for staff classified over a range of skills and experience levels.

The engagement provides a guaranteed minimum workload of \$300,000 per annum to the successful consultant. Each of the projects and associated fees under this engagement will be assessed on an individual basis with regard to the adopted annual Water and Wastewater budget allocations.

The average expenditure over the last two years of the previous engagement for in-house consultants was approximately \$500,000 per annum.

For projects valued at more than \$150,000, Tweed Shire Council will obtain competitive tenders from the market, including the in house consultant.

Where services are required for projects, which are considered to be of a specialised nature, or are politically or environmentally sensitive, Council reserves the right to engage consultants independent of this contract

A total of eleven (11) tenders were received in the Tender Box by the closing date of 10 June 2009. Tenders were received as follows: -

Consultant
AverDyn
Department of Commerce
GHD
Hunter Water Australia
HydroScience Consulting
MWH
Opus Qantec McWilliam
Reinmacl
SEMF (Scientists Engineers Managers and Facilitators)
TGM Group
Yeats Consulting

Tender Evaluation

Tenders were evaluated against the following criteria to determine the best value for money offer:

Criteria	Weighting
Mandatory Criteria (non-weighted):	
Financial capacity to perform work allocated under the Agreement	n/a
Technical capability to perform the work under the Agreement	n/a
Availability of multidisciplinary design resources	n/a
Availability of specialist resources	n/a
Assessed Tender Price/Hourly Rates	40%
Other Non-Price Criteria	
Past performance and experience of the Tenderer company	25%
Proposed personnel	20%
Understanding of the proposed work and proposed methodology	10%
Quality, OH&S and Innovation	5%

All tenders were assessed against these criteria.

The tender evaluation was conducted by Council's Tender Assessment Panel, consisting of Manager Water, Water and Wastewater Capital Works Engineer and Senior Contracts Engineer. A summary of the tender evaluation process is included in **CONFIDENTIAL ATTACHMENT A**.

Based on price and non-price considerations, it is recommended that MWH Pty Ltd be nominated for EC2009-055 Provision of In House Consultancy Services for Water and Wastewater Projects.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funding is provided from the Water and Sewer Fund 2009/2010 and 2010/2011 Annual Budgets.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment A** - Supplementary Information (ECM 3913982)
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21 [CNR-CM] Quarterly Variation Report for Contract EC2006-157 - Construction of Bray Park Water Treatment Plant: April to June 2009

ORIGIN:

Water

SUMMARY OF REPORT:

At the Council meeting of 11 September 2007, a tender was accepted from Reed Constructions Pty Ltd for the construction of the Bray Park Water Treatment Plant. The project will deliver a new 100MI/day water treatment plant on the site of the existing plant. The accepted lump sum tender price was \$62,213,555.00 inclusive of GST. This amount did not include payment of Schedule of Rates Items and Rise and Fall which are payable under the Contract.

Contract works commenced on 26 September 2007 and are scheduled to be finished by December 2009.

The Council decision delegated authority to the General Manager to approve variations totalling up to 10% of the contract sum, (i.e. \$6,221,355.50 inclusive of GST). The total value of approved variations to the end of June 2009 is \$3,117,536.62 inclusive of GST. This takes the current contract sum to the end of June 2009 to \$65,331,091.62 inclusive of GST. This is well within the current limit of delegated authority of 10% of the original contract sum. This includes \$2,677,989.78 inclusive of GST in Rise and Fall and \$282,429.84 inclusive of GST in Schedule of Rates payments.

In addition to the variations detailed in this report, there are other variations that can be expected prior to the completion of the contract works. The estimated value of these variations is \$1,132,000 inclusive of GST and includes \$532,000 inclusive of GST in Rise and Fall and \$600,000 inclusive of GST for other changes to the scope of the works. Should variations to these amounts eventuate, a final contract sum of the order of \$66,460,000 inclusive of GST could be expected.

RECOMMENDATION:

That the total value of variations to date of \$3,117,536.62 inclusive of GST, for Contract EC2006-157 Construction of the Bray Park Water Treatment Plant, be received and noted: -

- 1. Variation No.37 – Change from standard R C Pipe to Plastic Lined R C Pipe to extend pipe life. (\$63,608.18 GST Incl.)**
- 2. Variation No.38 - Additional Door Furniture to southern side of Chemical Facility missed in spec. (\$10,862.23 GST Incl.)**
- 3. Variation No.39 – 14 off Alternative Flow and Pressure Switches to replace older models. (\$9,237.45 GST Incl.)**

4. Variation No.40 - Four (4) raised valve pits for improved stormwater flows. (\$14,891.28 GST Incl.)
5. Variation No.41 – Increase in footing Edge Beam at Sludge Facility to allow for site cross fall. (\$29,520.96 GST Incl.)
6. Variation No.42 – Landscaping of Noise Mitigation Earth Mound required after complaints from neighbours re site noise. (\$53,554.09 GST Incl.)
7. Variation No.43 – Landscaping of WTP Site. Extent of grassed areas around significantly reduced and replaced with landscaping. Reduces maintenance. (\$43,462.77 GST Incl.)
8. Variation No.44 – Revegetation of Area below retaining wall adjacent to Detention Basin. No requirement in spec. Area landscaped to match other landscaped areas. (\$30,983.30 GST Incl.)
9. Variation No.49 – Schedule of Rates Item 3.30 Claim for May-09 (Noise Mound-3536.2 m3). (\$36,758.80 GST Incl.)
10. Variation No.50 – Relocation of Neutralisation pipeline to avoid clash with flocculation overflow pipe. (\$7,899.58 GST Incl.)
11. Variation No.51 – Deletion of AC road pavement in lieu of concrete pavement. Reduces maintenance. (\$65,547.77 GST Incl.)
12. Variation No.52 – Penstocks to Permeate Channel in lieu of Stop Valves. (\$12,677.28 GST Incl.)
13. Variation No.53 - Additional safety equipment at Chlorination Room following DoP comment on chlorine gas installation. (\$5,659.50 GST Incl.)
14. Variation No.54 – Additional retaining wall to manage storm water in heavy rain. (\$24,169.75 GST Incl.)
15. Variation No.55 – Additional water main and hydrants to improve fire-fighting performance and BCA compliance. (\$11,723.25 GST Incl.)
16. Variation No.56 – Raising of finished levels and Manhole adjustment adjacent to CO2 Tank to match ground levels. (\$9,779.31 GST Incl.)
17. Variation No.57 – Manual operation of butterfly valves added to ensure operability in event of total compressed air service failure. (\$11,228.35 GST Incl.)
18. Variation No.58 – Extended concrete wall in Chemical Facility to provide installation space for dosing pumps. (\$5,470.85 GST Incl.)
19. Variation No.59 – Proprietary supports for box gutters deleted and replaced with safe load rated supports for OHS reasons. (\$10,645.25 GST Incl.)
20. Variation No.60 – Hot and cold water to the Laboratory to accommodate under sink unit. (\$1,913.45 GST Incl.)
21. Variation No.61 – Tinting of windows to Laboratory to reduce heat and glare. (\$1,253.18 GST Incl.)

22. Variation No.62 – Retaining wall provided to Centrate Pump Station to improve maintenance access. (\$3,326.98 GST Incl.)
23. Variation No.63 – Adjustment to manhole No.5058 to avoid conflict with floor slab. (\$2,156 GST Incl.)
24. Variation No.64 – Conduit for air line (post strainer dosing pit to centrifuge feed pump station) in lieu of direct buried line. Improves maintenance access. (\$3,638.25 GST Incl.)
25. Variation No.65 – Butterfly valves required make up flanges to ensure correct fit wit Raw Water Main flanges. (\$26,930.53 GST Incl.)
26. Variation No.66 – Reseal failed road pavement in Durroon Avenue leading to site WTP entrance. (\$23,058.20 GST Incl.)
27. Variation No.67 – Additional safety showers to Chemical Facility to comply with TSC OHS requirements. (\$13,466.24 GST Incl.)
28. Variation No.68 – Switchboard Modifications to improve operational efficiency and performance. (\$12,489.90 GST Incl.)
29. Variation No.69 – Rise and Fall up to and including 30 April 2009. (\$2,677,989.78 GST Incl.)
30. Variation No.70 – Schedule of Rates Item 3.31- June-09: Removal of Material off Site (2,479.75m3). (\$48,335.29 GST Incl.)

REPORT:

At the Council Meeting of 11 September 2007, a tender was accepted from Reed Constructions Pty Ltd for the construction of the Bray Park Water Treatment Plant. The project will deliver a new 100ML/day water treatment plant on the site of the existing plant. The accepted lump sum tender price was \$62,213,555.00 inclusive of GST. This amount did not include payment of Schedule of Rates Items and Rise and Fall which are payable under the Contract.

Contract works commenced on 26 September 2007 and are scheduled to be finished by December 2009.

The Council decision delegated authority to the General Manager to approve variations totalling up to 10% of the contract sum, (i.e. \$6,221,355.50 inclusive of GST). The total value of approved variations to the end of June 2009 is \$3,117,536.62 inclusive of GST. This takes the current contract sum to the end of June 2009 to \$65,331,091.62 inclusive of GST. This is well within the current limit of delegated authority of 10% of the original contract sum. This includes \$2,677,989.78 inclusive of GST in Rise and Fall and \$282,429.84 inclusive of GST in Schedule of Rates payments.

In addition to the variations detailed below, there are other variations that can be expected prior to the completion of the contract works. The estimated value of these variations is \$1,132,000 inclusive of GST and includes \$532,000 inclusive of GST in Rise and Fall and \$600,000 inclusive of GST for other changes to the scope of the works. Should variations to these amounts eventuate, a final contract sum of the order of \$66,460,000 inclusive of GST could be expected.

A status report for the Bray Park Water Treatment Plant project is attached as Appendix A to this report.

The major variations to date have been a consequence of either:

- Payment of Rise and Fall in accordance with the contract,
- Design and operational safety improvements,
- Additional earthworks and landscaping to improve screening of plant from neighbouring properties, reduce maintenance difficulty and cost, and
- Omissions, ambiguities or discrepancies in design and documentation.

Details of the variations approved during the period April to June 2009 are provided below for the information of Council, as follows:

Variation No.	Description	Amount (incl GST)	Status
37	Change in Specification of Wash Water Balance Tank line from Reinforced Concrete Pipe to Plastic Lined Pipe	\$63,608.18	Approved
38	Additional Door Furniture to southern side of Chemical Facility missed in drawings/specification.	\$10,862.23	Approved
39	During a review of the Zenon Bill of Materials by HWA, TSC and the contractor, it became known that some 14	\$9,237.45	Approved

	flow switches are either no longer available or more suitable models will provide a better system for TSC. These flow switches are an integral part of the membrane treatment process.		
40	Following the set out of kerb and gutter from the Strainer Facility to the CO2 pit, it became apparent the designed RL of the walls to the various dosing and valve pits required some adjustment to ensure stormwater off the surrounding finished surfaces could not enter these pits. There are 4 pits that required the walls to be raised.	\$14,891.28	Approved
41	The drawings for the sludge facility floor slab and footings did not provide sufficient allowance for the cross fall off the site. The design drawings showed the site to be level when in fact it had approximately 1.5mtrs of fall and consequently the perimeter footing needed to be increased in depth by some 2 metres to ensure the required minimum foundation strength was achieved.	\$29,520.96	Approved
42	Following complaints from local residents the Environmental Management Representative (EMR), on behalf of the Department of Planning instructed TSC to provide a means to lessen construction noise from the site. This has been completed and now it is deemed prudent to leave the mound as a permanent means to alleviate the visual impact on the residents to the west. TSC has requested the mound be stabilised and be planted out only with shrubs and ground covers that will ultimately help to screen the lower levels of the main building.	\$53,554.09	Approved
43	The specification calls for all grounds within 15 metres of any structure to be topsoiled and turfed and these costs are included in the contract price. TSC has requested that landscaping of these areas be undertaken in lieu of turfing to reduce long term maintenance costs. TSC has requested the area be planted out only with shrubs and ground covers such that when fully established, all structures and control stations will be visible from the access roads within the plant.	\$43,462.77	Approved
44	Following completion of all works in the south west portion of the site, there is an area of 2600 m2 that is required to be revegetated. The contract only requires re-establishment of the previously unmaintained grass cover. This area is largely undisturbed other than being cleared during the initial site works and the construction of one pipeline crossing. The area has been stabilised with mulch as part of the contractor's environmental management responsibilities and the costs associated with that treatment are included in the contract sum. TSC has requested the area be landscaped and planted out only with species that will grow to greater than 15 metres when mature.	\$30,983.30	Approved
49	Earthworks Items 3.30, 3.31 and 3.32 in the Tender Schedule are "Rate Only" Schedule of Rates Items that were not included in the Tender Price or in the Contract Sum of the Letter of Acceptance. However, allowance	\$36,758.80	Approved

	(\$350,000 GST Excl) was made for these Items in the forecast project budget. The original intent of these Items was for them to be applied to earthworks over and above what was included for individual structures. However, RCA's Tender submission included a Qualification that all excavation works would be carried out under these Items. This Qualification was accepted. Agreement has been made with Reed Construction Australia (RCA) to create a variation each month to cover these "Rate only" Items. This variation is for the relevant works pertaining to these Items for works carried out up to the end of May 2009.		
50	The flocculation overflow and neutralisation pipelines were shown with different invert levels on two separate drawings. The contractor used the appropriate drawing for each line however the differing invert levels created a clash of the pipelines. It was necessary to construct the neutralisation pipeline in a revised location.	\$7,899.58	Approved
51	The design and contract price includes for a combination of reinforced concrete and AC14 wearing surfaces on the main access roads. Following discussions with the contractor it was agreed to construct all the full access roadways within the site in concrete. DoC agrees with this view as it will provide TSC with a long term maintenance free surface.	\$65,547.77	Approved
52	The design allowed for the supply and installation of flanged stop valves in the base of two weirs in the permeate channel. The purpose of the valves is to allow scouring of the channel and maintenance of the mixers and chemical dosing lances. Stop valves are not ideally suited for this purpose as the flange bolts cannot be easily accessed, whilst penstock type valves are the most suitable. Penstock type valves were used instead.	\$12,677.28	Approved
53	The approval from DoP for use of Chlorine Gas was granted on the proviso that safety measures additional to those specified are put in place prior to the first delivery of gas. The equipment is basically to ensure a chlorine drum cannot be damaged during the transfer procedure from the truck to the dosing system cradle. Note that DoP's approval was received after the contract was let.	\$5,659.50	Approved
54	The contract includes for 54 metres of concrete crib block retaining wall to be constructed along the eastern side of the access lane. Following some extremely heavy rainfall and witnessing the flow path of stormwater off the site, it is now considered prudent to extend the wall to the south, effectively redirecting stormwater flows off the site to an unformed road and not into private property.	\$24,169.75	Approved
55	The contract includes allowance for a potable water main around the site to serve all fire hydrants, emergency showers, amenities, etc. This variation is required as: 1. A review of the BCA requirements for in-ground	\$11,723.25	Approved

	<p>hydrant spacing and the distance to a building has determined that additional hydrants are required on the western side of the membrane building.</p> <p>2. General loss of performance during high draw-off periods will be lessened if extended dead-end sections are eliminated.</p> <p>It is considered necessary to extend the potable main to enable installation of these additional fittings and also create a ring main (deleting dead-ends).</p>		
56	<p>The designed finished surface levels and manhole covers in the vicinity of the CO2 tank did not match the final surrounding ground surface levels. Once the base slab for the tank was constructed it became apparent the area needed to be filled and the manholes were raised to eliminate the likelihood of erosion around the eastern edge of the CO2 tank.</p>	\$9,779.31	Approved
57	<p>The specification for pneumatically operated butterfly valves did not include the requirement for manual operation via a hand wheel and gearbox. The nominated valve models do have the ability to be manually operated, but not if there is a total loss of air. In the event of a major plant breakdown or prolonged power outage, there are 6 valves that must have the ability to be hand operated to prevent backflow to the river or similar serious consequences. Full hand wheel operation has now been provided</p>	\$11,228.35	Approved
58	<p>The civil drawings of the bund wall between the Sodium Hypochlorite and Sodium Hydroxide did not provide sufficient area for mounting of the dosing pump, instrumentation and pipework. The most economical way to provide a suitable structure is for the reinforced concrete wall to be extended by using core filled concrete blocks.</p>	\$5,470.85	Approved
59	<p>The box gutters that double as access walkways across the membrane roof do not provide assurance as to safe working load limits being achieved. The proprietary gutter brackets are not provided with a load rating and it is therefore considered vital to provide a load rated alternative system to ensure safe access for TSC personnel.</p>	\$10,645.25	Approved
61	<p>The specification calls for tinted glazing to all windows in the Control Room. No similar requirement specified for the Laboratory. The western facing windows in the Laboratory are equally subject to heat and glare exposure and it is therefore considered prudent to also install tinted glazing to the same specification.</p>	\$1,253.18	Approved
62	<p>The designed top RLs of the centrate pump station, centrate valve pit, manhole 5059 and adjacent electrical pits has created an area that requires numerous changes of grade to the finished surface and will make access for maintenance unnecessarily awkward. The construction of a low retaining wall around the centrate pump station and valve pit will terrace the area and eliminate future access problems.</p>	\$3,326.98	Approved

63	Manhole 5058 is on the waste diversion line and was constructed as per the drawings. Following completion of the pipeline and transfer of waste from the Up-Flow Clarifier to the sludge lagoons the sludge handling facility was set out for construction and a conflict has been noted whereby a portion of the manhole chamber is under the floor slab. A redesign has been issued.	\$2,156	Approved
64	The air supply line for pneumatically actuated vales in and around the sludge facility is shown on the drawings to be direct buried. For on-going maintenance purposes this is not considered appropriate and the installation of the air line in a conduit will provide a better service for TSC.	\$3,638.25	Approved
65	In two locations on the raw water main, the design calls for 1000mm diameter butterfly valves to be connected by flange to the main. The flanges of the nominated items are compatible but when the pressure test was applied to one side of the valve, the seat dislodged and the line failed the test. This was caused by dissimilarity in the internal diameters. The ability of the raw water valves to securely maintain pressure is paramount to the operation of the plant. To overcome this problem, a make-up flange is required to ensure the valve seat is secure at all times.	\$26,930.53	Approved
66	A 50 metre section of Durroon Avenue between O'Connor Drive and the existing entrance gate has deteriorated markedly and requires resealing. Following relocation of the entrance to the WTP, this section of road is now open to the public. To provide safe trafficability, to reduce traffic noise for the neighbouring properties (particularly before 7.00am) and to provide a roadway of similar appearance into the WTP, it is proposed to resurface this section and construct a flush kerb to the northern edge. Further, to enable the existing PS No2 is to be used by outside groups, 20mtrs of kerb & gutter is to be replaced with roll back kerb.	\$23,058.20	Approved
67	The design allows for 2 safety showers in the chemical facility, amongst others around the site to comply with current safety requirements. Notwithstanding TSC's standard operating procedures for handling of chemicals and work within a bund, a review has been undertaken and concludes there should be a safety shower within each chemical bund. Accordingly an extra 5 showers are necessary, together with associated pipework and valving. Additionally, the specification only calls for a safety shower and eye wash with hand operation whereas TSC requires the inclusion of both hand and foot operation of the eye wash.	\$13,466.24	Approved
68	During factory inspection testing of the various switchboards by TSC and HWA, some improvements to the design documentation were identified. The additional works will improve the efficiency and overall	\$12,489.90	Approved

	performance of the plant electrical services.		
69	The contract has a Cost Adjustment (otherwise known as Rise and Fall) clause that allows for adjustment to the schedule price according to a specified formula which is based on two standard economic indices i.e. Produced Price Index and Labour Price Index.	\$2,677,989.78	Approved
70	Earthworks Items 3.30, 3.31 and 3.32 in the Tender Schedule are "Rate Only" Schedule of Rates Items that were not included in the Tender Price or in the Contract Sum of the Letter of Acceptance. However, allowance (\$350,000 GST Excl) was made for these Items in the forecast project budget. Agreement has been made with Reed Construction Australia (RCA) to create a variation each month to cover these "Rate only" Items. This variation is for the relevant works pertaining to these Items for works carried out up to the end of July 2009.	\$48,335.29	Approved

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

Note current project budget contingency is approximately \$1,000,000.00 (GST Incl.).

Please note that Council's "Contracts Manager" system records Extensions of Time as zero cost "Variations". Hence, Variation numbers 45, 46, 47 and 48 do not relate to changes to the scope of the works and are not covered above.

PROJECT: Bray Park Water Treatment Plant	PROGRESS REPORT DATE: June 2009
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SCOPE OF PROJECT

Construction of a 100ML/day WTP at Bray Park. Assist in management of the designer HWA, membrane supplier Zenon and management of construction phase; contractor Reed Constructions Australia P/L (RCA).

PROGRAM MILESTONES

	Target	Actual
Let Construction Contract	Aug '07	Sept '07
Complete Preliminaries	Nov '07	Nov '07
Complete Construction	Aug '09	
Complete Commissioning	Dec '09	

PROJECT FUNDS

Construction	
RCA Contract - Value @ LOA	\$ 56,557,777
- Provision for Bulk Earthworks (processed as a variation under contract)	\$ 350,000
- Provision for Rise & Fall	\$ 3,235,975
- Current Variations forecast (incl approved, identified and contingency)	\$ 500,000
- RCA Estimated Final Contract Value	\$ 60,643,752
Membrane Contract	
- Design, Supply, Deliver, Commission	\$ 5,632,000
- Rise & Fall on 7-year DLP	\$ 50,000
Utilities	\$ 168,933
Works by Council	\$ 325,000
Commissioning	\$ 315,000
Non-Construction	
Concept Design	\$ 15,000
Design & Input During Construction	\$ 4,946,607
Hazards Analysis (updated Mar '08)	\$ 64,000
Landscape Design	\$ 5,000
SCADA & PLC Programming	\$ 138,241
Development & Licence Fees	\$ 150,000
Land Purchase (Duroon Ave)	\$ 270,000
Proj Management (Plant operational Nov '09)	\$ 1,844,101
Project Contingency	\$ 932,366
Current Project Estimate (incl Land)	\$ 75,700,000

PROJECT CASHFLOW (\$M) (Cumulative)

2008	Jan	Feb	Mar	Apr	May	Jun
Predic	5.35	6.7	8.7	9.7	15.3	20.9
Actual	5.35	6.7	8.7	9.7	13.7	20.1
2008	Jul	Aug	Sep	Oct	Nov	Dec
Predic	27.1	33.1	38.2	43.1	49.5	54.4
Actual	27.3	30.0	32.3	34.2	37.1	38.3
2009	Jan	Feb	Mar	Apr	May	Jun
Predic	62.3	65.7	67.9	69.6	71.4	72.6
Actual	40.6	45.3	51.8	56.8	67.0	70.0

SHORT TERM MILESTONES/ACTIVITIES

- Membrane Facility overall 90%
- Chemical Facility overall 97%
- PAC Facility overall 95%
- Sludge Facility overall 97%

- Roads 90%
- Landscaping 25%

PROGRESS FOR PERIOD (Contract)

Overall percentage complete	87%
Preconstruction (20%)	100%
Construction (70%)	93%
Testing & Commissioning (10%)	15%

CONTRACTOR PERFORMANCE

- 66 days EOT rain to date. Total payment due to RCA at end of June is approx. \$56.4M.
- OHS – no incidents in June. No LTIs. One unofficial audit by DoC highlighted a number of defective work situations. No non-conformances raised.
- Environmental management – no incidents in June.
- Pressure testing of chemical and service pipework underway

ISSUES FOR TSC

- Total net variations to date approx. \$170k (excl. bulk earthworks).
- Known variations to come estimated to be valued around \$200K.
- Provision for Bulk Earthworks processed as Variations (currently approx. \$230k).
- HWA Process Engineers have been visiting more regularly to provide assistance to TSC and RCA with chemical system (P&ID) queries.

COMMENTS/RISKS

- Membranes arrived 17&18 June 09. RCA looking after storage, covered by their insurance. Need to ensure temp range (5C-35C) is not breached inside storage containers. Average temperatures in containers 03/07/09 (2.00pm) ranged from 15.8 to 17.1.
- Advice to TSC is that commissioning of chemical systems can commence 20/07/09.
- DoC maintains belief that completion of Milestone 2 will be around mid August 2009. Milestone 3 complete around mid December 09.
- Strainers have been removed from site and repainted at Neumanns at Currumbin. DFT checks now all positive.

PROJECT PHOTO



	Contact: Michael Wraight Telephone: 02 6670 2411 Email: mwraight@tweed.nsw.gov.au		Contact: Mark Upton Telephone: 02 6670 2280 Email: mupton@tweed.nsw.gov.au
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LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The subject variations are within the contract budget and the total project budget. The current estimated final contract value is \$66,460,000.00 (GST Incl.) including estimated future variations and exclusive of the current project budget contingency of approximately \$1,000,000.00 (GST Incl.).

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Nil.



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22 [CNR-CM] Funding Variation to Original Report to Council – Proposed Increase in ComPacks Budget

ORIGIN:

Community & Cultural Services

SUMMARY OF REPORT:

The ComPacks Program Manager with NSW Health, has written to Tweed Shire Community Options on 22 July 2009, outlining the changes to the current three (3) year agreement. The agreement has one (1) year remaining as it ends on 30 June 2010.

The changes relate to an increase in funding for each of the 612 packages of care that Tweed Community Options receives, to enable community service support on discharge from hospital for community members who are referred for assistance.

The Contract is also now more clearly written to define the responsibilities and obligations of both NSW Health and Tweed Shire Council.

In summary the total funding for 2009/2010 will be \$918,583 from NSW Health and a minimum target of 612 packages of care is expected from implementation of the budget.

RECOMMENDATION:

That Council:

- 1. Accepts the variation of funds from NSW Department of Health to an annual total of \$918,583 and provides a minimum of 612 ComPacks packages of care up until 30 June 2010.**
- 2. Signs the ComPacks Funding Agreement variation document for 2009/2010 and returns same with an accompanying letter confirming acceptance of the grant.**

REPORT:

Tweed Community Options continue to provide case management and broker community care support services to patients who discharge from NSW Hospitals and who are referred to our program under the ComPacks referral and eligibility criteria. Almost all referrals come from Tweed Hospital or Murwillumbah Hospital.

It has been the experience of Tweed Community Options that the majority of patients referred for ComPacks case management are also eligible for HACC services. They are also frail aged or have complex health needs and are unable to successfully obtain necessary services without assistance from staff working in the community care industry.

Tweed Community Options staff have the skills and knowledge to ensure that those people referred for case management services, and linkages to the community care system, are efficiently linked into appropriate supports.

ComPacks consists of a series of supports, documented within a care plan, provided to the client for a period of up to 6 weeks post discharge from hospital. Many patients are frail aged and living alone, or have a carer who is not always able to support them in the first few weeks that they are home from hospital.

Winter months are the time when hospitals are under considerable strain to support all people who present for assistance, particularly when a local hospital is supporting a community with a high ageing population. This is also the time when our ComPacks case managers receive up to 20 referrals per week.

The increase in funding per package will enable Tweed Community Options to purchase more services per person. The revised Funding Agreement from NSW Health identifies more clearly what the contractual obligations are for both parties to the contract.

A copy of the letter from NSW Health dated 22 July 2009 is reproduced below.

NSW HEALTH

22 July 2009

Linda Wiggins
Manager
Tweed Shire Community Options
PO Box 816
MURWILLUMBAH NSW 2484

Dear Linda,

Re: ComPacks Funding 2009/2010

Thank you for continuing to participate in the ComPacks program.

This letter is to outline the 2009/2010 funding provided to Tweed Valley Shire Community Options to deliver the ComPacks program. See table below for a summary of current funding.

Funding Agreement	Amount	Packages	
Current funding agreement until Jun 30 th 2010 incl Esc	450,048	300	
Variation 1 - 08/09		312	expired
Variation 2 - 09/10 (incl esc)	468,535	312	
Current Total	918,583	612	

In summary, for 2009/2010: **Your total funding is: \$918,583**


Your minimum target is: 612 packages

Please find attached documents regarding the 2009/2010 ComPacks funding, for signature. Please print out **two** copies of **part 1** of the agreement and return both copies with signature to the Department by post within 14 days of receiving. These documents will then be signed by the Department and a copy will be returned to you for your records.

The postal address is as follows: ComPacks Program Manager
Health Services Performance Improvement Branch
NSW Health
Locked Mail bag 961
North Sydney NSW 2059

If you have any questions in regards to this matter please contact me on 9391 9921 or achan@doh.health.nsw.gov.au

Yours sincerely,



Anne-Maree Chant
ComPacks Program Manager

3553374

NSW Department of Health
ABN 92 697 899 630
73 Miller St North Sydney NSW 2060
Locked Mail Bag 961 North Sydney NSW 2059
Tel (02) 9391 9000 Fax (02) 9391 9101
Website www.health.nsw.gov.au

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

23 [CNR-CM] Licence Agreement for Access and Car Parking - 21 and 23 Beryl Street, Tweed Heads

ORIGIN:

Design

FILE NO: DA07/0938

SUMMARY OF REPORT:

Council has issued consent for an orthodontic clinic at 23 Beryl Street, Tweed Heads (being Lot 3 Section 5 DP 4043). The land is adjacent to a Council owned vacant parcel (being Lot 2 Section 5 DP 4043) which provides off street car parking in Beryl Street. These parcels share a common boundary, The Council owned land is north of the boundary and the privately held land is south of the common boundary.

The car parking requirements for the clinic fell short by two spaces, and in assessing these requirements, Council's traffic engineer identified an opportunity to maximise the off street car parking provided on Council's adjacent parcel.

Council's parcel, 21 Beryl Street, currently provides ten spaces, located along the northern boundary of the parcel. It was suggested that a three metre corridor within 23 Beryl Street (the developer's land) be provided on the southern boundary between the parcels, then Council could create a further nine public car parking spaces. In doing so, the three metre corridor, which was to be the access to the clinic, now forms part of the car park. The formed access to the car park on Council's parcel, will become the access off Beryl Street to the clinic.

This suggestion resolved the deficit in car parking for the development, and generates further car parking in the precinct. The planning assessment unit are satisfied that this addresses the deficit, and accordingly conditioned the development to create mutually beneficial easements over each parcel.

However, it is difficult to restrict the benefit of the easement burdening Council's land to the development requiring the benefit. An alternative way to create the right of access and car parking is for Council to enter into a licence agreement, whereby the consideration for the agreement is the mutual benefit and burden over each parcel.

It is recommended that Council approve entering into a licence agreement with the owner of 23 Beryl Street to allow access over Council land and the use of part of the adjacent land for car parking.

It is now necessary for Council to resolve to execute all documentation under the Common Seal of Council.

RECOMMENDATION:

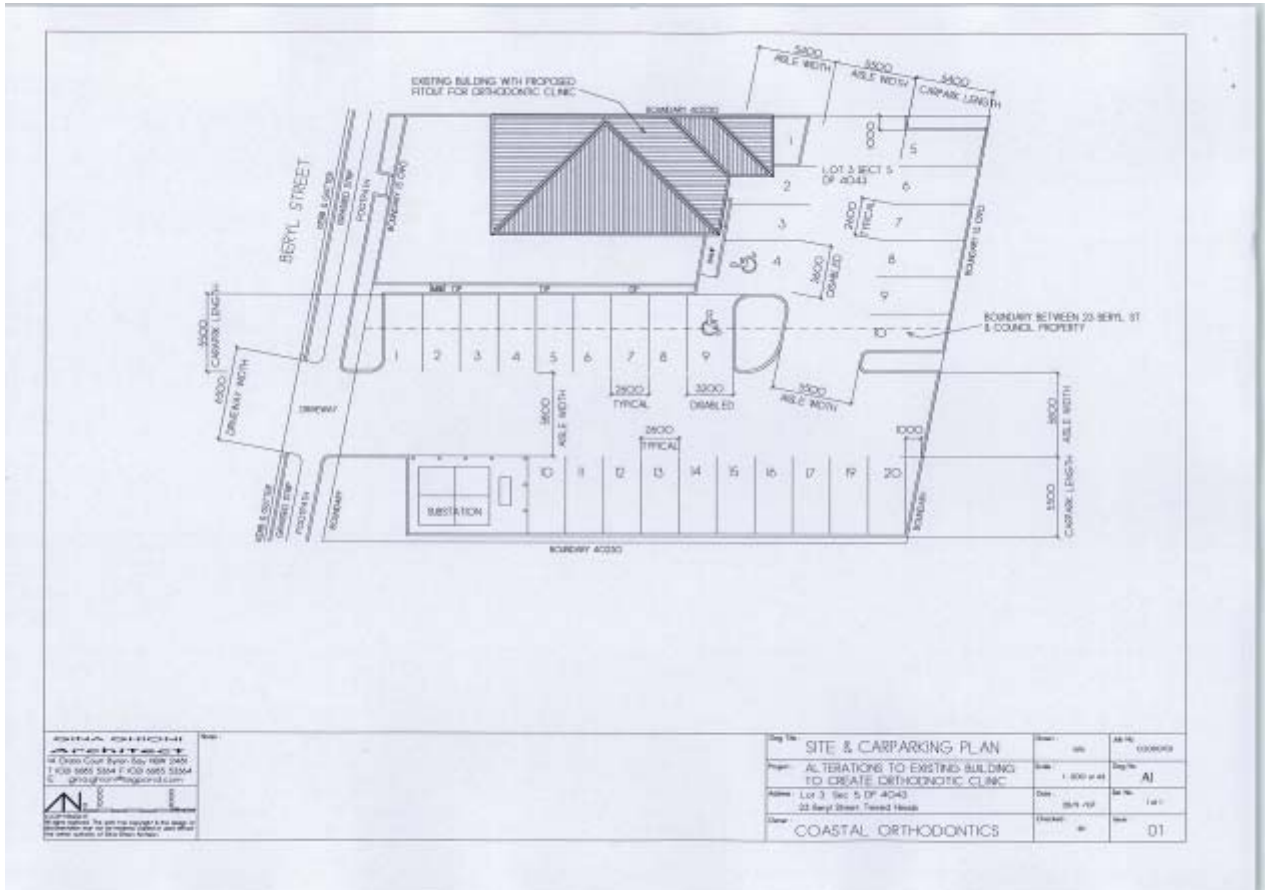
That:-

- 1. Council approves entering into a licence agreement with the owner of Lot 3 Section 5 DP 4043 whereby access to Lot 3 from Beryl Street, Tweed Heads is over Lot 2 Section 5 DP 4043 owned by Council and part of Lot 3 is used for public car parking;**

- 2. All documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report. The plan below shows the proposed layout of car parking and access to be effected by the licence agreement for mutually beneficial car parking and access arrangements:-



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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REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

23 [EO-CM] Road Closure Application - Parish of Cudgen

ORIGIN:

Design

FILE NO: GR3/12/6

SUMMARY OF REPORT:

Council has received a notice of application to close a section of Crown Road reserve west of Lot 3 DP 729138 within Lot 1 DP 601049 and separating Lot 1 DP 601049 from Lot 2 DP 1084992 at Tanglewood, from Department of Lands. Council has been requested to provide its consent or objection to the closure of this section of Crown Public Road.

An investigation of the Crown Road reserve has been conducted and it is noted that this section of road has full formation and is currently in use by the adjoining property owners. This road also provides full access to surrounding National Parks and Wildlife Land and is utilised by its officers to conduct inspections of the area. It is Council's understanding that an objection to the closure of this road has been submitted to the Department of Lands by National Parks & Wildlife Service.

This road has also been identified by the Rural Fire Service as a potential access for fire fighting purposes and they have advised Council that an objection to its closure will also be lodged by them.

An application for the transfer of this section of road reserve was made to Department of Lands by Council in December 2005 however has not yet been determined.

As per Council's Road Closure Policy it is recommended that Council object to the closure of the Crown Road reserve west of Lot 3 DP 729138 within Lot 1 DP 601049 and separating Lot 1 DP 601049 from Lot 2 DP 1084992 at Tanglewood.

RECOMMENDATION:

That Council objects to the closure of the section of Crown Road reserve west of Lot 3 DP 729138 within Lot 1 DP 601049 and separating Lot 1 DP 601049 from Lot 2 DP 1084992 at Tanglewood.

REPORT:

Council has received a notice of application to close a section of Crown Road reserve west of Lot 3 DP 729138 within Lot 1 DP 601049 and separating Lot 1 DP 601049 from Lot 2 DP 1084992 at Tanglewood, from Department of Lands. Council has been requested to provide its consent or objection to the closure of this section of Crown Public Road.

An investigation of the Crown Road reserve has been conducted and it is noted that this section of road has full formation and is currently in use by the adjoining property owners. This road also provides full access to surrounding National Parks and Wildlife Land and is utilised by its officers to conduct inspections of the area. It is Council's understanding that an objection to the closure of this road has been submitted to the Department of Lands by NPWS.

This road has also been identified by the Rural Fire Service as a potential access for fire fighting purposes and they have advised Council that an objection to its closure will also be lodged by them.

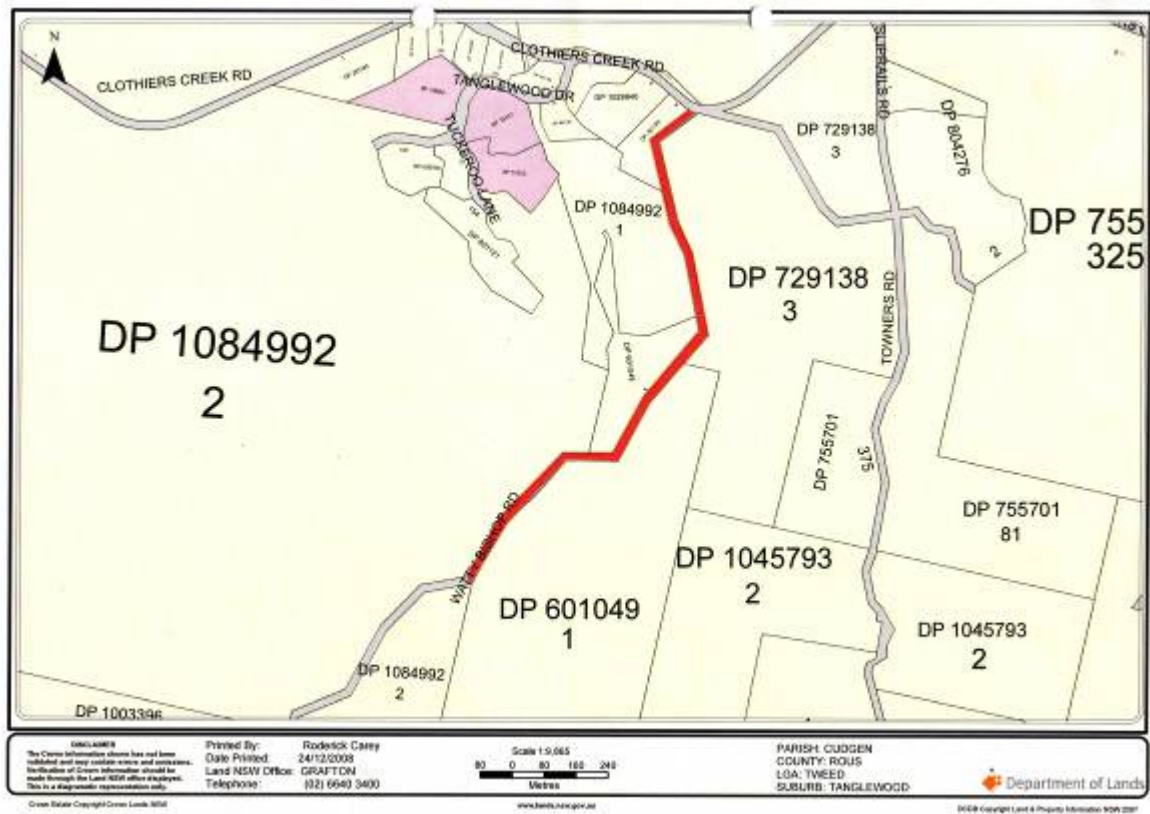
Sections of this road reserve have been identified as having moderate to low ecological sensitivity with a high ecological status and are within a regional fauna corridor. The road reserve west of Lot 1 in DP 601049 is also a known secondary koala habitat Class A.

Pursuant to Council's Policy on road closure and private purchase the following points should be noted for roads **not** eligible for closure which are applicable to this particular application based on the information provided above:-

2. *Roads capable of providing physical access to other roads, public and private properties, Public and Crown Reserves, public utility installations, railways and the like.*
3. *Road reserves containing wildlife corridors, significant flora, marketable timber and scenic escarpments....*
5. *Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value;*

As per Council's Road Closure Policy it is recommended that Council object to the closure of the Crown Road reserve west of Lot 3 DP 729138 within Lot 1 DP 601049 and separating Lot 1 DP 601049 from Lot 2 DP 1084992 at Tanglewood.

Below is a plan showing the proposed road closures:-



Below are a series of photos that show the current formation. From inspection of the road it is evident that there is current usage.

1. View from Clothiers Creek Road



Photos 2 and 3 showing the formation:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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24 [EO-CM] Classification of Land as Operational, Pottsville

ORIGIN:

Design

SUMMARY OF REPORT:

Proposed Lots 380, 382 and 405 in a Subdivision of Lot 384 in DP 1134599 and Lot 183 in DP 1034824 at Pottsville are to be transferred to Council as a Drainage Reserve and Sewer Pump Station following registration of the plan of subdivision.

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

RECOMMENDATION:

That:-

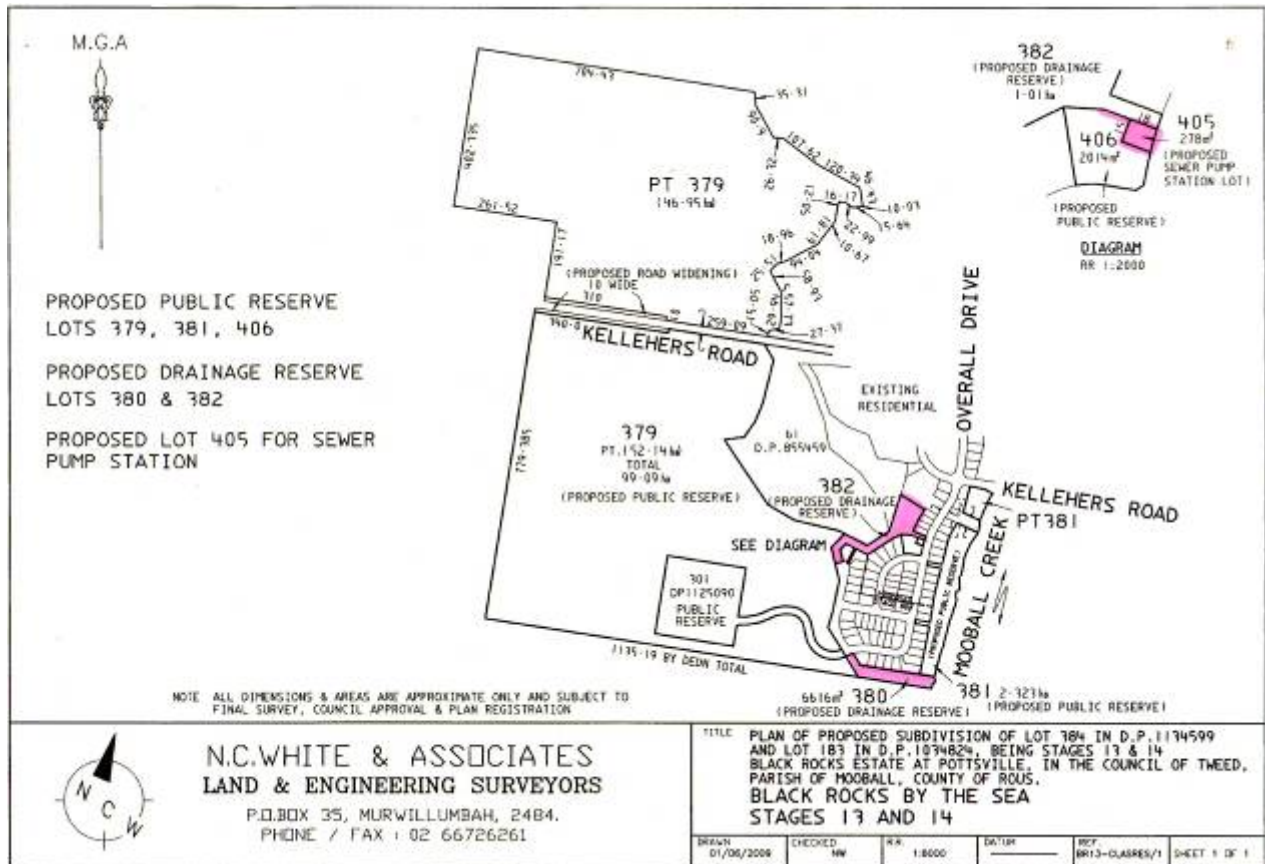
- 1. Council approves the transfer of proposed Lots 380 and 382 in a Subdivision of Lot 384 in DP 1134599 and Lot 183 in DP 1034824 at Pottsville as Drainage Reserve; and**
- 2. Council approves the transfer of proposed Lot 405 in a Subdivision of Lot 384 in DP 1134599 and Lot 183 in DP 1034824 at Pottsville as Sewage Pump Station; and**
- 3. Proposed Lots 380, 382 and 405 be classified as “Operational” pursuant to Section 31 of the Local Government Act, 1993; and**
- 4. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

Proposed Lots 380, 382 and 405 in a Subdivision of Lot 384 in DP 1134599 and Lot 183 in DP 1034824 at Pottsville are to be transferred to Council as a Drainage Reserve and Sewer Pump Station following registration of the plan of subdivision.

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

A copy of the plan showing proposed Lots 380 and 382 as Drainage Reserve and proposed Lot 405 as Sewage Pump Station is shown below:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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25 [EO-CM] Application to Close and Purchase Part of Road Reserve - Oakbank Terrace and Riverbend Way, Murwillumbah

ORIGIN:

Design

FILE NO: GR 3/12/13 and DA04/1618 Pt19

SUMMARY OF REPORT:

Council has received an application to close and purchase sections of road reserve being cul-de-sac heads at Oakbank Terrace and Riverbend Way, Murwillumbah as per the attached plan. This application arises from Condition 125 of Development Consent DA04/1618 as follows;

“The cul-de-sac heads of Oakbank Terrace and Riverbend Way are to be partially closed to delete the unnecessary widening at the bulbs, and provide a straight road alignment.”

The applicant is seeking the closure and transfer of these sections of road reserve at nil land cost. The applicant will however be gaining a benefit from the closure of these sections of road by adding land size to five (5) parcels, thus adding value to the land which will be sold by them.

It would be recommended that Council approves the closure of the cul-de-sac heads at Oakbank Terrace and Riverbend Way, Murwillumbah and purchase by the applicant at a value determined by a registered valuer upon gazettal.

RECOMMENDATION:

That:-

- 1. Council approves the closure of the cul-de-sac heads at Oakbank Terrace and Riverbend Way, Murwillumbah;**
- 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;**
- 4. Easements be created over public authority reticulation services, if any; and**
- 5. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

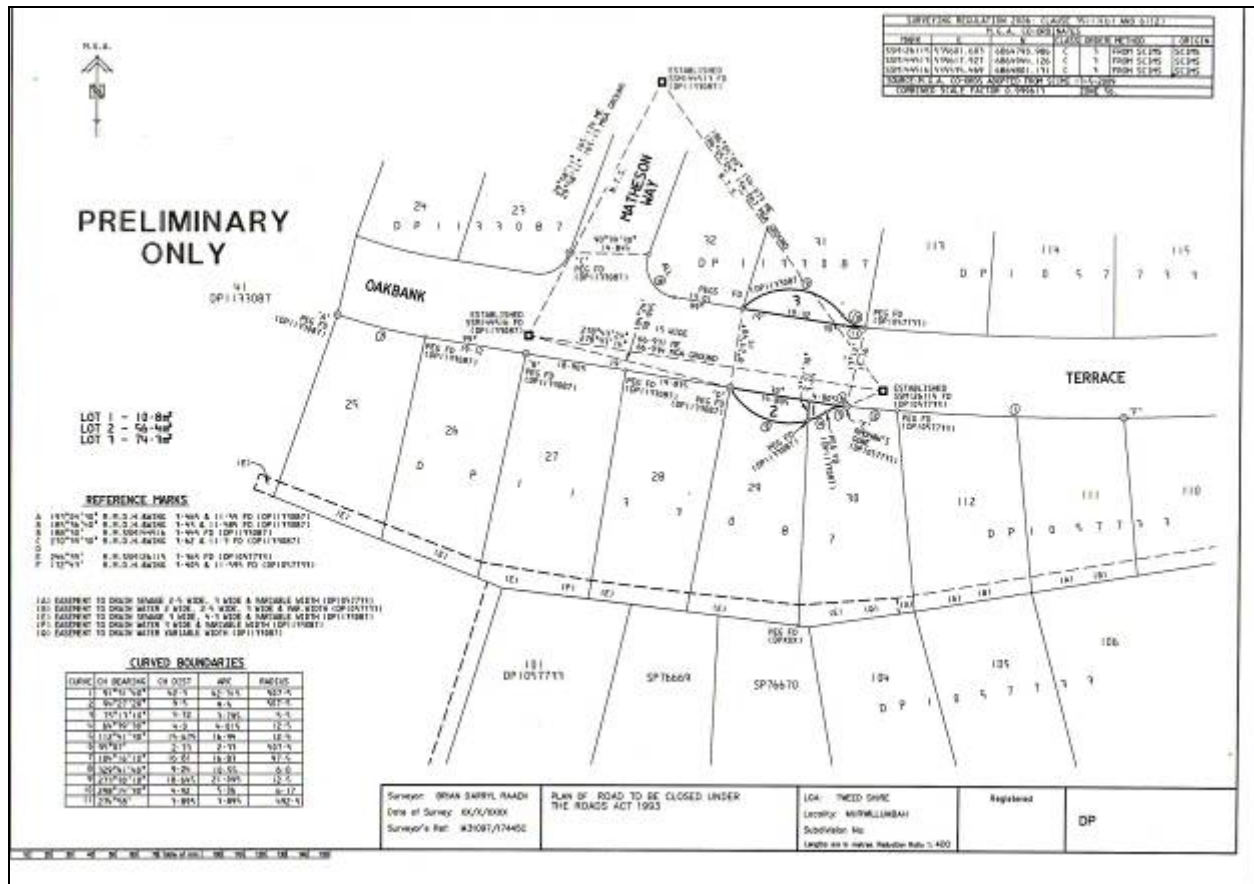
Council has received an application to close and purchase sections of road reserve being cul-de-sac heads at Oakbank Terrace and Riverbend Way, Murwillumbah as per the plan below. This application arises from Condition 125 of Development Consent DA04/1618 as follows:-

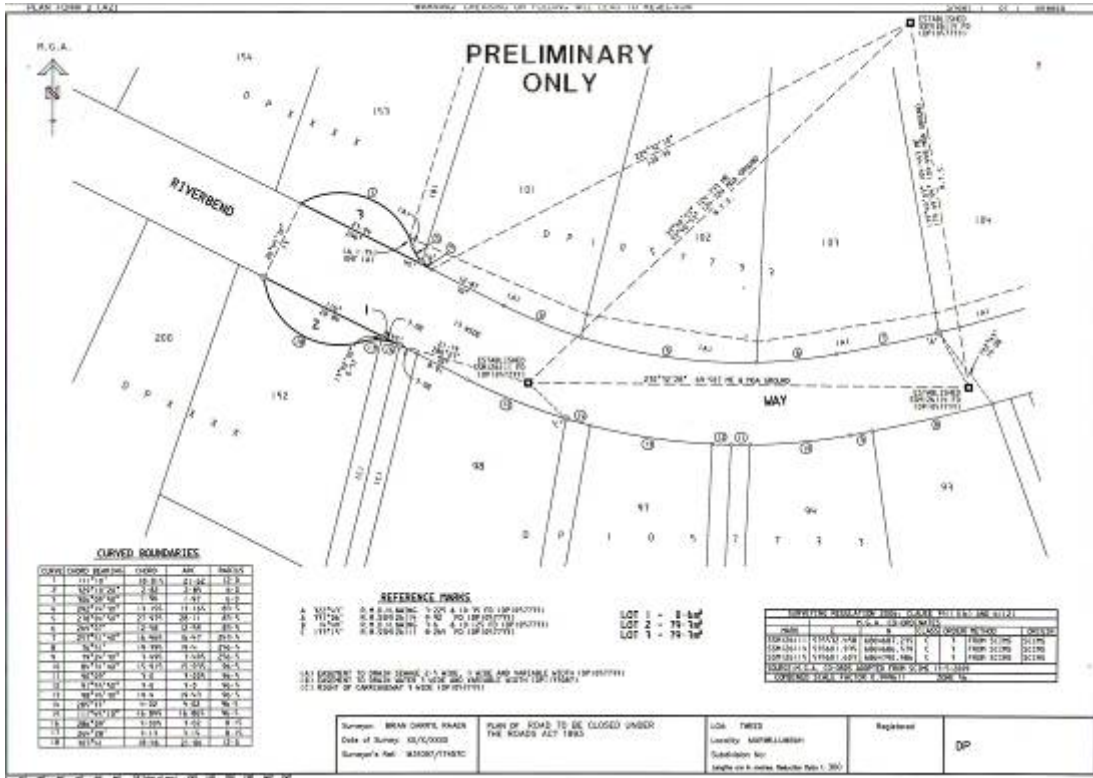
“The cul-de-sac heads of Oakbank Terrace and Riverbend Way are to be partially closed to delete the unnecessary widening at the bulbs, and provide a straight road alignment.”

The applicant is seeking the closure and transfer of these sections of road reserve at nil land cost. The applicant will however be gaining a benefit from the closure of these sections of road by adding land size to five (5) parcels, thus adding value to the land which will be sold by them.

It would be recommended that Council approves the closure of the cul-de-sac heads at Oakbank Terrace and Riverbend Way, Murwillumbah and purchase by the applicant at a value determined by a registered valuer upon gazettal.

Plans showing proposed road closure:-





LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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26 [EO-CM] Regional Roads - Review of Classification

ORIGIN:

Works

SUMMARY OF REPORT:

In 2003 the State Government commenced an independent review of road classifications (State Roads, Regional Roads and Local Roads). The Minister for Roads Michael Daley MP has issued a media release advising of the completion of this review. The Roads & Traffic Authority (RTA) has written to Council advising of the implications of the review for Council. A copy of the Ministerial News Release and Roads & Traffic Authority of NSW letter follows at the end of this report.

The major implication for Tweed Shire is the declassification of Terranora Road and transfer of funding responsibility for this road from the Roads & Traffic Authority of NSW to Council.

RECOMMENDATION:

That Council receives and notes the Regional Roads - Review of Classification report.

REPORT:**Background**

In 2003 the State Government commenced an independent review of road classifications (State Roads, Regional Roads and Local Roads). The objective of the review was to identify additions to, and deletions from, the State and Regional Road network to ensure that the network is meeting the needs of the community and industry, within the available levels of funding. The identification of changes on classification was to take account of changes in the road's state or regional functional significance and importance, arising from changes in land use, economic activity, population distribution, the construction of new roads, and the resulting growth and change in traffic generation and distribution.

Criteria for Classification

The identification of State and Regional Roads is based on road function and is independent of funding. Functional classification groups roads into classes or systems according to their function or the character of the service they are intended to provide so as to encourage travel to move within the network in a logical and efficient manner.

The criteria for the classification of roads used by the review panel are:-

State Roads:

- Link major commercial, industrial and residential areas and distribution centres and
- Ports within Sydney, Newcastle, Wollongong and Central Coast urban areas
- Link major NSW urban centres with Sydney, Newcastle and Wollongong
- Link these major centres with each other where there is significant interaction
- Link major regions throughout the State with each other.

Regional Roads

- Link smaller towns with the State Road network
- Connect smaller towns with each other
- Perform sub arterial function in major urban centres by
- Supplementing State Roads for significant intra-urban flows
- Providing access for significant flows to other commercial and industrial centres
- Provide access from State Roads to major recreation and tourist areas of State significance
- Provide town centre relief routes
- Provide access for significant freight flows to major inter-modal interchanges.

Local Roads

- Other Public Roads

Consultation

The consultation process carried out by the Review Panel with Councils and the RTA is summarised below:-

- The Panel introduced the review to councils via a series of presentations at Regional Consultative Committee meetings in late 2003.
- In May 2004, the Panel distributed an Information Paper to Councils and RTA Regions. The Paper outlined the road classification criteria, current road funding and management arrangements between the RTA and Councils, and set out the review process. The Paper invited all Councils to put submissions to the Panel on road reclassification.
- The Panel received submissions from 138 Councils and the RTA Regions. After receiving the RTA submissions, the Panel identified a number of roads for consideration for reclassification that were not raised by Councils.
- The Panel undertook an initial assessment of all proposals and in May 2005 distributed an Interim Report to all Councils.
- The Panel received responses from over 60 Councils to its Interim Report.
- The Panel subsequently held discussions with representatives of 52 Councils throughout the State, and inspected a number of roads. The Panel also asked the RTA and several Councils to discuss particular proposals to identify a preferred option.
- Following responses to the Interim Report, the Panel revisited the Councils' original submissions, and took into account additional comments from Councils in their responses to the Interim report, discussions at meetings with Councils, discussion with the RTA, and additional material provided by Councils at the meetings or subsequently provided.
- In arriving at its recommended reclassifications, the Panel has relied primarily on information provided by Councils and the RTA Regions.

Implications for Tweed Shire Council

Council's existing Regional Roads are :-

Kyogle/Nimbin Road
Tweed Valley Way
Tweed Coast/Cudgera Creek Road
Terranora Road
Numinbah Road
Tomewin Road
Minjungbal Drive

Prior to the opening of the Yelgun to Chinderah Motorway, Terranora Road was used as a bypass in the event of flooding of the (then) Pacific Highway (now Tweed Valley Way). Terranora Road was classified as a Regional Road because of its function as a State Road high level bypass. With the opening of the Motorway Terranora Road no longer fills this role and accordingly has lost its Regional Road classification. This reclassification was expected and foreshadowed in the Interim Report.

The effect of the reclassification of Terranora Road from Regional Road to Local Road has reduced the length of Tweed Regional Road by 12.2km from 159km to 147km.

Funding

As Regional Road funding is distributed proportionally with road length, the reduction in length of Regional Roads will result in a (relative) decline in Regional Road Block Grant funding. However, the Government has increased overall funding for Regional Roads to provide a transitional safety net. Under the safety net arrangements Council will receive an identical Block Grant for Regional Road maintenance in 2009/2010 as it received in 2008/2009 (\$1,662,000). The safety net payments will then decrease by one third per year over the following three years. At the time of preparation of this report the notional reduction in the Block Grant has not been advised.

From 2012/2013, the maintenance of Terranora Road will have to be funded entirely from the Council allocation for road maintenance.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Staged reduction in grants for Regional Roads maintenance.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. News Release by NSW Minister for Roads, Michael Daley MP and Letter from Roads & Traffic Authority dated 5 June 2009 (ECM 3052818).
-

27 [EO-CM] Amendment of Council's Fees and Charges - Quarry Products

ORIGIN:

Works

SUMMARY OF REPORT:

The report briefly summarises quarry activities and proposes increases in the charges for materials to internal and external customers to reflect increased production costs.

RECOMMENDATION:

That:-

- 1. The proposed changes to Council's adopted Fees and Charges be placed on public exhibition for 28 days.**
- 2. A further report be provided to Council recommending adoption of revised charges after consideration of any comments from the public.**

REPORT:

Council owns or leases seven quarries:-

Quarry Name	Road	Locality	Status	Materials
Kinnears Quarry	Harrys Road	North Arm	Not operational	
Singhs Quarry	Harrys Road	North Arm	Operational. Leased	Roadbase and gravel
Chilcotts Quarry	Numinbar Road	Chillingham	Not operational	
Duroby Quarry	Duroby Road	Duroby	Not operational	
Burringbar Quarry	Cudgera Creek Road	Burringbar	Not operational. DA to re-open lodged	Roadbase and gravel
Quarry Road Quarry	Wardrup Valley Road	South Murwillumbah	Operational	Filling
Quirks Quarry	Eviron Road	Eviron	Operational	Roadbase, gravel and aggregates

The quarries producing roadbase and gravel are predominantly operated to supply materials for Council's construction and maintenance activities. Quarry Road Quarry supplies fill at cost to internal and external customers. In 2008/09, 31% of total production was sold to external customers. Quirks Quarry is operated in conjunction with Council's solid waste landfill site at Stotts Island – the hole left after extraction is completed will become a cell for the landfill.

Section 118 of Council's adopted Fees and Charges includes prices for the sale of quarry products to internal customers (Council Sales), external customers (Private Sales) and RTA/Public Bodies Sales.

In March 2009 expressions of interest for the hire of plant to Council were invited. Included in the proposals received were hire rates for quarry production equipment (crushers and screens). A report listing the expressions of interest was adopted by Council at its meeting on 28 May 2009. The hire rates for quarry production equipment have increased significantly and this will reflect in the cost of production of quarry materials, in turn requiring revision of the fees and charges for these products to both internal and external customers.

The external price for fill is proposed to be reduced to encourage sales and reduce the stockpile which is occupying space in the quarry and restricting operations. The prices for screened gravel and cracker dust is proposed to be held at current levels to promote sales of these materials where excessive stockpiles have accumulated.

The current prices listed for sale of materials to the RTA/Public Bodies are identical to those charged to external customers. In the past five years there have been no sales of materials to the RTA/Public Bodies and it is recommended that this separate listing in the

Fees and Charges be deleted. Should the RTA or other Public Bodies approach Council for materials then they would be treated as external customers.

In accordance with the above, the revised prices below are recommended:-

Product	Existing Price per tonne GST incl.	Proposed Price per tonne GST incl.
COUNCIL SALES (EX QUARRY)		
Raw Gravel	\$9.60	\$9.60
Overburden/Fill	\$2.50	\$2.50
Crushed/Screened Gravel	\$12.00	\$13.00
Aggregate 75 + mm	\$12.00	\$13.00
Aggregate 30 – 70mm	\$12.00	\$13.00
Aggregate 20mm	\$13.00	\$14.50
Aggregate 10mm	\$13.00	\$14.50
Aggregate 7mm	\$15.00	\$17.00
Cracker Dust	\$11.00	\$11.00
Screened Topsoil	\$12.00	\$12.50
Screened Sand	\$12.00	\$12.50
RTA/PUBLIC BODIES		
Raw gravel	\$9.60	Refer to Private Sales
Overburden/Fill	\$4.80	Refer to Private Sales
Crushed/Screened Gravel	\$15.10	Refer to Private Sales
Aggregate 75 + mm	\$13.15	Refer to Private Sales
Aggregate 30 – 70mm	\$13.15	Refer to Private Sales
Aggregate 20mm	\$13.75	Refer to Private Sales
Aggregate 10mm	\$13.75	Refer to Private Sales
Aggregate 7mm	\$17.10	Refer to Private Sales
Cracker Dust	\$11.20	Refer to Private Sales

Product	Existing Price per tonne GST incl.	Proposed Price per tonne GST incl.
Screened Topsoil	\$12.50	Refer to Private Sales
Screened Sand	\$12.50	Refer to Private Sales
PRIVATE SALES (EX QUARRY)		
Raw gravel	\$9.60	\$9.60
Overburden/Fill	\$4.80	\$2.50
Crushed/Screened Gravel	\$15.10	\$15.10
Aggregate 75 + mm	\$13.15	\$15.50
Aggregate 30 – 70mm	\$13.15	\$15.50
Aggregate 20mm	\$13.75	\$16.50
Aggregate 10mm	\$13.75	\$16.50
Aggregate 7mm	\$17.10	\$19.00
Cracker Dust	\$11.20	\$11.20
Screened Topsoil	\$12.50	\$12.50
Screened Sand	\$12.50	\$12.50

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

28 [EO-CM] Surf Life Saving Far North Coast Branch Patrolling Season Summary

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

Surf Life Saving Far North Coast Branch has forwarded a summary of its patrolling seasons activities and statistics. The summary and fact sheets are attached for Councils information.

RECOMMENDATION:

That the Surf Life Saving Far North Coast Branch Patrolling Season Summary report be received and noted.

REPORT:

Surf Life Saving Far North Coast Branch has forwarded a summary of its patrolling seasons activities and statistics. The summary and fact sheets are shown below for Council's information:-



Surf Life Saving Far North Coast Branch Inc.

SURF LIFESAVING.
 SURF LIFESAVING CLUB - CAHWARRINA
 SURF LIFESAVING CLUB - CABARITA
 SURF LIFESAVING CLUB - CUDGERI

22nd June, 2009

Mr P Knight
 Director Engineering & Operations
 Tweed Shire Council

TWEED SHIRE COUNCIL
 FILE No: BRACHES - GENERAL
 DOC. No: _____
 REC'D: 30 JUN 2009
 ASSIGNED TO: KNIGHT, P
 HARD COPY IMAGE

Dear Patrick,

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

■ Lives Saved	323
■ Preventative actions	9089
■ Shark alarms	47
■ Searches	41
■ Lost Children	31
■ First aid treatments totalling	774
○ Marine stings	535
○ Minor cuts and abrasions	154
○ Major wounds	6
○ Fractures/ Dislocations	6
○ Resuscitations	2
○ Spinal injury	5
○ Other	66
■ Drowning	1
■ Near Drowning	3
■ Events requiring Incident reports	34
■ Incidents requiring ambulance	17
■ Beach closures	58

NOTE: COPIES RECEIVED FOR
 GM & T. GREEN.

During the 2008/09 season our members have contributed **34,429 voluntary patrol hours** on the Tweed, Byron, Ballina, Richmond Valley & Clarence Shire beaches. This contribution is a valuable resource to the community and we strive to provide the best possible service and use the most up to date approved methods.

The Far North Coast Branch currently boasts 1,155 active volunteer Surf Lifesavers, 1,550 Junior or Nipper members and a total membership of 5,128, making us one of the largest community based groups in the local area.

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

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

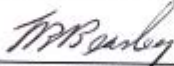
I have attached a fact sheet for your information which profiles the patrol activities of the affiliated Surf Life Saving Clubs in your council area. As you can see our Surf Clubs have again provided a first class lifesaving service to the beach going public, reinforcing ourselves as a highly valuable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

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



I will take this opportunity on behalf of the clubs of the Far North Coast and their members, to thank you for your support during the 2008/09 season and look forward to continuing to grow and strengthen our relationship into the future.

Yours in Surf Life Saving



John Beasley OAM
President



Surf Life Saving Far North Coast Branch The Facts & Figures 2008/09 Patrolling Season Tweed Shire Council Clubs

Fingal Rovers SLSC

- 223 Volunteer Members
- 84 Active Patrolling Lifesavers
- Patrol Statistics**
- 2519.75 Hours Patrolling
- Average patrol hours/person 30
- 78 Lives Saved
 - o No Gear 5
 - o Tube 5
 - o Board 34
 - o IRB 6
 - o RWCV 28
 - o Other 1
- 1053 Preventative actions
- 92 First aid treatments
 - o Marine Stings 74
 - o Minor cuts and abrasions 14
 - o Other 3
 - o Resuscitation 1
- 1 Lost Child
- 3 Searches
- 6 Shark Alarms
- 3 Beach Closures
- 1 Incidents Requiring Ambulance
- 1 Incident Reports Completed
- 71 Nippers (5 – 13 year olds)
- 228 New Awards**
- 3 Advanced Resuscitation Certificates
- 26 ATV Inductions
- 67 Bronze Medallions
- 5 Defibrillation Certificates
- 1 Radio Operator Certificate
- 1 Resuscitation Certificate
- 4 Senior First Aid Certificates
- 1 Silver Medallion Advanced Emergency Care
- 5 Spinal Management Certificates
- 1 Assessors
- 7 Facilitators
- 2 Trainers
- 1 Surf Sports Official
- 104 Junior Surf Education Awards
- 221 Award Proficiencies

Cudgen Headland SLSC

- 1644 Volunteer Members
- 189 Active Patrolling Lifesavers
- Patrol Statistics**
- 4270.5 Hours Patrolling
- Average patrol hours/person 22.6
- 32 Lives Saved
 - o No Gear 3
 - o Tube 12
 - o Board 17
- 723 Preventative actions
- 159 First aid treatments
 - o Fracture/ Dislocation 1
 - o Marine Stings 129
 - o Minor cuts and abrasions 21
 - o Other 6
 - o Spinal 2
- 4 Searches
- 4 Shark Alarms
- 21 Lost Child
- 5 Beach Closures
- 3 Incidents Requiring Ambulance
- 1 Incident Reports Completed
- 265 Nippers (5 – 13 year olds)
- 455 New Awards**
- 4 Advanced Resuscitation Certificates
- 7 ATV Inductions
- 18 Bronze Medallions
- 7 Defibrillation Certificates
- 5 IRB Crew Certificates
- 5 Silver Medallion Basic Beach Management
- 8 Spinal Management Certificates
- 9 Surf Rescue Certificate
- 34 Surf Survival Certificates (Community)
- 3 Facilitators
- 3 Surf Sports Coaches
- 6 Surf Sports Officials
- 355 Junior Surf Education Awards
- 508 Award Proficiencies

Salt SLSC

- 282 Volunteer Members
- 60 Active Patrolling Lifesavers
- Patrol Statistics**
- 2137 Hours Patrolling
- Average patrol hours/person **35.62**
- 2 Lives Saved
 - o Tube 1
 - o Board 1
- 893 Preventative actions
- 1 First aid treatments
 - o Major Marine Stings 1
- 1 Lost Child
- 2 Shark Alarms
- 5 Beach Closures
- 140 Nippers (5 – 13 year olds)
- 136 New Awards**
- 31 ATV Inductions
- 18 Bronze Medallions
- 4 IRB Crew Certificates
- 1 Silver Medallion IRB Driver
- 82 Junior Surf Education Awards
- 88 Award Proficiencies

Cabarita Beach SLSC

- 476 Volunteer Members
- 106 Active Patrolling Lifesavers
- Patrol Statistics**
- 4054 Hours Patrolling
- Average patrol hours/person **38.25**
- 23 Lives Saved
 - o No Gear 1
 - o Tube 1
 - o Board 14
 - o IRB 7
- 471 Preventative actions
- 27 First aid treatments
 - o Fracture/ Dislocation 1
 - o Marine Stings 16
 - o Minor cuts and abrasions 8
 - o Other 2
- 2 Searches
- 3 Shark Alarms
- 11 Beach Closures
- 5 Incident Reports Completed
- 257 Nippers (5 – 13 year olds)
- 330 New Awards**
- 3 Advanced Resuscitation Certificates
- 16 ATV Inductions
- 18 Bronze Medallions
- 10 Defibrillation Certificates
- 11 Silver Medallion Basic Beach Management
- 3 Silver Medallion IRB Drivers
- 8 Surf Rescue Certificate
- 1 Surf Sports Official
- 261 Junior Surf Education Awards
- 351 Award Proficiencies

Surf Life Saving Far North Coast: Valuing an Australian Icon

This season the clubs of the Far North Coast Branch collectively dedicated around **34,429 patrol hours** to serve the community, keeping them safe as the movement continually strives to work with government and stakeholders to provide the safest possible beach and aquatic environment.

Value of Volunteer Surf Life Saving Operations in the Far North Coast – season 2008/09

In 2008/09, Surf Life Saving FNC volunteers contributed 33,522 hours	
The value of volunteering time	\$1.214m
In 2008/09, Surf Life Saving FNC volunteers performed 323 rescues	
The value of these rescues	\$44.897m
Total value in time and rescues	\$46.111m*

*These figures are based on official membership & rescue statistics from the 2008/09 volunteer patrol season, and findings from 'Valuing an Australian Icon: The Economic and social Contribution of Surf Lifesaving in Australia', a report compiled by The Allen Consulting Group published in October 2005.

<http://www.slsa.com.au/site/contents/resource/00000481-docsource.pdf>

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.

29 [EO-CM] Park Naming - Dalnair Park

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

At its meeting held 16 December 2008, Council resolved to call for comment regarding the proposed naming of a park located at 5 Oakland Parade, Banora Point 'Dalnair Park'. At the close of comment, no submissions were received.

RECOMMENDATION:

That Council names the park located at 5 Oakland Parade, Banora Point 'Dalnair Park' and erects signage.

REPORT:

As per Summary of Report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

30 [EO-CM] Infrastructure Program 2009/2010

ORIGIN:

Works

SUMMARY OF REPORT:

Submitted for Council's consideration is the proposed Infrastructure Program for 2009/2010. The total Program is for \$36.8M and represents a range of improvements to existing assets and some new assets.

Generally the road and bridge construction programs are based on the previously approved 5 year forward program.

The water supply and sewerage construction programs are based on the capital works program contained in the Water Supply and Sewerage Activity Management Plan.

RECOMMENDATION:

That Council approves the Infrastructure Program for 2009/2010 as detailed in the report.

REPORT:

Infrastructure Program - Key Issues

The proposed 2009/2010 Infrastructure Program of \$36.8M returns to normal levels following the completion of two major projects - Kingscliff Wastewater Treatment Plant and Bray Park Water Treatment Plant.

The major capital works items include:-

Item	Proposed 2008/09 Expenditure \$M	Comments
Replace timber bridges	1.8	4 bridges on Kyogle Road
Piggabeen Bypass	0.7	Completion of works commenced in 2005/2006
Urban street upgrading	1.8	
Rural road upgrading	1.3	
Kyogle Road realignment and widening at Terragon	1.3	Continuation of current project only
Sealing of School Bus Routes	0.8	
Darlington Drive drainage improvement	0.4	
Tyalgum Water Treatment Plant Upgrade	1.4	
Banora Point Waste Water Treatment Plant Upgrade	4.2	
Kingscliff Waste Water Treatment Plant Decommissioning	4.0	

Project delivery is managed by a combination of in house and external resources.

Most larger jobs are being delivered by a contract process and the design of major works is generally carried out by specialist consultants.

Roads

Council maintains 1082km of local roads which are made up of:-

431km	Urban Sealed
473km	Rural Sealed
178km	Rural Unsealed

In addition there are 159km of Regional Roads to maintain.

Council has had a Pavement Management System (PMS) for its sealed roads since the late 1980s which is used to assist in the determination of the five year forward program. The PMS is predicated on visual inspections of the pavement. Other factors used in determining relative priority are:-

- Traffic volumes
- Drainage problems
- Bus routes
- Safety

A brief summary of the various programs follows:-

Rehabilitation Program - AC Resurfacing

Asphalt surfaced roads require regular resurfacing or rejuvenation. This ongoing program provides for approximately 40% of the cyclical program.

School Bus Route Sealing - (04/05 RateRise) Program

This program provides basic sealing of existing gravel roads to improve travel conditions on school bus routes. This program ceases after 2010/2011 when the associated rate rise lapses.

Asphalt Resheeting (04/05 Rate Rise)

Asphalt surfaced roads require regular resurfacing or rejuvenation. This program provides approximately 60% of the required funding. However this program ceases after 2010/2011 when the associated rate rise lapses.

7 Year Plan Items

The 7 Year Plan for roads infrastructure is targeted at increasing asset life through improved and increased maintenance.

Gravel Re-sheeting: Gravel roads require regular re-sheeting with gravel to replace wear and erosion. The 7 Year Plan provides the majority of the funding required for this cyclical program.

Sealed Roads Resurfacing: Spray sealed roads require regular resealing to maintain the waterproof seal and traction. The 7 Year Plan provides about 30% of the required funding for this cyclical program.

Sealed Roads Rehabilitation: The 7 Year Plan provides funding for heavy patching and rehabilitation of deteriorated sealed roads.

Kerb and gutter Rehabilitation: The 7 Year Plan provides funding for replacement of deteriorated sections of kerb and guttering.

Urban Street Reconstruction

This program provides for upgrading of old sealed urban roads. Projects usually include: kerb & guttering; drainage improvement; widening; and pavement & surfacing renewal.

Rural Road Reconstruction

This program provides for rehabilitation and upgrading of old, sealed rural roads. Projects usually include pavement strengthening and resurfacing, and minor re-alignment.

Roads to Recovery Program

The Roads to Recovery funding is used for three purposes:

- To accelerate the Sealing School Bus Routes Program;
- To accelerate the Rural Road Reconstruction Program; and
- To provide supplementary or co-funding for Regional Road projects.

Black Spot Program

This program is dependent on grant funding. Projects are assessed for priority on a state-wide basis.

Federal Assistance Grants Program

This program is used for:

- Advanced survey, design and land acquisition for future projects;
- Funding of major road upgrades; and
- Co-funding of Regional Roads and Blackspot projects.

Repair Program

This program provides 50% grant funding for Regional Roads rehabilitation or upgrading projects.

TRCP Program

This is Council's road development program funded by developer contributions.

Bridges

Bridge Construction

Council has had a timber bridge replacement program for approximately 20 years and this has significantly reduced the number of timber bridges in the shire to 42 out of a total of 239. In 2006/2007 the NSW Government announced the Timber Bridges Partnership Program that will provide co-funding for the replacement of timber bridges on Regional Roads. Council has been fortunate in having 5 bridges on Kyogle Road included on the Program, with the first of those, Perch Creek Bridge, recently completed.

Drainage

Drainage Asset Management (04/05 Rate Rise)

This program provides for minor upgrades and rehabilitation of the stormwater drainage network.

This program ceases in 2010/2011 when the associated rate rise lapses.

Drainage Construction

This program provides for major drainage upgrade projects.

Stormwater Drainage Rehabilitation (7 Year Plan)

This program provides for:

- Rehabilitation of existing infrastructure; and
- Major upgrading of stormwater drainage.

2009/2010 INFRASTRUCTURE PROGRAM

ROADS

Rehabilitation Program - AC Resurfacing	263 700
School Bus Route Sealing - (04/05 Rate Rise) Program	534 756
Byrrell Creek Rd - extend seal 1km	284 756
Tyalgum Creek Rd - extend seal 1km	250 000
Total	534 756
Asphalt Resheeting (04/05 Rate Rise)	367 644

7 Year Plan Items	1 647 200
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*Gravel Resheeting of Unsealed Roads	398 000
*Sealed road resurfacing	490 300
*Sealed road rehabilitation	688 900
*Kerb & gutter rehabilitation	70 000

Total 1 647 200

Urban Street Reconstruction	1 814 298
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Lakeview Pde - reconstruct full length	485 000
Myeerimba Pde - completion of 2008/09 project	255 000
River St - from Greville St to Colin St	440 000
Broadwater Esp - From Lakeview Tce to Fern St	466 000
Byangum Rd - from Bagoo Ave to Fern St	168 898

Total 1 814 898

Rural Road Reconstruction	1 323 000
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Crabbes Creek Rd - upgrade of Tweed Valley Way intersection	494 000
Wooyung Rd - segment 90 0.4km	176 000
Burringbar Rd - between rail crossings	165 000
Dulguigan Rd - segments 50 and 150 - 0.7km	238 000
Gravel Resheeting	250 000

Total 1 323 000

Roads to Recovery Program	1 223 354
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Commissioners Creek Rd - extend seal 1.2km	300 000
Kyogle Rd - approaches to Snake Creek Bridge	500 000
Kyogle Rd - co-funding of Repair Program	423 354

Total 1 223 354

Black Spot Program	0
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No approved projects

Total 0

Federal Assistance Grants Program	1 867 000
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Piggabeen Rd Bypass - completion	700 000
Contribution To "Repair" Program	747 000
Advanced Survey & Land Acquisition	420 000

Total 1 867 000

Repair Program	1 345 364
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Kyogle Rd - Clarrie Hall Dam to Palmers Rd (Ongoing)	1 345 364
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Total	1 345 364
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TRCP Program	1 894 563
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Riverview St - widening at primary school	218 000
Kennedy Dr - widening to 4 lanes	1 676 563

Total	1 894 563
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BRIDGES

Bridge Construction	1 805 000
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O'Briens Bridge	445 000
Snake Creek Bridge	440 000
Twin bridge	600 000
Brewer-Charles Bridge	320 000

Total	1 805 000
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DRAINAGE

Drainage Asset Management (04/05 Rate Rise)	115 398
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Total	115 398
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Drainage Construction	1 008 000
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Murwillumbah Street - completion of 2008/09 project	300 000
Darlington Drive - Banora Point	350 000
Tamarind Street - Cabarita Beach	240 000
McKissock Drive - Kingscliff	100 000
Winders Place - Lake Kimberley revetment	15 000

Total Drainage Construction	1 008 000
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Stormwater Drainage Rehabilitation (7 Year Plan)	1 200 000
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Drainage rehabilitation - various locations	400 000
West Kingscliff	800 000

Total Drainage Rehabilitation	1 200 000
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FOOTPATHS

Pedestrian Facilities (04/05 Rate Rise)	54,896
Footpaths Rehabilitation (7 Year Plan)	266,000
Footpath Construction Program	121 049
Sandra Street - Kirkwood Rd to Megan St	14 596
Viking Street - Olga St to Sutherland St	22 784
Viking Street - Olga St to walkway to Gibson St	12 619
Oxley Street - Heffron St to Dept Housing Building	19 307
Thompson Street - Frances St to Angela St	18 230
Bank Avenue - Solander St to Hicks St	26 262
Construction management 8% of total	7 251
Total	121 049

CYCLEWAYS

Cycleway Program	92 200
Kyogle Road Bray Park cutting	92 200
Total	92 200

RECREATION SERVICES

Public Toilets Capital Works	170 000
Budd Park, Murwillumbah Refurbish	75 000
Jack Bayliss Park, Kingscliff	75 000
Ambrose Brown Park, Pottsville	20 000
Total	170 000
Sportsfield Capital Works Program	2 260 000
Knox Park Netball Court upgrade and Clubhouse Refurbish	100 000
Walter Peate - relocate and replace amenities building	250 000
Queens Park amenities upgrade	10 000
Shirewide Irrigation Management System	100 000
Reg Dalton - replace change room facility and toilets	400 000
St Josephs Playing Fields - amenities block	100 000
Queens Park Lights	100 000
Barry Sheppard sportsfield lights, amenities	100 000
Les Burger - construction of additional playing field and expansion to amenities building	100 000
Depot Rd Sportsfields development - commencement	1 000 000
Total	2 260 000

Park Furniture	385 000
Hastings Point - replacement of picnic shelters, BBQ, bins and bollarding	60 000
Pioneer Park - replacement of shelters	45 000
Fingal Foreshore - replacement of picnic shelters, BBQ, bins and bollarding	40 000
Fingal Boatharbour - replacement of picnic shelters, BBQ, bins and bollarding	60 000
South Kingscliff - replacement of picnic shelters, BBQ, bins and bollarding	45 000
Budd Park	65 000
Tumbulgum Foreshore - completion of timber bollard fencing	40 000
Ray Pascoe Park - replacement of shelters and completion of replacement bollarding	30 000
Total	385 000

Playgrounds	145 000
Ebenezer Park (nee John Follent Park)	30 000
Tamarisk Avenue Golden Links	35 000
Uki - Sweetenham	35 000
Willward Park Murwillumbah	15 000
Burringbar	15 000
Alan McIntosh Park, Cudgen	15 000
Total	145 000

Water Supply & Sewerage

The water supply and sewerage construction programs are based on the capital works program contained in the Water Supply and Sewerage Activity Management Plan.

WATER 2010 CAPITAL PROGRAM		
Tyalgum WTP Upgrade	Construction	1 420 000
WPS 8 Hillcrest Res	Construction	60 000
WPS 23 Hillcrest Booster	Construction	400 000
WPS 27 Glenys Booster	General	260 000
Burns Hill Reservoir	Civil Upgrade	50 000
Hospital Hill 2 Reservoir	Rehabilitation	500 000
Razor Back Reservoir	Ladders/Platforms	50 000
Country Club Reservoir 250mm x 1700m	Trunk Main Upgrade	500 000
Old Lismore Rd 250mm x 220m	Trunk Main Upgrade	250 000
Reserve Creek road 300mm x 570m (includes Quarry Rd Bridge)	Trunk Main New	271 000
North Arm Road Duplication 250mm x 1950m St 1	Trunk Main New	500 000
Hillcrest Ave 250mm x 270m; 215m x 150mm	Mains Replacement	214 000
Lakeview Pde Twd Hds Sth 250mm x 500m, 150mm x 500m	Mains Replacement	400 000
River St Prospero to Stafford 100mm	Mains Replacement	50 000
Dorothy Street 100mm x 280m	Mains Replacement	50 000
Charles & Stanley Sts Adelaide to Alva Twd	Mains Replacement	94 000

WATER 2010 CAPITAL PROGRAM		
Hds 100mm x 470m		
Airfield Ave Cross connection 150mm x 460m	Mains New	140 000
Lakeview Pde to the Hermitage 150mm x 240m + 200mm x 350m	Mains New	300 000
Byangum Rd & Wade St 100mm x 150m	Mains New	37 000
Hartigan Hill Non -Return Valve Installation	Mains New	18 000
WPS8 to Glenys St Res 100mm x 240m	Mains New	80 000
Kennedy Drive 150mm x 1180m northern side, 200mm x 1600m southern side	Mains New	315 000
	Total:	5 959 000

SEWER 2010 CAPITAL PROGRAM		
SPS 1003 Charles Lane	Mechanical Upgrade	20 000
SPS 1003 Charles Lane	Electrical Upgrade	5 000
SPS 1005 Tweed Valley Way Buchanan St	Mechanical Upgrade	3 500
SPS 1005 Tweed Valley Way Buchanan St	Electrical Upgrade	20 000
SPS 1009 Buchanan Street	Electrical Upgrade	25 000
SPS 1010 Lundberg Drive (West)	Electrical Upgrade	30 000
SPS 1014 Tree Street	Electrical Upgrade	34 000
SPS 1015 Tweed Valley Way	Electrical Upgrade	35 000
SPS 1017 Tweed Valley Way	Electrical Upgrade	32 000
SPS 1019 Mcleod Street, Condong	Electrical Upgrade	10 000
SPS 2018 Gollan Drive	Odour & Septicity Control	100 000
SPS 2026 Piggabeen Road East	Odour & Septicity Control	50 000
SPS 2036 Fern Street	Electrical Upgrade	50 000
SPS 2038 Peninsula Drive	Electrical Upgrade	200 000
SPS 2038 Peninsula Drive	Civil Upgrade	50 000
SPS 2049 Meridian Way Syphon Ps	Civil Upgrade	167 000
SPS 3010 Cox Drive (Small)	Electrical Upgrade	20 000
SPS 3012 Amber Road	Electrical Upgrade	25 000
SPS 3015 Bosun Boulevard	Mechanical Upgrade	60 000
SPS 3015 Bosun Boulevard	Electrical Upgrade	100 000
SPS 3028 Enterprise Ave	Odour & Septicity Control	100 000
SPS 3028 Enterprise Ave	Collector Access Chamber Upgrade	80 000
SPS 4022 Ibis Court	Pipe Work Replacement	77 000
SPS 4030 Point Break Circuit	Mechanical Upgrade	40 000
SPS 5028 Coast Rd Nth Pottsville	Odour & Septicity Control	100 000
SRM 1005 Tweed Valley Way Buchanan St	SRM Replacement	40 000
SRM 2014 Parkes Drive	SRM Replacement	70 000
SRM 2032 Caloola Drive	SRM New	250 000
SRM 2033 Afex Park	Actuated Control Valve Upgrade	40 000
SRM 2052 Kennedy Dr 450mm x 1050m	SRM New	345 000
SRM 4022 Ibis Court	SRM New	137 000
Gravity Sewer Relining	Annual program	800 000
South Murwillumbah EG/12 to EG/10	Gravity Sewer	45 000

SEWER 2010 CAPITAL PROGRAM		
	Replacement	
M/H A/1A reconstruction Mbah	Gravity Sewer Replacement	50 000
Manhole Telemetry Sites	Gravity Sewer Replacement	50 000
Relocate inverted syphon mains for drain Mbah WWTP	Gravity Sewer Replacement	100 000
Banora Point WWTP	Biosolids Management	1 600 000
Banora Point WWTP Eff Quality Upgr	Design & Construction	2 650 000
Kingscliff WWTP decommissioning	Demolition	4 000 000
Hastings Point WWTP Sludge lagoon	General	400 000
Hastings Point WWTP	Inlet Works	30 000
Hastings Point WWTP	Dune Disposal System	600 000
Tumbulgum WWTP	EAT Aerators	60 000
Tyalgum WWTP	Effluent Reuse	20 000
Burringbar WWTP	Construction	750 000
Burringbar WWTP	SRM New	250 000
Les Burger Field	Effluent Reuse	380 000
Piggabeen Rd roundabout	Gravity Sewer Replacement	90 000
	Total:	14 190 500

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.



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31 [EO-CM] Adoption of Amended Section 94 Plan No 23 - Offsite Parking (Version 2)**ORIGIN:****Planning & Infrastructure****SUMMARY OF REPORT:**

Council at its meeting held 16 June 2009 resolved to exhibit Draft S94 Plan No 23 – Offsite Parking (Version 2). The Draft Plan was exhibited for 28 days from 24 June 2009 to 22 July 2009 in accordance with Regulation 28 of the Environmental Planning and Assessment Regulations 2000 via Council's Tweed Link and website exhibition page. No submissions were received. However in accordance with the Minister for Planning's Section 94E Direction of 10 July 2009 administration costs in the Plan must be reduced from 10% to 5%. The draft exhibited plan, as amended for reduced administration costs is now recommended for approval.

The amendment results in the following changes to the rate per unsupplied carparking space:-

Area	Version 1.4 Rate	Version 2 Rate
Tweed Heads	17,490	\$24,570
Murwillumbah	12,747	\$15,907
Kingscliff	20,000	\$27,657
Bogangar	13,619	\$27,657
Pottsville	14,834	\$19,750
Fingal	3,366	\$2,898

RECOMMENDATION:**That Council**

- 1. Approves Draft Section 94 Plan No 23 – Offsite Parking (Version 2) as further amended to reduce administration costs, to repeal and replace the existing version in accordance with Clause 31 of the Environmental Planning & Assessment Regulations 2000;**

2. **Gives Public Notice in the Tweed Link of Council's decision specifying that the amended Version 2 of the Plan (CP 23) comes into effect on the date of the notice.**

REPORT:**Background****1.1 Purpose of Section 94 Contributions Plan No. 23 – Offsite Parking (CP23)**

Development Control Plan Section A2 – Site Access and Parking Code (DCPA2) designates the number of parking spaces that must be provided for various classes of development. Where the site is unable to accommodate the designated number of parking spaces, Council may issue a development consent requiring section 94 contributions for the unsupplied spaces.

Section 94 Contributions Plan No.23 – Offsite Parking (CP23):-

- enables Council to collect contributions (for the unsupplied car parking spaces) from developers as a condition of consent
- enables these contributions to be used to finance public car parking in lieu of provision of car parking on the development site and
- designates contribution rates.

1.2. Car Parking Contribution Rates

CP23 came into effect on 18 November 1999, and the most recent amended version, Version 1.4, incorporating adjustments for the increase in land acquisition costs, was adopted by Council in July 2005.

2. Amendment to CP23

CP23 Version 2 reflects current rates for construction and land costs. Applying these increases to the calculation formulae contained in the Plan resulted in the following amended rates:-

Area	Version 1.4 Rate	Version 2 Rate
Tweed Heads	\$17,490	\$24,570
Murwillumbah	\$12,747	\$15,907
Kingscliff	\$20,000	\$27,657
Bogangar	\$13,619	\$27,657
Pottsville	\$14,834	\$19,750
Fingal	\$3,366	\$2,898

Exhibition and Submissions

Council at its meeting held 16 June 2009 resolved to exhibit Draft S94 Plan No 23 – Offsite Parking (Version 2). The Draft Plan was exhibited for 28 days from 24 June 2009 to 22 July 2009 in accordance with Regulation 28 of the Environmental Planning and Assessment Regulations 2000 via Council's Tweed Link and website exhibition page. No submissions were received. However in accordance with the Minister for Planning's Section 94E Direction of 10 July 2009 administration costs in the Plan must be reduced from 10% to 5%. The draft exhibited plan, as amended for reduced administration costs is now recommended for approval.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Increase in contribution rates is required to enable Council to finance its obligations to supply public parking in cases where development projects are unable to provide sufficient parking on their own sites.

Administration costs have been reduced from 10% to 5% in accordance with the Minister for Planning Section 94E Direction of 10 July 2009.

POLICY IMPLICATIONS:

Adoption of amended car parking contribution S94 Plan (CP23).

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. Section 94 Plan No 23 – Offsite Parking (Version 2) (ECM 3920373).
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32 [EO-CM] Pacific Highway and Adjacent Arterial Roads Master Plan between Stewart Road and Barneys Point**ORIGIN:****Planning & Infrastructure****FILE NO: GC12/3-2008103****SUMMARY OF REPORT:**

Council's support for the Tugun Bypass on 21 September 2005 was conditional on Main Roads joining with the NSW RTA, Gold Coast City Council and Tweed Shire Council to prepare a master plan for the border sections of the Pacific Highway between the Tweed River (Barneys Point) Bridge and Stewart Road (Tugun). A Technical Committee consisting of representatives from the four organisations initially met on 31 January 2008 to advance this masterplan process. The Committee's work plan requires a traffic study on the road network and future traffic patterns to determine if an overpass is required at Boyd Street. Tenders were called for the study. A total of eight tenders were received by the advertised closing date of 24 June 2009.

The lowest submission received was from Bitzios Consulting Pty Ltd for the upper limit fee of \$88,740 excluding GST. This amount can be funded from the current TRCP budget.

Bitzios Consulting has significant experience in transport planning and traffic impact assessment with clients including the Queensland Department of Transport and Main Roads, Gold Coast City Council and other local authorities. References have shown that Bitzios provided a very satisfactory service.

RECOMMENDATION:**That:-**

- 1. Tender EC2008-103 - Cross Border Traffic Master Plan - Stewart Road to Barneys Point Bridge be awarded to Bitzios Consulting Pty Ltd for the upper limit fee of \$88,740.00 (excluding GST).**
- 2. The General Manager be given delegated authority to authorise variations up to a total upper limit fee of \$150,000.00.**
- 3. 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:**1. Background****(a) Boyd Street Interchange**

In 1999, Council supported the Tugun Bypass C4 route proposed by the Queensland Department of Main Roads (QDMR) which included a full interchange at Boyd Street Tugun.

This interchange is considered an essential part of the Tweed Shire arterial road network and would provide a connection to the South East Queensland area for the future Cobaki Lakes and Bilambil Heights urban release areas. In 2004 without prior consultation or concurrence from Council, the EIS for the Tugun Bypass C4 route project was publicly exhibited with the Boyd Street interchange deleted. The advertised project did not even include an overpass for Boyd Street which is the minimum necessary to maintain access across the proposed freeway.

On 16 February 2005, Council resolved to oppose the Tugun Bypass C4 route, but, would reconsider if the Boyd Street Interchange was reinstated into the Tugun Bypass approval process.

After protracted negotiations with QDMR, agreement was finally reached for Council to support the Tugun Bypass with inclusion of the Boyd Street overpass (conditional on payment of \$6.45 Million by Council) as part of the Tugun Bypass construction works. The overpass was completed prior to opening of the Tugun Bypass. Council's support as detailed in a resolution of 21 September 2005 was conditional as follows:-

"(b) This support is conditional on Main Roads joining with the NSW RTA, Gold Coast City Council and Tweed Shire Council to prepare a master plan for the border sections of the Pacific Highway between the Tweed River (Barneys Point) Bridge and Stewart Road (Tugun). The master plan process (already commenced by NSW RTA and Tweed Shire Council) is to be extended to consider:-

- *Configuration of the northern section of the Tugun Bypass adjacent to Cobaki Lakes (NSW), Tugun (Qld) and adjacent urban arterial roads.*
- *Optimising freeway interchanges to provide appropriate levels of service on both the freeway and adjacent urban arterial roads and to ensure there is adequate connectivity to the proposed Tugun Railway station, Coolangatta airport and John Flynn hospital as well as adjacent Cobaki Lakes and Tugun urban areas*
- *Whether the Boyd Street overpass should be upgraded to a full interchange."*

QDMR agreed to Council's condition (b) above and a committee has been established to progress the "master plan".

(b) Pacific Highway and Adjacent Arterial Roads Master Plan between Barneys Point Bridge and Stewart Road - Technical Committee

The Committee had its inaugural meeting on 31 January 2008 (see Attachment B) with representatives from QDMR, NSW RTA, Gold Coast City Council and Tweed Shire Council.

The objectives of the Committee are:-

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

and the Committee's Work Plan is:-

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

2. Tenders for Traffic Study

The Committee has met on a number of occasions to finalise the brief for the study referred to in the Work Plan. Tenders have been called and received.

Eight future 'scenarios' will be tested as part of the work as follows:-

Combination Urban Development Event	"Fixed" Infrastructure Events	Combination Infrastructure Event
A. Low density mixed use development of Tweed Heads and	Reconfigured intersections on the Gold Coast Highway (particularly Boyd Street).	1. No Boyd Street interchange.

Combination Urban Development Event

South Tweed Heads based on current Tweed Shire Council and Gold Coast City Council Planning instruments.

B. Medium to high density mixed use development of Tweed Heads and South Tweed Heads.

“Fixed” Infrastructure Events

A single alternative access to the Coolangatta airport land.

Kirkwood Road Interchange.

Scenic Drive Diversion, Mcallisters Rd extension, Piggabeen Rd deviation and Cobaki Parkway construction as detailed in the TRCP.

6 laning of the Pacific Highway between Kirkwood Road and Kennedy Drive and 2 x two lane service roads across Terranora Creek.

The Pacific Highway Banora Point upgrade.

Other infrastructure events that may be mutually agreed in the course of this study.

Combination Infrastructure Event

2. Boyd Street Interchange with northbound on ramp and southbound off ramp only.

3. Boyd Street Interchange as a full interchange with both on and off ramps north and southbound.

4. Reconfigured Bilinga Interchange with Gold Coast Highway.

The master plan is essential in assisting to determine what future road infrastructure is needed along the Pacific Highway Corridor and when it will be required.

The Steering Committee has agreed to meet the costs of the Consultancy on a pro-rata basis. Council's share is 30% or \$26,622 excluding GST.

A total of eight tenders were received by the advertised closing date of 24 June 2009.

Tenders were received from the following Consultants:-

GTA Consultants
Bitzios
Cardno Eppell Olsen
SKM
MWH
URS Australia
Parsons Brinkerhoff
Aurecom

The lowest tendered lump sum was received from Bitzios Consulting Pty Ltd for the lump sum of \$88,740.00 excluding GST. The expected time to complete the work is 52 weeks.

Further tender details are provided in the confidential Attachment A to this report.

Bitzios Consulting has significant experience in transport planning and traffic impact assessment with clients including the Queensland Department of Transport and Main Roads, Gold Coast City Council and other local authorities. Reference checks showed that Bitzios provided a very satisfactory service.

3. Variations

It is likely as the study progresses that additional network scenarios may need to be examined, accordingly unit rates for additional works are included in the tenders.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The master plan is directly related to Council's Tweed Road Contribution Plan (Contribution Plan No. 4) and funding for the proposal can be obtained from the current Tweed Road Contribution Plan budget.

Variations to the scope of works may be required to test other scenarios that become apparent during the course of work. It is recommended that the General Manager be given delegated authority to authorise these work variations up to a total upper fee limit of \$150,000 (or effectively up to \$45,000 after receipt of contributions from other organisations).

POLICY IMPLICATIONS:

Major implications for strategic planning of the arterial road network for local and state authorities either side of the NSW/Qld border.

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. **Confidential Attachment A** - Supplementary Confidential Information - Tender EC2008-103 (ECM 3871433).
 2. **Ordinary Attachment B** - Minutes of Meeting Held 31 January 2008 - Pacific Highway and Adjacent Arterial Roads Master Plan between Barneys Point Bridge and Stewart Road Technical Committee (ECM 1774024).
-

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

33 [TCS-CM] Conduct Review Committee

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

Code of Conduct complaints have been referred to a Conduct Review Committee in accordance with the provisions of the Code of Conduct and Conduct Review Committee/Sole Reviewer Policy for consideration and determination.

Mr David Gibson, Chair of the Conduct Review Committee, has provided the following interim report and has requested that it be presented in Open Council.

RECOMMENDATION:

That Council:-

- 1. Receives and notes the Interim Report of the Conduct Review Committee.**
- 2. Determines any appropriate action to be undertaken from the Interim Report.**

REPORT:

CONDUCT REVIEW COMMITTEE

INTERIM REPORT

A Conduct Review Committee comprising of David Gibson (Chair), Maryann Andersen and Glen Ratjens was set up to consider complaints by two councillors and a resident against the Mayor alleging she had breached Council's Code of Conduct by:

- failing to accept a resolution of Council authorising the General Manager to accept a directorship on the Board of World Rally Australia Pty Ltd,
- using the press to call for his resignation from the Board, and
- other comments attributed to her in the press alleging , amongst other things, that the General Manager had a conflict of interest.

Another complaint regarding the Mayor's appearance at a Senate hearing into Agricultural and Related Industries on 4 March 2009 was dismissed as it was made "without prejudice".

The two councillors, Mayor and General Manager were interviewed by the Committee on Thursday 23 July 2009.

In November 2008 the Council resolved to "...authorise the General Manager to accept the offer from the Confederation of Australian Motor Sports to be a Director of World Rally Australia Pty Ltd".

At its meeting on Tuesday 21 July 2009 the Mayor put forward a Mayoral Minute seeking to rescind the earlier motion. The rescission motion was lost five votes to two.

This should now be the end of the matter. It has been dealt with twice by Council. The Mayor indicated to us that this is as far as she can take it, that she respected the decision of Council and that the matter was now closed.

We believe that to make a finding now would inflame the situation further. If the issue is dead then there is no need for further comment on it. It is time to put this matter behind those concerned, learn from the mistakes made, stop the bickering and move forward.

The Code of Conduct allows for the resolution of complaints by the use of alternative and appropriate strategies (clause 12.19(b)). There was a desire by those we interviewed for this to happen.

Consequently, we have decided to adjourn proceedings at this stage for a period of one month to allow this to happen and to see if this issue develops further. We ask the Public Officer to advise us of any further media reports about this issue.

In the meantime we recommend that:

1. the Mayor and General Manager meet and open lines of communication between them based on achieving the goals of Council. If necessary, a facilitator/ mediator should be appointed to assist in this. In her email to management and all staff of 7 July 2009, the Mayor encouraged all staff "...to move forward with us as a team...". This needs to start at the top.
2. councillors receive Code of Conduct training. Despite receiving some training, it is apparent to us that councillors do not understand the intricacies of the Code of Conduct.
3. councillors receive media training. The Mayor indicated to us that she had been misquoted in the press on a number of occasions.

These proceedings are adjourned to Friday 28 August 2009.



David Gibson
Chair
Conduct Review Committee
27 July 2009

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

In accordance with the Code of Conduct and Conduct Review Committee/ Sole Reviewer Policy

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.



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**34 [TCS-CM] Tweed River Art Gallery and Tweed River Regional Museum
Advisory Committee Constitutions**

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

Following the election of Council, and the subsequent appointment of Councillor and Community representatives to the Tweed River Art Gallery and Tweed River Regional Museum Advisory Committees, the constitutions of both committees have been reviewed to ensure the objectives and membership requirements are achievable.

The constitutions, following review, have been aligned in terms of Membership, Termination of Membership, Meetings (including quorum provisions) and are submitted to Council for adoption.

RECOMMENDATION:

That Council adopts:

- 1. Tweed River Art Gallery Advisory Committee Constitution; and**
- 2. Tweed River Regional Museum Advisory Committee Constitution.**

REPORT:

As per summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Constitutions in accordance with requirements of Section 355 Committees

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. Tweed River Art Gallery Advisory Committee Constitution (ECM 3948010).
 2. Tweed River Regional Museum Advisory Committee Constitution (ECM 3947009).
-

35 [TCS-CM] Review of Council's Delegations**ORIGIN:****Corporate Governance****SUMMARY OF REPORT:**

Council is required in accordance with Section 380 of the Local Government Act 1993 to review all of its delegations during the first 12 months of each term of office.

Sections 377 and 378 of the Local Government Act 1993 describe the functions that Council may by resolution delegate to the General Manager and the function that the General Manager may delegate or sub-delegate respectively. Section 335 of the Local Government Act 1993 describes the functions of the General Manager.

Council at its meeting of 23 May 2006 ratified the delegations to the General Manager in accordance with Section 377 of the Local Government Act.

The functions being recommended that Council should delegate to the General Manager are in accordance with Section 377 of the Local Government Act 1993.

Further, Council at its meeting of 28 November 2006, delegated the exercise of powers under the Road Transport (General) Act 2005 regarding heavy vehicle limits enforcement function to Newlog officers who are employees of Ballina Shire Council.

RECOMMENDATION:**That Council:**

- 1. Confirms the delegations to the General Manager other than the functions of Council in accordance with Section 377 of the Local Government Act 1993.**
- 2. Confirms the delegation previously provided on 28 November 2006 to Ballina Shire Council, in accordance with Section 377 of the Local Government, 1993, for the purpose of undertaking administration of the North East Weight of Loads Group (NEWLOG).**

REPORT:

Section 377 of the Local Government Act 1993 states that:-

"(1) A Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council, other than the following:-

- a) The appointment of a General Manager;*
- b) The making of a rate;*
- c) A determination under Section 549 as to the levying of rate;*
- d) The making of a charge;*
- e) The fixing of a fee;*
- f) The borrowing of money;*
- g) The voting of money for expenditure on its works, services or operations;*
- h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment);*
- i) The acceptance of tenders which are required under this Act to be invited by the Council'*
- j) The adoption of a management plan;*
- k) The adoption of a financial statement included in an annual financial report;*
- l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6;*
- m) The fixing of an amount or rate for carrying out by the Council of work on private land;*
- n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work;*
- o) The review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under Section 82A of the Environmental Planning and Assessment Act 1979;*
- p) The power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under Section 194;*
- q) A decision under Section 356 to contribute money or otherwise grant financial assistance to persons;*
- r) Council under Section 455 in relation to attendance at meetings;*
- s) The making of an application, or the giving of a notice, to the Governor or Minister;*
- t) This power of delegation;*
- u) Any function under this or any other Act is expressly required to be exercised by resolution of the Council.*

(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council."

Section 378 of the Local Government Act 1993 states that:

- "(1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.*
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377 (2)."*

The functions of the General Manager are contained in Section 335 of the Local Government Act 1993. These being:-

1. The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council.
2. The General Manager has the following particular functions:
 - The day-to-day management of the Council;
 - To exercise such of the functions of the Council as are delegated by the Council to the General Manager;
 - To appoint staff in accordance with an organisation structure and resources approved by the Council;
 - To direct and dismiss staff;
 - To implement the Council's equal employment opportunity management plan.
3. The General Manager has such other functions as may be conferred or imposed on the General Manager by or under this or any other Act.

The delegations to the General Manager were last reviewed and approved by the previous Council on 23 June 2006.

The adoption of the recommendation does not change the current instrument of delegation to the General Manager.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au 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. Copy of Delegations to General Manager (ECM3951123).
-



36 [TCS-CM] In Kind and Real Donations - April to June 2009

ORIGIN:

Financial Services

SUMMARY OF REPORT:

Details of in kind and real donations for the period April to June 2009 are reproduced in this report for Council's information.

RECOMMENDATION:

That Council notes total donations of \$64,279.38 for the period April to June 2009.

REPORT:

Council maintains a register of in kind and real donations. Details of these donations for the period April to June 2009 are reproduced as follows:-

Financial Assistance			
Amount	Recipient	Donated Item	Date
\$ 11,440.00	Australian Volunteer Coast Guard - Kingssclyff Flotilla	Budget Allocation	9-Apr-09
\$ 1,000.00	Murwillumbah Historical Society	Donation - 50th Anniversary Celebration	15-Apr-09
\$ 5,000.00	Tweed Kenya Mentoring Program	Addition to Budget Allocation	29-Apr-09
\$ 3,599.00	Murwillumbah Festival of Performing Arts	2nd Round Donations 08/09	30-Apr-09
\$ 2,000.00	Cabarita - Pottsville Beach Lions Club	2nd Round Donations 08/09	30-Apr-09
\$ 2,000.00	Nitromax Productions	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Burleigh Arts Group Incorporated	2nd Round Donations 08/09	30-Apr-09
\$ 5,000.00	Tyalgum Festival Committee Incorporated	2nd Round Donations 08/09	30-Apr-09
\$ 2,000.00	Caldera Environment Centre	2nd Round Donations 08/09	30-Apr-09
\$ 2,000.00	Murwillumbah Community Centre Incorporated	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Tweed Palliative Care Support	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Twin Towns Friends Association Incorporated	2nd Round Donations 08/09	30-Apr-09
\$ 200.00	Neighbourhood Watch - Area 14	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Tweedlesea Seniors Day Club	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Westpac Lifesaver Rescue Helicopter	2nd Round Donations 08/09	30-Apr-09
\$ 500.00	St Vincent De Paul Society	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Kunghur Community Pre School	2nd Round Donations 08/09	30-Apr-09
\$ 800.00	Uki Sporting Horse Association	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Joey's Pouch Educational Child Care	2nd Round Donations 08/09	30-Apr-09
\$ 500.00	Burringbar District Sports Club	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Murwillumbah Friendship Club	2nd Round Donations 08/09	30-Apr-09
\$ 200.00	Tweed Valley Vehicle Restorers Club	2nd Round Donations 08/09	30-Apr-09
\$ 800.00	Tweed Valley Wildlife Carers	2nd Round Donations 08/09	30-Apr-09
\$ 1,000.00	Ukitopia Arts Collective	2nd Round Donations 08/09	30-Apr-09
\$ 10,000.00	Wintersun Festival Association Inc	Budget Allocation - Festivals	7-May-09
\$ 56,039.00			

Goods and/or Materials			
Amount	Recipient	Donated Item	Date
\$ 60.00	Uki Pre-School	15 Shrubs	25-May-09
\$ 112.00	Dungay Primary School	28 Shrubs	26-May-09
\$ 40.00	Crabbes Creek School	10 Shrubs	01-Jun-09
\$ 40.00	Banora Point High School	10 Shrubs	16-Jun-09
\$ 252.00			

Provision of Labour and/or Plant & Equipment			
Amount	Recipient	Donated Item	Date
\$ 570.70	ANZAC Day Parade	Provision of Labour & Council Plant	24-Apr-09
\$ 171.99	Wintersun	Provision of Labour & Council Plant	05-Jun-09
\$ 284.31	Battle on the Border - Bike Race	Provision of Labour & Council Plant	05-Jun-09
\$ 783.06	Life Education Van Relocation	Provision of Labour & Council Plant	30-Jun-09
\$ 1,810.06			



Tweed Link Advertising			
Amount	Recipient	Donated Item	Date
\$ 40.50	Various Community Notices	Advertising	7-Apr-09
\$ 67.50	Various Community Notices	Advertising	14-Apr-09
\$ 74.25	Various Community Notices	Advertising	21-Apr-09
\$ 216.00	Various Community Notices	Advertising	28-Apr-09
\$ 60.75	Various Community Notices	Advertising	5-May-09
\$ 67.50	Various Community Notices	Advertising	12-May-09
\$ 74.25	Various Community Notices	Advertising	19-May-09
\$ 195.75	Various Community Notices	Advertising	26-May-09
\$ 81.00	Various Community Notices	Advertising	2-Jun-09
\$ 87.75	Various Community Notices	Advertising	9-Jun-09
\$ 81.00	Various Community Notices	Advertising	16-Jun-09
\$ 81.00	Various Community Notices	Advertising	23-Jun-09
\$ 256.50	Various Community Notices	Advertising	30-Jun-09
\$ 1,383.75			

Room Hire			
Amount	Recipient	Donated Item	Date
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	2-Apr-09
\$ 423.20	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	4-Apr-09
\$ 490.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	5-Apr-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	4-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	7-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	11-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	14-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	16-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	18-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	19-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	21-May-09
\$ 145.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	23-May-09
\$ 145.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	24-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	25-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	26-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	27-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	28-May-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	1-Jun-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	3-Jun-09
\$ 67.67	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	3-Jun-09
\$ 47.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	7-Jun-09
\$ 67.70	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	9-Jun-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	1-Apr-09
\$ 67.70	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	2-Apr-09
\$ 67.70	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	4-Apr-09
\$ 161.30	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	5-Apr-09
\$ 67.70	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	6-Apr-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	8-Apr-09
\$ 101.50	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	13-Apr-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	15-Apr-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	22-Apr-09
\$ 82.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	26-Apr-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	29-Apr-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	6-May-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	10-May-09
\$ 101.50	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	11-May-09
\$ 41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	11-May-09
\$ 67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	13-May-09
\$ 41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	14-May-09
\$ 41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	18-May-09
\$ 41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	21-May-09

\$	106.50	Tweed Heads Hospital Fashion Parade	Room Hire - Tweed Heads Civic Centre	25-May-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	25-May-09
\$	67.70	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	27-May-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	28-May-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	1-Jun-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	4-Jun-09
\$	101.50	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	8-Jun-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	11-Jun-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	15-Jun-09
\$	41.80	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	17-Jun-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	18-Jun-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	22-Jun-09
\$	41.80	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	24-Jun-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	25-Jun-09
\$	41.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	29-Jun-09
\$	27.90	Twin Towns Friends	Room Hire - South Tweed HACC	8-Apr-09
\$	27.90	Twin Towns Friends	Room Hire - South Tweed HACC	10-Jun-09
\$	42.40	Twin Towns Friends	Hall Hire - South Tweed Heads Commur	20-May-09
\$	78.70	Tweed Heads Hospital Auxilary	Room Hire - Tweed Heads Meeting Room	4-May-09
\$	78.70	Tweed Heads Hospital Auxilary	Room Hire - Tweed Heads Meeting Room	1-Jun-09
\$	4,794.57			

\$ 64,279.38 Total Donations 4th Quarter (April,May,June 2009)

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

37 [TCS-CM] 2007/2008 Comparative Information on NSW Councils**ORIGIN:****Corporate Governance****SUMMARY OF REPORT:**

The 2007-2008 Comparative Information was released by the Department of Local Government on 17 July 2009.

Tweed Shire Council is in Group 5 of the Australian Classification of Local Government (ACLG) together with:

- Lake Macquarie,
- Newcastle,
- Shoalhaven, and
- Wollongong.

The purpose of the comparative information publication is to help communities and councils assess performance retrospectively across a broad range of activities.

In 2007 the Department of Local Government undertook a review of the comparative information publication, as the Department identified several areas where State departments collected similar information. As a result of the review library, waste and recycling, sewerage and planning and development services are no longer published in the comparative information dataset.

Performance indicators in isolation do not provide a full picture of a council's performance. The Comparative indicators do show differences between councils but do not explain why these differences arise.

RECOMMENDATION:

That Council receives and notes the Department of Local Government's Comparative Information results for 2007/2008.

REPORT:

Group 5 summary

	Population	5 yr growth rate	Total revenue (\$'000)	Total expenditure (\$'000)
Lake Macquarie	193,092	0.01%	172,559	140,260
Newcastle	150,357	0.96%	190,166	192,392
Shoalhaven	92,880	0.88%	158,454	141,462
Tweed	84,325	2.01%	136,316	121,967
Wollongong	195,768	0.44%	177,723	180,693

1. Rating Performance

	TSC	Group 5 average	NSW average
Residential	\$786	\$791	\$732
Farmland	\$1,277	\$1,353	\$1,695
Business	\$1,895	\$4,829	\$3,835
% Outstanding rates, & annual charges	4.98%	5.55%	5%
% movement in rates & annual charges	8.42%	8.87%	6%
% movement in user charges and fees	10.81%	11.66%	6%

Comparison:

- The farmland rate of Tweed remains to be the lowest rate in Group 5.
- The business rate of Tweed is 102% less than the NSW average and 158% less than the Group 5 average. The Tweed Business rate remains approximately 18% higher than lowest ranked Group 5 member Shoalhaven.
- Tweed effectiveness of collecting outstanding rates and annual charges has improved with a 6% decrease over two years.

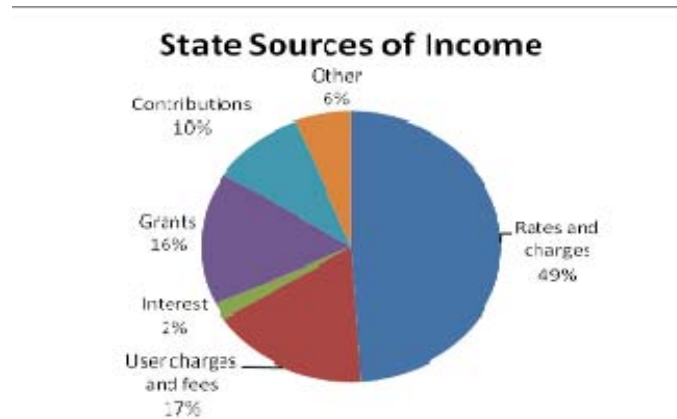
2. Financial Performance

2.1 Sources of income from continuing operations	TSC %	Group 5 %	NSW %
Rates & charges	41.51	51.16	49%
User charges & fees	17.35	17.70	17%
Interest	3.15	2.87	2%
Grants	11.62	13.91	16%
Contributions	19.26	9.03	10%
Other revenue	7.10	5.34	6%

Comparison:

- Tweed generated approximately 25% less income from Rates and Charges than the Group 5 average and 19% less than the state average.
- Tweed continues to achieve the higher interest income for Group 5 and remains consistently above 30% higher than the state average.
- Tweed recorded 37% less income from grants than the state average

- Income from contributions is an important revenue source for Tweed Shire Council. Tweed raised 83% more from contributions than the state average. The average of group 5, excluding Tweed is only 7.04. Lake Macquarie is the next ranked council raising 14.41% of income from contributions.
- Tweed has come from the lowest ranked Council for income raised by other sources in 2006/07 to be the highest ranked council in 2007/08.



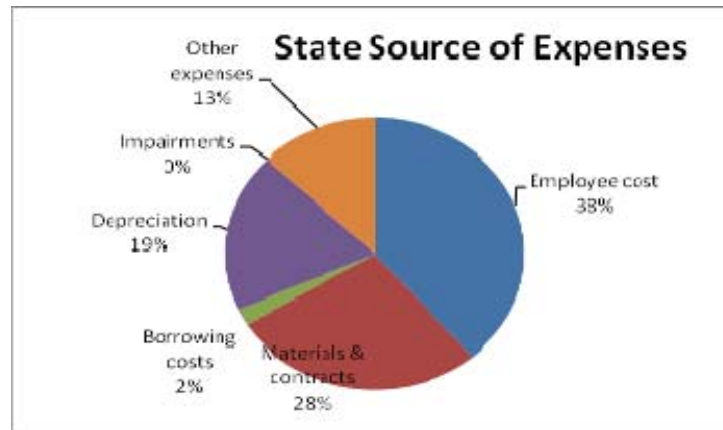
2.2 Dissection of expenses from continuing operations

This indicator assesses the expenditure patterns of council.

Costs	TSC (%)	Group 5 (%)	NSW (%)
Employee costs	32.74	38.17	39
Materials and contracts	25.92	26.29	28
Borrowing costs	3.03	2.06	2
Depreciation	29.98	20.59	19
Impairment	0	0	0
Other expenses	8.34	12.89	13

Comparison:

- Tweed reduced employee costs by 0.7% on the previous 2006/07 year and remains the lowest source of expense in Group 5.
- Tweed increased its borrowing costs by 28% on the previous 2006/07 year. The cost of borrowing for Tweed is 47% greater than the Group 5 average.
- Tweed has decreased the depreciation costs by 6% on the previous 2006/07 year. Depreciation costs remain 45% greater than the Group 5 average.



2.3 Financial Ratios

Ratio	TSC	Group 5	NSW	Industry benchmark
Current ratio (unrestricted)	2.38	2.63	2.86	>2:1 good
Debt service ratio	7.35	4.62	4%	n/a
Capital expenditure ratio	2.88	6.21	6.64	n/a

- The ability of Tweed to meet its financial obligations and level of liquidity is in the acceptable ratio above 2:1, indicating Tweed has 2 times the short-term liquid assets to cover short-term liabilities.
- Tweed expended 7.35% of income from continuing operations to service its debt obligations. It is generally accepted that funding for infrastructure by loans is a prudent financial strategy allowing for contributions to be paid over the life of the asset.
- Capital expenditure, Tweed had a net increase in asset value over the year with asset expenditure 2.8 times more than asset depreciation over the same period. This ratio excludes land, water and sewer infrastructure and does not make any allowance for asset revaluation that have occurred.

3. Corporate

3.1 Equivalent full-time (EFT) staff

Category	EFT Staff
Tweed Shire	695
Group 5	845

4. Statutory Reporting

Tweed Council provided on time to the Department of Local Government the following statutory reports:

- Annual Report,
- State of the Environment Report,
- Access and Equity Report and
- Financial Reports.

Tweed Council has a published Community and Social Plan.

5. Environmental Management and Health Services

5.1 Environmental management and health expenses per capita

Category	Expenditure
Tweed Shire	\$43.98
Group 5	\$42.86
% of NSW \$30-\$45 per capita	21.7%

- Tweed has increased spending on environmental management and health services by 15% on the previous 2006/07 year.
- Shoalhaven was the highest ranked in Group 5 spending 2.5 times more than Tweed on environmental management and health services.

6. Recreation and Leisure Services

6.1 Net recreation and leisure expenditure per capita

Category	Expenditure
Tweed	\$73.68
Group 5	\$83.76
% of NSW \$60-\$90 per capita	33%

- Tweed improved spending on recreational and leisure services by 11.7% on the previous 2006/07 year.
- Tweed spent approximately 13% less than the Group 5 average.

7. Community Services

7.1 Community services expenses per capita

Category	Expenditure
Tweed	\$23.08
Group 5	\$25.61
% of Councils expenditure \$0-\$20	35%

- Tweed has improved expenditure on community services by 39.3% on the previous 2006/07 year.
- Tweed spent approximately 8% less than the Group 5 average.
- The Group 5 average is 1.36 times less than the NSW average of \$59.00.

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.

38 [TCS-CM] Quarterly Budget Review - 30 June 2009

ORIGIN:

Financial Services

SUMMARY OF REPORT:

This is the fourth quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2008/09 Budget.

This statutory report is prepared in accordance with the Local Government (General) Regulations 2005, regulation 202 and 203. Council will have a balanced budget as at 30 June 2009 in the General, Water and Sewer Funds.

RECOMMENDATION:

That Council:-

- 1. Adopts the Quarterly Budget Review Statement as at 30 June 2009.**
- 2. Votes and adjusts the expenditure and income, as summarised below and detailed within the report, in accordance with the revised total expenditure and income for the year ending 30 June 2009.**

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Operating	875,546	0
Interest	0	0
Capital	845,000	0
Loan Repayments	0	0
Transfers to Reserves	2,076,273	0
	<u>3,796,819</u>	0
<u>Income</u>	0	0
Operating	0	2,801,819
Capital Grants & Conts	0	65,000
Loan Funds	0	150,000
Recoupments	0	0
Transfers from Reserves	0	780,000
Asset Sales	0	0
	<u>0</u>	<u>3,796,819</u>
Net Surplus/(Deficit)		<u><u>0</u></u>



Description	Change to Vote	
	Deficit	Surplus
Water Fund		
<u>Expenses</u>		
Operating	10,925	0
Interest	0	0
Capital	0	3,437,000
Loan Repayments	0	0
Transfers to Reserves	3,125,287	0
	3,136,212	3,437,000
<u>Income</u>		
Operating	0	83,712
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	0	60,800
Transfers from Reserves	445,300	0
	445,300	144,512
Net Surplus/(Deficit)		0
Sewer Fund		
<u>Expenses</u>		
Operating	343,388	0
Interest	0	0
Capital	0	2,815,500
Loan Repayments	0	0
Transfers to Reserves	120,612	0
	464,000	2,815,500
<u>Income</u>		
Operating	0	0
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	1,081,000	0
Transfers from Reserves	1,270,500	0
Asset Sales	0	0
	2,351,500	0
Net Surplus/(Deficit)		0

REPORT:**Budget Review 30 June 2009 (Quarterly Budget Review)**

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

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

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

Report By Responsible Accounting Officer

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

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

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

Variations

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

- Variations Proposed
- Council Resolutions

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

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

Income Statement

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

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

Statement of Funding Result Reconciliation

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

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

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

Description	\$	Comments
General Fund		
Building Control Salaries	(30,000)	Salary savings (vacancy)
Building and Health Admin	14,236	Salaries
Building control other costs	20,349	Vehicle expenses
On-site Sewage Management	(16,859)	Salary savings (vacancy)
Conveyancing Drainage Diagrams	12,599	Economic downturn
Bldg Council Appl EP&AA	32,196	Economic downturn
Sundry Health Income	(21,075)	Footpath usage fees
Environmental Health Legal Expenses	(11,446)	Lower than expected
Art Gallery Salaries	22,000	Higher than expected
Art Income Sales/Workshops	(22,000)	Increase in activity
Banora Point Community Centre	13,000	Original budget sufficient
Banora Point Community Centre	(13,000)	Increase in activity
Tumbulgum Hall	5,455	Unscheduled maintenance
Community Workers Salary	20,000	Staff transfer
CCS Management	19,000	Staff transfer
Cultural Develop Salary	(44,455)	Leave savings
Murwillumbah Swimming Pool	83,554	Actual costs to run new pool
Murwillumbah Civic Centre	184,048	Increased costs due to extensions: electricity, cleaning, fire system compliance, electrical repairs
Entomology	(45,475)	Savings in operating costs
Cemeteries	(34,942)	Savings in maintenance costs
Environmental Health	(75,256)	Savings in legal and operating costs
Spots Ground Usage	(14,940)	Higher usage than anticipated
Development Assessment Income	(40,227)	Reimbursed costs from State Government
Drainage Maintenance	(45,428)	Budget savings
Professional Development	(11,334)	Budget savings
	0	

Full details:

Item	In/Ex	Description	Current Vote	Change to Vote	Comments
1.		Proposed Variations			
		General Fund			
1	In	FAG Funds (general) for 09/10 received in advance	(6,088,430)	(1,535,679)	FAG Grant paid in advance
1	In	FAG Funds (roads) for 09/10 received in advance	(2,130,810)	(540,594)	FAG Grant paid in advance
1	Ex	Transfer above to reserve	0	2,076,273	restricting revenue received in advance
2	Ex	Expansion of Byrill Ck Restoration Program		30,000	Grant funds received
2	In	Dept of Environment & Climate Change		(30,000)	Funding for above
3	Ex	Coastal Community Group Storm Recovery		5,000	Project funded by NRCMA
3	In	Northern Rivers Catchment Authority grant		(5,000)	Funding for above
4	Ex	Bray Park Wetland		6,200	Grant funded project
4	In	Urban Sustainability Trust		(6,200)	Funding for above
5	Ex	Indian Myna Project (Salaries)		30,500	Allocate general budget to salaries budget
5	Ex	Indian Myna Project (General)	62,179	(30,500)	Allocate general budget to salaries budget
6	Ex	Minor traffic facilities	62,188	(4,727)	Transfer funds to below
6	Ex	Traffic facilities	208,362	4,727	Transfer funds from above
7	Ex	Blackspot program - Ducat St		65,000	Grant project
7	In	Blackspot grant		(65,000)	Funding for above
8	Ex	RTA Road Safety Audit - Lillian Rock to Uki		170,000	Grant project
8	In	RTA grant		(170,000)	Funding for above
9	Ex	Building Control Salaries	1,005,541	(30,000)	Salary savings (vacancy)
9	Ex	Building and Health Admin	342,676	14,236	Salaries
9	Ex	Building control other costs	109,643	20,349	Vehicle expenses
9	Ex	On-site Sewage Management	(30,746)	(16,859)	Salary savings (vacancy)
9	In	Conveyancing Drainage Diagrams	(105,000)	12,599	Economic downturn
9	In	Bldg Council Appl EP&AA	(672,619)	32,196	Economic downturn
9	In	Sundry Health Income	(87,975)	(21,075)	Footpath usage fees
9	Ex	Environmental Health Legal Expenses	38,741	(11,446)	Lower than expected
10	Ex	Art Gallery Salaries	328,961	22,000	Higher than expected
10	In	Art Income Sales/Workshops	(24,030)	(22,000)	Increase in activity
11	Ex	Banora Point Community Centre	70,000	13,000	Original budget sufficient
11	In	Banora Point Community Centre	(13,455)	(13,000)	Increase in activity
12	Ex	Tumbulgum Hall	2,545	5,455	Unscheduled maintenance
12	Ex	Community Workers Salary	112,926	20,000	Staff transfer
12	Ex	CCS Management	306,601	19,000	Staff transfer
12	Ex	Cultural Develop Salary	84,213	(44,455)	Leave savings
13	Ex	Murwillumbah Swimming Pool	478,368	83,554	Actual costs to run new pool
14	Ex	Murwillumbah Civic Centre	425,945	184,048	Increased costs due to extensions: electricity, cleaning, fire system compliance, electrical repairs
15	Ex	Mt Nullum Fire Trail - TSC contrib		35,016	RFS funded project
15	In	Mt Nullum Fire Trail - Grant		(23,000)	Funding for above
15	Ex	Bushfire management expenses		23,911	New program
15	In	Bushfire management income		(30,500)	Internal income for above
15	Ex	Noxious Weeds	130,824	(3,795)	Savings
15	Ex	Fire Hazard Reduction	79,927	16,097	Over expenditure due to additional unanticipated works required after Vic bushfires
15	Ex	Dune stabilisation	87,452	7,798	4WD beach access
15	in	4WD permit income		(7,798)	transfer from reserve
15	Ex	Sustainable Agriculture Program	84,213	(8,408)	Savings
15	Ex	Water quality control		5,493	Finalising costs for program

Item	In/Ex	Description	Current Vote	Change to Vote	Comments
15	Ex	Acid sulfate soil		1,648	Finalising costs for program
15	Ex	Acid Soil Action		1,276	Finalising costs for program
15	Ex	Cudgen Lake		110	Finalising costs for program
15	Ex	Community Support Project Northern Rivers Catchment Authority grant		42,966	Grant funded project
15	In			(40,000)	Funding for above
15	Ex	Total catchment resource	35,672	(2,966)	Funding for above
15	Ex	SoE report	10,000	1,160	overspent
15	Ex	Sustainability Program	183,216	(1,160)	transfer costs for over expenditure
15	Ex	NRM recruitment	58,927	6,143	Overspent
15	Ex	Waterways salaries	82,139	(6,143)	transfer costs for over expenditure
15	Ex	Fingal Rd Dune Fence		20,003	Council's contribution
15	In	Fingal RD Dune Fence income		(16,921)	Funding for above
15	Ex	Foreshore Protection	14,700	(3,082)	transfer costs for TSC contribution
15	Ex	Boat Ramps	14,800	1,594	Overspent
15	Ex	Wharves maintenance	17,600	(1,594)	transfer funds for over expenditure
15	In	Pontoon licences	(20,000)	20,000	No income generated
15	Ex	Tweed River Festival	35,000	4,680	Overspent
15	In	Tweed River Festival income	(35,000)	(4,680)	Funding for above
15	Ex	Community Water Grants	88,023	(37,848)	Grant did not proceed. Reallocate Council's commitment
16	Ex	Entomology	230,635	(45,475)	Savings in operating costs
17	Ex	Cemeteries	704,380	(34,942)	Savings in maintenance costs
18	Ex	Environmental Health	761,369	(75,256)	Savings in legal and operating costs
19	In	Sports Ground Usage	(58,271)	(14,940)	Higher usage than anticipated
20	In	Development Assessment Income		(40,227)	Reimbursed costs from State Government
21	Ex	Drainage Maintenance	135,490	(45,428)	Budget savings
22	Ex	Professional Development	72,933	(11,334)	Budget savings
				0	
		Water Fund			
23	Ex	Various operating expenses		10,925	Minor adjustments
23	In	Annual charges		(83,712)	Higher than expected
23	Ex	Various capital works		(3,437,000)	Deferrals and adjustments
23	Ex	Transfers to Asset replacement reserve		3,125,287	Funding adjustment
23	In	Transfers from Asset Replacement Reserve		445,300	Funding adjustment
23	In	Transfers from Capital Contributions Reserve		(60,800)	Funding adjustment
				0	
		Sewer Fund			
24	Ex	Various operating expenses		343,388	Minor adjustments
24	Ex	Various capital works		(2,815,500)	Deferrals and adjustments
24	Ex	Transfers to Asset replacement reserve		120,612	Funding adjustment
24	In	Transfers from Asset Replacement Reserve		1,270,500	Funding adjustment
24	In	Transfers from Capital Contributions Reserve		1,081,000	Funding adjustment
				0	
		2. Variations Arising from Council Resolutions			
25	Ex	Tweed Valley Risk Management Plan		150,000	Meeting 21/4/09
25	In	Grant funds for above		(100,000)	Meeting 21/4/09
25	In	Unexpended loans - Council funds		(50,000)	Meeting 21/4/09
26	Ex	Sth Tweed Levee Study		90,000	Meeting 21/4/09
26	In	Grant funds for above		(60,000)	Meeting 21/4/09
26	In	Unexpended loans - Council funds		(30,000)	Meeting 21/4/09
27	Ex	Tweed Shire Flood Warning System		45,000	Meeting 21/4/09
27	In	Grant funds for above		(45,000)	Meeting 21/4/09
28	Ex	Tweed Shire Coastal Creeks.		210,000	Meeting 21/4/09
28	In	Grant funds for above		(140,000)	Meeting 21/4/09
28	In	Unexpended loans - Council funds		(70,000)	Meeting 21/4/09



Item	In/Ex	Description	Current Vote	Change to Vote	Comments
29	Ex	Land purchase Eviron		780,000	Meeting 21/4/09
29	In	Waste reserves		(780,000)	Meeting 21/4/09
				0	
Summary of Revotes by Type					
		2008/09 Variations		0	
		Council Resolutions		0	
		Carried forward		0	
Summary of Revotes - by Category					
<u>Expenses</u>					
		Operating		1,229,859	
		Interest		0	
		Capital		(5,407,500)	
		Loan Repayments		0	
		Transfers to Reserves		5,322,172	
				1,144,531	
<u>Income</u>					
		Operating		(2,885,531)	
		Capital Grants & Conts		(65,000)	
		Loan Funds		(150,000)	
		Recoupments		1,020,200	
		Transfers from Reserves		935,800	
		Asset Sales		0	
				(1,144,531)	
		Net		0	
Summary of Revotes - by Division					
		Technology & Corporate Services		529,260	
		Planning & Regulation		(115,483)	
		Community & Natural Resources		(45,475)	
		Engineering & Operations		(368,302)	
		General Manager		0	
				0	

Budget Summary

	General Fund		Water Fund		Sewer Fund		Total
	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Original Budget</u>	<u>Revised Budget</u>	

Income Statement

Operating Expenses

Materials & Contracts	24,186	39,749	2,795	2,928	3,313	3,920	46,597
Employee Costs	32,382	32,586	2,600	2,600	4,500	4,500	39,686
Interest Charges	4,056	4,212	3,628	2,449	263	263	6,924
Depreciation	14,001	14,001	7,407	7,407	12,702	12,702	34,110
Other Operating Expenses	5,000	4,989	750	750	750	750	6,489
	79,625	95,537	17,180	16,134	21,528	22,135	133,806



	General Fund		Water Fund		Sewer Fund		Total
	Original Budget	Revised Budget	Original Budget	Revised Budget	Original Budget	Revised Budget	
Operating Revenue							
Rates & Annual Charges	43,146	44,077	2,886	2,962	15,782	15,692	62,731
User Charges & Fees	12,543	11,863	11,806	9,646	1,547	1,549	23,058
Interest	2,502	2,502	106	106	106	106	2,714
Other Operating Revenue	1,300	1,300	50	1,350	50	50	2,700
Grants & Contributions	13,397	20,110	424	424	442	442	20,976
	72,888	79,852	15,272	14,488	17,927	17,839	112,179
Surplus/(Deficit) before Capital Amounts	(6,737)	(15,685)	(1,908)	(1,646)	(3,601)	(4,296)	(21,627)
Grants & Contributions (Capital amounts)	6,544	8,106	5,088	3,614	3,122	2,026	13,746
Surplus/(Deficit) after Capital Amounts	(193)	(7,579)	3,180	1,968	(479)	(2,270)	(7,881)
Funding Result Reconciliation							
<i>Add Back non-funded items:</i>							
Depreciation	14,001	14,001	7,407	7,407	12,702	12,702	34,110
Internal Transfers	6,733	6,581	(3,440)	(3,440)	(3,093)	(3,093)	48
	20,541	13,003	7,147	5,935	9,130	7,339	26,277
Transfers from Externally Restricted Cash	12,109	15,997	6,038	2,415	3,424	1,483	19,895
Transfers from Internally Restricted Cash	545	14,020	16,617	3,937	5,277	2,459	20,416
Proceeds from sale of assets	1,815	1,815		0		0	1,815
Loan Funds Utilised	9,129	19,253	40,545	54,060		0	73,313
Repayments from Deferred Debtors							
	44,139	64,088	70,347	66,347	17,831	11,281	141,716
<i>Funds were applied to:</i>							
Purchase and construction of assets	(31,285)	(50,179)	(60,721)	(52,872)	(10,205)	(4,908)	(107,959)
Repayment of principal on loans	(4,116)	(2,408)	(238)	0	(497)	(497)	(2,905)
Transfers to Externally Restricted Cash	(5,308)	(5,308)	(4,989)	(3,614)	(2,392)	(1,736)	(10,658)
Transfers to Internally Restricted Cash	(3,430)	(6,193)	(4,399)	(9,861)	(4,737)	(4,140)	(20,194)
Increase/(Decrease) in Available Working Capital	0	0	0	0	0	0	0
Available Working Capital Previous Financial Year	200	200	2,000	2,000	2,000	2,000	4,200
Available Working Capital as at 30 June 2009	200	200	2,000	2,000	2,000	2,000	4,200

Summary by Division

	Original Budget	Revised Budget
Surplus/(Deficit)		
Technology & Corporate Services	(42,905,799)	(44,308,100)
Planning & Regulation	5,143,714	6,422,686
Community & Natural Resources	7,813,719	7,991,721
Engineering & Operations	27,492,226	26,754,225
General Manager	2,456,140	3,139,468
	0	0

General Fund

The General Fund is expected to remain as a “balanced budget”.



Water Fund

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

Sewer Fund

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

**Statutory Statement – Local Government (General) Regulations 2005
(Sections 202 & 203) by “Responsible Accounting Officer”**

202 Responsible accounting officer to maintain system for budgetary control

The responsible accounting officer of a council must:

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

203 Budget review statements and revision of estimates

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

Statutory Statement

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



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

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

As discussed in the report.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Nil.



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39 [TCS-CM] Monthly Investment Report for Period Ending 31 July 2009

ORIGIN:

Financial Services

SUMMARY OF REPORT:

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

There is a requirement by our investment consultant to allow at least 5 working days following the end of the month to provide the statistics for this report. Due to this time constraint there will be an addendum report provided to Council for consideration at its meeting on 18 August 2009.

RECOMMENDATION:

Refer to addendum report.

REPORT:

As per summary.

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.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

40 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 May 2009

VENUE:

Tweed Heads Civic Centre – South Sea Islander Meeting Room

TIME:

9.30am

PRESENT:

Mayor Joan Van Lieshout (Tweed Shire Council), Councillor Dot Holdom (Tweed Shire Council), Councillor Katie Milne (Tweed Shire Council), David Oxenham (Tweed Shire Council), Vince Connell (Tweed Shire Council), Lesley Buckley (Tweed Shire Council), Lesley Mye (Tweed Shire Council), Dr Glenda Nalder (Community), Max Boyd (Community), Jackie McDonald (Tweed Wollumbin AECG), Joyce Summers (Canowindra), Rob Slockee (Commercial Fisher), Vicki Cora (Aboriginal Home Care), Ian Fox, Harry Boyd (Ngarak – Wal) & Michael Corke (Visitor).

APOLOGIES:

Marvette Logan, Maureen Logan, Chris Morgan

Moved: Joyce Summers

Seconded: Councillor Holdom

RESOLVED that the apologies be accepted

Carried unanimously

The Chair was declared vacant and nominations were called. Garth Lena was nominated and was unanimously elected to Chair the meeting.

Garth opened the meeting with a welcome to all present and paid respect to Elders past and present

MINUTES OF PREVIOUS MEETING:

Moved: Joyce Summers

Seconded: Councillor Holdom

RESOLVED that the minutes of the meeting held Friday 6 March 2009 be accepted as a true and accurate record of the proceedings of that meeting.

Carried unanimously

BUSINESS ARISING:

Item from Meeting held Friday 5 December 2008

BA 1 Draft – Tweed Coast Regional Crown Reserve

Ms Mye advised the committee that an invitation to attend a meeting of this Committee had been extended to Kevin Cameron, Department of Lands, Tweed Heads Office. To date, no response has been received.

Item from Meeting held Friday 5 December 2008

BA 2 Cultural Awareness Training

Ms Mye advised the Committee that the Councillors' training session was very successful.

Item from Meeting held Friday 6 June 2008

BA 3 Kerry Turner – Ethical Productions, Murwillumbah Showground Event Proposal

Ms Mye gave an update on the Unity Festival and general discussion was undertaken.

Moved: Jackie McDonald

Seconded: Councillor Holdom

RESOLVED that Council forward a letter of support to Kerry Turner – Ethical Productions supporting the Unity Festival.

Carried unanimously

Item from Meeting held Friday 5 December 2008

BA 4 Repco Rally Australia 2009

Ms Mye received no nominations with regard to a Cultural Welcome.

Item from Meeting held Friday 6 May 2005

BA 5 Entry Points to Tweed Shire

Ms Mye tabled a map of the two areas in question. The Numinbah entry site will use the endorsed wording. However, a decision on the Kyogle Road entry was deferred until the next meeting to clarify the actual site.

Item from Meeting held Friday 6 March 2009

BA 6 Mr Harry Boyd

Ms Mye advised Mr Boyd that Department of Aboriginal Affairs do not perform mediation. Ms McDonald advised Mr Boyd that Native Title Services can offer to do so.

Item from Meeting held Friday 6 March 2009

BA 7 Twin Towns Services Club - Proposed Development Application

David Oxenham advised the Committee that the proposed development of Twin Towns Service Club will have no impact on Goorimahbah.

Item from Meeting held Friday 6 February 2009

BA 8 Hel-a-va Jet Boats

Ms Mye tabled the conditions imposed in regard to the Development Application.

Item from Meeting held Friday 7 December 2007

BA 9 Piggabeen Road Deviation

Mr Ian Fox tabled the Archaeological Excavation and Cultural Heritage Assessment of the Piggabeen Road Shell Midden. The following recommendations were ratified: -

Recommendation 1	Radiocarbon Dating	ongoing
Recommendation 2	Artefact Reinterment	pending
Recommendation 3	An Aboriginal Road Name	Elder or family name
Recommendation 4	Cultural Awareness Training	ongoing
Recommendation 5	Monitoring	Cyril Scott TBLALC

In regard to Recommendation 2 Jackie McDonald and Kyle Slabb will advise the most appropriate area for the Reinterment.

In regard to Recommendation 3 Joyce Summers, Jackie McDonald and Kyle Slabb will supply appropriate information.

Item from Meeting held Friday 1 August 2008

BA 10 Proposed dam site - Byrill Creek Cultural Heritage Assessment

Mr Fox tabled the first draft of the Byrill Creek Cultural Heritage Assessment and informed the Committee that the final report should be completed shortly.

Item from Meeting held Friday 2 November 2007

BA 11 Aboriginal Advisory Committee

Mr Oxenham asked if the Committee would prefer to meet bi-monthly. The Committee resolved that monthly meetings were appropriate. The Committee further resolved that the Aboriginal Statement announced before each Council meeting need not be repeated at Aboriginal Advisory Committee meetings.

Item from Meeting held Friday 5 August 2005

BA 12 Upgrade of the Old Border Caravan Park – Indigenous Public Placemaking Project

Discussion was undertaken about the design of the old Border Caravan Park site. Councillor Milne advised the committee there the option was available to revert the plans back to the original design (2006).

Moved: Jackie McDonald

Seconded: Garth Lena

RESOLVED that Business Arising from Friday 6 March 2009 meeting has been dealt with.

Carried unanimously

GENERAL BUSINESS:

GB 1 Mayor Joan Van Lieshout

The Mayor gave a brief background on herself and advised the Committee how she looks forward to getting to know the Committee better in the future.

GB 2 Vince Connell – Director Plan & Regulations

Vince Connell gave a brief background of himself and general discussion was undertaken concerning the local Aboriginal Cultural Heritage and how Council can assist with recognising this. Mr Connell informed the Committee that there needs to be a balance in regard to Development Applications.

Mr Connell tabled the draft “Considering Aboriginal Heritage Issues” in Council’s new Development Application Preparation guide and asked for feedback. He also stated that a process is being developed to assist with displaying all culturally significant sites.

Ms Buckley asked Mr Connell did Leichhardt Council have a Cultural Heritage Advisor and perhaps that is the missing link between Council and Community and Council may consider a Local Government Partnership with the Heritage Office. Max Boyd suggested that an Aboriginal Heritage Study be undertaken of the whole Shire.

GB 3 Michael Corke

Mr Corke requested Aboriginal Cultural Heritage information in regard to his future business plans. General discussion was undertaken and the Committee instructed Ms Mye to forward the appropriate contacts to Mr Corke.

The Committee requested that Mr Corke keep the Committee informed.

GB 4 Rob Slockee

Mr Slockee tabled correspondence in regard to his Spanner Crabs licences and issues he has and general discussion was undertaken.

Moved: Max Boyd
Seconded: Councillor Holdom

RECOMMENDED that on the basis of the information given today by Rob Slockee who is the only fisher person who identifies as Aboriginal, this Committee has grave concerns at the apparent unfair treatment which has been handed to him. The Committee would like an explanation as to why this is now deemed as an urgent matter as to why this is necessary.

Carried unanimously

Moved: Max Boyd
Seconded: Jackie McDonald

Carried unanimously

GB 5 Natascha Wernick, Ukitopia Arts Collective – Youth Arts Festival

Ms Mye tabled correspondence asking if James McKenzie and Harry Boyd could perform the Welcome to Country at the Festival. General discussion was undertaken and the

Committee advised Ms Mye that under no circumstance could James McKenzie perform a Welcome to Country and that the Committee had no comment in regard to Harry Boyd performing the Welcome to Country.

GB 6 Eviron Road Quarry and Landfill

Mr Fox advised the Committee that he has been engaged to facilitate a Cultural Heritage Assessment for Eviron Road Quarry and Landfill to be completed by 10/06/2009.

Garth Lena was nominated on behalf of Minjungbal Museum and Kyle Slabb advised that Cyril Scott will be attending on behalf of Tweed Byron Local Aboriginal Land Council.

Moved: Joyce Summers

Seconded: Jackie McDonald

RESOLVED that Mark Cora be endorsed as the Committee's representative

Carried unanimously

GB 7 Cultural Heritage Assessment for the entire Tweed Shire

Mr Boyd suggested that the entire Shire be mapped and in doing so staff at Council will be alerted to possible significant sites.

Mr Slabb stated that there would need to be guidelines and a plan of management in place.

Moved: Max Boyd

Seconded: Joyce Summers

Carried unanimously

Moved: Max Boyd

Seconded: Kyle Slabb

MOTION that Council prepare a process and or protocol between the Aboriginal Community and Tweed Shire Council to ensure that Aboriginal Heritage is given prominence in dealing with Development Applications within the Shire.

Carried unanimously

GB 8 Flagstaff Hill

Dr Nalder enquired if the Department of Lands have granted Council the lease in regard to the Tweed Museum site. Mr Oxenham informed the Committee that he has no knowledge of the lease being granted. Ms McDonald enquired about future consultation with Gold Coast Native Title in regard to the proposed Museum and Mr Oxenham informed the committee that future consultation will take place.

GB 9 Nightcap Village Development Kunghur

Ms McDonald advised the Committee that more investigation was required in regard to this development and that the massacre site was not mentioned by the Consultant. General discussion was undertaken.

Moved Garth Lena

Seconded Joyce Summers

RESOLVED that Tweed Shire Council Aboriginal Advisory Committee request that Councillor Milne propose an amendment to the Development Conditions of the Nightcap Village Development Kunghur.

That the Developer undertakes further consultation with the Aboriginal Community and revises the Aboriginal Cultural Heritage Management Plan to include a further inspection after initial ground clearance.

Carried unanimously

GB 10 Faith Bandler – Order of Australia

Moved: Max Boyd

Seconded: Garth Lena

RESOLVED that the Committee request Council to pass on their congratulations to Faith Bandler.

Carried unanimously

Incoming Correspondence

RepcO Rally Australia

Unity Festival

Piggabeen Road shell midden report

Memorandum of Understanding – In relation to the cooperative management of the Cobaki Broadwater and its catchment

Minutes – Wollumbin Meeting – 12/02/2009 and 09/04/2009

Everick Heritage Consultants – Aboriginal Cultural Heritage Assessment, Rise Estate

TAFE Kingscliff – The Aboriginal Cultural Education Program

Belly to Big School

Ukitopia collective

Everick Heritage Consultants – Wooyung Residential Subdivision

RTA – Pacific Highway Banora Point upgrade

Koori Kids - NAIDOC Week 2009

Moved: Garth Lena

Seconded: Jackie McDonald

RESOLVED that all inward correspondence be received and noted.

Carried unanimously

NEXT MEETING:

The next meeting of the Aboriginal Advisory Committee will be held Friday 5 June 2009, at 9.00 am in the South Sea Islander Room, Tweed Civic Centre, Brett Street, Tweed Heads.

The meeting closed at 1.25pm

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

GB 4 Rob Slockee

As per the Committee's recommendation being:-

That Council contacts the Department of Primary Industries and advises them of the concerns in relation to changes to the Spanner Crab Endorsement and the impact on the local Aboriginal endorsement holders and request the Department meet to consider maintaining existing arrangements.

GB 7 Cultural Heritage Assessment for the entire Tweed Shire

As per the Committee's recommendation being:-

That Council sets aside funds in a future budget to undertake a Cultural Heritage Study of the entire Shire.

41 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 June 2009

VENUE:

Tweed Heads Civic Centre – South Sea Islander Meeting Room

TIME:

9am

PRESENT:

Councillor Holdom (Tweed Shire Council), Councillor Milne (Tweed Shire Council), David Oxenham (Tweed Shire Council), Vince Connell (Tweed Shire Council), Max Boyd (Community), Inspector Greg Jago (NSW Police), Kyle Slabb (Tweed Byron Local Aboriginal Land Council), Rick Nolan (indigenous Consultant Employment Plus Salvation Army), Rob Slockee (Aboriginal Commercial Fisher), Maureen Logan (Community Elder), Harry Boyd (Ngaraakwal), Lesley Buckley (Tweed Shire Council), Joyce Summers (Canowindra Aged & Disability Coop), Jackie McDonald (Tweed Wollumbin AECG), Garth Lena (Minyunbal Community) Ron Uphill (On-q Human Resources), Ian Fox (Archaeo Cultural Heritage), Gilbert King (Ngandanwal), Bo Lourey (Cavanagh, Lourey, Avuri, Percy families Ngarakwal & Ngnangdowal) Glenda Nalder (Community), Barbara Oliver (Community), Reg King (Ngandanwal), & Lesley Mye (Tweed Shire Council).

APOLOGIES:

Chris Morgan, John Cavanagh,

MINUTES OF PREVIOUS MEETING:

Moved: Joyce Summers

Seconded: Councillor Holdom

RESOLVED that the apologies be accepted

Carried unanimously

The Chair was declared vacant and nominations were called. Rick Nolan was nominated and was unanimously elected to Chair the meeting.

Rick opened the meeting with a welcome to all present and paid respect to Elders past and present

Moved: Max Boyd

Seconded: Maureen Logan

RESOLVED that the Committee defer Business Arising

Carried unanimously

MINUTES OF PREVIOUS MEETING:

Moved: Max Boyd

Seconded: Councillor Holdom

RESOLVED that the minutes of the meeting held Friday 1 May 2009 be accepted as a true and accurate record of the proceedings of that meeting with the following amendment.

Carried unanimously

Amendment

Item from Meeting held Friday 5 August 2005

BA 12 Upgrade of the Old Border Caravan Park – Indigenous Public Placemaking Project

Discussion was undertaken about the design of the old Border Caravan Park site. Councillor Milne raised concerns with stage 1 and the natural edge of the Harbour and the effect that the proposed construction will have on the shore.

BUSINESS ARISING:

BA 1 Vince Connell – Tweed Shire Council

Vince Connell tabled a final draft document in regard to Development Application process, Aboriginal Heritage Assessments. Mr Connell tabled information from Sutherland Shire Council which we can hopefully adopt for our local area and advise the Committee that Sutherland Shire Council has a Cultural Heritage Officer on staff.

Council may invite an officer from Sutherland Council to discuss the process with the committee. Information will be distributed to the Committee to ratify the document at a future Committee meeting.

Item from Meeting held Friday 2 November 2007

BA 2 Aboriginal Advisory Committee

Director Community and Natural Resources David Oxenham advised that the public are entitled to attend Council's Committee meetings. The Chairperson advised the Githabul mob that if they wished to attend today's meeting they should have followed the standard protocol of contacting the Aboriginal Liaison Officer and requesting to be placed on the Agenda.

Mr Oxenham advised that this Committee needs a nominated chairperson for the term of the Committee. This Committee is an Advisory Committee to Council and as such the Code of Conduct is to be followed at all times.

It was suggested that perhaps the Terms of Reference can be amended so that each organisation representative can be named along with their alternative. Ms Lesley Buckley advised that the protocols may need to be amended and that "Nomination of an Elected Chairperson" be placed on the next agenda.

Dr Glenda Nalder advised all that the committee is composed of members of the local Aboriginal & Torres Strait Islander Community. Dr Nalder advised both Ms Wheildon and Mr McKenzie have spoken untruths about the local Tweed Aboriginal & Torres Strait Islander community and that Ms Wheildon had been invited to attend a committee meeting but had declined the invitation. Mr McKenzie had spoken to the Committee at a prior meeting.

Aunty Joyce Summers spoke about the boundaries of the Githabul Native Title Claim and the small parcel of land that their Native Title Claim comes into the Shire. The small parcel of land is situated in the Boarder Ranges National Park and no body resides there.

Members of the Committee enquired as to why the Githabul mob were interested in the Jack Evans Boat Harbour Re-Development especially "Goorimabah" as their Native Title Claims does not cover the area in question.

Mr Oxenham further advised that any issues that the Githabul mob have with the Tweed Aboriginal Community is not a Local Government issue and should therefore be settled by the two groups via the process of Community Meetings, with the next scheduled for 4 July 2009, to be held at Minjungbal Museum.

Item from Meeting held Friday 5 August 2005

BA 3 Upgrade of the Old Border Caravan Park – Indigenous Public Placemaking Project

Mr Max Boyd advised the committee that he would like to discuss the Jack Evans Boat Harbour project while the Githabul mob was attending today's meeting.

Mr Harry Boyd requested it be noted in the Minutes that the Jack Evans Boat Harbour area is Ngarakwal and Githabul Country, not Ngandawal Country, and that he would "like the records be set right".

The Githabul representatives advised that their Native Title Claim does not cover the area where Goorimabah will be built in the proposed Jack Evans Boat Harbour re-development.

Ms McDonald enquired as to why they have come to this meeting today as this is not how Aboriginal people do business. Mrs Barbara Oliver advised Ms Jackie McDonald that she is not Aboriginal that she is South Sea Islander. Ms McDonald advised everyone that there are many Aboriginal families that have connection to Ngandawal Country.

Ms Lesley Buckley advised the Committee of what was tabled, discussed and resolved by the IPPP Sub Committee.

Ms Buckley advised that Council had received submissions relating to Cultural Heritage, lack of consultation or consulting incorrect people, water quality and the naming.

Ms Buckley advised that due process has been followed and connection with the rightful people was established.

Dr Glenda Nalder spoke in regard to the naming and how the appropriateness of the language was determined with the assistance of Kyle Slabb, a descendant of the Traditional Owners of this Country, the IPPP Sub-Committee and the Aboriginal Advisory Committee. The advice is that goorima (gourema) is accepted as the local dialect for the word "story". "Goorimabah" translates as Place of Stories.

Ms Buckley asked was it appropriate to use the Public Art Strategy preamble and the Committee agreed.

Moved: Jackie McDonald

Seconded: Councillor Holdom

RECOMMENDATION that Council be advised that the Githabul Native Title Claim has no impact over the Jack Evans Boat Harbour Project "Goorimabah"

Carried unanimously

Councillor Milne asked Mr Oxenham about funding. Mr Oxenham advised that the first funding stage was unsuccessful and that Council is seeking funds from both Federal and State Government sources. Discussion was held on forwarding an invitation to the Member for Richmond, Justine Elliott, to attend a future meeting.

Moved: Garth Lena

Seconded: Councillor Holdom

RESOLVED that the Aboriginal Liaison Officer extends an invitation to Justine Elliot on behalf of the Committee to attend a future Committee meeting

Carried unanimously

Moved: Joyce Summers

Seconded: Jackie McDonald

RESOLVED that the Committee resume standing orders.

Carried unanimously

Item from Meeting held Friday 5 August 2005

BA 4 Banora Point Caravan Park

Ms McDonald advised the Committee that work has commenced on the site of the former Banora Point Caravan Park and she has concerns that a Cultural Heritage Assessment has not been carried out prior to the work commencing.

Councillor Holdom advised the Committee that appropriate Council officers are overseeing the work and that Cultural Heritage Issues are in hand.

Item from Meeting held Friday 1 May 2009

BA 5 Councillor Joan van Lieshout (Mayor) - Aboriginal Statement

Ms McDonald enquired as to why the Mayor is not reading the Aboriginal Statement and was there any apparent reason. David Oxenham advised the Committee he was unsure of the reason the Statement was not being read.

Moved: Jackie McDonald

Seconded: Garth Lena

RESOLVED that Business Arising from Friday 1 May 2009 meeting has been dealt with.

Carried unanimously

GENERAL BUSINESS:

GB 1 Ron Uphill, ON-Q Human Resources

Mr Uphill gave a brief background on his role and also advised the Committee that he is a part-time member of Forum Sentencing. In his role at ON-Q Mr Uphill works with disability clients and introduces his clients back into the work force.

Mr Uphill advised Forum Sentencing is open to all offenders. The Justice Department recommends offenders to the Forum and throughout the process Mr Uphill respects each individual client's culture.

GB 2 NSW Police Force – Introduction of Inspector Greg Jago

Inspector Greg Jago gave a brief introduction on his role in the NSW Police Force. Inspector Jago is the Duty Officer for Kingscliff and Murwillumbah and he handles Aboriginal Issues in the Local Area Command. Inspector Jago advised the Committee that the NSW Police Department employ Aboriginal Community Liaison Officers to assist with Aboriginal & Torres Strait Islander issues.

Two Aboriginal Community Liaison Officers positions are currently being advertised. One of the positions is for a full time male Aboriginal Community Liaison Officer and the second is for a temporary part time Aboriginal Community Liaison Officer (female) for a 12 month period.

Inspector Jago advised that the Tweed Byron Local Area Command Aboriginal Consultative Committee has reformed however the committee lacks representatives from the Tweed Aboriginal & Torres Strait Islander Community. Inspector Jago requested to attend this forum and table issues relating to the Community.

Moved: Garth Lena

Seconded: Maureen Logan

RESOLVED that the Committee endorse the request of Inspector Greg Jago that he attends this Committee to discuss police matters regarding the local Aboriginal & Torres Strait Islander Community

Carried unanimously

GB 3 Rob Slockee – Fishing Licence issues

Mr Slockee tabled information at the May 2009 Committee meeting in regard to the Spanner Crab licence and advised the Committee that this issue has now been partly resolved.

Mr Slockee tabled correspondence in regard to his Ocean Haul Business Share Fishery Licence. He is seeking an amendment to the licence and has requested that Council support his application.

Moved Joyce Summers

Seconded Maureen Logan

Recommendation that Council contact Director General Richard Sheldrake NSW Department Primary Industries in support of Mr Rob Slockee's request.

Carried unanimously

GB 4 Nightcap Village Development Kunghur

Director of Planning Regulation Vince Connell gave an update on the Nightcap Village Development. He advised that approx 1000 people will be residing in the Village and that support in principle has been given by Council until further research is completed so that final approval can be sought from Council.

GB 5 Ian Fox, Archaeological Cultural Heritage re: Proposed Scenic Drive Diversion

Mr Fox advised the Committee that there is a proposal to decrease the usage of Scenic Drive and McAllister's Road interchange.

The proposed route has not been determined and Mr Fox enquired who needs to be consulted in regard to Cultural Heritage Assessment of the area.

The Committee advised Mr Fox that consultation is required with Tweed Byron Local Aboriginal Land Council, Minjungbal Museum and the Aboriginal Advisory Committee.

The Committee suggested that Mr Fox approach Mark Cora to perform the Cultural Heritage Assessment of the area. Mr Fox advised that the Assessment will be taking place in approximately four weeks.

GB 6 World Environment Day

Mr Oxenham advised the Committee that he has been approached to seek advice from the Committee in regard to a Welcome to Country on World Environment Day.

After much discussion the following was decided.

Moved: Councillor Holdom

Seconded: Maureen Logan

RESOLVED that the Committee endorse Mrs Deidre Currie to perform the Welcome to Country at World Environment Day, to be held on 14 June 2009

Carried unanimously

Incoming Correspondence

Tweed Tourism – Clarification on the dual naming of Wollumbin/Mt Warning

Moved: Garth Lena

Seconded: Jackie McDonald

RESOLVED that all inward correspondence be received and noted.

Carried unanimously

NEXT MEETING:

The next meeting of the Aboriginal Advisory Committee will be held Friday 7 August 2009, at 9.00am in the Activities Room, HACC Centre, Heffron Street, Tweed Heads South.

The meeting closed at 2.20pm

DIRECTOR'S COMMENTS:

Nil

DIRECTOR'S RECOMMENDATIONS:

Item from Meeting held Friday 5 August 2005

BA 3 Upgrade of the Old Border Caravan Park – Indigenous Public Placemaking Project

That Council notes the Aboriginal Advisory Committee advice that the Githabul Native Title Claim has no impact over the Jack Evans Boat Harbour Project “Goorimabah”.

GB 3 Rob Slockee – Fishing Licence issues

The Committee's recommendation to be amended to read:

That Council contact Director General Richard Sheldrake NSW Department Primary Industries in support of Mr Rob Slockee’s request seeking an amendment to the proposed Spanner Crab licence changes.

42 [SUB-FMC] Minutes of the Floodplain Management Committee (Joint Sub-Committee) Meeting held Monday 13 July 2009

File No: FLOODPLAIN MANAGEMENT COMMITTEE

Venue:

Mount Warning Room, Murwillumbah Civic Centre

Time:

10.00am

Present:

Councillor Kevin Skinner, Mr Danny Rose, Mr Patrick Knight, Ms Denise Galle, Mr Ian Dinham (Tweed Shire Council), Mr Brian Sheahan (State Emergency Services), Ms F Cecil (Chinderah Districts Residents Association Inc), Mr Robert Quirk, Mr Max Boyd, Mr James Flockton (Byron Shire Council), Mr Matthew Lambourne.

Informal: Benn Essery (TSC).

Guests: Ms Sharon Wallace & Ms Fanny Houdre (BMT WBM).

Apologies:

Mr Lindsay McGavin (Tweed Shire Council), Mr Toong Chin (Dept of Environment & Climate Change), Mr Phillip Holloway, Councillor Tom Tabart (Byron Shire Council), Mr Noel McAviney (State Emergency Services), Mr Jim Mangleson, Mr Lutz Gaedt.

Minutes of Previous Meeting:

Moved: Felicia Cecil

Seconded: Matthew Lambourne

RESOLVED that the Minutes of the Floodplain Management Committee (Joint Sub-Committee) meeting held Friday 19 December 2008 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BMT WBM have proceeded to run design flood events using the calibrated model that was endorsed at the previous Committee meeting, and have compiled a draft report, which is the subject of this meeting.

Technical members of the committee (TSC, BSC, DECC) have met with the consultants since the last meeting to clarify issues relating to the design events, finalise model assumptions and discuss the required outputs from the flood study (maps, GIS files etc).

Matthew Lambourne tabled the results of the model verification exercise he requested at the last meeting. The figure provided confirmed that the draft model closely replicated Matthew's recorded observations for the peak of the 2005 flood event upstream and downstream of the Kallaroo Circuit bund. BMT WBM have included this figure in their draft report.

General Business:

1. Changes to Committee Membership

Tweed Shire Council has appointed community representatives to the Floodplain Management Committee, and thus the joint Sub-Committee. Felicia Cecil and Robert Quirk have been reappointed. Max Boyd, who was previously a Councillor/Administrator representative to the Committee, has now been appointed as a community representative. Lutz Gaedt is a new community representative to the Committee.

2. BMT WBM Presentation

Consultants Sharon Wallace and Fanny Houdre of BMT WBM provided a comprehensive briefing to the Committee, regarding the progress of the Coastal Creeks Flood Study. A copy of the PowerPoint presentation slides was provided to each Committee member. A copy of the draft flood study report and associated maps will be distributed to Committee members separately soon (awaiting printing).

Many questions were asked and discussion ensued. Of particular interest to Tweed members of the Joint Committee were flooding conditions in and around the proposed Kings Forest Development, particularly where it affected emergency access to the site. It was noted that the site was a "high island", with land above PMF level.

The Committee noted that in one of the tables presented, it appeared that Q500 peak flows were less than the Q100 peak flows. Sharon explained that this was due to the different methods used for these extreme events, and that due to different temporal patterns, the Q500 was larger over the entire event. This issue is explained in more detail in the draft report.

Committee members were encouraged to review the draft report, and provide any feedback to Danny Rose (TSC) or James Flockton (BSC), who will follow up any issues with the consultants.

Moved: Patrick Knight

Seconded: Max Boyd

That the Joint Sub-Committee recommends that the Tweed-Byron Coastal Creek Flood Study be publicly exhibited subject to a review by technical members from Tweed Shire Council, Byron Shire Council and Department Environment & Climate Change, and any necessary amendments being made.

RECOMMENDATION:

That the Tweed-Byron Coastal Creek Flood Study be publicly exhibited subject to a review by technical members from Tweed Shire Council, Byron Shire Council and Department Environment & Climate Change, and any necessary amendments being made.

3. General Business

- a) Max Boyd requested that Committee members be provided with hard copies of the NSW Floodplain Development Manual (2005). While Tweed Shire Council does not have any spare copies, a request will be made to DECC to provide additional copies if possible.

The Committee was reminded that the Manual is available as a free download on the DECC website.

- b) Danny Rose provided a general update regarding Tweed's ongoing issues with Department of Planning (DOP) in providing a flooding clause in the forthcoming draft LEP, and potential impacts for existing risk management strategies. Conflicts between DOP and Manual definitions of flood prone land were discussed. Patrick Knight and Ian Dinham have been involved in meetings with senior Department staff and the Minister, and it is hoped that the issues can be resolved soon.
-

Next Meeting:

The next meeting of Floodplain Management Committee (Joint Sub-Committee) will be held once the final report is prepared following completion of the public exhibition period.

The meeting closed at 12 noon.

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

2. BMT WBM Presentation

As per the Committee's recommendation being:-

That the Tweed-Byron Coastal Creek Flood Study be publicly exhibited subject to a review by technical members from Tweed Shire Council, Byron Shire Council and Department Environment & Climate Change, and any necessary amendments being made.

43 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 30 July 2009

Venue:

Mt Warning Meeting Room

Time:

Commencing at 9.00am

Present:

Committee Members: Cr Barry Longland (Deputy Mayor), Mr Mike Baldwin, Roads and Traffic Authority, Snr Constable Paul Henderson, NSW Police, Mr Rod Bates representative for Mr Geoff Provest MP, Member for Tweed.

Informal: Mr John Zawadzki (Chairman), Mr Ray Clark, Mr Paul Brouwer, Ms Judith Finch (Minutes Secretary), Ms Deyel Fallows (training for Minutes).

Apologies:

Mr Thomas George MP, Member for Lismore, Mr Col Brooks (alternate representative for Mr Thomas George), Mr Geoff Provest MP, Member for Tweed.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 25 June 2009 be adopted as a true and accurate record of proceedings of that meeting

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC] Schedule of Outstanding Resolutions 30 July 2009

1. [LTC] Speeds - Koala Beach

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 2020571; Koala Beach Estate; Traffic - Committee; Speed Zones; Local Area Traffic Management; Safety

SUMMARY OF REPORT:

From Meeting Held 16/4/09 (Item B9):

Request received in relation to excessive vehicle speeds on roads within Koala Beach. Speed needs to be reduced by using more speed humps or extra signage.

Council's traffic data taken during the week ending 13 February 2008 west of the Primary School on Cudgera Avenue is as follows:-

- Average daily traffic = 1,822 vpd

- 85th percentile speed = 50kph
- % heavy vehicles = 0.4%

Council's accident records (2003 - 2007) show no accidents on Cudgera Avenue or within the Koala Beach Estate.

Due to the low traffic volumes, relatively low 85th percentile speed and no accident record, it is considered the issues raised do not justify expenditure of funds for speed humps or signage.

RECOMMENDATION TO COMMITTEE:

That no action be taken and resident be advised of the reasons as stated in this report.

RECOMMENDATION TO COUNCIL:

That Council officers further investigate Koala Beach Estate for the provision of further 40kph signage and stencils.

FOR VOTE - Unanimous

PRESENT. DID NOT VOTE - Col Brooks

2. [LTC] 83 Wharf Street, Tweed Heads

ORIGIN:

Planning & Infrastructure

FILE NO: ECM2052501; 2060487; Wharf Street, Tweed Heads; Traffic - Committee; Parking Zones; LN 1723; 1724

SUMMARY OF REPORT:

From Meeting Held 25/6/09 (Item B9)

Request received in relation to changing the parking area at 83 Wharf Street to a 'Loading Zone' to *"enable traders to unload stock and take it directly into the rear of the tenancies, thereby making it safer for customers."*

Council officers to inspect the site and report to the Committee.

The Committee, on the information provided, noted that it is more desirable for loading and unloading to be conducted within the site. The applicant to provide further detailed information.

RECOMMENDATION TO COMMITTEE:

For the consideration of the Committee.

RECOMMENDATION TO COUNCIL:

That this matter be listed on the Schedule of Outstanding Resolutions.

FOR VOTE - Unanimous

PRESENT - DID NOT VOTE - Col Brooks

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

A.1 [LTC] Healy Lane, Fingal Head

ORIGIN:

Planning & Infrastructure

FILE NO: 3150955; 3398521; Healy Lane; Queen Street Traffic - Committee; Directional Signs; Parking - Illegal; Driveways; LN 6510; Parking - Zones

SUMMARY OF REPORT:

Request received in relation to parking arrangements in Healy Lane, Fingal Head. The property at 33 Queen Street has a rear boundary fronting onto Healy Lane.

"This lane way is the only vehicular access to the parking area provided on our property. Our driveway is often obstructed by vehicles parked in the lane way on the opposite side of the lane from the driveway, and adjacent to our driveway, often blocking access for all residents of the lane to the north of the driveway. In particular vehicles with trailers are severely hindered during manouvering to get access to their properties. The possible solution to this problem would be to place no parking signs in the lane at the appropriate places."

The seal width on Healy Lane between Lighthouse Parade to King Street is 4.2m. A width of 4.2m is insufficient for kerbside parking with a traffic lane. "No Parking" signage on both sides of the carriageway is an alternative to no action being taken. Council officers will inspect the site and report to the Committee.

Questions were raised about the width of the pavement and it was suggested that Council officers actually measure the width and investigate the reasons why the existing bollards are in place.

RECOMMENDATION TO COMMITTEE:

That no action be taken.

RECOMMENDATION TO COUNCIL:

That this matter be listed for consideration at the next Local Traffic Committee meeting.

FOR VOTE - Unanimous

A.2 [LTC] Traffic Safety Concerns - Uki Village (Mitchell Street)

ORIGIN:

Planning & Infrastructure

FILE NO: ECM1969548; 1968195; 2047852; 2084424; 3397998; Kyogle Road; Mitchell Street; Rowlands Creek Road; Norco Street; Traffic- Committee; Directional Signs; Speed Zones; Parking; Pedestrian Safety; Monitor/Camera; Traffic - Safety; Local Area Traffic Management; Bush Fire Brigades; Traffic - Parking Zones

SUMMARY OF REPORT:

This item was discussed at the meeting held 12 February 2009 (Item B1) and is reproduced below:-

"Request received regarding speeding traffic through the village of Uki.

"One trouble spot is the section of Rowlands Creek road outside First Light Bodyworks and the Uki Guesthouse, where drivers coming from the direction of Rowlands Creek ignore the Stop Sign and compete with vehicles travelling east, for first place onto Kyogle Rd. If this section were to be turned into one-way, speeding would automatically be minimised because vehicles would be forced to turn left and access Kyogle Rd from outside the school. This is a much safer access anyway, as the angle of the Rowlands Ck Rd off-shoot is quite dangerous.

Villagers must cross Kyogle Rd to access the shops on either side, but they have to put their lives at risk to do so. Nights are often worse as hoons use the straight stretch of road for street racing and burn-outs.

A couple of speed cameras either end of the village would be perfect, however, some form of speed deterrent would help enormously.

Market Day on the 3^d Sunday of the month also poses a problem with parking. Of special concern is the density of traffic in Mitchell St near the headquarters of the Uki

Rural Fire Service. The fire truck is unable to exit the premises because of parking on both sides of the very narrow road. 'No Stopping' signs would address this problem."

This matter will be investigated by Council officers and reported to the meeting.

There is very strict criteria for fixed speed cameras and in this case this criteria would not be met.

RECOMMENDATION TO COMMITTEE:

That in relation to traffic issues in the Village of Uki it is recommended that:-

- 1. Council officers consider the installation of a splitter island at the intersection of Kyogle Road and Rowlands Creek Road.*
- 2. The other issues be further considered by the Committee.*

RECOMMENDATION TO COUNCIL:

That in relation to traffic issues in the Village of Uki it is recommended that:-

- 1. Council officers consider the installation of a splitter island at the intersection of Kyogle Road and Rowlands Creek Road.*
- 2. Consideration be given to the trimming of landscaping within the Cenotaph area on Rowlands Creek Road.*
- 3. In relation to the exiting issues from the Uki Rural Fire Service Shed Council officers contact the Uki Rural Fire Service for their opinions.*

*FOR VOTE - Unanimous
PRESENT. DID NOT VOTE - Rod Bates"*

In response to contact being made with the NSW Rural Fire Service this item is brought forward for further discussion.

Council wrote to the Rural Fire Service requesting advice on Item 3 from the February Local Traffic Committee meeting and correspondence has now been received from them confirming the need for prohibitive parking signage on Mitchell Street, Uki to ensure access for the fire truck.

RECOMMENDATION TO COMMITTEE:

That "No Parking" signs be installed on Mitchell Street, Uki opposite the driveway to the Rural Fire Service headquarters and 5m either side of the driveway.

RECOMMENDATION TO COUNCIL:

That 'No Parking' signs be erected on Mitchell Street opposite the driveway to the Rural Fire Service headquarters and 5m either side of the driveway.

FOR VOTE - Unanimous
PRESENT. DID NOT VOTE - Rod Bates

A.3 [LTC-LATE] St Joseph's School, South Murwillumbah

ORIGIN:
Planning & Infrastructure

FILE NO: 3448255; Traffic - Committee; Greville Street; Wardrop Street; Stafford Street; Traffic - School Zones; Traffic - Safety; School - St Joseph's

SUMMARY OF REPORT:

St Joseph's Primary School at South Murwillumbah is soon to commence building works on site, necessitating changes to designated parent and bus parking.

Currently parents access the school from Wardrop Street via Stafford Street. During construction, builders' vehicles will be using this area and it would be undesirable to mix construction vehicles with parents and students. It is proposed to designate the existing 'No Stopping' zone and the '5 minute Parking' as a 'Works Zone' for the construction period.

The existing bus zone is in Greville Street with direct access to the School. It is proposed to convert the bus zone to 'No Parking' to allow parents to drop off and pick up adjacent to the entrance. A new bus zone is proposed to be installed in Wardrop Street south of Greville Street. Students will be escorted to the new bus zone by teachers.

RECOMMENDATION TO COMMITTEE:

That:-

1. A 'Works Zone Mon - Fri 7.00 am - 4.00 pm, Sat 7.00 am - 12.00 pm' be installed on Wardrop Street to replace the existing 'No Stopping' and '5 Minute Parking'.
2. A 'Bus Zone 8.00 am - 9.30 am, 2.30 pm - 4.00 pm' be installed on Wardrop Street south of Greville Street for a length of 25 metres.
3. 'No Parking 8.00 am - 9.30 am, 2.30 pm - 4.00 pm' be installed on Greville Street adjacent to the School, replacing the existing 'Bus Zone'.

RECOMMENDATION TO COUNCIL:

That the following installations be approved for the duration of construction at the St Joseph's Primary School in South Murwillumbah:-

1. A 'Works Zone Mon - Fri 7.00 am - 4.00 pm, Sat 7.00 am - 12.00 pm' be installed on Wardrop Street to replace the existing 'No Stopping' and '5 Minute Parking'.
2. A 'Bus Zone Mon - Fri 8.00 am - 9.30 am, 2.30 pm - 4.00 pm' be installed on Wardrop Street south of Greville Street for a length of 25 metres.
3. 'No Parking Mon - Fri 8.00 am - 9.30 am, 2.30 pm - 4.00 pm' be installed on Greville Street adjacent to the School, replacing the existing 'Bus Zone'.

FOR VOTE - Unanimous

PRESENT. DID NOT VOTE - Rod Bates

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B.1 [LTC] Speed on Tweed Road Closures 4 to 6 September 2009

ORIGIN:

Planning & Infrastructure

FILE NO: 3400020; 3400021; 3400022; 3400023; 3400231; Traffic - Committee; Safety; Festivals - Speed on Tweed; Queensland Road; Mooball Street; Rous Street; Ewing Street; Waterloo Street; Wharf Street; Nullum Street; Nullum Lane; Murwillumbah Street; DA09/0296

SUMMARY OF REPORT:

Request received for road closures for the Speed on Tweed event to be held 4, 5 and 6 September 2009 as follows. Note that all roads close at 5:00 pm on Friday 4 September and re-open at 7:00 pm Sunday 6 September 2009:-

1. Queensland Road - at north Showground car park entrance
2. Mooball Street and Rous Street junction
3. Rous Street, Ewing Street, Waterloo Street junction
4. Queensland Road and Waterloo Street junction
5. Queensland Road and Wharf Street junction
6. Wharf Street and Nullum Street junction
7. Wharf Street, Nullum Lane, Murwillumbah Street and Mooball Street roundabout

The applicant has advised that this year's events will be in conjunction with the Repco Rally Australia and that their road closures will or could override the above timetable.

RECOMMENDATION TO COMMITTEE:

That the following roads are approved to be closed from 5:00 pm Friday 4 September 2009 to re-open at 7:00 pm Sunday 6 September 2009:-

1. Queensland Road - at north Showground car park entrance
2. Mooball Street and Rous Street junction
3. Rous Street, Ewing Street, Waterloo Street junction
4. Queensland Road and Waterloo Street junction
5. Queensland Road and Wharf Street junction
6. Wharf Street and Nullum Street junction
7. Wharf Street, Nullum Lane, Murwillumbah Street and Mooball Street roundabout

The temporary road closures are subject to Police approval and standard conditions.

RECOMMENDATION TO COUNCIL:

That the following roads are approved to be closed from 5:00 pm Friday 4 September 2009 to re-open at 7:00 pm Sunday 6 September 2009:-

1. Queensland Road - at north Showground car park entrance
2. Mooball Street and Rous Street junction
3. Rous Street, Ewing Street, Waterloo Street junction
4. Queensland Road and Waterloo Street junction
5. Queensland Road and Wharf Street junction
6. Wharf Street and Nullum Street junction
7. Wharf Street, Nullum Lane, Murwillumbah Street and Mooball Street roundabout

The temporary road closures are subject to Police approval and standard conditions.

FOR VOTE - Unanimous
PRESENT. DID NOT VOTE - Rod Bates

Next Meeting:

The next meeting of the Local Traffic Committee will be held 27 August 2009 in the Mt Warning Meeting Room commencing at 9.00am.

There being no further business the Meeting terminated at 9:36am.

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:**A. FORMAL ITEMS SECTION****DELEGATIONS FOR REGULATORY DEVICES****A.1 [LTC] Healy Lane, Fingal Head****ORIGIN:**

Planning & Infrastructure

FILE NO: 3150955; 3398521; Healy Lane; Queen Street Traffic - Committee; Directional Signs; Parking - Illegal; Driveways; LN 6510; Parking - Zones

As per Committee recommendations being:

That this matter be listed for consideration at the next Local Traffic Committee meeting.

A.2 [LTC] Traffic Safety Concerns - Uki Village (Mitchell Street)**ORIGIN:**

Planning & Infrastructure

FILE NO: ECM1969548; 1968195; 2047852; 2084424; 3397998; Kyogle Road; Mitchell Street; Rowlands Creek Road; Norco Street; Traffic-Committee; Directional Signs; Speed Zones; Parking; Pedestrian Safety; Monitor/Camera; Traffic - Safety; Local Area Traffic Management; Bush Fire Brigades; Traffic - Parking Zones

As per Committee recommendations being:

That 'No Parking' signs be erected on Mitchell Street opposite the driveway to the Rural Fire Service headquarters and 5m either side of the driveway.

A.3 [LTC-LATE] St Joseph's School, South Murwillumbah**ORIGIN:**

Planning & Infrastructure

FILE NO: 3448255; Traffic - Committee; Greville Street; Wardrop Street; Stafford Street; Traffic - School Zones; Traffic - Safety; School - St Joseph's

As per Committee recommendations being:

That the following installations be approved for the duration of construction at the St Joseph's Primary School in South Murwillumbah:-

1. A 'Works Zone Mon - Fri 7.00 am - 4.00 pm, Sat 7.00 am - 12.00 pm' be installed on Wardrop Street to replace the existing 'No Stopping' and '5 Minute Parking'.
2. A 'Bus Zone Mon - Fri 8.00 am - 9.30 am, 2.30 pm - 4.00 pm' be installed on Wardrop Street south of Greville Street for a length of 25 metres.
3. 'No Parking Mon - Fri 8.00 am - 9.30 am, 2.30 pm - 4.00 pm' be installed on Greville Street adjacent to the School, replacing the existing 'Bus Zone'.

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B.1 [LTC] Speed on Tweed Road Closures 4 to 6 September 2009

ORIGIN:

Planning & Infrastructure

FILE NO: 3400020; 3400021; 3400022; 3400023; 3400231; Traffic - Committee; Safety; Festivals - Speed on Tweed; Queensland Road; Mooball Street; Rous Street; Ewing Street; Waterloo Street; Wharf Street; Nullum Street; Nullum Lane; Murwillumbah Street; DA09/0296

As per Committee recommendations being:

That the following roads are approved to be closed from 5:00 pm Friday 4 September 2009 to re-open at 7:00 pm Sunday 6 September 2009:-

1. *Queensland Road - at north Showground car park entrance*
2. *Mooball Street and Rous Street junction*
3. *Rous Street, Ewing Street, Waterloo Street junction*
4. *Queensland Road and Waterloo Street junction*
5. *Queensland Road and Wharf Street junction*
6. *Wharf Street and Nullum Street junction*
7. *Wharf Street, Nullum Lane, Murwillumbah Street and Mooball Street roundabout*

The temporary road closures are subject to Police approval and standard conditions.



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ORDERS OF THE DAY

- 44 [NOR] [PR-PC] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley

NOTICE OF RESCISSION:

Councillors W Polglase, J van Lieshout and K Skinner move that the Planning Committee recommendation at Minute Number P99, subsequently adopted at the Ordinary Council Meeting at Minute Number 135, in relation to Item P2 - [PR-PC] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley, as follows:

"... that Development Application DA08/1170 for a two (2) lot subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley be refused for the following reasons:-

1. *Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated compliance with the development standard as being unreasonable or unnecessary in accordance with State Environmental Planning Policy No. 1 – Development Standards*
2. *Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated due consideration or compliance with State Environmental Planning Policy (Rural Lands) 2008 as the proposal will result in:*
 - *development being incompatible with surrounding agricultural uses,*
 - *potential to create land use conflicts*
 - *the proposed subdivision not supporting or enhancing the agricultural production of the site*
3. *Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated due consideration or compliance with the 1(a) zone objectives within Clause 11 of the Tweed Local Environmental Plan 2000, as the proposed development does not:*
 - *protect the rural character and amenity;*
 - *prevent the unnecessary fragmentation or development of land which may be needed for long-term urban expansion.*
4. *Pursuant to Section 79C(1)(a)(i) the development proposal in seeking a subdivision for a residential purpose is not consistent with Clause 20(2)(a) of the Tweed Local Environmental Plan 2000, as the proposed Lots are below the minimum requirement of 40 hectares.*
5. *Pursuant to Section 79C(1)(c) the development site is not considered suitable for the development as proposed.*

6. *Pursuant to Section 79C(1)(e) the proposed development will result in prohibited development with dwelling houses located on undersized allotments that do not enjoy dwelling entitlements.*
7. *Pursuant to Section 79C(1)(e) the proposed development, is not within the public interest as the development would create two undersized lots in the 1(a) Rural zone."*

be rescinded.

- 45 [NOM] [PR-PC] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley**

NOTICE OF MOTION - Cr W Polglase:

Councillor W Polglase moves:

That with regard to DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley, Council officers bring forward conditions for approval for consideration by Council.



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CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

1 [EO-CM] Supply of Fill from Quarries

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

