



TWEED
SHIRE COUNCIL

Mayor: Cr Warren Polglase

Councillors: P Youngblutt (Deputy Mayor)
D Holdom
B Longland
K Milne
K Skinner
J van Lieshout

Agenda

Items 21 to 47
Ordinary Council Meeting
Tuesday 17 August 2010

held at Murwillumbah Cultural & Civic Centre
commencing at 4.30pm

COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

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REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

21 [CNR-CM] Environmental Education Program

ORIGIN:

Waste Management

SUMMARY OF REPORT:

Environmental education for Tweed Shire Council is delivered or organised by Council's Environmental Education Officer, a full-time position created within the Community and Natural Resources Division in July 2008. The position has now been in place for two years and delivers environmental education initiatives for the Waste Management Section, Water Unit and Natural Resource Management Section, with the aim to create awareness and increase public understanding of local environmental issues.

In September 2008, the Sustainable Living Centre (Council's environmental education centre) was officially opened and an Environmental Education Program was developed to complement it. The program is primarily delivered to schools within the Tweed Shire.

This report summarises all environmental education programs and activities delivered for Tweed Shire Council over this past two years.

An approximate total of 14,816 participants took part in one of the 207 environmental education activities and events during this time. These activities ranged from school group programs at various council facilities including the Sustainable Living Centre, talks and tours of water and wastewater treatment facilities, at-school visits, community group talks and tours, and public information stalls at events around the Tweed.

The Sustainable Living Centre alone had 1,415 participants take part in planned activities, whilst a further 617 people took part in workshops or meetings at this facility since its opening in September 2009.

RECOMMENDATION:

That Council endorses the Environmental Education Program as set out in the report.

REPORT:

Tweed Shire Council's Environmental Education Program for school groups was developed in 2009 in accordance with the NSW Board of Studies' curriculum outcomes. It meets the requirements of the *NSW Department of Education and Training's Environmental Education Policy for Schools (2006)* and the *Learning for Sustainability NSW Environmental Education Plan 2007-10*.

It has also been developed under Tweed Shire Council's Environmental Education Plan, which meets the educational requirements of the Water Unit's Integrated Water Cycle Management Strategy, the Waste unit's Domestic Solid Waste Management Strategy and the NRM Unit's Local Action Plan for Greenhouse Gas Reduction and various Catchment Management Plans.

The program caters for primary school, high school, tertiary and community groups and is divided into four main themes: waste, water, energy and biodiversity. Within each theme, activities have been developed to target a particular learning stage (audience) and deliver relevant messages across a range of topics. These activities are in the form of talks, tours and self-run programs.

Activities are offered across a range of Council facilities, including the Sustainable Living Centre (SLC), Wastewater Treatment Plants, Bray Park Water Treatment Plant, Banora Point Laboratory, Stotts Creek Resource Recovery Centre, Pottsville Environment Park and various coastal locations. Some programs are also conducted on-site at schools.

The bulk of this education is delivered by Council's Environmental Education Officer, with assistance from other Council staff.

All tours run at the various Waste Water Treatment and Water Treatment Plants, the Banora Point Laboratory and the Clarrie Hall Dam are run by on-site Water Unit staff.

Activity Numbers:

The following figures show the number of activities delivered for the period 1 July 2008 to 30 June 2010, and the total number of participants who took part in these. These numbers are further broken down into each unit area (where an activity targeted only this area of learning) being: waste related, water related, natural resource related or a mixture (activities based around all three topics).

It is important to note that many of the 'water related' and 'natural resource' related activities overlapped – school groups often focused on both topics (eg. catchments) during these activities.

<i>Environmental Education activities: 2008/09 – 2009/10 financial years</i>				
	2008	2009	2010	TOTALS
TOTAL PARTICIPANTS	3533	9537	1864	14,934
TOTAL ACTIVITIES	55	126	31	212
ACTIVITY TOPIC BREAKDOWN:				
	waste related			84
	water related			58
	natural resource related			25
	Mixture (water, waste & NRM)			45

Within these total figures, 687 participants (through 26 activities) visited one of Council's Wastewater Treatment Plants, the Bray Park Water Treatment Plant, Clarrie Hall Dam or Banora Point Lab.

Activity Breakdown:

Following is a brief description of the main environmental education activities run during this time.

Sustainable Living Centre visits

All visits to the SLC included a centre tour, which covered each of the waste, water, biodiversity, energy and transport areas. Since its opening in September 2008, the centre has had a total of 1,415 people visit for an organised tour or activity. A further 617 people visited the SLC for a meeting or council-run workshop.

Waste Management Unit Programs

- **Waste-wise Schools Program** – available as a downloadable DIY kit on Council's website or sent to schools by email or post.

This program is designed to be a cost-effective way for schools to implement a waste management program that reinforces the new domestic multi-bin system.

It involves a visit to the school by Council's Environmental Education Officer to provide advice on how to:

- set up bin stations (garbage, recycling & food waste stations)
- cut down on waste through Litter Free Lunches
- conduct waste audits to monitor progress
- introduce co-mingled recycling services to the school
- conduct waste-wise talks at the school or SLC
- provide garbage, recycling and food waste stickers for bin stations.

At the beginning of each year, all primary schools were given the opportunity to be one of two schools selected for additional assistance with the program. The two schools selected for 2009 were Duranbah Public School and Tyalgum Public School. This additional assistance included:

- a Council-funded recycling service for one year
- supply of any extra bins required to create lunch and play area bin stations
- supply of paint to paint these bins the standard red, yellow or green
- supply of sticker labels for each of the bins

- supply of extra bins needed to create bin stations in office areas, teacher staffrooms and the canteen
- supply of a compost bin
- visit from the North East Waste Forum Greenhouse to aid with education on the topic.

By monitoring the progress of this program through audits, follow-up visits and teacher feedback, the program has proven to be very successful in educating students on which bin to use and how to cut down on waste sent to landfill.

- **Litter Free Lunch Program** – This program is available to download from the Council website or can be posted / emailed to schools. Its aim is to educate students and their parents on how to reduce waste by choosing products with less packaging. The program is also used as a support program or prelude to the *Waste-wise Schools Program*. Groups visiting the SLC through a lunch break are encouraged to bring a litter free lunch for the day – regardless of the topic they are learning at the centre.

The Waste-wise Schools Program and Litter Free Lunch Program were used as an introduction to the Multi-bin System before it came into effect.

- **Waste Audits** – assistance has been provided to schools (both primary and secondary) to conduct waste audits and develop a school waste management plan.
- **Greenhouse visits** – each year Tweed Shire Council as part of the North East Waste Forum (NEWF), receives five Greenhouse visits, which can be allocated to schools or community events. During 2009, four schools and two events received a Greenhouse performance (one extra visit was funded by NEWF to showcase the re-design of the new Greenhouse). The activity involves an entertaining performance by a waste educator / actor who teaches the group how to reduce what is sent to landfill through recycling, composting and waste-wise shopping. Teacher comments provided on this program have been exceptional: "The Greenhouse is able to actively engage students through story, songs and the use of props that helps with their understanding of waste management issues" (statement taken from a teacher evaluation sheet).
- **Multi-bin System** – Community education program for the introduction of the Multi-bin System.
 - Shopping centre displays were conducted every two months for a full year leading up to the introduction of the new bin system – these alternated between Tweed City Shopping Centre, Tweed Centro Shopping Centre, Kingscliff Shopping Centre, Sunnyside at Murwillumbah and Banora Point Shopping Village. Information Stalls on the new bin system were also set up at World Environment Day, the River Festival and Local Government Week. All stalls were advertised in the Tweed Link and local newspapers.
 - Regular media releases and Tweed Link articles featured information to residents about the new system.

- For schools, visits to the SLC incorporated information on the new system, while a number of at-school visits were also conducted to explain to students, teachers and parents how the new system would work. A 'design a sticker competition' attracted over 600 primary student entries and four winners were chosen for stickers to be included in the Multi-bin System resident information pack. A 'runner-up' from each school that entered was also chosen and prizes and talks on the new system were conducted at each school on their full school assembly.
- A resident information pack with six-page brochure on why the new system was being introduced, how the system would work and what to place into each bin and a Q&A sheet was developed and sent out to each resident with their new bins.
- **Clean Up Australia Day** – Assistance is provided each year to registered sites: organisation of skip bins, site suggestions for groups wishing to register, organisation of catering from local clubs for the larger cleanup sites, advertising and media promotion.
- **Compost workshops** – a series of three composting workshops were run during National Compost Week (4-8 May 2009). These were free and open to all ages. Each session was fully booked and a waiting list taken, which had enough people for a fourth workshop in July. Workshops were promoted through the Tweed Link and local newspapers and were a great success with positive feedback provided by participants following the event.

Water Unit Programs

- **Water week Program** – To celebrate National Water Week (18-24 October 2009) a poster competition based around the theme of 'Safe Water' was promoted to all local primary schools. Six primary schools took part in the competition – Tyalgum Primary (whole school), Banora Point Primary (Year 5/6), Cudgen Primary (whole school), Murwillumbah East Primary (whole school), Sathya Sai Primary (lower and middle school) and Centaur Primary. Judging, award presentation and a talk about being waterwise was presented to each school. During the first week, Kori from the Kenya Mentoring Program was also available to attend these presentations to give a talk on what safe water meant to his community.
- **Water facility visits** – In total, 687 people visited one of Council's water facilities for a guided tour. These facilities included the Banora Point WWTP, Kingscliff WWTP, Murwillumbah WWTP, Tweed Lab, Bray Park WTP, Tyalgum WTP and Clarrie Hall Dam. All visits were conducted by on-site staff and bookings handled through Council's Resource Officer or Environmental Education Officer. It is important to note that numbers were lower during this period due to the construction of Bray Park Water Treatment Plant.
- **Waterwatch** – a Waterwatch training day run by the Catchment Management Authority (CMA) was organised in 2009 to introduce the program to the Tweed and encourage school and community groups to join. Ten people attended the session. Council now has a number of junior and senior Waterwatch kits that can be lent to school and community groups to take part in this program. Training is provided by Council's Environmental Education Officer and NRM Community Support Officer to each group that joins the program. To date, two community groups and five school groups are actively taking part in regular water-watch activities. (Additional schools are already members of the Waterwatch program however use their own sampling equipment).

- **Bray Park Water Treatment Plant Visitor Centre** – work began in late 2009 to develop a visitor information centre and educational DVD for the new Bray Park Water Treatment Plant facility, which was officially opened on 22 June this year. The aim of the visitor information centre is to provide an introduction to the Tweed drinking water catchment, process of the treatment plant, history of water treatment in Tweed, distribution of drinking water and sustainable water use. The DVD provides visitors with a 'behind the scenes' view of processes that cannot be seen through a tour of the facility. This will greatly enhance the visitor experience in learning about how the Bray Park Water Treatment Plant functions.
- **Water augmentation & demand management strategy** – On 12 November 2009 a shopping centre display at Tweed City was held to promote participation in the community working group and provide information to residents. Public information sessions took place in 2010, with Water Unit staff and education staff attending sessions at Murwillumbah, Tweed Heads and Pottsville.

Natural Resource Unit Programs

- **Coastal Management Programs** – During 2008/2009, ten grade 10 classes booked into this program with a total of 333 participants. The program involved a talk about coastal management, dune rehabilitation and the sand bypass project. It was delivered on site at a local beach (Kingscliff) and then overlooking the sand pumping jetty at Duranbah.
- **Catchment Activity Model** – a block of CAM activities were run in August 2008 for any school who had not had a visit within the last three years. During this month, the CAM visited 13 schools with a total of 1,341 students taking part. During 2009 this continued for schools who contacted Council about the CAM, however more demonstrations were held at events and incorporated into activities at the SLC. During 2009, approximately 804 people took part in demonstrations with the CAM.
* Not only the topic of 'our catchment' was covered during CAM demonstrations, but also waste management and water saving tips in and around the home.
- **Koala education** – koala status and conservation discussions have been included in all biodiversity talks and SLC tours, as part of the Environmental Education Program.
- **Hastings Point Sign Project** – a 12-panel interpretive sign project was developed for the Hastings Point Headland. Each panel discusses features that visitors would see from the headland, as well as 'safety' and 'caring for the environment' messages. A large welcome sign introduces the area, its unique features and has a map showing where all other panels on the headland are located. The Installation of this project will be incorporated into a redesign planned for the park/camping area.
- **Terranora Broadwater Sign Project** – four cultural heritage signs to highlight places of significance surrounding Terranora Broadwater.
- **Coastal Education Booklet** – a full colour, 34-page Environmental Guide to the Tweed Coast.
- **Acid Sulfate poster & flyer** – an Acid Sulfate Poster and accompanying fact sheet to be used as an educational tool whilst Floodplain staff meet with stakeholders/farmers.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

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22 [CNR-CM] Proposed Biodiversity Grants

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

On 27 January 2009 Council unanimously approved the implementation of a Biodiversity Grant Program to assist private landowners, community groups and researchers to undertake projects that contribute to maintaining and improving biodiversity values within Tweed Shire.

To date 67 applications have been submitted for the Biodiversity Grant Program, 63 private properties, two community groups - Caldera Art Inc. and Tweed Valley Wildlife Carers Inc. and two research projects.

Site visits have been made to 49 private properties, 47 of which meet the Grant's criteria and 44 have been approved.

The purpose of this report is to seek Council's approval to fund the remaining three private landowners and two university research projects, as listed below, in accordance with the provisions of the Biodiversity Grant Program.

RECOMMENDATION:

That Council approves the expenditure under its Biodiversity Grant Program to assist the private landowners to undertake the projects listed in the table contained within the report.

REPORT:

On 27 January 2009 Council approved the implementation of a Biodiversity Grant Program to assist private landowners, community groups and researchers to undertake projects that contribute to maintaining and improving biodiversity values within Tweed Shire. This initiative represents an important component of Council's Biodiversity Program.

The Biodiversity Grant Program supports projects that contribute to the following ecological priorities within Tweed Shire:

- Rehabilitation of degraded habitats
- Restoration of previously cleared areas
- Threatened species recovery
- Management of threatening processes
- Monitoring and research

Applications under the program can be made throughout the year and are assessed using the following criteria:

- Ecological benefits (eg. ecological status, multiple ecological priorities, contribution to State and regional biodiversity targets etc);
- Value for money (including in kind contributions, external funding);
- Technical capability and applicant track record;
- Site security (preference will be given secure sites eg. conservation covenants, Environmental Protection zones etc);
- Ongoing maintenance requirements;
- Spread of projects across ecological priorities and the Shire (including projects funded from other sources).

To date 67 applications have been submitted for the Biodiversity Grant Program, 63 private properties, two community groups - Caldera Art Inc. and Tweed Valley Wildlife Carers Inc. and two research projects.

Site visits have been made to 49 private properties, 47 of which meet the Grant's criteria and 44 have been approved. The purpose of this report is to seek Council's approval to fund the three private landowners visited since the July Council meeting under the Biodiversity Grant Program to assist them as per the table below.

The proposed grants involve the provision of services by professional bushland regenerators to assist landholders to more effectively manage environmental weeds protect native vegetation and improve wildlife habitat.

Council's approval is also sought for two research projects under the Biodiversity Grant Program to assist them as per the following table:

Surname	Address	Total cost est. (\$)	Assessment
Sloman	Limpinwood	3,400	Strong landholder commitment. Significant connectivity - one boundary with National Park, aspect and drainage from National Park to opposite boundary, a riparian corridor. One boundary with other Council Biodiversity grant recipient.
Jessop/Aardvark Jungle P/L	Couchy Creek	680	Removal of small stand of Coral trees on creek banks (creek reserve that bounds the 2 properties) upstream of Nature Reserve.
Bretherton	Kynnumboon	3,400	Strong landholder commitment to maintain works in mod. biodiversity value flora and fauna area with connection to veg. corridor. Weed severity is high, but area has real potential for biodiversity enhancement.
Research			
Parkyn	Southern Cross University	5,000	Support for mark-recapture and patch-occupancy studies, which will be a component of a doctoral research program investigating population, distribution and ecology of the Critically Endangered Mitchell's Rainforest Snail. This study will include new exploration at Stotts Island and surrounds in the Tweed Shire.
Greenless	The University of Sydney	25,000 (5000/yr over 5 years)	A component of seed funding for an ARC Linkage grant for a post-doctoral research study on the ecology of cane toads, their affect on native fauna, particularly threatened species and control measures

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funding for this project is to be sourced from the existing Biodiversity Program budget.

POLICY IMPLICATIONS:

This program is consistent with the adopted Tweed Vegetation Management Strategy 2004 and the Council resolution of 27 January 2009 which established the Biodiversity Grant Program.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

23 [CNR-CM] EQ2010-072 Tweed Shire Solar Community Program

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

At its meeting on Tuesday 20 April 2010 Council endorsed the proposal to partner with a solar installer as a way of facilitating the installation of solar power by Tweed property owners.

A tender for the Tweed Shire Solar Community Program was advertised on 27 April 2010 and 14 tenders were received in the tender box on 3 June 2010.

The tender assessment panel consisted of Manager Building and Health Services, Contract Engineer and Sustainability Program Leader.

Each tender was assessed against the weighted criteria of company capability (30%), product specifications (30%), system prices (20%) and community donation (20%).

Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation Report included in **CONFIDENTIAL ATTACHMENT A**.

It is recommended that Council accepts the tender of Aussie Solar to deliver the Tweed Shire Solar Community Program.

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

RECOMMENDATION:

That:

- 1. The tender from Aussie Solar be awarded to deliver EQ2010-072 Tweed Shire Solar Community Program.**

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

REPORT:

Council Tender EQ2010-072 invited responses for the delivery of the Tweed Shire Solar Community Program, being the installation of 200 solar photovoltaic systems to paying customers within the Tweed Shire, or twelve months of installations whichever comes first. The tender also sought a community donation proposal from applicants being a free solar photovoltaic system for a community facility for every twenty systems sold under the program.

The following selection criteria and weightings were determined prior to the issuing of the Tender:

Criteria	Weighting
Capability and Experience – Applicants with superior capability, experience and longevity will be preferred.	30%
System Specifications – Systems quoted with superior efficiency and warranties will be preferred.	30%
System Price – Value for money for individual product packages.	20%
Community Donation Proposal	20%
Local Content - Where the results of the evaluation are equal, then Council will award the tender to a local supplier	-

Tenders Received

A total of fourteen (14) responses were received for tender EQ2010-072

Tenderer

- A&K Lievesley
- All Safe - Tweed
- Carbon Management Solutions t.a. Aussie Solar
- Charged Electrical Services
- Ecovation
- Greener Energy
- Infinity Solar
- Ingenero
- Modern Solar
- Nickel Energy
- Rainbow Power Company
- Solar Choice
- Solar Wise
- Sunbeam Solar Systems

Tender Evaluation

The Tender Evaluation was conducted by Council's Tender Panel, consisting of Sustainability Program Leader, Manager Building and Environmental Health and Contracts Engineer. A copy of the Tender Evaluation Report is included in **ATTACHMENT A** which is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Tender.

The following table shows the preferred Tenderer against each of the Selection criteria.

Criteria	Rank 1	Rank 2	Rank 3	Rank 4
Capability	Aussie Solar	Rainbow Power	Sunbeam Solar	Ecovation
Specifications	Sunbeam Solar	Aussie Solar	Rainbow Power	Ecovation
System Price	Aussie Solar	Ecovation	Rainbow Power	Sunbeam Solar
Community Donation	Ecovation	Aussie Solar	Rainbow Power	Sunbeam Solar

Based on an overall assessment of capability, product specifications, system price and community donation, it is recommended that Tenderer Aussie Solar be nominated for delivery of the Tweed Shire Solar Community Program.

Details of Aussie Solar's relative competitiveness are shown in the Evaluation Report **CONFIDENTIAL ATTACHMENT A**.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Confidential Attachment - Tender Evaluation Report (ECM 20217714)
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**24 [CNR-CM] Northern Rivers Catchment Management Authority (NRCMA)
Current Best Management Practices (BMP) Soil Health Coastal Floodplains:
Part A (Tweed) Contract No. NR-IS 10-11-T4**

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

The Northern Rivers Catchment Management Authority (NRCMA) has offered Council a \$25,000 contract to undertake Floodplain Management works on the Tweed Floodplain. 'This project will facilitate through on-ground works and extension outcomes, the active management of Acid Sulfate Soils, flood-gated drains and floodplains'.

RECOMMENDATION:

That Council:

- 1. Accepts the Northern Rivers Catchment Management Authority's Current Best Management Practices Soil Health Coastal Floodplains: Part A (Tweed) Contract No. NR-IS 10-11-T4 for \$25,000.**
- 2. Votes the expenditure of \$25,000 for floodplain projects.**

REPORT:

The NRCMA has been funding Floodplain projects and Council has been successful in securing a number of grants. The next round of funding is offering Council a \$25,000 contract to continue this work. The Project Outcomes are:

- Reduction of ASS products from the Tweed Floodplain
- Adoption of farmers implementing ASS Best Management Practices
- Increased awareness and understanding by farmers and community of ASS/NRM sustainable management practises on the floodplain

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Tweed Shire Council Financial Contribution as per contract.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. NRCMA contract (ECM 19690621)
-

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

25 [EO-CM] Classification of Land as Operational, 121 Kennedy Drive Tweed Heads

ORIGIN:

Design

SUMMARY OF REPORT:

Recently Council completed a joint purchase with Roads and Traffic Authority of Lot 1 in DP 10436, 121 Kennedy Drive Tweed Heads. It is now necessary to classify the parcel of land as operational pursuant to the provisions of the Local Government Act, 1993.

A notice was published in the Tweed Link on 15 June 2010 allowing a period of 28 days for any member of the public to provide a written submission to the proposed classification of this land as operational. No submissions were received.

RECOMMENDATION:

That Lot 1 in DP 10436 be classified as “Operational” pursuant to Section 31 of the Local Government Act, 1993.

REPORT:

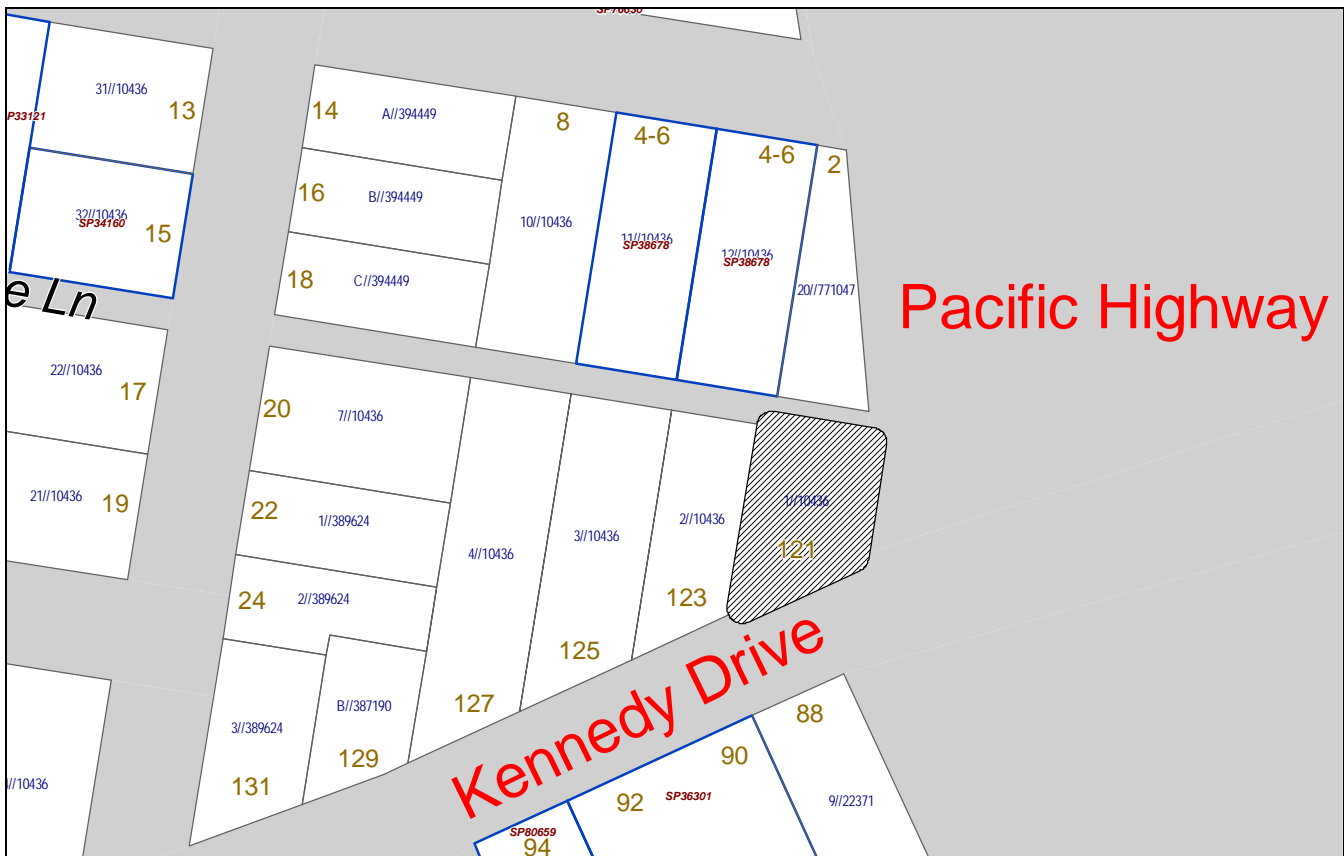
Recently Council completed a joint purchase with Roads and Traffic Authority of Lot 1 in DP 10436, 121 Kennedy Drive Tweed Heads. It is now necessary to classify the parcel of land as operational pursuant to the provisions of the Local Government Act, 1993

A notice was published in the Tweed Link on 15 June 2010 allowing a period of 28 days for any member of the public to provide a written submission to the proposed classification of this land as operational. No submissions were received.

Copy of DP 10436 shown below:



Plan showing location of Lot 1 DP 10436:



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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

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26 [EO-CM] Naming of Public Road Pottsville

ORIGIN:

Design

FILE NO: GS5/1 Pt6

SUMMARY OF REPORT:

Council at its meeting of 16 February 2010, resolved to publicise its intention to formally name the road that runs from Seabreeze Boulevard to Macadamia Drive, Pottsville as Tom Merchant Drive. A period of one month was allowed for objections to the proposal.

Several submissions were received suggesting that the road be named after the development name at the northern end of the road being Koala Beach Estate, Pottsville.

Whilst many of the suggestions appear valid it would not be appropriate to name a road after a commercial development. Council's Policy on Naming of Public Roads states that names which are characterised as "commercial or company" should be avoided.

Another suggestion is that the name "Tom Merchant Drive" is not in keeping with other road names within the Koala Beach Estate at Pottsville and should be named in line with this theme. This road however is a link road between two estates – Koala Beach Estate and Seabreeze Estate, both located within the suburb of Pottsville.

The suggested name of Tom Merchant Drive, as noted in the report of 16 February 2010, refers to a local pioneer and identity of the immediate area. This name complies with Council's Policy on Street Naming as a preferred source for road naming.

RECOMMENDATION:

That:

- 1. Council adopts the name Tom Merchant Drive for the road that runs from Seabreeze Boulevard to Macadamia Drive Pottsville; and**
- 2. The naming of the public roads to be gazetted under the provisions of the Roads (General) Regulation, 2008 and the Roads Act, 1993 as amended.**

REPORT:

Council at its meeting of 16 February 2010, resolved to publicise its intention to formally name the road that runs from Seabreeze Boulevard to Macadamia Drive, Pottsville as Tom Merchant Drive. A period of one month was allowed for objections to the proposal.

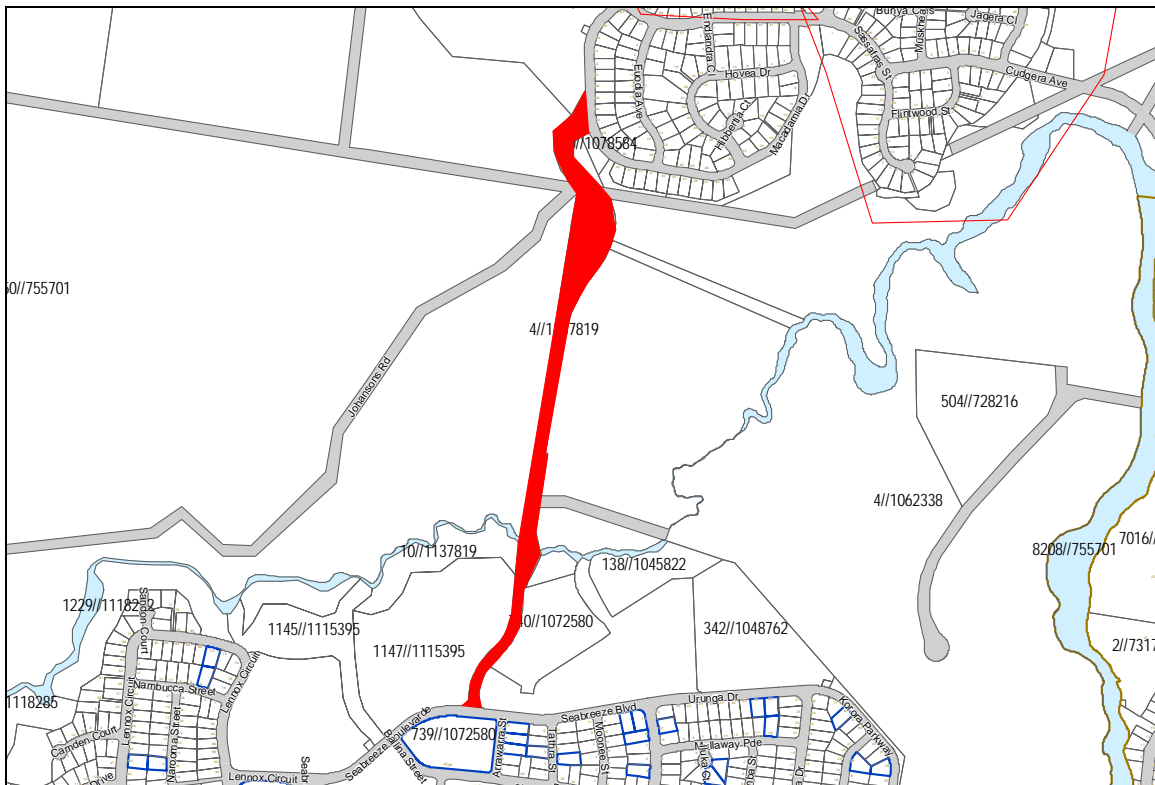
Several submissions were received requesting that the road be named after the development name at the northern end of the road being Koala Beach Estate.

Whilst many of the suggestions appear valid it would not be appropriate to name a road after a commercial development. Council's Policy on Naming of public roads states that names which are characterised as "commercial or company" should be avoided.

Another suggestion is that the name "Tom Merchant Drive" is not in keeping with other road names within the Koala Beach Estate at Pottsville and should be named in line with this theme. This road however is a link road between two estates – Koala Beach Estate and Seabreeze Estate, both located within the suburb of Pottsville.

The suggested name of Tom Merchant Drive, as noted in the report of 16 February 2010, refers to a local pioneer and identity of the immediate area. This name complies with Council's Policy on Street Naming as a preferred source for road naming.

Plan of the road proposed to be named Tom Merchant Drive:



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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. Confidential Attachments from Adele Casson, Paul Batson and Lail Osun (ECM 19737772).
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27 [EO-CM] Naming of Public Bridge, Cudgera Creek, Pottsville

ORIGIN:

Design

FILE NO: GS5/1 Pt6

SUMMARY OF REPORT:

At its meeting of 16 February 2010 Council resolved to publicise its intention to name the bridge over Cudgera Creek on the new link road between Seabreeze Boulevard and Macadamia Drive Pottsville as Russ King Bridge and allowed one month for written objections to the proposal.

Previously Council had advertised seeking submissions for any relevant names for the road running off Macadamia Drive heading south and connecting with Seabreeze Boulevard at Pottsville. At this time Council received a submission for the name of Tom Merchant Drive along with a suggestion to name the bridge along that road Russ King Bridge. The two names it was suggested would maintain some of the history of the area as these two gentlemen were local pioneers who not only worked together in the immediate area but also settled there and helped develop the community into what it has become today.

This name was given high consideration as it fell fully within the parameters of Councils Road Naming Policy in that it related to a local pioneer of the immediate area.

The name of Russ King Bridge was then advertised and the community were provided with the opportunity to comment on this name. One submission was received from a resident of the area in the form of a petition. This submission did not object to the proposed name "Russ King Bridge" rather it proposed that Council consider several other names for the bridge.

The names submitted for further consideration were:

Monotreme Bridge
Platypus Bridge
Blossom Bat Bridge
Bandicoot Bridge
Curlew Bridge
The Curlew Crossing
Flying Fox Bridge
Osprey Bridge
Swamp Rat Bridge
Lutreoulus Bridge
Beau Bridge

The submission requested that the name be consistent with the flora and fauna which is unique to the Koala Beach Estate and would be a “vivid reminder” of the original purpose of the estate. However that this bridge is located on the road which is a link between two estates – Koala Beach Estate and Seabreeze Estate, both located within the suburb of Pottsville. Whilst consideration is given to the names of flora and fauna of a local area it is considered that preservation of the local history of the immediate area would be more relevant in this instance.

It is recommended that Council adopts the name of Russ King Bridge for the bridge over the Cudgera Creek on the new link road between Seabreeze Boulevard and Macadamia Drive at Pottsville due to its historical relevance to the area and compliance with the preferred sources of road names noted in Councils Policy on Road Naming.

RECOMMENDATION:

That:

- 1. Council adopts the name of " *Russ King Bridge* ", for the bridge over Cudgera Creek on the new link road between Seabreeze Boulevard and Macadamia Drive at Pottsville; and**
- 2. The naming of the public bridge be gazetted under the provisions of the Roads (General) Regulation, 2008 and the Roads Act, 1993 as amended.**

REPORT:

At its meeting of 16 February 2010 Council resolved to publicise its intention to name the bridge over Cudgera Creek on the new link road between Seabreeze Boulevard and Macadamia Drive Pottsville as Russ King Bridge and allowed one month for written objections to the proposal.

Previously Council had advertised seeking submissions for any relevant names for the road running off Macadamia Drive heading south and connecting with Seabreeze Boulevard at Pottsville. At this time Council received a submission for the name of Tom Merchant Drive along with a suggestion to name the bridge along that road Russ King Bridge. The two names it was suggested would maintain some of the history of the area as these two gentlemen were local pioneers who not only worked together in the immediate area but also settled there and helped develop the community into what it has become today.

Both names were given high consideration as they fell fully within the parameters of Councils Road Naming Policy in that they related to local pioneers of the immediate area.

The name of Russ King Bridge was then advertised and the community were provided with the opportunity to comment on this name. One submission was received from a resident of the area in the form of a petition. This submission did not object to the proposed name "Russ King Bridge" rather it proposed that Council consider several other names for the bridge.

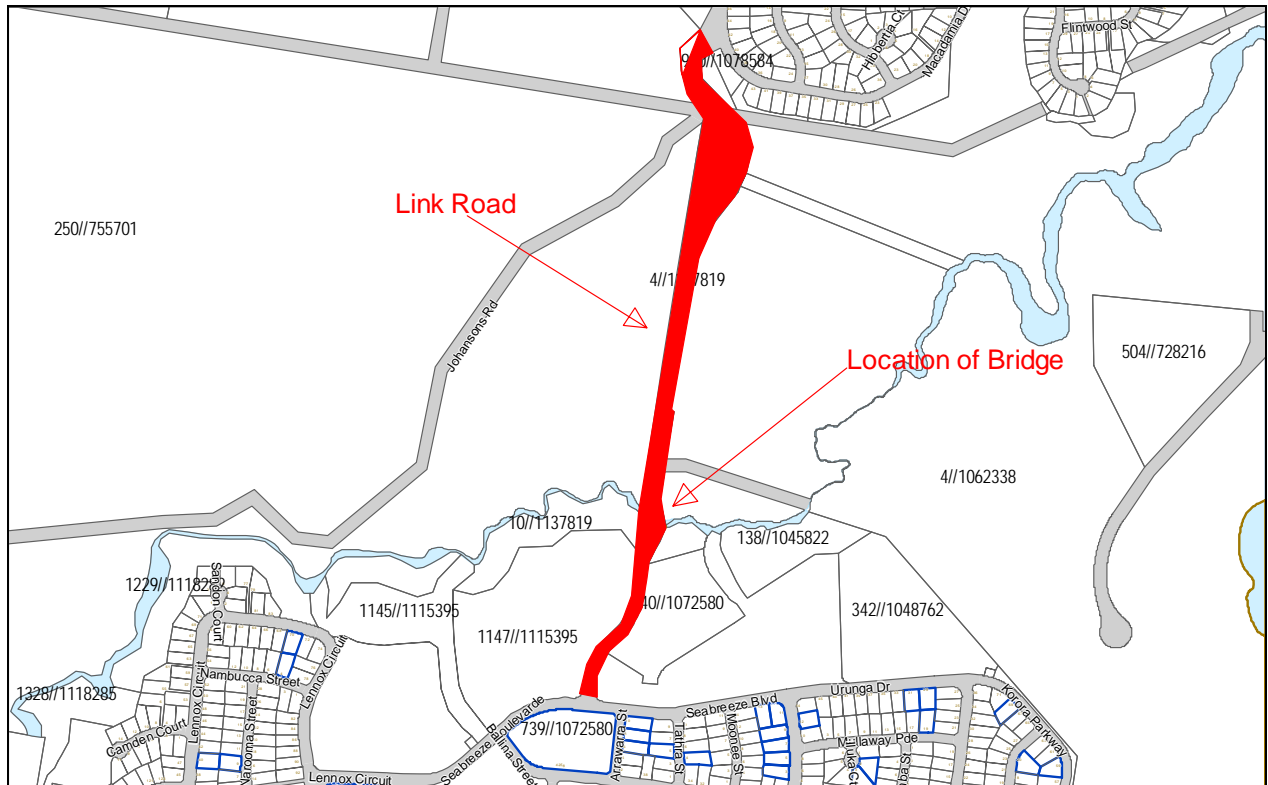
The names submitted for further consideration were:

- Monotreme Bridge
- Platypus Bridge
- Blossom Bat Bridge
- Bandicoot Bridge
- Curlew Bridge
- The Curlew Crossing
- Flying Fox Bridge
- Osprey Bridge
- Swamp Rat Bridge
- Lutreoulus Bridge
- Beau Bridge

The submission requested that the name be consistent with the flora and fauna which is unique to the Koala Beach Estate and would be a "vivid reminder" of the original purpose of the estate. However that this bridge is located on the road which is a link between two estates – Koala Beach Estate and Seabreeze Estate, both located within the suburb of Pottsville. Whilst consideration is given to the names of flora and fauna of a local area it is considered that preservation of the local history of the immediate area would be more relevant in this instance.

It is recommended that Council adopts the name of Russ King Bridge for the bridge over the Cudgera Creek on the new link road between Seabreeze Boulevard and Macadamia Drive at Pottsville due to its historical relevance to the area and compliance with the preferred sources of road names noted in Councils Policy on Road Naming.

Plan of the area and location of the bridge:



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Petition (ECM 14528630).

28 [EO-CM] Naming of Public Road - Doon Doon

ORIGIN:

Design

FILE NO: GS5/1 Pt6

SUMMARY OF REPORT:

Council at its meeting of 15 June 2010 resolved to publicise its intention to name the road that runs off Lone Pine Road approximately 1km north from the intersection of Commissioners Creek Road at Doon Doon as “**Jacana Lane**” and allowed one month for objections to the proposal.

No objections were received.

It is recommended that the name “**Jacana Lane**” be adopted for the naming purposes of the road.

RECOMMENDATION:

That:

1. **Council adopts the name Jacana Lane for naming purposes of the road that runs off Lone Pine Road approximately 1km north from the intersection of Commissioners Creek Road at Doon Doon; and**
2. **The naming of the public roads be gazetted under the provisions of the Roads (General) Regulation, 2000 and the Roads Act, 1993.**

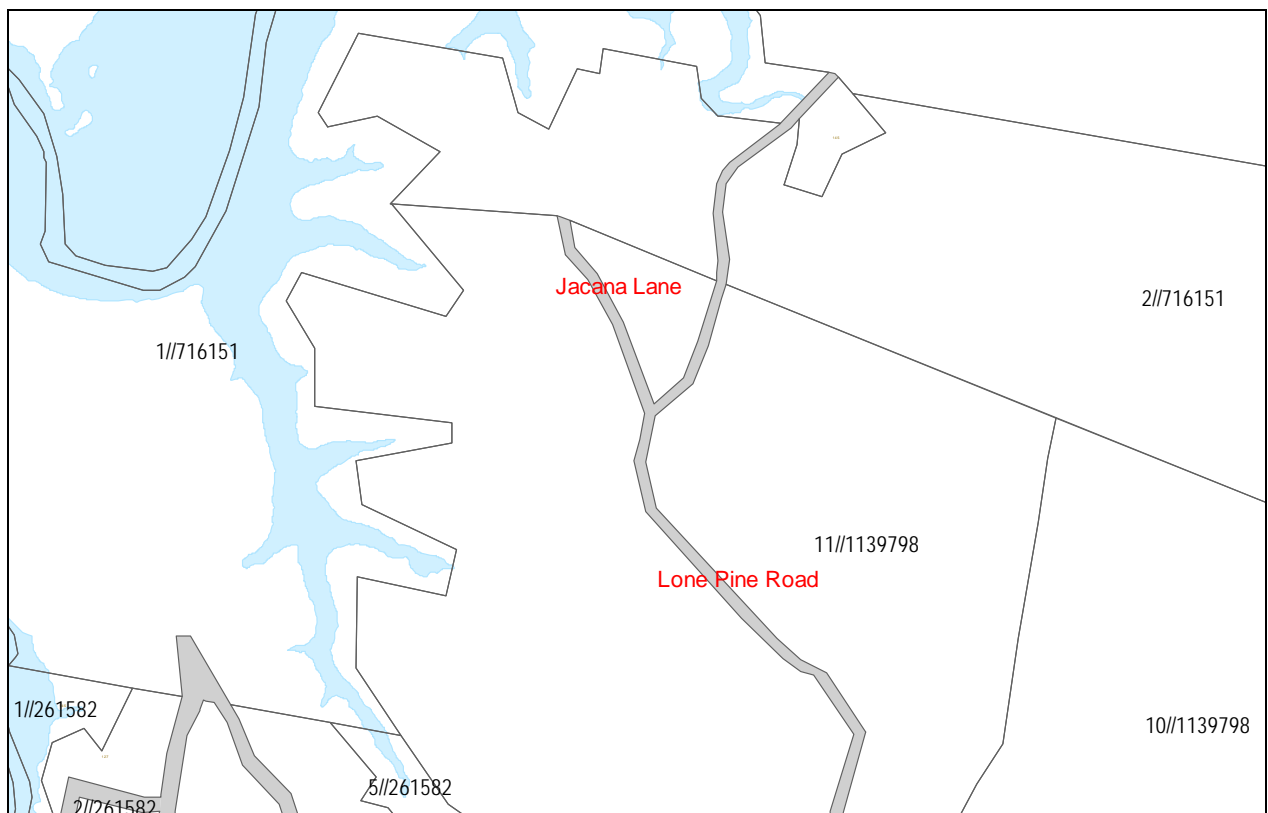
REPORT:

Council at its meeting of 15 June 2010 resolved to publicise its intention to name the road that runs off Lone Pine Road approximately 1km north from the intersection of Commissioners Creek Road at Doon Doon as “**Jacana Lane**” and allowed one month for objections to the proposal.

No objections were received.

It is recommended that the name “**Jacana Lane**” be adopted for the naming purposes of the road.

The location plan is shown below for ease of reference:



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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

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29 [EO-CM] Tweed Regional Aquatic Centre - Crown Land Tenure

ORIGIN:

Design

SUMMARY OF REPORT:

On 23 May 2006 Council resolved to seek direct concurrence of the Minister of Lands of a land exchange between Crown Reserve 62723 for Public Baths and Crown Reserve 1011448 for Future Public Requirements and Lot 1 DP 863851, owned by Council.

The report received by Council, was written during the preparation of design plans for the upgrading of the Murwillumbah Memorial Swimming Complex and the construction of the multi-level car park in the Civic Centre Precinct in Murwillumbah.

At that stage in time, Council was intending to secure tenure for the infrastructure to be constructed partially on the Crown Land reserved for Public Baths and Future Public Requirements by seeking a land exchange with the Crown.

In 2007 a valuation was obtained to determine the value of the land that would be encroached upon, 1,483 m², and was assessed to be \$410,000.

This sum had not been factored into the budget for the project.

It was always known that the water slide is on Council land and so Council proposed a land exchange with the Crown, so the swimming facilities would be within Crown Land reserved for Public Baths, and the car park would be within Council owned land.

The response from the Crown was negative, a copy of the letter from the Minister is attached to this report.

Since Council's 2006 overtures to the Minister for Lands for a land exchange, the Land and Property Management Authority have initiated discussions with Council whereby mutually beneficial land exchanges can occur where land that may not be currently utilised can be exchanged for use by the other party.

In light of these recent discussions it is an opportune time to revisit the land exchange proposal with the Minister for Lands.

RECOMMENDATION:

That:

- 1. Council seeks the direct concurrence of the Minister for Lands to a land exchange between Council and the Crown of an area of 1483.2 m² of Crown Reserve 62723 for Public Baths and Crown reserve 1011448 for Future Public Requirements and Council Land Lot 1 in DP 863851 to reconcile the uses of the land parcels to more appropriate purposes; and**
- 2. Council requests the assistance and support of Mr Geoff Provest MP, Member for Tweed and Mr Thomas George MP Member for Lismore.**

REPORT:

On 23 May 2006 Council resolved to seek direct concurrence of the Minister of Lands of a land exchange between Crown Reserve 62723 for Public Baths and Crown Reserve 1011448 for Future Public Requirements and Lot 1 DP 863851, owned by Council.

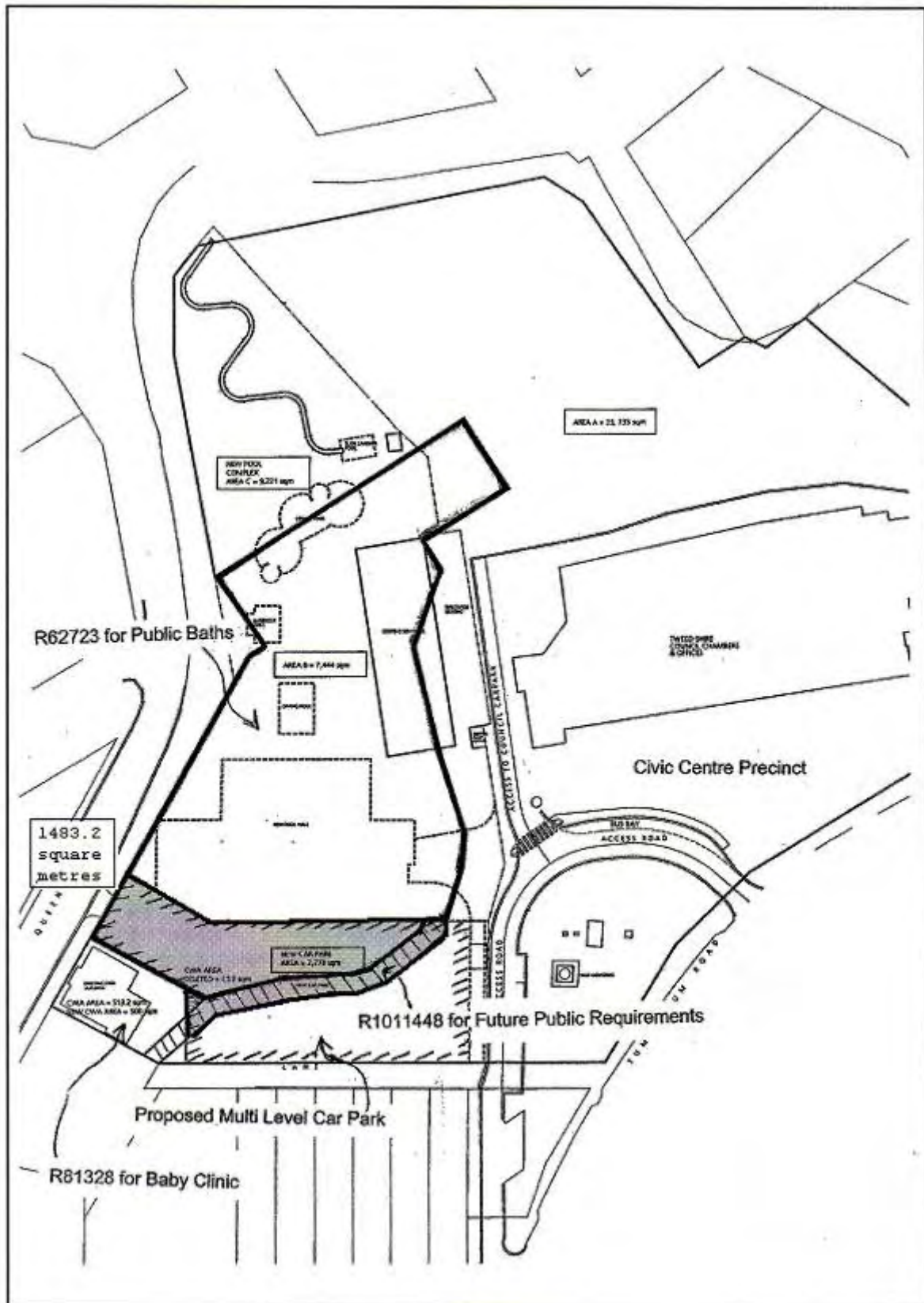
The report received by Council, was written during the preparation of design plans for the upgrading of the Murwillumbah Memorial Swimming Complex and the construction of the multi-level car park in the Civic Centre Precinct in Murwillumbah.

Council was intending to secure tenure for the infrastructure to be constructed partially on the Crown Land reserved for Public Baths and Future Public Requirements by seeking a land exchange with the Crown.

It was always known that the water slide and part of the grandstand encroach onto Council land and so Council proposed a land exchange with the Crown. Where the swimming facilities would be within Crown Land reserved for Public Baths, and that the car park would be within Council owned land.

The response from the Crown was negative and suggested that Council acquire the land or seek a lease of the land, a copy of the letter from the Minister is attached to this report.

In 2007 a valuation was obtained to determine the value of the land that would be encroached upon, 1,483 m², and was assessed to be \$410,000. The plan below shows the area that was valued:



This valuation amount had not been factored into the budget for the project.

In April 2007 a lease was sought from the Department of Lands (as it was known at that time) and in April 2009 a draft lease was submitted to Council.

The terms of the lease are as follows:

Commencement Date: 1 May 2007

Term: 25 years with an option for a further 25 years;

Rental:	Year 1:	\$1,000
	Year 2:	\$2,500
	Year 3:	\$4,000
	Year 4 onwards:	Market Rental reduced by the percentage of use by pool patrons

From 1 May 2010, noted in the draft lease as the commencement date of the second period, is when the current market rent is to be determined and commence. No advice from the Department has been received as to their determination of market rent, nor how the percentage of use by pool patrons is to be determined.

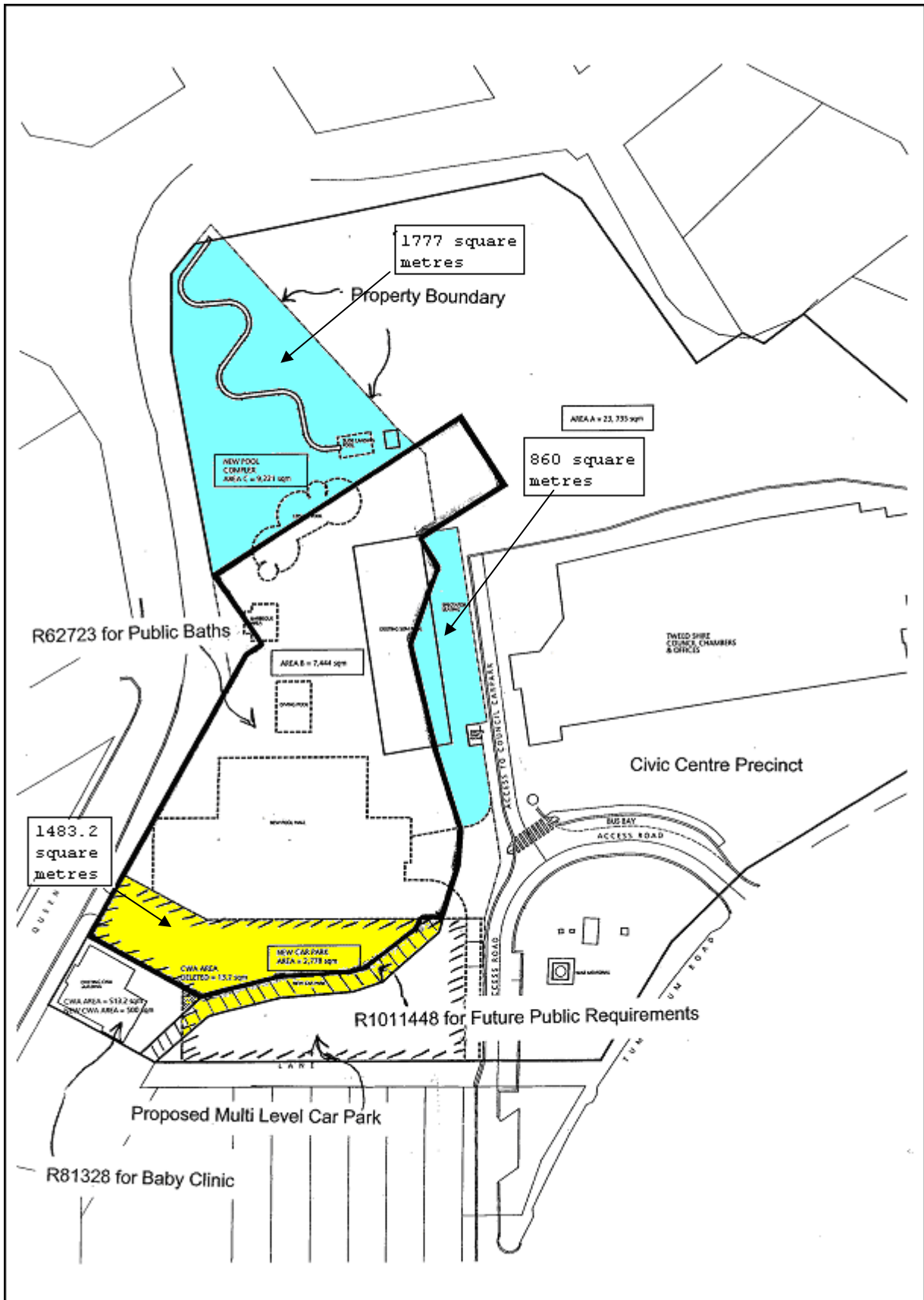
A survey of the area to be leased is required as the leased area is part of two Crown Reserves. The survey work has commenced and is ongoing and a plan for lease purposes will need to be registered prior to completion of execution of lease documentation.

However, there is a concern that as it has taken some time for the lease to be issued to Council, that there is no defined market rental established that Council will be liable for a perpetually increasing rental that has not yet been budgeted.

Since Council's 2006 overtures to the Minister for Lands for a land exchange, the Land and Property Management Authority have initiated discussions with Council whereby mutually beneficial land exchanges can occur where land that may not be currently utilised can be exchanged for use by the other party.

In light of these recent discussions it is an opportune time to revisit the land exchange proposal prior to finalisation of the lease.

The plan below shows the areas sought to be exchanged, showing the slide and grandstand on Council land and the area of car park within Crown Land:



It is to be noted that the area to become Crown Land has a greater area, however, both segments contain infrastructure relevant to the reservation for Public Baths.

The land sought to be transferred to Council contains the car park, this area includes most of the land reserved for Future Public Requirements, hatched in the above plan and is a filled in creek bed.

It is recommended that Council reiterate its proposal to the Minister for Lands for a land exchange between Council and the Crown to reconcile the uses of the land parcels to more appropriate purposes.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

1. Letter dated 7 August 2006 from the Hon Tony Kelly, Minister for Lands (ECM 1441980).
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30 [EO-CM] EC2010-096 Old Fingal Boat Harbour Park Upgrade

ORIGIN:

Contracts

FILE NO: EC2010-096

SUMMARY OF REPORT:

This report outlines the tender for EC2010-096 Old Fingal Boat Harbour Park Upgrade. The proposed work includes upgrade of play equipment, asphalt car parking, barbeque facilities and picnic shelters.

This report provides a recommendation on the preferred tenderer. Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation, Pricing Report included in **CONFIDENTIAL ATTACHMENT A**. A summary of the Selection Criteria is also included in the body of this report. It is recommended that Council accepts the tender of Relsof Pty Ltd for EC2010-096 Old Fingal Boat Harbour Park Upgrade.

ATTACHMENT A is **CONFIDENTIAL** in accordance with Section 10A(2)(c) or 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

RECOMMENDATION:

That:

- 1. The tender from Relsof Pty Ltd be accepted to the value of \$323,625.00 exclusive of GST.**
- 2. The General Manager be given delegated authority to approve variations up to 20% above the initial contract price. (20% up to a maximum of \$150,000, inclusive of GST). Any variations be reported to Council on a quarterly basis.**

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:

Background

As part of Council's vision to reinvigorate some of its older infrastructure Tweed Shire Council is upgrading the park at Old Fingal Boat Harbour, Fingal Head. The works will include a new toilet block (this item by T.S.C.), picnic shelters and BBQ's. New concrete pathways will link the park together with seating and a new play ground, plus a sealed car park, additional tree planting and garden beds.

The Scope of Works under this contract shall include but not be limited to the following:

- Coordination of work on elements of the entire project,
- Ensure the safety of the general public during the works,
- Traffic management of roads and property access,
- Confirm locations of all existing services utilising Dial Before You Dig information,
- Removal and disposal of existing structures which interfere with the work under the contract,
- Construction and installation of all new works as per the Tender Schedule and Specification,
- Prepare 'As Constructed Drawings' of proposed works and new services installed.

Tenders Received

A total of 12 responses were received for tender EC2010-096.

Tenderer	ABN
Boyds Bay Landscape & Environment	84 109 913 082
Comfrey Constructions	25 011 012 972
DIG IT	64 010 813 957
Greenwood Landscape Management	61 850 361 870
Hopedale Services	38 075 278 992
Landscape Solutions	11 113 561 372
MJ & SL Seery Excavations	54 093 353 318
Olimar Pty Ltd	51 107 721 004
Relsof Pty Ltd	11 095 886 918
Scape Shapes	32 073 042 458
Tweed Coast Demolition & Excavations	53 133 427 205
Wollam Constructions	94 009 676 064

Selection Criteria

The following selection criteria and weightings were determined prior to the issuing of the Tender:

Item	Criterion	Weighting %
	Tender Price (Total Normalised Score)	40
	Time Performance / Program Detail	20
	Quality Assurance	10
	Contract Experience	20
	OHS and Risk Management	10
	Total	100

Tender Evaluation

The tender evaluation was conducted by Council's Tender Assessment Panel, consisting of Landscape Architect, Contracts Engineer and Civil Engineering Designer. A copy of the Tender Evaluation Report is included in **ATTACHMENT A** which is **CONFIDENTIAL** in accordance with Section 10A(2)(c) or 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

Based on the assessment by the assessment panel, it is recommended that Tenderer Relsof Pty Ltd be nominated for EC2010-096 Old Fingal Boat Harbour Park Upgrade.

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

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

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

Funding is provided within the 2010/2011 Budget for EC2010-096 Old Fingal Boat Harbour Park Upgrade.

POLICY IMPLICATIONS:

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

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. **CONFIDENTIAL ATTACHMENT A** - EC2010-096 Old Fingal Boat Harbour Park Upgrade (ECM 20217721).
 2. **CONFIDENTIAL ATTACHMENT B** - Tender Evaluation Spreadsheet (ECM 20217673).
-

31 [EO-CM] Tumbulgum Foreshore Master Plan

ORIGIN:

Design

SUMMARY OF REPORT:

Community Consultation regarding five (5) revisions proposed by the Tumbulgum Community Association to the approved Master Plan for Riverside Drive in Tumbulgum was carried out in June 2010. The five revisions are:

Revision 1 - Kerb and gutter moved approximately 2 metres east and footpath placed adjacent to property boundaries from 136 to 166 Riverside Drive to create 9 additional parking spaces on west of Riverside Drive.

Revision 2 - Angled parking (in lieu of parallel) provided opposite 108 to 118 Riverside Drive to create an additional 8 car parking spaces.

Revision 3 - Speed humps placed opposite 26, 56, 78, 110 and 166 Riverside Drive to address speeding problems along Riverside Drive.

Revision 4 - Footpath from the wharf moved and pedestrian crossing point provided on southern side of Hotel.

Revision 5 - Additional parking area provided in Government Road.

The results of the consultation indicated that revisions 1, 2 and 3 were not supported by the majority of the community. Revision 4 was evenly supported/not supported by the Tumbulgum community while Revision 5 had broad support.

Taking consideration of the results of the consultation and mindful of the comments provided by the community during the consultation period, Council Officers have recommended revisions to the approved Master Plan, which maintain the existing river side reserve, whilst acting to discourage speeding through the village.

RECOMMENDATION:

That Council:

- 1. Endorses the following revisions to the Approved Master Plan for Riverside Drive in Tumbulgum:**
 - a. Provide thresholds (road surface coloured banding with 50 painted on road) on Riverside Drive prior to (south of) Government Road and at Tumbulgum Bridge.**
 - b. On the east side of Riverside Drive move the kerb to the edge of the road lane and provide no kerbside parking from number 140 (north) to Government Road.**

- c. **Install Revision 5 – Parking area in Government Road.**
 - d. **Reduce lane widths along Riverside Drive to 3.0 metres and parallel parking space widths to 2.1. Widen shoulders to 1.0 metres to provide a bike lane on both sides of Riverside Drive.**
 - e. **Install Revision 4 - Concrete footpath from wharf moved and pedestrian crossing point provided on southern side of Hotel, and**
- 2. **Places the revised Master Plan on public display in Tumbulgum and on Council's internet site.**
 - 3. **Submits an application to the Roads & Traffic Authority of NSW to determine if Riverside Drive is considered suitable for a 40km/h High Pedestrian Activity Zone.**

REPORT:

Introduction

In July 2004 Tweed Shire Council's Design Unit produced the Tumbulgum Foreshore Concept Master Plan, to provide a starting point for discussions with the Tumbulgum Community Association (TCA) about proposed works for Tumbulgum and in particular Riverside Drive and the river foreshore. The plan was based on a submission to Council by TCA and works proposed in Tumbulgum by various units of Council.

The original concept Master Plan included:

- Bollards/fence along Riverside Drive to delineate parking areas and exclude vehicles from the foreshore reserve.
- Kerb and gutter, footpath and resurfacing areas of Riverside Drive.
- River bank stabilisation.
- Creating beaches to enhance recreational opportunities.

The master planning process was reported to Council in March 2005, when it was resolved to place the Concept Master Plan on public display and seek community comments. The results of the consultation were reported to and adopted by Council on 3 August 2005 after which the Design Unit of Council worked on and produced detailed design drawings for the road and foreshore works. (Refer Attachment 1 - Approved Master Plan).

Due to funding restrictions the works were split into two stages with Stage 1 being from Fawcett Street to Tumbulgum Bridge. Works on Stage 1 commenced in October 2006 and were completed in January 2007.

More recently in August 2009 representatives of the Tumbulgum Community Association met with the then Mayor, Councillor van Lieshout, and Council Officers to discuss the timing of Stage 2 (Government Road to Fawcett Street) of the works and possible revisions to the approved Master Plan. The Association representatives were informed that:

- This project is now listed for 2011/12 in the five-year rolling program.
- Drawings showing possible revisions would be prepared for them to discuss at their monthly meeting.
- Prior to any revisions being adopted for construction, views of the wider community would be sought.

Revised drawings were prepared and given to the Tumbulgum Community Association in August 2009. According to correspondence received by Council (dated 1 March 2010) the revised drawings were endorsed by the Tumbulgum Community Association. A further meeting was held with Mayor, Councillor Polglase, in April 2010, where further revisions were requested. Based on the Drawings endorsed by the TCA and the meeting in April 2010, alternative Master Plan drawings were prepared (refer Attachment 2), which included the following revisions to the Approved Master Plan:

- Revision 1 - Kerb and gutter moved approximately 2 metres east and footpath placed adjacent to property boundaries from 136 to 166 Riverside Drive to create 9 additional parking spaces on west of Riverside Drive.
- Revision 2 - Angled parking (in lieu of parallel) provided opposite 108 to 118 Riverside Drive to create an additional 8 car parking spaces.
- Revision 3 - Speed humps placed opposite 26, 56, 78, 110 and 166 Riverside Drive to address speeding problems along Riverside Drive.
- Revision 4 - Footpath from the wharf moved and pedestrian crossing point provided on southern side of Hotel.
- Revision 5 - Additional parking area provided in Government Road.

The entire Tumbulgum Community and the wider community, were given the opportunity to comment on the revisions proposed by TCA and the results of that consultation are presented in this report.

Results of Community Consultation

The Approved and Alternative Master Plans were publicly advertised in the Tweed Link on 8 June 2010, with displays at Council's Murwillumbah and Tweed Civic Centres, and the Birdwing Café in Tumbulgum. The display was also posted on Council's web page. Displays ran between 8 June 2010 and 25 June 2010 and included a take away information sheet and feed back form, which included a section for providing comment.

The community responses received by the closing date were as follows:-

• Feedback forms received	90
• Feedback forms and written submission	5
• Written submissions received via Council's records or email without Feedback Forms	5
TOTAL	100

Of the 100 responses, 84 of the respondents live in or own property in Tumbulgum or North Tumbulgum, 13 were from residents of Tweed Shire who live outside of Tumbulgum or North Tumbulgum and three do not reside in Tweed Shire. Although there were 100 responses, not all addressed each of the revisions, thus the total number of responses does not equal 100 for each proposed revision.

Revision 1 - Kerb and gutter moved approximately 2 metres east and footpath placed adjacent to property boundaries from 136 to 166 Riverside Drive to create 9 additional parking spaces on west of Riverside Drive.

96 responses were recorded. Of those 80 were from residents of Tumbulgum, 13 were from residents of TSC and 3 from outside the Shire.

Overall 37% of responses favoured Revision 1 with 63% against. For Tumbulgum residents this was 43% in favour and 57% against.

Revision 2 - Angled parking (in lieu of parallel) provided opposite 108 to 118 Riverside Drive to create an additional 8 spaces.

94 responses were recorded. Of those 78 were from residents of Tumbulgum, 13 were from residents of TSC and 3 from outside the Shire.

Overall 28% of responses favoured Revision 2 with 72% against. For Tumbulgum residents the results were 32% in favour and 68% against.

Revision 3 - Speed humps placed opposite 26, 56, 78, 110 and 166 Riverside Drive to address speeding problems along Riverside Drive.

97 responses were recorded. Of those 81 were from residents of Tumbulgum, 13 were from residents of TSC and 3 from outside the Shire.

Overall 13% of responses favoured Revision 3 with 87% against. For Tumbulgum residents the results were 16% in favour and 84% against.

Revision 4 - Footpath from wharf moved and pedestrian crossing point provided on southern side of Hotel.

92 responses were recorded. Of those 76 were from residents of Tumbulgum, 13 were from residents of TSC and 3 from outside the Shire.

Overall 42% of responses favoured Revision 4 with 58% against. For Tumbulgum residents the result was closer with 49% in favour and 51% against.

Revision 5 - Additional parking area provided in Government Road.

95 responses were recorded. Of those 79 were from residents of Tumbulgum, 13 were from residents of TSC and 3 from outside the Shire.

Overall 74% of responses favoured Revision 5 with 26% against. For Tumbulgum residents the results were 73% in favour and 27% against.

Discussion of Results

Revision 1 and 2 were suggested by Tumbulgum Community Association, in order to address a perceived lack of parking in Riverside Drive. As can be seen from the results, the majority of respondents did not favour these revisions, the main reasons being the loss of river side Reserve (green space) that would result from Revisions 1 and 2 and a general feeling that parking problems were only experienced on one day per week, being Sunday. Furthermore, from the comments and responses received, the community believed that the perceived lack of parking would be better addressed by implementing Revision 5 – additional parking in Government Road, which provides additional parking without encroaching on the riverside reserve.

Revision 3 was suggested as a measure to combat speeding vehicles along Riverside Drive and enhance pedestrian safety. Generally, Tweed Shire Council does not favour the installation of speed humps due to the increased traffic noise they generate. The consultation results reinforce this view with only 13% favouring speed hump installation and with many comments about noise and car damage contained within the responses. The issue of speeding in Tumbulgum is discussed further in the section Other Issues Raised from Responses - "*Vehicles are speeding along Riverside Drive*" below.

Revision 4 was suggested to provide a more permeable and safe pedestrian route from the Wharf across Riverside Drive to the business district of Tumbulgum. Residents of Tumbulgum were evenly divided on this revision.

Revision 5 attracted most support with approximately 75% of respondents calling for its implementation. As discussed above, Revision 5 provides additional car parking without encroaching on the river side reserve. A secondary benefit was noted that this additional parking would be in the vicinity of the entry to the Community Hall and existing toilet facilities.

Other Issues Raised from Responses

The following were the most common issues raised by the Consultation process:

Issue - Vehicles are speeding along Riverside Drive

The 85th percentile speed is the speed at which 85% of traffic travel at or below and is routinely measured throughout Tweed Shire. The most recent speed data taken in Riverside Drive demonstrates that the 85th percentile speeds were:

- 53 kph in front of 162 in December 2008.
- 55 kph in front of 88 in July 2006.

At Council's meeting held 16 August 2007 the following recommendation presented by the Traffic Committee was endorsed:-

"That...Traffic calming devices for Riverside Drive not be installed as the 85th percentile speed is 55kph."

The 85th percentile speed measurements indicate that more than 15 per cent of vehicles entering and travelling along Riverside Drive are exceeding the posted speed limit, so any revisions to the Master Plan should take this into account.

Revision 3 – Speed Humps - was suggested by TCA as a means to address this issue. The results of the Consultation demonstrate that respondents overwhelmingly reject the installation of speed humps. However, of respondents that were against speed humps, 23 suggested, chicanes at Government Road and Tumbulgum Bridge, banding of the road (similar to Coronation Road, Pottsville, Marine Parade, Kingscliff and Proudfoots Lane, Murwillumbah), speed cameras and/or lowering the speed limit from 50 to 40kph. (It should be noted that Council does not have authority to install speed cameras.)

Regarding 40kph speed zones, it is believed that Riverside Drive does not meet current RTA NSW warrants for the installation of a 40kph speed zone as the current pedestrian activity is primarily confined to weekends. Nevertheless, it is recommended that Council Officers prepare an application to the RTA NSW for a 40km/h High Pedestrian Activity Zone to determine if Riverside Drive is considered suitable. The RTA can provide up to \$10,000 for a detailed study to be carried out.

Issue – Cars with Trailers are taking up too many parking spaces in the Village Centre

Response

Currently there is only one dedicated car and trailer parking area in Tumbulgum, to the north east of the boat ramp in Riverside Drive. This area can cater for only a maximum of four (4) car and trailers parking parallel along Riverside Drive. Ten (10) respondents commented that when these spaces are filled that cars and trailers are parking in the Village Centre and reducing the number of car spaces available. This is a particular problem in the widened area of Riverside Drive opposite the Tumbulgum Tavern, where a car and trailer can consume 4 to 6 parking spaces. This matter was discussed at the Local Traffic Committee meeting on 20 May 2010. The item was reported to Council at its meeting of Tuesday 15 June 2010 and the resolution is reproduced as follows:

"That: Signage and linemarking supporting 45° front to kerb parking be installed on Riverside Drive, Tumbulgum on the widened parking bay opposite the Hotel complying with relevant guidelines."

These works are scheduled to be completed early in the 2010/2011 financial year. As well, the Approved Master Plan provides 45° front to kerb parking in this area and there is already an area signposted in the business district to prohibit vehicles longer than 6 metres from parking.

Three respondents suggested that the Growers Market to the north of Tumbulgum be converted to car and trailer parking however, it is considered that this area is too far from the boat ramp and other facilities and would not be used.

It is therefore considered that the Traffic Committee and Council resolution as well as the Approved Master Plan adequately deals with this issue.

Recommended Revisions to Approved Master Plan

In order to implement the findings of the consultation period the following measures are recommended and shown on Attachment 3 - Proposed Alternate Plan Stage 2:

- Provide thresholds (road surface coloured banding with 50 painted on road) on Riverside Drive prior to (south of) Government Road and near to the Tumbulgum Bridge.

Reason – To delineate that vehicles are entering into a lower speed limit area and reinforce that a 50kph speed limit applies.

- Move the kerb to the edge of the road lane and provide no kerbside parking on the east side of Riverside Drive from number 140 (north) to Government Road. (Loss of 6 Car parking spaces.)

Reason - This maintains the current green space on both sides of Riverside Drive, as well as, maintaining the existing narrow road appearance, to assist in lowering vehicle speeds. On the Approved Master Plan this would appear to equate to the loss of 10 car parking spaces, but 4 of these have already been lost due to driveways that have or will be installed since the detailed design drawings were produced in 2006.

- Install Revision 5 as proposed – Parking area in Government Road.

Reason - This addresses the lack of parking and would result in a net increase of 23 parking spaces despite those lost by implementing the measure noted above. It also formalises car parking for the Tumbulgum Community Hall and will provide a disabled car space adjacent to the newly constructed access ramp (refer Attachment 4).

- Reduce lane widths along Riverside Drive to 3.0 metres (Council's standard lane width is 3.5 metres) and parallel parking space widths to 2.1 (from original 2.6 metres). Widen shoulders to 1.0 metres to provide a bike lane on both sides of Riverside Drive.

Reason – Means that the encroachment of the road surface into the river side reserve is minimised and generally the existing reserve width is maintained. The narrow lanes will assist with speed reduction and shoulders provide a bicycle path along Riverside Drive.

- Install Revision 4 as proposed - Footpath from the wharf moved and pedestrian crossing point provided on southern side of Hotel.

Reason - This will provide a road narrowing to assist with speed reduction and a safer pedestrian crossing area and provide a pedestrian link from the wharf to the business district.

Timeframe

The following timeframe for the implementation of the Master Plan has been provided to the Tumbulgum community:

- Close of Public Exhibition 25 June 2010
- Comments assessed and report prepared for Council Meeting 17 August 2010
- Drawings revised and exhibited in Tumbulgum. Development application prepared and lodged to modify existing development consent in accordance with Council resolution December 2010
- Revised development consent issued March 2011
- Construction commences July/August 2011

Currently there is no impediment to meeting this timeframe.

Conclusion

Community Consultation regarding revisions proposed by the Tumbulgum Community Association to the approved Master Plan for Riverside Drive in Tumbulgum was carried out in June 2010. The results on the consultation indicated that proposed revisions 1, 2 and 3 were not supported by the majority of the community. Revision 4 was evenly supported/not supported by the Tumbulgum community while revision 5 had broad support.

Based on the results of the consultation and mindful of the comments provided by the community during the consultation period, it is recommended that revisions to the approved Master Plan, which maintain the existing river side reserve, whilst acting to discourage speeding through the village, be implemented.

The proposed Revisions (refer Attachment 3) include:

- Provide thresholds (banding with 50 painted on road) on Riverside Drive prior to (south of) Government Road and near to the Tumbulgum Bridge.
- Move the kerb to the edge of the road lane and provide no kerbside parking on the east side of Riverside Drive from number 140 (north) to Government Road.
- Install Revision 5 as proposed – Parking area in Government Road.
- Reduce lane widths along Riverside Drive to 3.0 metres, parallel parking space widths to 2.1 and provide a 1 metre shoulder on both sides of Riverside Drive.
- Install Revision 4 as proposed - Footpath from wharf moved and pedestrian crossing point provided on southern side of Hotel.

It is recommended that the revised plan be adopted by Council and placed on public display in Tumbulgum and on Council's internet site.

It is also recommended that an application be prepared and submitted to the RTA NSW to determine if Riverside Drive is considered suitable for a 40km/h High Pedestrian Activity Zone.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Community consultation prior to funding and implementation of works in 2011/2017.

POLICY IMPLICATIONS:

Parking, traffic management, pedestrian and cycle safety matters addressed.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. Approved Master Plan, Alternative Master Plan Drawings and Proposed Alternate Plan and Revisions - Stage 2 (DW 19570582).
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32 [EO-CM] Draft Plan of Management - Community Land (Lot 901 DP1066477 and Lot 173 DP1075495) at SALT, Bells Boulevarde, Kingscliff

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

A draft Plan of Management has been prepared covering 2 parcels of Community Land (Lot 901 DP1066477 and Lot 173 DP1075495) adjacent to Bells Boulevarde, North Point Avenue and Cylinders Drive, Kingscliff.

The land contains the Tweed Coast Cycleway east of the residential land at Salt, and the public amenities and facilities east of Bells Boulevarde and Salt Central Park.

The draft Plan proposes only one change to the existing management arrangements for the area, being:

- Allowance is made for future extensions to the existing surf life saving facility from Lot 173 onto Lot 901.

The draft Plan has been on public display and one submission was received, from the Kingscliff Ratepayers and Progress Association. The submission supported the Plan.

RECOMMENDATION:

That the draft Plan of Management for Lot 901 DP1066477 and Lot 173 DP1075495, Bells Boulevarde, Kingscliff be adopted.

REPORT:

A draft Plan of Management has been prepared covering 2 parcels of Community Land (Lot 901 DP1066477 and Lot 173 DP1075495) adjacent to Bells Boulevard, North Point Avenue and Cylinders Drive, Kingscliff.

The land contains the Tweed Coast Cycleway located east of residential land at Salt (North Point Avenue and Cylinders Drive), and the public amenity facilities and main beach access area east of Salt Central Park (Bells Boulevard).

The Plan of Management proposes no change to existing management arrangements for the area, with one exception:

- Allowance is made for future extensions to the existing surf life saving facility. Such extensions may extend the building from Lot 173 onto Lot 901.

The draft Plan of Management makes no recommendations regarding the size or design of any new surf life saving facility. Such detail is to be subject to normal Development Application assessment procedures.

The draft Plan of Management has been placed on exhibition for 28 days, with a total submission period of 42 days. This is consistent with the Section 36 of the Local Government Act 1993.

One submission only was received, from the Kingscliff Ratepayers and Progress Association. This supported the Plan of Management's recommendation to facilitate an alternative, more practical surf life saving facility. It also emphasised the need to fully consider location and design details at the Development Application stage.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. Draft Plan Of Management – Community Land (Lot 901 DP1066477 and Lot 173 DP1075495) at Salt, Bells Boulevard, Kingscliff (ECM 20173990).
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33 [EO-CM] Seaside City - Impact of Section 94 Contributions \$20,000 Cap

ORIGIN:

Director Engineering and Operations

SUMMARY OF REPORT:

Seaside City, between Casuarina Beach and SALT was created as a 207 lot "paper" subdivision in 1927. It has lain dormant, not being able to be built on for over 80 years because at the time of subdivision no subdivision infrastructure (streets, stormwater drainage, water supply, sewerage, parks etc) was provided.

In 2007 the Land and Environment Court approved an application by Richtech Pty Ltd to construct the subdivision works. The Court consent required the applicant to enter a Voluntary Planning Agreement with Council. This agreement has been made between Council and Richtech.

The Planning Agreement acknowledged that non Richtech lots at Seaside City will also benefit from the works and Council has agreed to collect from these other owners, by means of a special Section 94 Plan, the apportioned cost of the subdivision works and pay this back to Richtech.

The Section 94 Contribution for a dwelling house on an existing non Richtech owned lot at Seaside City is \$48,226. This is the amount charged under the special Section 94 plan for Seaside City. Each existing lot has a credit of \$14,618 for the standard shire wide Section 94 plans. Any development application for an increase in density of an existing lot such as subdivision or multi dwelling housing will attract additional contributions under Council's shire wide plans.

The then Minister for Planning, the Hon Kristina Keneally, issued a section 94E Direction on 13 January 2009 directing that unless Council's applied for an exemption, Development Consents issued after 30 April 2009 could not require developer contributions that exceed \$20,000 per dwelling.

Council formally applied for an exemption for Seaside City 27 February 2009. Council was advised that the Seaside City exemption was approved by a Minister's Section 94E Direction dated 10 July 2009.

However on 4 June 2010, the current Minister for Planning, Tony Kelly MLC, issued a further Section 94E Direction, that repealed the 9 July 2009 direction (that exempted Seaside City from the cap) and imposed a hard unindexed cap of \$20,000 per dwelling or residential lot on all consents to be issued after 7 June 2010. The Minister's action has the potential to disable the complex arrangements put in place by the Land & Environment Court, Council and Richtech for financing, delivering and apportionment of the cost of the Seaside City subdivision works.

This report recommends a response to the imposition of the contributions cap at Seaside City.

RECOMMENDATION:

That Council:

1. **Forwards a submission to the Minister for Planning, seeking a reinstatement of the previous developer contributions cap exemption for Seaside City.**
2. **Seeks a meeting with the Minister to explain the unique circumstances relating to the 80 year old subdivision at Seaside City and the arrangements made in 2007 in accordance with a Land and Environment Court judgement to enable development of Seaside City to proceed.**
3. **Asks representatives of Richtech Pty Ltd to assist and be present at the above meeting.**
4. **Because of the conflicting legal obligations on Council arising from Land and Environment Court Judgement 16 March 2007 for 10217 of 2006, Richtech Pty Limited v Tweed Shire Council and the "Seaside City Planning Agreement" and "Contributions Plan No. 28 Seaside City" with the Minister for Planning Section 94E Direction dated 7 June 2010, except as per 5 below, defers processing or determining any development applications for non Richtech land at Seaside City, until these conflicts are resolved.**
5. **Processes and determines development applications for non Richtech land at Seaside City, if the applicant enters a voluntary planning agreement that will provide for full payment (amount due in the absence of a contributions cap) of an amount equivalent to all Section 94 contributions payable for the development.**

REPORT:

1. Background

Seaside City at South Kingscliff comprises a 32 hectare urban zoned parcel of land on the Tweed Coast between SALT and Casuarina Beach. It was subdivided in 1927 into 205 titled lots, but no local subdivision infrastructure (roads, drainage, water, sewer etc) was provided. The majority owner Richtech Ltd owns approximately 85% of the lots and the remainder are individually owned by minority landowners. Development of this subdivision was stalled for 80 years because the various owners were unable to finance subdivision works and agree on how to apportion the costs. A breakthrough occurred in 2005 when the majority landowner submitted a Development Application to construct all the necessary subdivision works subject to being reimbursed for the costs that would benefit the minority landowners. Due to the complexity of this application it wound up in the Land & Environment Court. Commissioner Hoffman issued a judgement approving the application 17 March 2007. Part 44 of the judgement advised:

"44 The applicant and the Council have agreed on a draft Seaside City Planning Agreement under s 93 of the Environmental Planning and Assessment Act 1979. It must be entered into as a condition upon any granting of any consent. This relates to the carrying out of infrastructure works proposed and the dedication of land. It incorporates the relevant provisions of the Tweed Shire s 94 Plan No 28 Seaside City adopted by the Council on 23 October 2006. The s 94 Plan sets out the public infrastructure works needed as a result of the development of Seaside City and the developer contributions for works, or land in lieu of contributions, that are required. "

Condition 1.6 of the Court consent required the applicant to enter the planning agreement. Condition 2 detailed the subdivision works that were the subject of the consent.

A planning agreement was made 9 January 2007 between Richtech PL and Tweed Shire Council.

- Clause 4 says that the developer (Richtech PL) will carry out and deliver the works required to make Seaside City a workable subdivision and Clause 5 says the developer will dedicate land for open space.
- Clause 6 acknowledges that lots in other ownership (at Seaside City) will also benefit from the works and Council agrees to collect (by means of a special Section 94 Plan) from the other owners and pay to the developer. Upon granting development consent for land in other ownership, Council will use its best endeavours to apply the Section 94 Plan and impose conditions requiring monetary contributions in respect of the works.

Under these arrangements the development of Seaside City could at last proceed. The developer (Richtech PL) was prepared to finance and build the necessary works as it enabled them to finally develop this land that had remained commercially useless for many years. They were prepared to finance the other landowner's portion of the works because they would get back this portion via the special Section 94 Plan when other landowners developed their individual lots.

The other landowners benefited because the developer would finance and build the subdivision works that would finally enable their lots to be developed, and the Section 94 plan would equitably apportion their share of the costs.

Richtech PL is currently constructing the local infrastructure works required for the subdivision.

2. Contributions Plan No. 28 Seaside City

Contributions Plan 28 - Seaside City was adopted by Council and issued 26 October 2006 as the mechanism whereby Council collects the apportioned cost of local infrastructure from minority landowners, when they develop, and distributes it back to the majority landowner Richtech.

Contributions Plan No. 28 - Seaside City is unusual as the cost of local subdivision infrastructure is usually provided by the subdivider as part of the subdivision works required before release of a subdivision certificate. It is not usually part of the s94 process, as s94 is normally used for more district/network level community infrastructure. Section 94 has been used in this manner for Seaside City because of the unique circumstances of this 1927 paper subdivision.

Erection of a dwelling on a residential lot, not owned by Richtech PL, in the Seaside City area attracts a unique contribution of **\$48,226** per lot for local infrastructure. This is the amount charged under the special Section 94 plan, *Contributions Plan No. 28 - Seaside City*. Each existing lot created in 1927 has a credit of **\$14,618** for the standard shire wide Section 94 plans. Any development application for an increase in density of an existing lot such as subdivision or multi dwelling housing will attract additional contributions under Council's shire wide plans.

Standard Shire Wide Plans applicable to the South Kingscliff locality are:

Plan	Contribution per residence or lot \$
S94-04 Tweed Road Contribution Plan (Sector 7)	6,208
S94-11 Libraries	792
S94-12 Bus Shelters	60
S94-13 Cemeteries	120
S94-15 Community Facilities	581
S94-18 Council Admin	1,760
S94-22 Cycleways	447
S94-26 Regional Open Space	4650
Total	14,618

CP 28 was prepared based on estimates for the cost of land (open space, road reserves etc) and infrastructure required to make Seaside City a viable subdivision development.

The estimated cost of the various elements of infrastructure in 2006 when the plan was prepared was \$21.8M. Once the works are finished and final costs are known, the plan foreshadows that it will be amended to reflect actual costs.

3. Contributions Cap 2009

The then Minister for Planning, the Hon Kristina Keneally, issued a section 94E Direction on 13 January 2009 directing that unless Council's applied for an exemption, Development Consents issued after 30 April 2009 could not require developer contributions that exceed \$20,000 (indexed) per dwelling.

The implications of the 2009 cap were alarming. As Seaside City contributions for non Richtech owners were \$48,226 and exceeded the cap by over \$28,000, the cap would disable the complex arrangements put in place by the Land & Environment Court, Council and Richtech for financing and apportionment of the cost of the Seaside City subdivision works.

Council formally applied for an exemption for Seaside City and other localities on 27 February 2009. Council was advised that the Seaside City exemption was approved by a Minister's Section 94E Direction dated 10 July 2009.

The Minister advised Seaside City had been exempted because ***"the higher rates applying to the Seaside Land are not only facilitating the development of this long standing area but have also arisen from a recent decision of the Land and Environment Court case and reflect the outcome of that matter. Accordingly, it is appropriate for an exemption to be granted to the maximum amount set out in the Direction to development consents requiring monetary contributions for residential development on the Seaside Land."***

4. Contributions Cap 2010

On 4 June 2010, the current Minister for Planning, Tony Kelly MLC, issued a further Section 94E Direction, that repealed the 9 July 2009 direction (that exempted Seaside City from the cap) and imposed a hard unindexed cap of \$20,000 per dwelling or residential lot on all consents to be issued after 7 June 2010. As was the case in 2009, Seaside City contributions for non Richtech owners at \$48,226 exceed the cap by over \$28,000. Unlike the 2009 cap there is no mechanism to obtain approval to exempt special areas from the 2010 cap.

Council has written to the Premier requesting that all of Tweed Shire be exempted from the 2010 cap of \$20,000 (unindexed). The Mayor and General Manager have also met with the Minister for Planning seeking his intervention to remove the cap from Tweed Shire.

5. Implications of 2010 Cap for Seaside City

Council is faced with conflicting obligations.

The Land and Environment Court decision and subsequent Planning Agreement obliges Council to collect the moneys owed by other landowners and repay the money to Richtech. Council is required to use its best endeavours to apply Contributions Plan No. 28 to impose conditions of consent to require this monetary contribution from non Richtech landowners. To do this Council must impose contributions of \$62,844 (being \$48,226).

Imposition of a contribution of \$48,226 per lot is now unlawful under the Ministers S94E Direction of 4 June 2010 as it exceeds \$20,000.

A legal opinion on this matter is a confidential attachment to this report. It raises a number of issues including how Council would apportion a capped \$20,000 contribution between the various competing s94 Plans. It is uncertain what exposure Council may have arising from the conflict between the Planning Agreement and the Ministers S94E Direction to cap contributions.

Representatives of Richtech met with Council officers on 2 August 2010. They were advised that this report was being prepared and they support any actions Council may take to seek the Minister's agreement to reinstate the previous Seaside City contributions cap exemption. Richtech would also like to accompany Council representatives to meet with the Minister in this regard.

6. Options Available to Council

6.1 Representations to Minister for Planning to Reinstate the previous Seaside City Contributions Cap Exemption

Council has already made general submissions to the Premier and Minister for Planning requesting a general exemption to the Contributions cap in Tweed Shire. It would now be appropriate to make a separate submission in relation to the unique circumstances at Seaside City, seeking a reinstatement of the previous contributions cap exemption. This could be accompanied by a request for Council, accompanied by Richtech representatives, to meet with the Minister to reinforce the submission.

6.2 Development Applications from Non Richtech Landowners at Seaside City

There are currently no development applications before Council from non Richtech landowners at Seaside City. However the pending completion of subdivision works by Richtech is likely to encourage applications. It may be that the Minister will reinstate the Seaside City contribution cap exemption before any such applications are received, however if the exemption is not forthcoming then there are a number of options available should such applications be received which include:

Option 1: Council process and determine applications. Impose a \$20,000 per dwelling contribution. Allocate \$20,000 to CP 28 payable to Richtech.

Option 2: Council only process and determine applications if applicant agrees to enter a voluntary planning agreement to pay an amount equivalent to the full S94 obligation (currently \$48,226). If no agreement made, then Council defers processing the application until the issue is resolved.

Option 1 allocates all of the capped \$20,000 to Richtech. Transferring only \$20,000 per lot is substantially less than the amount owed to Richtech and may not be acceptable to them. It could lead to legal action for recovery of the balance.

Option 2 restores the correct contribution and enables the correct repayment to Richtech. It may not be acceptable to non Richtech landowners who could seek to benefit from the opportunity to contribute the lesser payment that the cap facilitates. If the non Richtech landowners refuse to enter the voluntary planning agreement to pay the full amount and Council does not process the application, then the application may be taken for determination to the Land and Environment Court.

7. Conclusion

The Premier advised in her press release of 4 June 2010 that developer contributions would be hard capped at an unindexed \$20,000 per residential lot to **deliver additional land releases, increase housing affordability and kick start housing construction.**

Complex arrangements put in place by the Land & Environment Court, Council and Richtech in 2007 for financing and apportionment of the cost of subdivision works are now, after 80 years delay, delivering the overdue Seaside City subdivision works. This is an arrangement that is delivering the additional land releases the Government says it wants. But, the Government's contributions cap has the potential to disable this process. and deliver the opposite outcome.

It is unlikely that this is the outcome the Government intended for Seaside City. It is understood that the contributions cap policy was initiated by concern about the level of contributions in parts of metropolitan Sydney. It appears that the NSW Government's policy to address that matter has had unintended consequences in other areas such as the Tweed.

It is proposed to ask the Minister for Planning for a reinstatement of the previous developer contributions cap exemption for Seaside City.

It is considered that determining development applications from non Richtech owners as per Option 1 above is inequitable to Richtech, who have financed and delivered the Seaside City works in good faith.

It is considered that Option 2 is equitable for all parties as it maintains the status quo of financial obligations to all. It is vulnerable to Land and Environment challenge, however it is considered to be the most appropriate course of action at this time. It would be hoped that sense will eventually prevail at the NSW Government and that the Minister will issue an exemption from the contributions cap at Seaside City at an early date.

It is therefore proposed to defer processing development applications for non Richtech land at Seaside City until this matter is resolved or other arrangements (such as a voluntary planning agreement) are made to pay an amount equivalent to the full Section 94 contributions (without cap).

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Substantial. See body of report.

POLICY IMPLICATIONS:

As above.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment** - HWL Ebsworth Lawyers letter dated 2/7/10 (ECM 18825468).
 2. Seaside City Planning Agreement (ECM 20215546).
 3. Land and Environment Court of New South Wales Judgement (ECM 20215536).
 4. Minister's Letter dated 10 July 2009 (ECM 20214480).
 5. Planning Circular PS 10-014 dated 4 June 2010 (ECM 17591027).
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REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

34 [TCS-CM] In Kind and Real Donations - April to June 2010

ORIGIN:

Financial Services

SUMMARY OF REPORT:

Details of in kind and real donations for the period April to June 2010 are reproduced in this report for Council's information.

RECOMMENDATION:

That Council notes the total donations of \$63,520.85 for the period April to June 2010.

REPORT:

Council maintains a register of in kind and real donations. Details of these donations for the period April to June 2010 are reproduced as follows:

Financial Assistance			
Amount	Recipient	Donated Item	Date
\$2,250.00	Tweed Shire Senior Citizens Week Committee	Budget Allocation	21/01//2010
\$60.00	Murwillumbah RSL Sub-Branch	Donation in lieu of Anzac Day Wreath	08/04/2010
\$70.00	Tweedlesea Day Club	Donation in lieu of Anzac Day Wreath	08/04/2010
\$500.00	Tweed Heads PCYC	Donation to youth activities	08/04/2010
\$2,600.00	Cudgen Headland SLSC	Budget Allocation	02/06/2010
\$3,100.00	Fingal Rovers SLSC	Budget Allocation	09/06/2010
\$23,942.00	Tweed District Rescue Squad	Budget Allocation	30/06/2010
\$4,543.50	Tweed Kenya Mentoring Program	Additional Budget Allocation	30/06/2010
\$10,500.00	Care Flight - RACQ	Budget Allocation	30/06/2010
\$10,000.00	Wintersun Festival Association Inc	Budget Allocation - Festivals	07/04/2010
\$57,565.50			
Goods and/or Materials			
Amount	Recipient	Donated Item	Date
\$54.00	Bilambil Landcare	6 shrubs	24/03/2010
\$120.00	Banora Point High School	30 Shrubs	02/06/2010
\$120.00	Saint James College	30 Shrubs	25/06/2010
\$294.00			
Provision of Labour and/or Plant and Equipment			
Amount	Recipient	Donated Item	Date
\$3,226.00	Life Education Van Relocation	Provision of Labour & Council Plant	30/06/2010
\$19.00	Anzac Day	Provision of Labour & Council Plant	30/04/2010
\$3,245.00			
Tweed Link Advertising			
Amount	Recipient	Donated Item	Date
\$110.45	Various Community Notices	Advertising	06/04/2010
\$56.45	Various Community Notices	Advertising	13/04/2010
\$95.73	Various Community Notices	Advertising	20/04/2010
\$186.55	Various Community Notices	Advertising	27/04/2010
\$61.36	Various Community Notices	Advertising	04/05/2010
\$100.64	Various Community Notices	Advertising	11/05/2010
\$63.82	Various Community Notices	Advertising	18/05/2010
\$137.45	Various Community Notices	Advertising	25/05/2010
\$117.82	Various Community Notices	Advertising	01/06/2010
\$44.18	Various Community Notices	Advertising	08/06/2010
\$70.20	Various Community Notices	Advertising	15/06/2010
\$97.20	Various Community Notices	Advertising	22/06/2010
\$216.00	Various Community Notices	Advertising	29/06/2010
\$1,357.85			

Room Hire			
Amount	Recipient	Donated Item	Date
\$221.00	Murwillumbah Jazz Club	Room Hire - Murwillumbah Civic Centre	01/06/2010
\$110.50	Tweed Heads Hospital fashion Parade	Room Hire - Tweed Heads Civic Centre	31/05/2010
\$29.00	Twin Towns Friends	Room Hire - South Tweed HACC	14/04/2010
\$29.00	Twin Towns Friends	Room Hire - South Tweed HACC	12/05/2010
\$29.00	Twin Towns Friends	Room Hire - South Tweed HACC	09/06/2010
\$86.00	Twin Towns Friends	Hall Hire - South Tweed Heads Community Hall	13/05/2010
\$86.00	Twin Towns Friends	Hall Hire - South Tweed Heads Community Hall	26/05/2010
\$82.00	Tweed Heads Hospital Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	05/04/2010
\$70.00	South Sea Islanders Meeting	Room Hire - Tweed Heads Meeting Room	10/04/2010
\$82.00	Tweed Heads Hospital Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	03/05/2010
\$82.00	South Sea Islanders Meeting	Room Hire - Tweed Heads Meeting Room	08/05/2010
\$82.00	Tweed Heads Hospital Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	07/06/2010
\$70.00	South Sea Islanders Meeting	Room Hire - Tweed Heads Meeting Room	19/06/2010
\$1,058.50			
\$63,520.85	Total Donations 4th Quarter (April, May, June 2010)		

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

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35 [TCS-CM] 2010 Complaint Analysis Report - 1 April to 30 June 2010

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

Council's Complaints Handling Policy is a framework for the effective management of complaints.

A complaint is an expression of dissatisfaction, made in respect to a Council Officers role in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified nor not.

It is not a request for service, (customer work request), or information or an explanation of a policy or procedure, or objections to a development application before Council determination.

A complaint can progress from Council's lack of action following the lodgement of a request for service or a request for information.

The Policy requires a complaint analysis report be reported to Council detailed by type and outcomes/actions on a quarterly basis.

It is advised that for the period 1 April 2010 to 30 June 2010, 17 items were received which comply with the definition of a complaint. A further two complaints were dealt with during this quarter which were outstanding from March.

There are six complaints which have not been completely actioned; however they are in progress of being investigated. Whilst there are two outstanding from the March quarter (refer 1.7 and 1.8).

The complaints principally refer to the:

- failure of Council Officers to comply with Council's Customer Service Charter in not responding to items within fourteen (14) days in accordance with the Correspondence - Response To Policy;
- respondents being dissatisfied with the actions of Council officers in handling their original request for service;
- respondents being dissatisfied that issues have not been dealt with by Council Officers.

RECOMMENDATION:

That Council receives and notes the 2010 Complaints Analysis Report for the period 1 April to 30 June 2010.

REPORT:

The type of complaint has been categorised in accordance with categories used by the Division of Local Government. This methodology will assist in monitoring the effectiveness of Council's handling of complaints and improving service delivery.

Complaint Type	Ref	Details of Complaint	Comments
Customer Service <ul style="list-style-type: none"> Service Standards 	1.	1. Complainant was concerned that no response to previous correspondence had been received - request for appropriate disability access.	Manager sent a response advising of Council action in the matter.
		2. Two official complaints about Council processes in regard to the Draft LEP and Draft Water Sharing Plan.	The issues are currently under investigation.
		3. Formal complaint regarding the public exhibition process for Draft Tweed LEP.	The issue is currently under investigation.
		4. Complainant dissatisfied that Council officer did not return telephone call as advised.	A response has been sent to the complainant providing information relevant to the matter.
		5. Complaint concerns the process for the 56 lot subdivision – requires a copy of letter and email to be discussed at the next Council Meeting.	Information provided to Councillors, as requested.
		6. Complainant dissatisfied that not all residents received information via a letterbox drop – felling of gum tree.	The issue is currently under investigation.
		7. Complainant was concerned that no response to previous correspondence had been received – draft LEP.	The issue is currently under investigation.
		8. Complainant was concerned that no response to previous correspondence had been received – Basix requirements for water tanks	The issue is currently under investigation.
Enforcement and Regulatory Powers <ul style="list-style-type: none"> Building/ 	2.	1. Complaint related to Council Officers not providing a response relating to aerial spraying affecting residence.	Manager sent a response advising of Council action in the matter.

Noise

- | | | |
|----|---|--|
| 2. | Complainant dissatisfied with the manner of a Regulatory Services Officer and the information provided. | Meeting held with Council Officers to rectify issues. |
| 3. | Complainant dissatisfied that the tests conducted on a pump were not conducted to show a true and fair view of the situation. | Complainant has been advised that the tests were conducted in accordance with appropriate standards. |

Engineering Services

• **Roads**

- | | | |
|----|--|--|
| 3. | 1. Complaint about the condition of Simpson Drive and Scenic Drive unacceptable- informed Scenic Drive was a low priority | Manager has sent response advising of the council's action in the matter. |
| 2. | Complainant dissatisfied held in one position due to road works on Kyogle Road on 20 May for 40 minutes. | A reply has been sent offering Council's apology as this delay was due to an unplanned incident. |
| 3. | Complainant was concerned that palm trees were removed on Keith Crompton Drive without consultation with anyone in the area. | Complainant has been advised of Council's action in the matter. |
| 4. | Complainant dissatisfied that works gang only repaired one hole neglecting estimated 50 others in the same street. | Complainant has been advised that the road is proposed to be upgraded in the future. |
| 5. | Complainant objecting to a bus stop and the attitude of a Council employee. | The issue is currently under investigation. |
| 6. | Complainant dissatisfied with drainage in Tamarind Avenue- withholding rates until situation is rectified. | The issue is currently under investigation. |
| 7. | Complainant sent email 3 times requesting sign to name a village. | Complainant has been advised of Council's proposed action in the matter. |

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Quarterly analysis report in accordance with Complaints Handling Policy.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

36 [TCS-CM] Loan Borrowings - Transfer of Rights

ORIGIN:

Financial Services

SUMMARY OF REPORT:

In September 2008 Council restructured \$49,453,888 worth of loans over varying terms to Dexia Credit Local Asia Pacific (DCLAP).

Council has received correspondence from DCLAP who are proposing to transfer all of its rights and obligations pertaining to its Australian banking portfolio to Dexia Credit Local.

RECOMMENDATION:

That Council:

- 1. Receives and notes the advice from Dexia Credit Local Asia Pacific (DCLAP) on the transfer of all its rights and obligations pertaining to its Australian banking portfolio to Dexia Credit Local.**
- 2. Confirms with Dexia Credit Local Asia Pacific (DCLAP) that Council does not object to the transfer of rights and obligations to Dexia Credit Local with the amended Deed of Assignment.**
- 3. Treats ATTACHMENT 1 as CONFIDENTIAL in accordance with Section 10A(2)(g) of the Local Government Act, 1993 because it contains advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**

REPORT:

In September 2008 Council restructured \$49,453,888 worth of loans over varying terms to Dexia Credit Local Asia Pacific (DCLAP).

Council has received correspondence from DLCAP who are proposing to transfer all of its rights and obligations pertaining to its Australian banking portfolio to Dexia Credit Local.

Background

DCLAP is a provider of finance to a number of local councils in NSW. DLCAP is a wholly owned subsidiary of Dexia Credit Local, a French licensed bank with a significant role in financing the local government sector in various parts of the world. Dexia Credit Local is in turn a wholly owned member of the Dexia group.

Dexia was materially impacted by the events of the financial crisis triggered in September 2008 and required significant intervention from the Governments of Belgium, France and Luxembourg towards its stabilisation and survival, including injections of equity and ongoing support in respect of debt raising.

Further measures at the behest of shareholders to ensure Dexia's longer term survival include a 'transformation plan' for Dexia that was announced in stages from November 2008 to January 2009. The transformation plan includes a discontinuation of wholesale banking activity in numerous countries, including Australia, and the centralisation of certain legacy portfolios of banking assets.

Proposed Transfer

DCLAP is proposing to transfer all of its rights and obligations pertaining to its Australian banking portfolio to Dexia Credit Local. The proposed transfer will include the transfer of DLCAP's rights and obligations under the Financing Arrangements.

No changes are proposed to the facilities within the NSW councils except for a change in the identity of the provider of the facilities from DCLAP to its direct parent Dexia Credit Local. For avoidance of doubt, the terms and conditions would remain unchanged and the currency of the facilities would remain Australian currency only.

DCLAP and Dexia Credit Local would take steps to ensure the Tweed Shire Council has a clearly defined means of maintaining contact with Dexia before and after the proposed centralisation.

NSW councils have a broad discretionary power to borrow funds, and may borrow at any time for any purpose allowed under the Local Government Act 1993. The Minister for Local Government issues a "Borrowing Order" from time to time, however the current and previous order have both stated:-

A council shall not borrow from any source outside of the Commonwealth of Australia nor in any other currency other than Australian currency.

Council has complied with this order whenever borrowing funds, the issue of this loan transfer is whether the transfer of rights and obligations attached to the loans constitutes:-

1. A borrowing under the provisions of the Minister's borrowing order; and
2. Will Council be exempt from withholding tax under the 2006 French convention of the International Tax Agreements Acts 1953.

Council sought legal advice from Slater & Gordon through Council's loan broker Integrity Finance Group - **Confidential Attachment 1**.

After discussions between Slater & Gordon and Dexia amendments/insertions were made to produce a new Deed of Assignment and a letter of indemnity for any future changes in the taxation position – **refer Confidential attachment**.

Slater & Gordon have recommended Council accept the letter and the Draft Deed of Assignment.

As a result of the legal advice it is recommended that Council confirm that they do not object to the transfer of rights and obligations from DCLAP to Dexia Credit Local.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

1. **Confidential Attachment** – Memorandum of Advice, Deed of Assignment and a letter of indemnity for any future changes in the taxation position (ECM 20123429).
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37 [TCS-CM] Tweed Shire Council Audit Committee - Independent Member Nominations

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

Council at its meeting of 15 June 2010 resolved to invite applications for two independent members to be appointed to the Audit Committee up to November 2012 and that they are remunerated for their services at the same rate as Council's Conduct Review Panel members.

Nominations for the two independent members were invited, which resulted in three nominations being:

Ross Bell
Warren Buntine
Colin Wight

Ross Bell is the current Chairman of the Audit Committee. Warren Buntine is a current independent member. Both of these persons have been active within the Audit Committee since their previous appointment in 2006.

Colin Wight was a partner in a large accounting practice based in Melbourne, has property interests within the Tweed Shire and while currently resides in Victoria has advised that he regularly visits the Tweed.

The Audit Committee Charter identifies that independent members must have appropriate skills and time to fulfil their role on the Committee with at least one member having significant qualifications, experience and skills in financial matters. It is desirable that the other independent member has public sector corporate management, legal and risk management qualifications and experience. All three nominees have qualifications and experience in auditing, accounting and business practices and meet the criteria for independent membership of the Audit Committee.

The charter also allows for meetings to be attended personally, by telephone or by video conference, so not permanently residing within the shire is not an impediment to committee membership.

Given the qualifications and experience of the three applicants' consideration should be given to appointing two independent members and an alternate member to the Audit Committee and the Audit Committee Charter be amended to cater for this appointment.

RECOMMENDATION:

That Council endorses:

- 1. The appointment of the following as the two independent members to the Audit Committee until November 2012:**
 - i. Ross Bell**
 - ii. Warren Buntine**

- 2. The appointment of the following as an alternate independent member to the Audit Committee until November 2012:**
 - i. Colin Wight**

- 3. The amendment of the Audit Committee Charter Version 1.4 to reflect the appointment of an alternate independent member.**

REPORT:

The Audit Committee Charter has been amended (as shown in italics/strikethrough) to cater for the appointment of an alternate independent member, as follows:

“3. Composition and Tenure

3.1 Members (voting)

The Committee consists of:

- Two independent *and one alternate independent member* - appointed by Council; and

Independent Member Appointment Process

Independent members shall be requested to nominate their services through a public invitation process. ~~The initial evaluation of potential members will be undertaken by the General Manager and Chairman of the Operations Committee, Appointment of the two and one alternate will be made by Council resolution,~~ taking into account the experience of the nominees and their ability to apply appropriate analytical and strategic management skills. ~~The General Manager and Chairman of the Operations Committee will then nominate selected independent members to Council for approval.~~

4.7 Responsibilities of Members

Members of the Committee are expected to:

- *Should a member be unavailable to attend a meeting, that member is to contact an alternate member to request their attendance.*

6.2 Attendance at Meeting and Quorums

Should a member be unavailable to attend a meeting, that member is to contact an alternate member to request their attendance.”



Policy

Audit Committee Charter

Version 1.4

Adopted by Council at its meeting on xxx
Minute No: xxx

Division: Technology and Corporate Services
Section: Corporate Compliance
File Reference:
Historical Reference: V1.0 07/02/2006, V1.1 Adopted
28/11/2006, V1.2 Adopted 13/11/2007;
V1.3 Adopted 21/7/2009 Minute No 153

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Audit Committee Charter

Preamble

This Charter establishes the authority and responsibilities conferred on the Audit Committee by Council and explain the role of the Audit Committee within the Council.

The Audit Committee is an advisory Committee of the Council and does not have executive power or authority to implement actions.

1. Objective

The objective of the Audit Committee (Committee) is to provide independent assurance and assistance to the Tweed Shire Council on control, governance and external accountability responsibilities.

The Audit Committee's objectives are to be implemented by ensuring that:

- A culture of adherence to Council policies and procedures is promoted;
- Business Systems and procedures have been established by the Executive Management Team and are effective;
- Appropriate risks and exposures are effectively managed;
- Statutory compliance is promoted and monitored;
- The audit processes (both internal and external) are effective; and
- The external reporting is objective and credible.

2. Authority

The Council authorises the Audit Committee within the scope of its role and responsibilities to:

- Propose and/or request the General Manager conduct investigations into any matters.
- Obtain any information it needs from any employee or external party subject to protected information legal obligations.
- Discuss any matters with the external auditor or other external parties subject to confidentiality considerations.
- Request the attendance of any employee or Councillor at Committee meetings.
- Obtain external legal or other professional advice considered necessary to meet its responsibilities.

3. Composition and Tenure

The Committee will consist of:

3.1 Members (voting)

The Audit Committee shall consist of at least four members. Changes to the Committee composition and tenure will be by approval of Tweed Shire Council.

The Committee consists of:

- Two independent and one alternate independent member - appointed by Council; and
- Two Councillors.

The Chair of the Committee will be an independent member elected by a majority vote of the members of the Audit Committee.

All independent members will be appointed by Council for a term of two years, after which they will be eligible for extension or re-appointment following a formal review of their performance.

3.2 Attendee (non-voting)

General Manager and Internal Auditor shall be available to attend all Audit Committee meetings but are not members of the committee and do not have voting rights.

3.3 Invitees (non-voting) for specific Agenda items

- Representatives of the external auditor.
- Other officers may attend by invitation as requested by the Committee.

Independent Member Skills

Independent members must have appropriate skills and time to fulfil their role on the Committee with at least one member having significant qualifications, experience and skills with financial matters. It is desirable that the other independent member has public sector corporate management, legal and risk management qualifications and experience.

Independent Member Appointment Process

Independent members shall be requested to nominate their services through a public invitation process. ~~The initial evaluation of potential members will be undertaken by the General Manager and Chairman of the Operations Committee.~~ **Appointment of the two and one alternate will be made by Council resolution,** taking into account the experience of the nominees and their ability to apply appropriate analytical and strategic management skills. ~~The General Manager and Chairman of the Operations Committee will then nominate selected independent members to Council for approval.~~

4. Role and Responsibilities

The Audit Committee has no executive powers, except those expressly provided by the Council.

In carrying out its responsibilities, the Audit Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the Local Government Act.

Ethical Practices

Members of the Audit Committee will, at all times in the discharge of their duties and responsibilities, exercise honesty, objectivity and probity and not engage knowingly in acts or activities that have the potential to bring discredit to the Council.

Members must also refrain from entering into any activity that may prejudice their ability to carry out their duties and responsibilities objectively and must at all times act in a proper and prudent manner in the use of information acquired in the course of their duties. Members must not use Council information for any personal gain for themselves or their immediate families or any manner that would be contrary to law or detrimental to the welfare of the Council.

Further, members must not publicly comment on matters relative to activities of the Committee other than as authorised by Council.

The Audit Committee's duties and responsibilities may be revised or expanded by the Council from time to time. The responsibilities of the Committee include, but not necessarily limited to:

4.1 Risk Management

- Review whether management and/or Council's **Enterprise** Risk Management Committee has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud.
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings.

4.2 Control Framework

- Review whether management has adequate internal controls in place, including external parties such as contractors and advisors;
- Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated;
- Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with;
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations; and

- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.
- Understand the scope of internal and external auditors' review of internal control over financial reporting, and obtain reports on significant findings and recommendations together with managements responses.

4.3 External Accountability

- Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and supported by appropriate management sign-off on the statements and the adequacy of internal controls.
- Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments.
- To consider contentious financial reporting matters in conjunction with Council's management and external auditor.
- Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements.
- Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations; and
- Satisfy itself there is a performance management framework linked to organisational objectives and outcomes and be reviewed for compliance with this external accountability.

4.4 Legislative Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of the risk assessment and management arrangements.
- Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.
- Review the process of communicating the Council's Code of Conduct and other corruption resistance controls to personnel, and for monitoring compliance therewith.
- Obtain regular updates from management and the Council's legal representatives regarding compliance matters.

4.5 Internal Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Review and approve the Annual Internal Audit Plan. This plan should be risk based and its preparation to the Audit Committee conducted in accordance with AS/NZS4360:2004, with input from the Executive Management Team, External Audit and Internal Audit.
- Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices.
- Monitor the implementation of internal audit recommendations by management.

- Periodically review the Internal Audit Charter to ensure appropriate organisational structures authority, access and reporting arrangements are in place.
- The database of the Internal Audit Operation Plans is to be presented to every Audit Committee meeting, detailing the status of each audit in the respective plans.

4.6 External Audit

- Act as forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided.
- Review all external plans and reports in respect of planned or completed external audits, and monitor the implementation of audit recommendations by management.
- Consider significant issues raised in relevant external audit reports and better practice guides, and ensure appropriate action is taken.

4.7 Responsibilities of Members

Members of the Committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Tweed Shire Council.
- Contribute the time needed to study and understand the papers provided.
- **Should a member be unavailable to attend a meeting, that member is to contact an alternate member to request their attendance.**
- Apply good analytical skills, objectivity and good judgement.
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.
- At all times in the discharge of their duties and responsibilities, exercise honesty, objectivity and probity and not engage knowingly in acts or activities that have the potential to bring discredit to the Council.
- Refrain from entering into any activity that may prejudice their ability to carry out their duties and responsibilities objectively and must at all times act in a proper and prudent manner in the use of information acquired in the course of their duties.
- Not to use Council information for any personal gain for themselves or their immediate families or any manner that would be contrary to law or detrimental to the welfare of Council.
- Not to publicly comment on matters relative to activities of the Committee other than as authorised by Council.

5. Reporting

At the first Committee meeting after 30 June each year, Internal Audit will provide a performance report of:

- The performance of Internal Audit for the financial year as measured against agreed key performance indicators; and
- The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.

The Committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an Individual Committee member may request a meeting with the Chair of the Committee.

6. Administrative Arrangements

6.1 Meetings

The Committee will meet at least four times per year, with one of these meetings to include review and endorsement of the annual financial reports and external audit opinion.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members may make requests to the Chair for additional meetings.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit Committee Charter.

Minutes will be taken at these meetings, detailing matters discussed and action agreed.

It is the responsibility of the Chair of the Committee to set the Audit Committee meeting agenda. Meeting agendas will be prepared and provided in advance to members, along with appropriate briefing materials.

Agenda items for consideration at an Audit Committee meeting can be referred to the Chair of the Committee by Council, the General Manager, and other Audit Committee members, and the Internal Auditor or the External Auditor.

6.2 Attendance at Meeting and Quorums

A quorum will consist of the majority of Committee members, including at least one independent member. Meetings can be held in person, by telephone or by video conference.

Should a member be unavailable to attend a meeting, that member is to contact an alternate member to request their attendance.

The Internal Auditor will be invited to attend each meeting unless requested not to do so by the Chair of the Committee. The Committee may also request the Chief Finance Officer or any other employees to participate for certain agenda items, as well as the external auditor.

6.3 Secretariat

Council's Corporate Compliance Officer will provide secretariat support to the Committee.

The Officer will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained. Minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held.

6.4 Conflict of Interest

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

6.5 Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

6.6 Assessment Arrangements

The Chair of the Committee will initiate a review of the performance of the Committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.

6.7 Review of Audit Committee Charter

At least once every two years the Audit Committee will review this Audit Committee Charter.

The Audit Committee will recommend any changes of this Audit Committee Charter to Council for adoption.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Meeting attendance fees are payable and an appropriate budget allowance has been allocated.

POLICY IMPLICATIONS:

The Audit Committee Charter is updated to reflect the appointment of an alternate independent member.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

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38 [TCS-CM] Joint Standing Committee on Electoral Matters - Report on 2008 Local Government Elections

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

The NSW Government Joint Standing Committee on Electoral Matters (JSCEM) tabled in Parliament on 1 June 2010 a Report on the 2008 Local Government elections.

Their report covers recommendations, principally administrative and policy matters involving the New South Wales Electoral Commission (NSWEC). In regard to Council, the Committee is recommending (item 11) that the Local Government Act 1993 is amended in time for the 2012 Local Government elections, to allow the election to occur with universal postal voting for those councils who opt to use that method of election.

The Commission will make arrangements with General Managers following the 2011 State election to outline the approach that it will be taking for the 2012 Local Government elections.

RECOMMENDATION:

That Council receives and notes the recommendations contained in the Joint Standing Committee Report on the 2008 Local Government elections.

REPORT:

The NSW Government Joint Standing Committee on Electoral Matters tabled in Parliament on 1 June 2010 a Report on the 2008 local government elections.

Their report covers recommendations, principally administrative and policy matters involving the New South Wales Electoral Commission. In regard to Council, the Commission will provide an early estimate of the cost for the 2012 Local Government elections.

List of recommendations

RECOMMENDATION 1: 11

The Committee recommends that:

(a) each House of Parliament amend the resolution establishing the Joint Standing Committee on Electoral Matters to include a *standing reference* to inquire into and report upon:

- i. the conduct and administration of local government elections, and
- ii. any matter connected with the following laws as they pertain to local government elections -
 - the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*;
 - the *Parliamentary Electorates and Elections Act 1912*; and
 - the *Election Funding and Disclosures Act 1981*.

(b) the Committee is to report upon the outcome of any such inquiry as soon as practicable after 12 months from the date on which the local government elections are held.

(c) each House consider passing a resolution to clarify that the Joint Standing Committee on Electoral Matters may inquire into and report upon any matter relating to local government elections as referred to it by either House of the Parliament or a Minister.

RECOMMENDATION 2: 11

The Committee recommends that:

(a) the *Local Government Act 1993* be amended to require the Electoral Commissioner to provide a report to the appropriate Minister on each set of local government elections, within nine months of the election, and for the report to include details of the following:

- i. the role of the NSWEC;
- ii. electoral services provided to:
 - electors
 - councils
 - candidates, groups and political parties
- iii. recruitment and training of election staff, and the management of polling places;
- iv. counting and the provision of the election results;

Joint Standing Committee on Electoral Matters

List of recommendations

- v. funding arrangements and the costs associated with the local government elections;
- vi. benchmarking of the conduct and administration of the local government elections; and
- vii. any relevant legislative amendments affecting the conduct and administration of the local government elections.

(b) consistent with Recommendation 2a, an amendment be made to the *Parliamentary Electorates and Elections Act 1912* to require the Electoral Commissioner to provide a report to the Premier in respect of each state general election, within nine months of the election.

(c) the relevant statutes be amended to provide that the reports by the Electoral Commissioner in respect of each state general election and local government election be tabled in Parliament within 14 days of receipt by the Minister.

RECOMMENDATION 3:22

The Committee recommends that the Joint Standing Committee on Electoral Matters externally review the operation of the full cost recovery model for the 2012 local government general elections and, in light of the findings of that review, consider the necessity for engaging consultants to conduct any subsequent external reviews of the model.

RECOMMENDATION 4:27

The Committee recommends that the NSW Electoral Commissioner ensure that detailed information about the budgeted and actual costs for the 2012 local government elections be provided to all council General Managers. Such detailed information should provide explanations as to what each line item covers, and how it has been calculated and allocated.

RECOMMENDATION 5:45

The Committee recommends that a higher proportion of the NSW Government's advertising budget be spent advertising the next local government election in the fortnight preceding polling day.

RECOMMENDATION 6:47

The Committee recommends that:

- (a) the NSW Electoral Commission continue to conduct stakeholder surveys on the conduct of the election;
- (b) detailed information on the survey responses be provided to the Committee as part of the material examined during the proposed review of the 2012 local government elections, in addition to any statistical compilation of survey results;
- (c) in conducting the surveys the Electoral Commission give particular attention to stakeholder views on the following issues, raised with the Committee during the course of this inquiry:
 - the Regional Returning Officer model;
 - resourcing, staffing and location of pre-poll and polling booths;

- transportation of ballot papers;
- arrangements for scrutineering;
- election advertising;
- the Elector Inquiry Centre; and
- the counting of the vote.

RECOMMENDATION 7: 50

The Committee recommends that:

- (a) the NSW Electoral Commission consider formulating a 'Service Charter for local government elections', to be developed in consultation with relevant stakeholders and modelled on the Commonwealth and State Government Service Charters for departments and agencies dealing with the public.
- (b) the proposed Service Charter be aligned to the corporate values of the NSW Electoral Commission around their four key result areas, as they relate to local government general elections.
- (c) the NSW Electoral Commission include in its report on the local government elections information on its performance in providing services for local government elections, benchmarked against the proposed Service Charter.

RECOMMENDATION 8: 54

The Committee recommends that the following aspects of the Regional Returning Officer (RRO) model be given consideration by the NSW Electoral Commission in preparation for the 2012 local government elections:

- (a) the accessibility of RROs to the residents, candidates and staff of those councils not hosting the returning officer, including the possibility of the returning officer making visits to those other councils during the election period.
- (b) the use of a landline or free call contact number for all returning officers.
- (c) ballot paper transportation.
- (d) arrangements for pre-poll voting for those councils not hosting the RRO, including the possibility of employing part time electoral officials to cover those councils not hosting the RRO.

RECOMMENDATION 9: 57

The Committee recommends that:

- (a) councils should continue to be responsible for the maintenance of the non-residential roll for local government general elections;
- (b) the NSWEC and Department of Local Government work to clarify the appropriate authority for providing advice to councils on inclusions and exclusions to the non-resident roll;
- (c) as part of the consultations with General Managers prior to the 2012 local government general elections, the Electoral Commissioner provide information to

Joint Standing Committee on Electoral Matters

List of recommendations

councils on strategies to improve enrolment levels in relation to non-residential electors; and

(d) the NSW Electoral Commission continue to provide support for publication of information relating to the non-residential roll via the NSWEC website.

RECOMMENDATION 10:57

The Committee recommends that the requirement that a candidate's signature on a local government election nomination form be witnessed by a Justice of the Peace be discontinued.

RECOMMENDATION 11:66

The Committee recommends that:

(a) the *Local Government Act 1993* be amended to allow elections with universal postal voting for those councils who opt to use that method of election, in time for the 2012 local government elections.

(b) the Government undertake consultation on the best method for councils to use to decide to opt into a universal postal voting system.

(c) the NSWEC provide advice to the General Manager of local councils interested in universal postal voting as to the costs involved in taking up this option.

RECOMMENDATION 12:69

The Committee recommends that prior to the 2012 local government elections, the NSWEC:

(a) review the methodology used to calculate projected voting figures and allocate ballot papers for polling places.

(b) review the policies and procedures in place to deal with any shortage of ballot paper that may occur on election day.

(c) review the method for determining staffing levels for polling booths on election day, including multi-ward and multi-council polling places.

RECOMMENDATION 13:69

The Committee recommends that the Electoral Commissioner examine multi-council how-to-vote cards for multi-council polling places, with a view to allowing multi-council how-to-vote cards.

RECOMMENDATION 14:74

The Committee recommends that more priority be given to disability access for polling places.

RECOMMENDATION 15:85

The Committee recommends that the Electoral Commissioner:

(a) provide advice to General Managers as part of the consultation process in the lead up to the 2012 local government elections on the option of a local computerised count where required, including detailed information about the costs and resourcing issues.

(b) report on any initiatives undertaken by the NSW Electoral Commission toward improving counting and publication of results in the Commission's next report on the local government elections in 2012.

RECOMMENDATION 16: 88

The Committee recommends that the NSW Electoral Commission investigate the feasibility of abolishing the random sampling method for preference distribution and the alternative fractional methods currently available, and calculate the costs associated with moving to technology that would support an alternative method.

FINDING 1: 91

The Committee finds that changes to the above the line preferential voting system in use for local government elections would require further examination, including wider canvassing of stakeholder opinion, such as that of political parties, candidates and electors.

Recommendation 11 is specific for Council that the Local Government Act 1993 is amended in time for the 2012 Local Government Elections, to allow the election to occur with universal postal voting for those councils who opt to use that method of election.

“RECOMMENDATION 11:

The Committee recommends that:

- (a) the Local Government Act 1993 be amended to allow elections with universal postal voting for those councils who opt to use that method of election, in time for the 2012 local government elections.*
- (b) the Government undertake consultation on the best method for councils to use to decide to opt into a universal postal voting system.*
- (c) the NSWEC provide advice to the General Manager of local councils interest in universal postal voting as to the costs involved in taking up this option.”*

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Election costs in 2008 totalled \$342,177.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

39 [TCS-CM] Release of Investment Policy Guidelines and Investment Policy Version 1.4

ORIGIN:

Financial Services

SUMMARY OF REPORT:

The NSW Division of Local Government recently released updated Investment Policy Guidelines.

Recommendations contained in the Guidelines have been incorporated into Council's review of the Investment Policy, as attached.

As the amended Policy is in accordance with the revised Division of Local Government Guidelines, there is no necessity to publicly exhibit this revised Policy.

RECOMMENDATION:

That:

- 1. The Investment (of Surplus Funds) Policy Version 1.4 as reported be adopted.**
- 2. In accordance with section 161(2) of the Local Government Act 1993 the Policy not be publicly exhibited as the revision is a direct result of updated Guidelines from the NSW Division of Local Government.**

REPORT:

On 25 May 2010 the NSW Division of Local Government released updated Investment Policy Guidelines. The Guidelines were developed to assist councils with the preparation of an investment policy and the prudent and appropriate management of Council's surplus funds.



Circular No. 10-11
Date 25 May 2010
Doc ID. A198213

Contact Chris Duff
02 4428 4133
chris.duff@dlg.nsw.gov.au

RELEASE OF INVESTMENT POLICY GUIDELINES

On 25 May 2009, draft Investment Policy Guidelines were released for consultation. The final Investment Policy Guidelines have now been released after considering feedback from councils.

The Guidelines have been developed to assist councils with the preparation of an investment policy and the prudent and appropriate management of council's surplus funds.

As a result of the feedback received, the main changes to the Investment Policy Guidelines include:

- o clarification on the role of independent financial advisors
- o removal of the term 'investment strategy'
- o guidance to councils following a breach of the council's investment policy
- o a greater emphasis on councils maintaining legal title of their investments.

The Investment Policy Guidelines are available from the 'Publications' page of the Division's website at www.dlg.nsw.gov.au.

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Recommendations contained in the Guidelines have been incorporated into Council's annual review of the Investment Policy, as attached. The changes are shown below in italics:

“6) Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993.

The General Manager may in turn delegate the day-to-day management of Council's investments to the Responsible Accounting Officer or senior staff, subject to regular reviews.

Officer's delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

7) Prudent Person Standard

Council's investments will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolio, to safeguard the portfolio in accordance with the spirit of this Investment Policy and not for speculative purposes.

8) Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

11) Measurement

As Council continues to hold grandfathered investments such as Managed Funds and Bonds the investment returns for the portfolio are to be regularly reviewed by an independent market sources by assessing the market value of the portfolio. The market value is to be assessed at least once a month to coincide with monthly reporting.

12) Investment Strategy

An Investment Strategy will be formulated in conjunction with the investment policy. The Strategy will be reviewed annually and quarterly. The Strategy will outline:

- *Council will seek independent investment advice where necessary when preparing an investment policy. Advisors must have no actual or potential conflict of interest in relation to investment products being recommended.*
- *Advisors are required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to investment they recommending or reviewing. Manufacturers and distributors of investment products are excluded from acting as investment advisors to Council.*

14) Prohibited Investments

- *Any investment that does not comply with the General Products Check List (Schedule 6)*

15) Legal Title

When Council invests in financial instruments it is important that the financial instrument clearly shows it is held in the name of Council. i.e. Safe custody arrangement for bonds.

16) Reporting

There is a legislative requirement (clause 212 LGGR) for Council to report to Council each month regarding the investment portfolio. The report must detail amounts and types of investments currently held and investment portfolio performance compared to benchmark.

Council is also required to account for investments in the annual financial statements.”



Policy

Investment (of Surplus Funds)

Version 1.4

Adopted by Council at its meeting on xx

Minute No: xx

Division:	Technology and Corporate Services
Section:	Financial Services
File Reference:	N/A
Historical Reference:	Reviewed 7 July 2010; V1.3 Adopted 16 June 2009; V1.2 Adopted 11 March 2008; V1.1 Adopted 13 November 2007; V1.0 Adopted 19 October 2005

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Investment (of Surplus Funds)

1) Policy Objective

To provide a framework to help Council optimise its return on investment of surplus funds in a prudent and measurable manner. Specifically:

- Achieve or exceed budgeted investment revenue while preserving Council's capital.
- Establishment of Risk Management Guidelines based upon credit rating, limited exposure to individual institutions and term to maturity limits.
- Use of an appropriate benchmark for investment performance measurement.
- The use of investment types which comply with Legislative Requirements including the revised Investment Order dated 31 July 2008.

2) Legislative Requirements

- Local Government Act 1993, Section 412 & 625.
- Local Government Act 1993 – Order (of the Minister) pursuant to section 625 of the Local Government Act 1993.
- The Trustee Amendment (Discretionary Investments) Act 1997 - Sections 14A (2), 14C (1) & (2).
- Local Government (General) Regulation 2005 – Clause 212.
- Local Government Code of Accounting Practice and Financial Reporting.
- Australian Accounting Standards.
- Department of Local Government Circulars.
- Refer to Schedule 3 for extracts of legislation.

3) Risk Management Guidelines

Investments obtained are to comply with six key criteria relating to:

- i) **Preservation of Capital:** the requirement for preventing losses in an investment portfolio's total value, inclusive of both principal and income.
- ii) **Diversification/Credit Risk Guidelines:** limit overall credit exposure of the portfolio.

- iii) **Market Risk:** the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices.
- iv) **Counterparty Credit Framework:** limit exposure to individual counterparties/institutions.
- v) **Maturity Framework:** limits based upon maturity of securities.
- vi) **Leveraging Risk:** the magnification of an investor's risk and return that occurs when the investor takes on financial leverage through an investment product.

4) Diversification/Credit Risk Guidelines

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category (refer to Schedule 2 for rating definitions):

Overall Portfolio Credit Limits			
Long-Term Credit Ratings	Short-Term Credit Ratings	Direct Investments Maximum	Managed Funds Maximum
AAA Category	A-1+	100%	100%
AA Category	A-1	100%	100%
A Category or below	A-2	60%	80%
BBB Category or below	A-3	20%	-
Unrated	Unrated	10%	10%

Note: Percentage limits are based upon Council's average core portfolio balance

5) Authorised Investments

Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

Individual Counterparty Limits			
Long-Term Credit Ratings	Short-Term Credit Ratings	Direct Investments Maximum	Managed Funds Maximum
AAA Category	A-1+	25%	50%
AA Category	A-1	20%	45%
A Category or below	A-2	15%	40%
BBB Category or below	A-3	10%	-
Unrated	Unrated	5%	10%

- Investments with counterparties below A Category (Long Term) and below A-1 (Short Term) are to be restricted to **Authorised Deposit Taking Institutions** (ADIs = banks, building societies and credit unions) regulated by, and subject to the prudential standards of, the Australian Prudential Regulation Authority (APRA).
- Investments with the non-rated LGFS and NSW T-Corp will be regarded in terms of the respective investments' "shadow rating" as advised by those institutions.

- The short-term credit rating limit will apply in the case of discrepancies between short and long-term ratings.
- In the event that a credit rating of a security or of the company/body issuing the security falls below the required minimum, as set out in the Minister's Order, Council will make all necessary arrangements to withdraw deposits as soon as practical.
- Percentage limits are based upon Council's average core portfolio balance.
- All investments must be denominated in Australian dollars.

6) Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993.

The General Manager may in turn delegate the day-to-day management of Council's investments to the Responsible Accounting Officer or senior staff, subject to regular reviews.

Officer's delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

7) Prudent Person Standard

Council's investments will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolio, to safeguard the portfolio in accordance with the spirit of this Investment Policy and not for speculative purposes.

8) Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

9) Term to Maturity Framework

The Investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits	
Portfolio % <1 year	100% max; 40% min
Portfolio % >1 year	60%
Portfolio % >3 years	35%
Portfolio % =5 years	25%

- To provide adequate liquidity all tradeable securities purchased will have, subject to market conditions, the ability to be liquidated within five working days.

- Percentage limits are based upon Council's average core portfolio balance.
- The term to maturity of any of Council's investments may range from "at call" to five (5) years at final legal maturity.

10) Performance Benchmark

The performance benchmark for Tweed Shire Council's investment portfolio is the industry standard UBS 90 day Bank Bill Index.

11) Measurement

As Council continues to hold grandfathered investments such as Managed Funds and Bonds the investment returns for the portfolio are to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once a month to coincide with monthly reporting.

12) Investment Strategy

An Investment Strategy will be formulated in conjunction with the investment policy. The Strategy will be reviewed annually and quarterly. The Strategy will outline:

- Council's cash flow expectations for a specified period i.e. one year
- Optimal target allocation of investment types, credit rating exposure, and term to maturity exposure
- Appropriateness of overall investment types for Council's portfolio
- Determine the investment portfolio level for the forthcoming year
- Council will seek independent investment advice where necessary when preparing an investment policy. Advisors must have no actual or potential conflict of interest in relation to investment products being recommended.
- Advisors are required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to investment they recommending or reviewing. Manufacturers and distributors of investment products are excluded from acting as investment advisors to Council.
- The Investment Strategy will fully comply with legislative requirements and Council's investment policy.

13) Approved Investments

- Commonwealth/State/Territory Government security eg bonds
- Interest bearing deposits issued by an authorised deposit taking institution (ADI)
- Debentures issued by NSW Local Government
- Land mortgages (<60% of land value)
- Deposits with Local Government Investment Services Pty Limited
- Deposits with NSW Treasury &/or Investments in TCorp's Hour Glass Facility
- Investments grandfathered under the previous Ministerial Investment Order

14) Prohibited Investments

- Derivative based instruments
- Principal only investments or securities that provide potentially nil or negative cash flow;
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind
- The use of leveraging (borrowing) for investment
- Subordinated debt instruments
- Any investment that does not comply with the General Products Check List (Schedule 6)

15) Legal Title

When Council invests in financial instruments it is important that the financial instrument clearly shows it is held in the name of Council, i.e. Safe custody arrangement for bonds.

16) Reporting

There is a legislative requirement (clause 212 LGGR) for Council to report to Council each month regarding the investment portfolio. The report must detail amounts and types of investments currently held and investment portfolio performance compared to benchmark.

Council is also required to account for investments in the annual financial statements.

17) Review of Investment Policy

- The policy will be reviewed annually and submitted to Council if any amendments.
- Good corporate governance requires Council to arrange a review of its investments by an independent external entity to verify that:
 - i) new investment types/products comply with Council's investment policy
 - ii) the valuation of investments against set benchmarks are least monthly
 - iii) investments have been placed in accordance with Council's investment policy

Schedules

Schedule 1 – Investment (Financial) Instrument Descriptions

Schedule 2 – Standard's & Poor's Ratings Description

Schedule 3 – Copies of Relevant Legislation

Schedule 4 – Summary of new Ministerial Investment Order changes

Schedule 5 – New Ministerial Investment Order dated 18 August 2008

Schedule 6 – General Products Check List

Schedule 1 - Investment (Financial) Instrument Description

11am call deposits

Cash invested on an overnight basis. Funds can be recalled or re-invested before 11am on the following business day.

Term Deposit

Funds invested with a financial institution at a predetermined rate that applies to the duration of the deposit. The principal is held on deposit for a fixed term with interest payable at maturity. It is not a tradeable security and the investor is penalised when funds are prepaid.

Bank Bill

Bank-accepted bills are bills of exchange drawn by a company or individual (borrower) usually for periods between 30 and 180 days. The bill is accepted by the bank, which in turn accepts the liability for payment at maturity. It is a short-term investment issued at a discount to the face value and is of a very high credit standing, consequently trades at the lowest yields of all commercially issued bills.

Negotiable Certificate of Deposit (NCD)

These are short-term bearer securities issued by banks for up to 180-days. They are sold at a discount to face value and are highly liquid discount securities; representing the bank's debt, therefore trade at similar yields to bank bills. Creditworthiness of the bank will determine where the bank's NCD trades, relative to the BBSW.

Promissory Note (PN) / Commercial Paper (CP)

A negotiable instrument evidencing an unsecured obligation (promise) the issuer has to repay a certain amount of money at a future date, usually for up to six months. CP is a highly liquid discount security that is traded on a yield to maturity basis. To be marketable, a credit rating must be obtained from a ratings agency e.g. Standard & Poor's. Major issuers include industrial corporations, securitised vehicles and finance companies. It has a higher risk of default than a bank and hence trades at a higher yield.

Floating Rate Note (FRN)

The FRN is a longer-term debt security issued for a fixed period of time but has a variable (floating) coupon on a monthly or quarterly basis. The coupon reflects current interest rates, which is determined as a margin over the BBSW rate set. FRN's appeal to investors who are reluctant to commit funds to fixed interest investments for longer periods in times of fluctuating interest rates. Typical issuers are banks, corporates, financial institutions and securitised vehicles.

Residential Mortgage Backed Securities (RMBS)

RMBSs are specific type of securitised asset (investment products that convert an income stream of multiple receivables into a security paying regular coupon payments). RMBSs are backed by a pool of residential mortgages. These securities are structured into different classes with varying security characteristics. The majority of RMBS are "pass-through's" where the cash flows (principal and interest) received from the underlying mortgages that make up the pool are passed directly through to the holders of the RMBS.

Asset Backed Securities (ABS)

Another form of securitised asset backed by assets other than residential mortgages. Such alternative assets include automobile loan receivables, commercial mortgages, equipment lease receivables, and credit card receivables. ABS can be either fixed or floating rate securities.

Fixed Interest Securities (Bonds)

Securities issued by Commonwealth, State or corporate institutions that pay a fixed rate of interest (coupon) and mature at a fixed point in time. The interest (coupon) is paid at regular intervals (semi-annually, but can be paid monthly, quarterly, or annually). These securities are generally issued for a period of greater than one year.

Collateralised Debt Obligations (CDO)

While nearly every CDO structure can be slightly different, a "plain vanilla" structure typically has 75 – 150 underlying entities (a range of global companies diversified by industry sector) with credit ratings ranging from BBB to AAA. The CDO itself is then split into various "tranches" each with different amounts of subordination (i.e. collateral) which results in the higher subordinated tranches receiving higher credit ratings from the rating agencies. When an underlying entity has a credit event a portion of the subordination is eroded. CDOs are highly leveraged instruments which can have large fluctuations in their mark-to-market valuations, and very possibly their credit rating, when an underlying entity has encountered a "credit event", such as bankruptcy. Depending on the particular structure, the security can typically sustain between 6 - 8 credit events before the investor's capital is in jeopardy.

Pooled Managed Funds

- **Sector Specific Funds**

These funds invest in one particular asset sector. Council's Cash Plus and Cash Enhanced Fund are examples of Sector Specific Funds as they predominately invest in a range of short dated cash-type securities with the aim of outperforming the UBS 90 day Bank Bill Index benchmark. They are designed to enhance returns on short-term holdings as an alternative to short-dated bank bill and term deposit portfolios. They provide easy access to holdings and can be redeemed within 24 to 48 hours.

- **Diversified Funds**

These funds invest in a pre-determined range of asset classes including cash, fixed interest, property, and Australian & international shares. The weighting among the various asset classes will differ depending upon the type of diversified fund chosen, e.g. Conservative Funds (TCorp's Medium Term Growth) have a higher weighting in cash and fixed interest than Balanced Funds (TCorp's Long Term Growth) that have higher weightings in growth assets such as property and shares.

Schedule 2 - Standard & Poor's Ratings Description

Credit Ratings

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general creditworthiness of an obligor with respect to particular debt security or other financial obligation — based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment.
- Nature and provisions of the obligation.
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights.

The issue rating definitions are expressed in terms of default risk.

Short-Term Obligation Ratings are:

A-1

This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.

A-2

A short-term obligation rated A-2 is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

A-3

A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

Long-Term Ratings are:

AAA

An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.

AA

An obligation/obligor rated AA differs from the highest rated obligations only in a small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.

A

An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligor in higher rated categories. However, the obligor's capacity to meet its financial commitment on the obligation is still strong.

BBB

An obligation/obligor rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to the obligor to meet its financial commitment on the obligation.

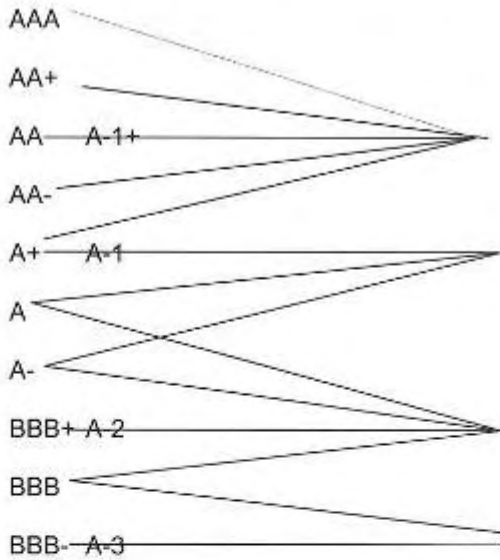
Plus (+) or Minus (-): The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories.

CreditWatch highlights an emerging situation, which may materially affect the profile of a rated corporation and can be designed as positive, developing or negative. Following a full review the rating may either be affirmed or changed in the direction indicated.

A Rating Outlook assesses the potential direction of an issuer's long-term debt rating over the intermediate-to-long term. In determining a Rating Outlook, consideration is given to possible changes in the economic and/or fundamental business conditions. An outlook is not necessarily a precursor of a ratings change or future CreditWatch action. A "Rating Outlook – Positive" indicates that rating may be raised. "Negative" means a rating may be lowered. "Stable" indicates that ratings are not likely to change. "Developing" means ratings may be raised or lowered.

S & P Ratings Correlations

The standard correlation of short-term ratings with long-term ratings is shown below:



Schedule 3 - Excerpts of Legislative Requirements
LOCAL GOVERNMENT ACT 1993 - SECT 412 & 625

Section 412 Accounting Records

- (1) A council must keep such accounting records as are necessary to correctly record and explain its financial transactions and its financial position.
- (2) In particular, a council must keep its accounting records in a manner and form that facilitate:
 - (a) the preparation of financial reports that present fairly its financial position and the results of its operations, and
 - (b) the convenient and proper auditing of those reports.

Section 625 How May Councils Invest?

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.
- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section.

Investment Guidelines

- Councils must comply with clause 212 of the Local Government (General) Regulation 2005 that provides for reporting on council investments by the responsible accounting officer.
- The Code of Accounting Practice and Financial Reporting require councils to maintain a separate record of money it has invested under section 625 of the Act. The record must specify:
 - (a) the source and the amount of money invested; and
 - (b) particulars of the security or form of investment in which the money is invested; and
 - (c) If appropriate, the rate of interest to be paid, and the amount of money that the council has earned, in respect to the money invested.
- A council or entity acting on its behalf should exercise the care, diligence and skill that a prudent person would exercise in investing council funds. A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would. (Ref: Trustee Amendment (Discretionary Investments) Act 1997 section 14 A (2)).
- A council should develop an investment strategy as part of its overall financial plan. The strategy should, as a minimum consider the desirability of diversifying investments and the nature and risks associated with the investments. (For guidance see: Trustee Amendment (Discretionary Investments) Act 1997 section 14 c (1) "matters to which trustee is to have regard when exercising power of investment").
- A council should at least once in each year, review the performance (individually and as a whole) of council investments and review its investment strategy.
- An investment adviser or investment dealer acting on behalf of a council should be licensed by the Australian Securities and Investment Commission. Ref: www.asic.gov.au
- Where a council invests in banks; building societies and credit unions it should know that these institutions are regulated as authorised deposit taking institutions by the Australian Prudential Regulation Authority (APRA) under the Banking Act 1959 Ref. www.apra.gov.au Note, however, that whilst APRA has power to require financial institutions to observe prudential standards (such as appropriate capitalisation, liquidity and governance) and to intercede if it believes that depositors', policyholders' or members' interests are at risk, it provides no guarantee of the performance of the financial institution.
- Credit ratings are a guide or standard for an investor, which indicate the ability of a debt issuer or debt issue to meet the obligations of repayment of interest and principal. Credit rating agencies such as Moody's and Standard and Poor's make these independent assessments based on a certain set of market and non-market

information. Ratings in no way guarantee the investment or protect an investor against loss. Prescribed ratings should not be misinterpreted by councils as an implicit guarantee of investments or entities that have such ratings. Even given this challenge, ratings provide the best independent information available.

- In the event that a credit rating of a security or the credit rating of the company or body issuing the security falls below the required minimum, as set out in the Minister's Order, a council must make all the necessary arrangements to withdraw the deposit as soon as practicable.
- Note that in choosing a NSW Treasury Corporation hour-glass investment the choice of the facility should be based on the nature of the underlying commitments for which the council is holding funds. For example, funds required in the short term must be invested with a short-term profile rather than with exposure to more volatile asset classes such as property and shares.

The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14a (2), 14c (1) & (2)

14A (2) Duties of trustee in respect of power of investment

A trustee must, in exercising a power of investment:

- (a) if the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons, or
- (b) if the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

14C Matters to which trustee is to have regard when exercising power of investment

- (1) Without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee must, so far as they are appropriate to the circumstances of the trust, if any, have regard to the following matters:
 - (a) the purposes of the trust and the needs and circumstances of the beneficiaries,
 - (b) the desirability of diversifying trust investments,
 - (c) the nature of, and the risk associated with, existing trust investments and other trust property,
 - (d) the need to maintain the real value of the capital or income of the trust,
 - (e) the risk of capital or income loss or depreciation,
 - (f) the potential for capital appreciation,
 - (g) the likely income return and the timing of income return,
 - (h) the length of the term of the proposed investment,
 - (i) the probable duration of the trust,

- (j) the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment,
 - (k) the aggregate value of the trust estate,
 - (l) the effect of the proposed investment in relation to the tax liability of the trust,
 - (m) the likelihood of inflation affecting the value of the proposed investment or other trust property,
 - (n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment,
 - (o) the results of a review of existing trust investments in accordance with section 14A (4).
- (2) A trustee may, having regard to the size and nature of the trust, do either or both of the following:
- (a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,
 - (b) pay out of trust funds the reasonable costs of obtaining the advice.

Local Government (General) Regulation 2005 - Clause 212

212 Reports on council investments

- (1) The responsible accounting officer of a council:
- (a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:
 - i) if only one ordinary meeting of the council is held in a month, at that meeting, or
 - ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and
 - (b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.

- (2) The report must be made up to the last day of the month immediately preceding the meeting.

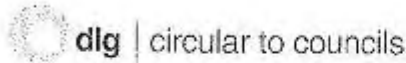
Note. Section 625 of the Act says how a council may invest its surplus funds.

Schedule 4:

Important changes to the revised Ministerial investment Order (refer Schedule 5) dated 31 July, 2008:

1. Principal and investment income are to be included in the definition of investment instruments. Listed after Item (g) in the new Ministerial Order.
2. Credit ratings are no longer the sole determinant of an investment's suitability. Removal of investments and specific credit ratings listed under items (k) and (l) of the previous Ministerial Order dated 15 July 2005. i.e. Item (k) allowed investment in "any securities which are issued by a body or company with a Moody's Investors Service Inc. credit rating of Aaa As1 Aa2 A1 or A2 or a Standard and Poor's Investors Service Inc. credit rating of AAA AA+ AA AA- A+ A A1+ or A1 or a Fitch Rating credit rating of AAA AA+ AA AA- A+ or A." Item (l) included "any securities which are given a moody's Investors Service Inc credit rating of Aaa Aa1 Aa2 Aa3 A1 A2 or Prime-1 or a Standard and Poor's Investors Service Inc. credit rating of AAA AA+ AA AA- A+ or A.
3. Removal of item (g) in the previous Ministerial Order, which identified purchase of land as a form of investment. This removal does not preclude Council from acquiring land for the purpose of exercising any of its functions under s186(1) of the Local government Act 1993.
4. Amendment of item (a) of the Order to include "any public funds or securities issued or guaranteed by the Commonwealth, any State or Territory of the Commonwealth"
5. Restricting mortgage of land to first mortgages over the land with a Loan to Value ratio of no greater than 60%. Item (c.) of the new Ministerial Order.
6. Item (d) of the new Ministerial Order prohibits investment in subordinated obligations.
7. Investment in managed funds other than the NSW treasury Corporation Hour-glass investment facility or Local Government Financial Service is prohibited.
8. Transitional (grandfathering) arrangements allow Council to retain certain existing, non-complying investments until maturity.

Schedule 5:



Circular No. C0-48
Date 18 August 2009
Doc ID: A133895

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REVISED MINISTERIAL INVESTMENT ORDER

The recent Review of NSW Local Government Investments ("the Cole Report") investigated the impact on councils that invested in structured financial products. The NSW Government adopted all the recommendations from the report.

The Minister for Local Government has now issued a revised Order pursuant to section 625 of the *Local Government Act 1993*. The Minister signed the amended Order on 31 July 2008 and it was gazetted on Friday 15 August 2008. It replaces the Order dated 15 July 2005. The revised Order is attached to this circular.

The changes to the Order include:

- including both principal and investment income in the definition of investment instruments
- removal of investments with specific credit ratings under items (k) and (l) of the previous Order. This decision will be reviewed after 31 December 2009
- removal of item (g) in the previous Order, which identified purchase of land as a form of investment. This removal does not preclude a council from acquiring land for the purpose of exercising any of its functions (s188(1) *Local Government Act 1993*)
- streamlining the wording around investing in public funds and securities issued by or guaranteed by the Commonwealth or Territory (part (a))
- restricting mortgages over land to first mortgages with a Loan to Value ratio of no greater than 60% (part (c))
- excluding subordinated obligations (part (d))
- improving the wording for investments and bills of exchange with authorised deposit-taking institutions (part (e))
- transitional arrangements regarding existing investments (grandfathering provisions).

The Department is preparing guidelines aimed at assisting councils in developing a comprehensive investment policy. The process will incorporate consultation with stakeholders. The guidelines will include issues raised in the Cole Report relating to conflicts of interest, such as product manufacturers and distributors being appointed as investment advisors, and the fiduciary responsibilities of councils and county councils in relation to investment activities.

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When considering selling current investments that fall below the requirements of the revised Ministerial Investment Order (see Circular 06-70), councils should exercise due care and diligence. Councils should not solely rely on advice from the issuer of the investment and should seek independent financial advice. An investment adviser or dealer acting on behalf of a council should be licensed by the Australian Securities and Investment Commission (ASIC) (www.asic.gov.au).



Garry Payne AM
Director General

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER
(Relating to investments by councils)

I, the Hon. Paul Lynch MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act, 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) mortgage of land in any State or Territory of the Commonwealth (restricted to first mortgages over land with a Loan to Value ratio of no greater than 60%);
- (d) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (e) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit taking institution by the Australian Prudential Regulation Authority;
- (f) a deposit with the Local Government Financial Services Pty Ltd
- (g) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Order dated 15 July 2005, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Dated this 15th day of 11th 2008 Hon PAUL LYNCH MP
Minister for Local Government

Schedule 6: General Products Check List

- 1) Have you found out how the funds will be invested, how will they generate returns and how will these be paid to the Council? (Could you describe to others how this product works?)
Yes No
- 2) Are you clear on the conditions associated with this type of investment and the level of risk?
Yes No
- 3) Does the investment meet Council's financial objective and comply with Council's investment policy?
Yes No
- 4) Are Council's product issuers licensed by the Australian Security and Investment Commission?
Yes No
- 5) Do you know if/how the investment may be affected by a major shift in the economy and market sentiment?
Yes No
- 6) Could the investment be liquidated in a timely manner without loss or penalty? i.e. can Council quickly get its money back out of this product if it needs to? Are there any fees to get out early?

Note: If you answered "No" to any of the above questions, do your research and consult your financial advisor. If necessary, review your investment decision.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

All current investments comply with the revised Investment (of Surplus Funds) Policy.

POLICY IMPLICATIONS:

Council's Investment (of Surplus Funds) Policy be updated.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. Department of Premier and Cabinet, Division of Local Government – Investment Policy Guidelines May 2010 (ECM 18443527).
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**40 [TCS-CM] Corporate Quarterly Report - 1 April to 30 June 2010
Incorporating the 7 Year Infrastructure and Services Plan**

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

The Corporate Quarterly Report for the period 1 April to 30 June 2010 is presented for consideration by Council.

This report details the progress for the period on activities identified to be undertaken during 2009-2010 in the 2009-2012 Management Plan including progress on the 7 Year Infrastructure and Services Plan.

RECOMMENDATION:

That Council receives and notes the Corporate Quarterly Report including progress on the 7 Year Infrastructure and Services Plan for the period 1 April to 30 June 2010.

REPORT:



Tweed Shire Council Corporate Quarterly Report for Apr - June 2010

Social Action Plan	Cost Centre	Measure	Target	July Sept	Oct Dec	Jan Mar	Apr June	Total	Comments
Communications & Marketing									
Festivals & Events									
Festivals & events held in the Shire									
	C031	number	25	11	10	7	15	43	
Community & Natural Resources									
Manager Community & Cultural Services									
Libraries book borrowings									
	C009	number	700,000	172,109	153,976	180,884	177,142	684,111	
	C012	number	35	6	7	6	0	19	
Youth sector and AOD projects/activities									
	C012	number	900	155	186	167	0	508	
Youth people participating/attending projects or activities									
	C012	number	24	7	2	4	0	13	
Youth Committee meetings facilitated									
	C012	number	100	96	22	22	0	140	Exceeds target
Young people consulted in relation to Council activities									
	C012	number	500	250	215	218	100	783	Exceeds target
Young people using Council facilitated / provided transport									
	C012	number	50	70	27	25	0	122	Exceeds target
Youth development projects volunteers									
	C010	number	30	0	0	10	8	18	
Museum volunteers trained									
	C009	number	44,000	44,678	47,603	47,730	48,406	47,730	Exceeds target
Libraries number of members									
	C012	number	10	5	0	5	0	10	
Seniors projects media releases									
	C009	number	8	8	3	6	10	27	Exceeds target
Libraries projects completed									
	C008	number	25	8	11	9	13	41	Exceeds target
Regional Art Gallery exhibitions									
	C010	number	10	4	3	2	5	14	Exceeds target
Museum projects delivered									
	C010	number	400	350	370	372	375	372	Exceeds target
Total museum members & volunteers									
	C010	number	3120	650	460	345	670	2,125	
Museum visitor attendance									
	C009	number	310,000	91,902	82,058	86,944	80,586	341,490	Exceeds target
Libraries number of library users									
	C007	number	3	2	1	2	5	10	Exceeds target
Community Halls & Centres projects developed									
	C008	number	20	4	1	5	0	10	Exceeds target
Cultural Development, partnerships developed & initiated									
	C008	number	7	6	3	1	0	10	Project incomplete. Project to be completed in 2010-2011 financial year
Cultural Development, Cultural Arts Project development									
	C008	number	50	25	100	20	0	145	Project incomplete. Project to be completed in 2010-2011 financial year
Cultural Development, Cultural Arts Project participants									
	C008	number	150	80	50	25	0	155	Exceeds target
Cultural Development, Cultural Arts Project attendances									

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

09/08/2010

- Page 1-

Social Action Plan	Cost Centre	Measure	Target	July Sept	Oct Dec	Jan Mar	Apr June	Total	Comments
Community & Natural Resources									
Manager Community & Cultural Services									
Cultural Development, Entrepreneurial & Audience Development Strategy	C008	%	50%	25	15	0	0	40	Project incomplete. Project to be completed in 2010-2011 financial year
Cultural Development, Stage 1 Auditoria project	C007	%	50%	25	50	10	0	85	Exceeds target
Youth sector and AOD meetings	C012	number	8	3	6	2	0	11	Exceeds target
Community Halls & Centres upgrades	C007	number	12	15	4	2	1	22	Exceeds target
Seniors community groups & service providers serviced	C012	number	20	9	11	29	16	65	Exceeds target
Community Halls & Centres funding submissions initiated	C007	number	n/a	0	2	3	2	7	
HACC, expected intake excluding CompPacks	C012	number	450	78	90	86	123	377	Exceeds target
HACC, total case management hours	C012	hours	5200hrs	1,402	1,632	1,496	1,620	6,150	Exceeds target
CompPacks total cases managed for NSW Health	C012	number	600	221	170	177	193	761	Exceeds target
Seniors projects events & activities	C012	number	50	7	8	8	6	29	
Seniors projects number of participants	C012	number	4000	1,240	458	1,270	54	3,022	
Regional Art Gallery workshops	C008	number	15	5	3	7	6	21	Exceeds target
Community Halls & Centres coordination	C007	number	10	37	25	25	25	28	Exceeds target
Social Plan completed	C012	%	100%	10	10	0	10	30	
Cultural Development, adoption of the 2009-10 Cultural Plan	C008	%	100%	50	20	10	0	80	Project incomplete. Project to be completed in 2010-2011 financial year
Cultural Development, Tweed Creative Industries Strategy	C008	%	100%	25	25	20	0	70	Project incomplete. Project to be completed in 2010-2011 financial year
Aged industry organisations involved in planning	C012	number	30	7	7	9	6	29	
Aged industry number of meetings	C012	number	10	15	10	10	23	58	
Disability projects, events & activities	C012	number	20	7	7	7	14	35	Exceeds target
Disability projects, meetings attended	C012	number	16	6	7	4	28	45	Exceeds target
Disability projects, volunteers involved	C012	number	10	0	40	8	10	58	Exceeds target
Disability projects, funding submissions	C012	number	1	0	0	0	0	0	
Disability projects, partnerships initiated	C012	number	4	7	8	6	7	28	Exceeds target
Disability projects, number of participants	C012	number	20	18	100	32	47	197	Exceeds target
Cultural Development Research Study	C008	%	100%	90	10	0	0	100	Research study is completed.
Social planning meetings held	C012	number	4	12	15	9	15	51	
Aboriginal liaison hours coordinating initiatives or activities	C012	hours	560hrs	137	125	120	60	442	
Aboriginal liaison workshops & exhibitions held	C012	number	3	2	2	2	0	6	
Regional Art Gallery visitors	C008	number	50,000	15,401	14,178	14,533	13,863	57,975	Exceeds target

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

09/08/2010

Social Action Plan		Cost Centre	Measure	Target	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Total	Comments	
Community & Natural Resources																			
Manager Community & Cultural Services																			
Aboriginal History Book completed																			
	C012	%	100%		0	0	0	0	0	0	0	0	0	0	0	0	0	0	Awaiting advice from the Aboriginal Education Committee.
Aboriginal liaison meetings facilitated																			
	C012	number	12		3		6				4			2			15		Exceeds target
Aboriginal Advisory Committee support																			
	C012	hours	700hrs		156		150				150			100			556		
Youth services network meetings/workshops																			
	C012	number	11		2		3				4			0			9		
Youth services network meetings/workshops attendees																			
	C012	number	165		38		47				33			0			118		
Museum collection acquisitions & de-accessions catalogued																			
	C010	number	5		11		7				11			0			29		Exceeds target
Museum photographic collection digitised																			
	C010	number	50		220		130				80			30			460		Exceeds target
Museum collection objects conserved																			
	C010	number	1		0		0				1			1			2		
Social planning activities planned																			
	C012	number	4		10		11				10			9			40		Exceeds target
NAIDOC week initiatives & activities planned																			
	C012	number	9		5		1				2			0			8		
Engineering & Operations																			
Manager Recreation Services																			
Swimming pool attendance																			
	C022	number	n/a		33,555		62,299				62,725			26,896			185,475		
Parks request for maintenance																			
	C027	number	n/a		35		35				30			25			125		
Local recreation capital works completed on time and within budget																			
	C027	%	100%		11		20				50			100			100		
Economic Action Plan																			
Business & Economic Development																			
Manager Business & Economic Development																			
Visitors to Murwillumbah Visitor Information Centre																			
	A022	number	25,000		6,840		6,024				6,142			0			19,006		Current quarter visitor numbers are provided in a report due end of June.
Non-residential construction certificates																			
	D001	number	n/a		4		2				4			4			14		
Quarterly payments to Tweed Tourism																			
	A021	\$	\$476,644		119,161		119,161				119,161			119,161			476,644		Funding paid quarterly in advance as per contract.
Visitors to Tweed Information Centre																			
	A022	number	22,000		7,007		8,991				7,676			0			23,674		Current quarter visitor numbers are provided in a report due end of June
Audit of Cat1 National Competition Policy businesses (TCHP - Water & Sewer)																			
	A022	number	2		0		0				0			2			2		
Quarterly payments to TEDC																			
	A021	\$	\$438,788		109,697		109,697				109,697			109,697			438,788		Funding paid quarterly in advance as per contract.
Environmental Action Plan: Natural Environment																			
Community & Natural Resources																			

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

Environmental Action Plan: Natural Environment													
Cost Centre	Measure	Target	July			Oct			Jan			Total	Comments
			Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	June		
Community & Natural Resources													
Coordinator Natural Resource Management													
E021	number	2	0	2	2	2	2	2	2	2	1	5	
C016	ha	300ha	100	50	46	120	316						Programs commenced and ongoing.
E020	%	100%	20	30	10	40	100						Stormwater drainage works (Stage 1) completed.
E013	number	3	1	7	7	6	21						Increased projects due to successful grants.
C018	%	100%	25	25	25	25	100						
C018	%	100%	50	25	25	0	100						Community launch occurred in Feb 2010.
E020	%	100%	2	3	2	3	10						Project delayed due to resourcing and budget issues.
E021	number	20	3	4	2	0	9						Undertaking maintenance on existing projects.
C016	%	100%	0	5	30	65	100						
C018	%	60%	20	30	5	5	60						
E020	%	100%	10	10	10	50	80						Construction June / July 2010.
C018	number	4	1	1	1	0	3						Change of energy provider, to be reinstated in new financial year.
E020	%	100%	40	10	0	0	50						EIS complete, now tied in with other foreshore project approvals.
E016	number	6	6	0	1	0	7						
E016	trap days	16,000	4,000	4,000	4,170	4,170	16,340						Project to continue under Bush Futures program.
C018	%	100%	100	0	0	0	100						Stage 1 completed.
C020	%	100%	25	25	25	25	100						

Environmental Action Plan: Built Environment													
Cost Centre	Measure	Target	July			Oct			Jan			Total	Comments
			Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	June		
Community & Natural Resources													
Manager Water													
S003	%	10%										8	2008/2009 year.
S003	kl/year	<200										169	2008/2009 year.
Waste Management Coordinator													
G002	number	100	29	37	24	23	113						Includes related promotions (incl. media), initiatives, and events for Waste, Water, and NRM Units.

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

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Environmental Action Plan: Built Environment		Cost Centre	Measure	Target	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Total	Comments	
Community & Natural Resources																			
Waste Management Coordinator																			
	Average amount of (total) landfill gas captured and sent to power station	G002	m3	450,000m3	346,275	544,591	505,076	530,082	481,506										
	Quarterly domestic waste recycled	G002	%	25%	35	37	47	49	49										
	Average tonnes of green waste reprocessed	G002	tonnes	>1500	2,550	1,398	2,105	2,946	2,250										
	Kilograms of recycling per capita	G002	kg	<140kg	26	26	35	35	122										
Planning and Regulation																			
Coordinator of Planning Reforms																			
	Strategic land use & locality plans adopted	D002	number	2	0	0	0	0	1										
Manager Building & Environmental Health																			
	Inspections of food outlets	C025	number	550	100	220	129	163	612										
	Number of on-site sewage management systems inspected	C025	number	100	134	156	182	197	669										
	Average processing time for s68 approvals water/sewer	C019	days	n/a	5	5	6	5	5										
	Number of Development Applications received in the period	C019	n/a	n/a	178	180	154	197	709										
	Development Applications determined by Building Unit	C019	number	n/a	195	184	140	168	687										
	Average processing time to issue a Complying Development approval	C019	days	<10days	7	6	7	7	7										
	Complying Development Approvals	C019	number	n/a	27	26	21	27	101										
	Average processing time to issue a Construction Certificate	C019	days	<15days	9	15	26	22	18										
	Construction Certificates Approved	C019	number	n/a	77	86	77	68	308										
	Building Certificates approved	C019	number	n/a	27	40	27	30	124										
	On-site sewage management systems failures as a % of total systems inspected	C025	%	n/a	30	15	15	23	23										
	Average processing time to determine a Development Application (Building Unit)	C019	days	<40days	29	28	28	35	30										
Manager Development Assessment																			
	Number of DA's received in the period	D001	number	n/a	81	92	93	90	356										
	DA's approved	D001	number	n/a	89	77	83	85	334										
	Average processing time to process a DA	D001	days	60 days	67	74	82	88	78										
	s149 Certificates issued	D001	number	n/a	1,064	1,004	1,042	1,075	4,185										
	DA's approved as a % of total DA's processed	D001	%	n/a	90	85	91	96	96										
Infrastructure Action Plan																			
Community & Natural Resources																			

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

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Infrastructure Action Plan		Cost Centre	Measure	Target	July Sept	Oct Dec	Jan Mar	Apr June	Total	Comments
Community & Natural Resources										
Manager Water										
Duration of unplanned sewer service interruptions	S001	%	95% < 8hrs						100	2008/2009 year.
Duration of programmed sewer service interruptions	S001	%	95% < 12hrs						100	2008/2009 year.
Average residential sewer bill	S005	\$	\$492(07/08)						503	2008/2009 year.
Moderate sewer public environmental incidents reported	S005	number	0						3	2008/2009 year.
Quality of effluent meeting DEC(EPA) 90 percentile licence limit	S003	%	100%						84	2008/2009 year.
Sewage overflows per 100kms	S001	number	<10						8	2008/2009 year.
Confirmed sewer chokes per 100kms	S001	number	<40						10	2008/2009 year.
Sewer rising mains breaks per 100kms	S001	number	<10						0	2008/2009 year.
Average residential water bill	W007	\$	\$312(07/08)						371	2008/2009 year.
Odour complaints per 100 connections	S002	number	<1						0	2008/2009 year.
Total volume of sewage treated	S003	ML	7500						8,958	2008/2009 year.
Water service connection failures per 1000 connections	W006	number	<25						7	2008/2009 year.
Water mains failures per 100kms of mains	W004	number	<10						5	2008/2009 year.
% of time water restrictions apply	W001	%	<5%						0	2008/2009 year.
Moderate water supply environmental incidents reported	W007	number	0						0	2008/2009 year.
Frequency of unplanned water interruptions	W006	number	<50						8	2008/2009 year.
Total volume of treated water supplied	W006	ML	9600						8,639	2008/2009 year.
Unaccounted lost water	W004	%	<15%						12	2008/2009 year.
Total volume of raw water extracted	W006	ML	10,250						9,564	2008/2009 year.
Planning & Infrastructure Engineer										
Maintained and repaired floodgates	E002	number	>30	9	15	12	10	10	46	
Engineering & Operations										
Manager Works										
Roads resurfaced (all programs)	E009	kms	50kms	41	12	8	0	0	61	2009/10 AC overlays to be carried forward into 2010/11.
Unsealed roads graded	E010	kms	350kms	14	67	22	48	48	151	
Roads re-sheeted (all programs)	E009	kms	20kms	19	6	14	8	8	47	
Total kerb and gutter renewals	E009	metres	350mtrs	25	98	97	18	18	238	
Planning & Infrastructure Engineer										
New bus shelters constructed	E010	number	9	0	6	0	0	0	6	
New footpaths constructed	E014	metres	1000	714	175	137	51	51	1,077	
New cycleways constructed	E014	metres	800	912	238	0	376	376	1,526	

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

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Infrastructure Action Plan		Cost Centre	Measure	Target	July Sept	Oct Dec	Jan Mar	Apr June	Total	Comments
Engineering & Operations										
Planning & Infrastructure Engineer										
	Bus shelter signage renewed	E010	number	200	64	130	0	0	194	
	Street light upgrades	E004	number	>10	1	2	7	0	10	7 new solar lights installed in quarter 3.
Governance Action Plan										
Technology & Corporate Services										
Chief Information Officer										
	Custom mapping requests response time	A004	day	1day	1	1	1	1	1	
	Visitors to Councils web site	A004	number	n/a	42,800	43,300	43,700	43,900	43,900	
Coordinator Human Resources										
	OHS reported incidents	A007	number	n/a	62	49	49	37	197	Steady decline in the number of incidents.
	Workers compensation claims	A007	number	n/a	17	19	18	13	67	
	Average duration rate of lost time injury	A007	number	n/a	6	13	17	17	17	Duration rate is calculated on total of lost time injuries
	Full time employees	A007	number	n/a	664	664	664	692	692	
	Lost time injury	A007	number	n/a	13	9	12	14	48	
Manager Corporate Governance										
	Integrated planning & reporting project	A029	%	n/a	0	5	6	10	21	Initial draft of the Community Strategic Plan for public consultation nearing completion.
	Completion of the Internal Audit Plan	A029	%	100%	15	40	60	75	75	Audit Program not completed for year, due to some audits being more complex and taking longer to complete than originally projected.
	Freedom of Information Requests	A029	number	n/a	2	1	1	2	6	FOI Applications determined within specified times.
	Formal complaints	A029	number	n/a	12	15	13	17	57	2 for March quarter and 7 for June quarter not completed but are in progress.
Manager Financial Services										
	Annual Unrestricted Current Ratio	A009	number	>1					2	2.4:1, 2008/2009 year.
	Implementation of an Asset Management System	A009	%	30%	10	15	5	5	35	Asset Management Plans nearing completion. Asset data in Ascatic.
	Annual Rates Coverage Ratio	A009	number	n/a					0	0.43:1, 2008/2009 year.
	Annual Debt Service Ratio	A009	%	<18%					9	8.94, 2008/2009 year.
	Revenue & Customer Services Coordinator Rates outstanding at start of each instalment	A009	%	n/a	73	51	42	34	34	

Performance outcomes are reported on a 'Quarterly' basis unless otherwise stated in the performance measure.

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Governance Action Plan

Technology & Corporate Services	Cost Centre	Measure	Target	July - Sept	Oct - Dec	Jan - Mar	Apr - June	Total	Comments
Revenue & Customer Services Coordinator									
Outstanding rates, charges and fees	A009	%	n/a	62	43	36	9	9	
Annual movement in rates & annual charges from previous year	A009	%	n/a					8	2008/2009 year.
Rate assessments paid in full at first quarter	A009	%	n/a	24				24	
Pensioner rebate assistances for each quarter	A009	number	n/a	500	450	650	386	1,986	
Average of all rates detailed in a residential rate notice	A009	\$	n/a	1,855	1,855	1,855	1,855	1,855	

Human Resource Action Plan

Technology & Corporate Services	Cost Centre	Measure	Target	July - Sept	Oct - Dec	Jan - Mar	Apr - June	Total	Comments
Technology & Corporate Services									
Coordinator Human Resources									
Successful outcomes of industrial issues		number	n/a	6	4	5	4	19	
Terminations resulting from performance management		number	n/a	1	0	1	2	4	
Actual staff trained against training plan		number	n/a	188	143	235	416	982	
Time taken to fill an advertised job vacancy		days	n/a	35	54	51	49	51	
Number of job vacancies readvertised		number	n/a	1	1	1	1	1	
Industrial relations issues handled		number	n/a	6	4	5	4	19	
Employees per 1000 population		number	n/a	8	8	8	8	8	Based on a population of 86,833 and 692 employees.

Equal Employment Opportunity Action Plan

Technology & Corporate Services	Cost Centre	Measure	Target	July - Sept	Oct - Dec	Jan - Mar	Apr - June	Total	Comments
Technology & Corporate Services									
Coordinator Human Resources									
% of males employed to total equivalent full-time staff		%	n/a	73	74	74	74	74	
EEO complaints substantiated		number	n/a	1	2	5	3	11	
% of females employed to total equivalent full-time staff		%	n/a	27	26	26	26	26	
EEO complaints received		number	n/a	4	2	6	13	25	Number of reported incidents is steadily increasing

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Tweed Shire Council 7 Year Infrastructure and Services Plan Progress Report for Apr - June 2010

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Business and Economic Development							
Economic Marketing & Promotion	Economic Development Support. Contribution to TEDC Projects.	R Adams	76673 Rev	\$ 76,673	\$ 76,673	Funding to TEDC to undertake economic development projects identified in the Economic Growth Management Strategy adopted by Council.	Four payments to be made in quarterly instalments to TEDC.
Corporate Planning Unit	Corporate and Executive Support.	R Adams	80691 Rev 24817 C/O	\$ 105,508	\$ 84,183	Employment costs for Economic, Corporate Planner and Consultancy Fees for Council 10-Year Business Plan.	Planner provides input and support to executive on projects with significant economic contribution. Business Plan finalised Dec 2008.
Economic Development Support	Council's Internal Economic Development Projects.	R Adams	64327 Rev 159622 C/O	\$ 224,149	\$ 112,954	Undertake various economic development projects as endorsed by the General Manager.	Remainder proposed to be applied; 10k \$0/50 Tweed Tourism Marketing Special Grant (\$100k approved / \$25k spent), \$15k Tweed Heads VIC Maintenance, \$30k Wardrop Valley Land Slash, Fence, \$50k Murwillumbah CCTV Review, \$30k Econ Dev Tender.
Visitors Information Centre	Operate Visitor Information Centre Contribution to Tweed Tourism.	R Adams	25,000 Rev	\$ 25,000	\$ 25,000	Funding relates to Tweed Heads and Murwillumbah VIC.	Four payments to be made quarterly to Tweed Tourism.
Economic Marketing & Promotion - Tourism	Tourism industry support. Contribution to Tweed Tourism.	R Adams	120,000 Rev	\$ 120,000	\$ 120,000	Funding to Tweed Tourism to undertake tourism marketing and promotion of Tweed.	Four payments to be made in quarterly instalments. Tweed Tourism Marketing Plan has been approved.
Upgrade Saleyards	Allowance for maintenance of pens, races and other saleyard capital infrastructure.	R Adams	25000 Rev 37631 C/O	\$ 62,641	\$ 56,812	Works underway to upgrade pens and loading areas to steel. Commitment made for \$37,641 to be undertaken between 08/09 and 09/10 PAS05141.	Being undertaken in accordance with Infrastructure and Upgrade Program - Murwillumbah Cattle Sale Yards, ECM 3156314.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Business and Economic Development							
Internal Auditor		N Baldwin	Rev	\$ 93,118	\$	No action at this stage.	Staffing requirements to be reviewed.
Tourism & Promotion - internal		R Adams	0 rev 14000 transfer to WHRC	\$	\$	Internal transfer account refer to WHRC redevelopment	N/A Item to be removed.
WHRC Redevelopment	Redevelopment of the Murwillumbah Visitor Information Centre / World Heritage Rainforest Centre.	R Adams	100000 loans 14000 Rev from A05391858	\$ 114,000	\$	Architects engaged and preparing Concept Plans.	Final Architected Concept Plans Due July 2010. Remainder of funds to be rolled over to match additional capital works funds for project.
Business and Economic Development Total				\$821,089.00	\$475,622.00		
Community and Natural Resources							
Cultural Arts Seed Funding	This project will enable further arts-based community-driven initiatives to be encouraged, following the expiry of the Tweed City of the Arts activities.	G Corbett	1130 C/O	\$ 1,130	\$ 500	Program completed.	Project completed.
Arts Traineeship and Mentorship	This project, will initiate accredited traineeships and mentorship in arts and cultural areas, targeted at youth and students. It will operate in partnership with key tertiary institutions to develop and implement an arts-based mentorship package.	G Corbett	3311 C/O	\$ 3,311	\$	Project completed	Project completed.
Youth Activities Program	Part of a package of youth-oriented projects in the Quality of Life Program, this project will provide \$12,500 to fund youth activities as identified by the Youth Development Officer.	G Corbett	12,500 Rev 4996 C/O	\$ 17,496	\$ 15,803	A continuing program of activities is currently progressing. Projects devised and implemented as previous programs are completed. Activities have been devised and implemented at Banora Point Community Centre. Program is funded by Council until Dec 2010.	Implemented plan to further work with young people in Pottsville, Uki, Chillingham, Tyaigum, Banora Point, Murwillumbah, Cabarita (CDSE Funded) and Tweed Heads to identify and run projects/activities.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Community and Natural Resources							
Youth Transport	Allied to the Youth Activities Program, this project will provide funding specifically for enabling transport by young people, primarily aged 12-18 in line with Council's draft Youth Needs Analysis.	G Corbett	15,000 Rev 12478	\$ 27,478	\$ 15,813	On-going program is being implemented.	In partnership with Youth Services and agencies, identified and developed responses that support young people's access to services and events. Responded to continuing demands and needs. Position to develop a strategic Plan.
Improved Services for Shire Youth	The employment of a Youth Development Officer arose from needs identified from the Social Plan.	G Corbett	Revenue	\$ 65,995	\$ 59,027	Youth Development Officer position filled.	
Aboriginal Community Development	As outlined in the Social Plan. Coordinate development of community and council related issues.	G Corbett	63995 Rev 47722 C/O	\$ 111,717	\$ 49,119	Aboriginal Liaison Officer vacant.	Review position PD.
Community Centre Murwillumbah	The upgrade of the Community Centre located in Knox Park, Murwillumbah will provide a focus for the numerous community services that are now provided in a number of scattered locations within Murwillumbah.	G Corbett	68156 s94, 91844 Res. Dependant on sales & grants	\$ 160,000	\$ 160,000	Unsuccessful application to the Better Regions Fund. Currently reviewing options.	Seek funds to undertake the project.
Museum - Tweed Heads	It is planned to build a significant new building at Tweed Heads and the refurbishment of the Murwillumbah Museum. The Museum will house and exhibit the extensive collections of the Tweed River Regional Museum.	G Corbett		\$ -	\$ -	DA is completed and ready for lodgement. Additional funding from State & Fed. Govt. Lease conditions in final stage of negotiation with the Dept. of Lands.	DA lodgement dependant on Gazetial of revised zoning. Develop brief and call tenders for Exhibitions design. Further discussions to be held with Native Title Group.
Carpet Replacement & Refurbishment - Murwillumbah Auditorium	Stage 2 will see works in the auditorium to replace carpet on walls, upgrade of stage.	G Corbett	150000 reserves	\$ 150,000	\$ 14,116	Consultants report received on the use of the Tweed and Murwillumbah Auditoria as a performing arts and mixed use space.	EMT approved staged development and maintenance of the Shire's two auditoria. Work is progressing. Carpet replaced.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Community and Natural Resources							
Community Building Maintenance	This provision will allow major upgrading works to the many community buildings for which Council has a responsibility in lieu of the current repair on a needs basis provided for under current budget constraints.	G Corbett	105000 Rev 41486 C/O 238000 Other programs	\$ 384,486	\$ 297,202	Work completed for Piggabeen Hall and Bray Park Community Centre. Limpinwood Community Hall, Crystal Creek Hall, Fernvale and Reserve Creek Hall nearly completed. Fernvale completed. Grant received for Doon Doon.	Maintenance requirements determined. Work is progressing on the most urgent refurbishments.
Waterways Asset Replacement	Replacement of Waterways Assets.	J Lofthouse	30,000 Rev	\$ 30,000	\$ 30,000	Current projects completed.	
Vegetation Management Strategy	This program is critical to ensuring the best practice management of vegetation, and hence landscape, in the Tweed Valley.	J Lofthouse	278571 Rev / 450714 Grnt / 228680 C/O	\$ 907,965	\$ 272,112	Bush futures, Koala PoM, Biodiversity Grants commenced.	Priority Actions: LEP reforms; continued NRM project inventory; complete Biodiversity DCP; continue education and awareness activities/projects.
Administration Officer	Staff costs.	G Corbett	Revenue	\$ 53,701	\$ 45,414	Administration Officer employed.	Ongoing.
Coastline Management Plan Implementation	Kingscliff Foreshore Protection Works.	J Lofthouse	241655 C/O	\$ 241,655	\$ 24,552	Seawall under construction.	Seeking sand source for beach nourishment.
Durbanbah Beach Plan of Management	Redesign stormwater including quality improvements and amenity.	J Lofthouse	235672 C/O	\$ 235,672	\$ 54,585	Stormwater reconstructed, sand nourishment finished June 2010.	Monitor sand nourishment works.
Museum Murwillumbah	Refurbishment and additions to Murwillumbah Museum.	G Corbett		\$ -	\$ -	Architect finalised concept for 2 storey extension. Access ramp currently in construction phase.	Complete ramp. Seek funding for the construction of the Museum.
Tweed Coast Estuaries Management Plan.	Implementation of Coast Estuaries Management Plan.	J Lofthouse	138575 Revenue 138569 grant 60686 C/O	\$ 337,830	\$ 68,735	Revetment works on Cudgen Creek; ASS research. Ongoing program of projects.	Contribute to Sustainable Agriculture Strategy. Cudgera Creek ecological health investigation.
Amenities hall Kingscliff	Refurbishment of Hall to acceptable standard.	G Corbett	100000 C/O	\$ 100,000	\$ 679	Works on stage one near completion.	Working towards stage 2.
Youth Strategy Implementation	Construction of facility to support youth activities.	G Corbett	500000 grants	\$ 500,000	\$ -	Included in CP15 S94.	Consult with the community regarding utilisation of space in Cabarita/Bogangar.
Regional boating strategy implementation		J Lofthouse	s94	\$ 60,000	\$ -	Section 94 plan yet to be developed.	Determination of nexus to development.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Community and Natural Resources							
Bushland Maintenance Officer		J Lofthouse	68305 Rev 3432 C/O	\$ 71,737	\$ 71,737	Bushland Officer employed.	Ongoing.
Community and Natural Resources Total				\$ 3,460,173.00	1,179,394.00		
Engineering and Operations							
Land Purchase Open Space-Requests to purchase 6a/6b zoned land.	Purchase land in 6a/6b zoned land.	P Morgan	100000 C/O	\$ 100,000	\$ -	No current acquisitions in progress or identified.	Continuing to review further land acquisitions as opportunities arise.
Park Asset Maintenance	Addressing playground compliance issues in line with Australian Standards.	S Brawley	171050 Rev 22831	\$ 193,881	\$ 85,081	Upgraded play equipment in numerous parks in accordance with priorities identified in condition assessment audit.	Upgrading of further equipment in parks
Parks Asset renewal	Replace ageing/failing assets - Playground Equipment, BBQ & Shelters.	S Brawley	341,750 Rev 5284 C/O	\$ 347,034	\$ 193,192	Works program developed. Awaiting advice of funding applications through Building Communities Program.	Implement improvement plan.
Lot 500 Bushland	Maintenance to Dune Vegetation - Casuarina.	S Brawley	8,200 Rev 14911 C/O	\$ 23,111	\$ 18,739	Regeneration works commenced in line with Lot 500 dune management plans.	Continuation of regeneration works
Regional Sport & Recreational Facilities	Complete Feasibility/Master Plan study - Arkinstall Park. Proceed to further studies dependant on results of Feasibility Study.	S Brawley	866156 C/O	\$ 866,156	\$ -	Master Plan adopted by Council and funding for initial stages voted from CP26.	Design and approvals for formalisation of perimeter purring; consultation and design for upgrade of netball facilities; consultation and design for new tennis facilities.
Coastal Landscape Strategy	Implement Kingscliff Foreshore Landscape Plan; Develop & Implement Landscape Plan for Ambrose Brown Park, Pottsville.	S Brawley		\$ 471,655	\$ 471,655	Completed are: Draft Kingscliff Foreshore Masterplan and Wommin Bay Memorial Walkway and viewing platform; Cabarita foreshore footpath; Tweed Coastal furniture design and documentation; Ambrose Brown Park upgrade completed.	Project completed and funds fully utilised.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Engineering and Operations							
Asset management Levees & Floodgates	The program is initially to provide a computer based asset management plan followed by remediation (catch up) works in following years.	D Rose	85,000 Rev 135442 C/O	\$ 220,442	\$ 90	Data collected - remainder of project on hold awaiting implementation of asset management system. Maintenance inspections are continuing with results held in MEX and repairs being undertaken as required.	Undertake discussions with Manager of Works to implement flood mitigation and commencing programming of backlog works.
Stormwater drainage rehabilitation	Rehabilitate stormwater drainage throughout the Shire, identified by condition of assets.	I Kite	400,000 Lns	\$ 400,000	\$ 400,000	Program complete.	
Gravel Re-sheeting of Unsealed Roads	Re-sheet unsealed roads with gravel identified by condition assessments.	I Kite	398,000 Lns 73956 C/O	\$ 471,956	\$ 471,956	Program complete.	
Sealed road resurfacing	Reseal sealed roads in accordance with condition assessment.	I Kite	490,300 Lns 542 C/O	\$ 490,842	\$ 463,412	Program complete.	
Sealed road rehabilitation	Rehabilitation of sealed roads in accordance with condition assessment.	I Kite	688,900 Lns 81855 C/O	\$ 770,755	\$ 761,437	Program complete.	
Kerb & gutter rehabilitation	Rehabilitate kerb and gutter in accordance with condition assessment.	I Kite	70,000 Lns 37455 C/O	\$ 107,455	\$ 55,114	209m of kerb and gutter replaced	Program continuing through year.
Footpaths rehabilitation	Rehabilitate footpaths in accordance with condition assessment.	I Kite	266,000 Lns 152991 C/O	\$ 418,991	\$ 357,918	Program complete.	
Sportsgrounds Capital Works (Local)	Represents the difference between the planned Capital Works Program for local sporting facilities (lights, change rooms etc) and funds available through Section 94 Developer Contributions.	S Brawley	300000 loans 387073 C/O	\$ 687,073	\$ 9,621	Capital Works Program endorsed by Sports Advisory Committee. Sportsfield lights installed at Walter Peate Fields. Walter Peate fields and Queens Park. Murwillumbah netball courts resurfaced. Arkinstall Park clubhouse fitout.	Liaise with Kingscliff sportsfield stakeholders on design of facilities upgrades for when Kingscliff Soccer Club relocates to Depot Road.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Engineering and Operations							
Surf Life Patrols	Provision for increase in fees due to the demand for additional areas to be provided with paid lifeguards.	S Brawley	12,000 Rev 10024 C/O	\$ 22,024	\$ 2,080	Casuarina Beach included in patrols contract. Shirewide Beach Audit and action plan adopted. Extended lifeguard services commenced.	Recommendations of plan to be implemented through Beach Safety Liaison Committee.
Surf Life Saving Strategy 2020	With 40km of coastline under its care and control, Council needs to develop ways for identifying where and when beach safety measures should be employed and how the issue of beach and surf safety should be provided to residents and visitors.	S Brawley	10,000 S94	\$ 10,000	\$ 5,028	Commenced revision of beach emergency signage. Audit completed of all beach access points. Support of Surf Lifesaving Clubs through provision of warning signage, emergency phone and reimbursement for fuel costs associated with emergency rescues.	Review revision of signage and beach access points. Implementation of projects identified in the review in accordance with budget allocation.
Botanic gardens	Council has resolved to develop a botanical garden on land it owns at Eviron as part of a strategy for rehabilitation of parts of the land that will be used for landfill and in conjunction with that part of the land that forms the Tweed Valley Cemetery.	S Brawley	100,000 S94	\$ 100,000	\$ 8,624	Draft hydraulic plan for botanic gardens core area completed. Redesign of core area in line with hydraulic design.	LEGS to produce engineering detail and specifications for hydraulic works. DA or Part IV to be prepared and lodged.
Botanical Gardens Visitors Centre		S Brawley	500000 C/O	\$ 500,000	\$ -	To be considered after construction of hydraulic works.	LEGS to produce engineering detail and specifications for hydraulic works. DA or Part IV to be prepared and lodged.
Flood studies coastal creeks 2D	Council has resolved to undertake a joint flood study with Byron Shire Council for all Coastal Creek Floodplains from Kingscliff to Ocean Shores (Cudgen, Cudgera and Mooball Creeks in Tweed Shire plus Marshalls Creek in Byron Shire).	D Rose	37500 Rev 37500 C/O	\$ 75,000	\$ -	Study Completed. Implemented via amended DCP-A3.	
Pottsville North drainage outlet - Elanora		I Kite	900000 C/O	\$ 900,000	\$ 623,447	Construction commenced in March 2010.	Reached practical completion on 9 July 2010.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Engineering and Operations							
West Kingscliff drain - Gales/Bowling club		I Kite	800000 Rev 750000 C/O	\$ 1,550,000	\$ 17,931	Project design in progress. Negotiations with other stakeholders ongoing. Scheduled for construction commencing in April 2011.	Finalise design and financial arrangements.
Recreation asset management		S Brawley	13947 C/O	\$ 13,947	\$ 13,947	First draft near completion.	Completion of first draft.
Tweed Heads Masterplan/Jack Evans Boatharbour		S Brawley	Loans	\$ 5,000,000	\$ 1,644,525	Civil works in Old Caravan Park near completion. Tendering process commenced.	Complete contractor workshops, receive tenders and appoint construction contractor.
Cabarita Streetscaping		I Kite	Loans	\$ 422,000	\$ 2,458	Design and consultation completed. Tenders invited and offers received. Tenders being assessed	Select successful tender. Commence construction August 2010.
Engineering and Operations Total				\$14,162,322.00	5,806,255.00		

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Planning and Regulations							
Adaptable Residential Housing DCP	Last adopted in 1991, a major review of the Strategy is required to ensure infrastructure plans and growth is coordinated.	I Lonsdale	39802 C/O	\$ 39,802	\$ 56	Council adopted the Tweed Urban and Employment Lands Release Strategy 2009 at its meeting of 17 March 2009.	Completed.
Environmental Health Compliance Caravan Parks.	This will allow a proactive approach to the issues that arise within caravan parks. These include installations of structures on site. This will assist in reducing possible impacts from major events such as flooding, storms, etc.	R Cameron	69429 Rev 14418 C/O	\$ 83,847	\$ 64,818	Compliance Officer employed. Proposed new structures in parks are being assessed by officer with existing structures audited. Complaints being attended to. Currently inspections being undertaken for renewal of licences to operate.	Continue actions and assist Environmental Health Officers in auditing processes for data entry into Proclaim system. Officer now also assisting in complaint investigation and compliance work.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Planning and Regulations							
Emergency Management Plan Implementation.	This program will result in the regular review of the Tweed Disaster Plan, the provision of support to the various emergency agencies such as the State Emergency Service and the Rural Fire Services.	R Cameron	39728 Rev 16473 C/O	\$ 56,201	\$ 29,031	Officer reviewed Tweed Disaster Plan which is nearing completion. Developing web page. Updating Councils evacuation plans in all Council buildings. Assisting in fire drills. Working on beach signage for emergency location indicators.	Finalise disaster plan continue to develop web page. Work towards completion of other matters.
Building Compliance Officer.	An additional employee is required to carry out inspections and take action in regard to general complaints received by Council from the public in relation to miscellaneous matters such as stormwater issues, retaining walls, use of land and buildings etc.	R Cameron	66865 Rev 8257 C/O	\$ 75,122	\$ 69,209	Compliance Officer employed. Officer attending to all complaints and notice of intention from private certifiers in a timely manner. Procedures for complaint lodgements implemented.	Continue to follow up complaints in a timely manner and review processes.
Health & Building Surveyor.	An additional employee is required to maintain a satisfactory level of service to perform regulatory functions including the assessment of applications for construction certificates, complying development, development applications, sewer applications etc.	R Cameron	87410 Rev 3882 C/O	\$ 91,292	\$ 91,292	Health & Building Surveyor employed. Has undertaken fire safety audits, inspections for places of public entertainment. Building Certificates and general inspections associated with building works. Officer now assigned to South area.	Continue abovementioned duties and carry out assessments for various approvals. Officer now appointed to Southern District carrying out assessment of various applications and general Building Surveyor duties.
Administration Officer.	Staff Costs.	R Cameron	48387 Revenue 20068 C/O	\$ 68,455	\$ 68,258	Administration Officer appointed 25 March 2008.	Officer now providing support to Environmental Health section and maintaining Essential Services register.
Environmental Health Compliance Officer		R Cameron	107705 Revenue 4485 C/O	\$ 112,190	\$ 105,835	Officer employed. Currently auditing On-site sewage management systems.	Continue to audit existing On-site sewage management systems.

Project Name	Planned Works	Responsible Officer	Funds Source	Allocated Funds	Expenditure	Current Status	Next Action
Planning and Regulations							
Urban Design Planner		I Lonsdale		\$ 74,694	\$ 74,694	A new full-time Urban Designer position was created, position filled and commenced employment with the Planning Reforms Unit in January 2009.	The Urban Designer provides input into new planning policy and provides a level of design assistance on major and key development applications, including significant Council infrastructure projects.
SES Operations Centre additions Banora Point		R Cameron	70000 Rev 50000 Grt	\$ 120,000	\$ -	Negotiating with SES for additional \$20,000 i.e. dollar for dollar funding	Funding now obtained and Development application lodged.
Planning and Regulations Total				\$721,603.00	\$503,193.00		
Grand Total				\$19,165,187.00	\$7,764,464.00		

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

41 [TCS-CM] Quarterly Budget Review - 30 June 2010

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 2009/10 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 2010 in the General, Water and Sewer Funds.

RECOMMENDATION:

That the:

1. Quarterly Budget Review Statement as at 30 June 2010 is adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2010.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Operating	10,732	0
Interest	0	0
Capital	119,500	0
Loan Repayments	0	0
Transfers to Reserves	0	0
	<u>130,232</u>	<u>0</u>
<u>Income</u>		
Rates, Charges and other		
Operating	0	0
Operating Grants & Conts	0	10,732
Capital Grants & Conts	0	99,500
Loan Funds	0	0
Recoupment's	0	20,000
Transfers from Reserves	0	0
Asset Sales	0	0
	<u>0</u>	<u>130,232</u>
Net Surplus/(Deficit)		<u><u>0</u></u>

REPORT:

Budget Review 30 June 2010 (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	\$
General Fund	Net Effect
Kingscliff Beach erosion protection	88,449
Planning legal expenses	(98,449)
Bushfire Protection Mapping	10,000
	<hr/>
	0
	<hr/>

Full details:

Item	Category	Description	Current Vote	Change to Vote	Details / Comments
1. Proposed Variations					
General					
1	Ex-Operating	Community Building Partnership Program	0	5,000	Combined Neighbourhood Watch
1	In-OG&C	Grant funding	0	(5,000)	Funding for above
2	Ex-Operating	Facilities Around Schools program	0	5,732	School Zone signage
2	In-OG&C	RTA grant funding	0	(5,732)	Funding for above
		Terranora Village Open Space			New sportsfield/tennis court and park
3	Ex-Capital	Embellishment	0	74,500	
3	In-CG&C	Contribution from develop	0	(74,500)	Funding for above
3	Ex-Capital	Walter Peate facilities	0	20,000	Improvements
3	In-Recoup	S94 plan 5	0	(20,000)	Funding for above
4	Ex-Capital	Kingscliff Amenities Hall kitchen	0	50,000	Refurbishment
4	Ex-Capital	Kingscliff Amenities Hall 7 Year Plan	100,000	(25,000)	Funding for above
4	In-CG&C	Department of Sport and Rec. Grant	0	(25,000)	Funding for above
5	Ex-Operating	Kingscliff Beach	0	88,449	Temporary erosion control works
6	Ex-Operating	Planning legal expenses	293,630	(98,449)	Allocation not fully expended
7	Ex-Operating	Bushfire Protection Mapping	0	10,000	Upgrade data
2. Variations Arising from Council Resolutions					
		Nil		0	
Summary by Category					
<u>Expenses</u>					
		Operating		10,732	
		Interest		0	
		Capital		119,500	
		Loan Repayments		0	
		Transfers to Reserves		0	
				130,232	
<u>Income</u>					
		Rates, Charges and other Operating		0	
		Operating Grants & Conts		(10,732)	
		Capital Grants & Conts		(99,500)	
		Loan Funds		0	
		Recoupment's		(20,000)	
		Transfers from Reserves		0	
		Asset Sales		0	
				(130,232)	
		Net		0	
Summary by Division					
		Technology & Corporate Services		0	
		Planning & Regulation		(88,449)	
		Community & Natural Resources		88,449	
		Engineering & Operations		0	
		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							
Employee Costs	33,256	33,546	2,688	3,007	4,275	5,137	41,690
Borrowing Charges	4,843	4,843	4,881	4,881	835	835	10,559
Materials & Contracts	29,187	41,870	3,038	4,023	8,425	5,178	51,061
Depreciation	14,003	14,003	8,288	8,288	14,258	14,256	36,547
Other Operating Expenses	6,622	6,522	871	1,001	1,201	1,251	8,784
	87,911	100,784	19,766	21,200	28,994	26,657	148,641
Operating Revenue							
Rates & Annual Charges	48,122	48,119	3,153	3,126	16,422	16,236	67,481
User Charges & Fees	11,238	10,786	11,954	11,355	1,719	1,719	23,860
Interest	2,439	2,525	131	131	131	131	2,787
Other Revenues	908	936	190	190	15	15	1,141
Grants & Contributions for operating purposes	14,585	16,405	437	437	645	645	17,487
Grants & Contributions for capital purposes	5,849	7,422	4,877	1,626	3,143	781	9,829
	83,141	86,193	20,742	16,865	22,075	19,527	122,585
Surplus/(Deficit)	(4,770)	(14,591)	976	(4,335)	(6,919)	(7,130)	(26,056)
Funding Result Reconciliation							
<i>Add Back non-funded items:</i>							
Depreciation	14,003	14,003	8,288	8,288	14,258	14,256	36,547
Internal Transfers	6,581	6,581	(3,347)	(3,347)	(3,235)	(3,235)	(1)
	15,814	5,993	5,917	606	4,104	3,891	10,490
Transfers from Externally Restricted Cash	3,151	9,258	7,276	5,411	7,316	3,085	17,754
Transfers from Internally Restricted Cash	410	12,819	4,775	7,489	9,607	3,265	23,573
Proceeds from sale of assets	1,811	2,095				0	2,095
Loan Funds Utilised	10,111	16,353	1,080	1,080	8,250	16,825	34,258
Repayments from Deferred Debtors							
	31,297	46,518	19,048	14,586	29,277	27,066	88,170
<i>Funds were applied to:</i>							
Purchase and construction of assets	(20,265)	(35,065)	(14,171)	(12,960)	(20,842)	(4,967)	(52,992)
Repayment of principal on loans	(2,744)	(2,744)			(722)	(722)	(3,466)
Transfers to Externally Restricted Cash	(4,246)	(4,246)	(4,877)	(1,626)	(2,343)	(781)	(6,653)
Transfers to Internally Restricted Cash	(4,042)	(4,463)			(5,370)	(20,596)	(25,059)
Increase/(Decrease) in Available Working Capital	0	0	0	0	0	0	0
Available Working Capital Previous Financial Year	956	956	2,000	2,000	2,000	2,000	4,956
Available Working Capital as at 30 June 2010	956	956	2,000	2,000	2,000	2,000	4,956

Summary by Division

	<u>Original Budget</u>	<u>Revised Budget</u>
Surplus/(Deficit)	(49,621,384)	(49,930,684)
Technology & Corporate Services	7,086,230	6,701,810
Planning & Regulation	8,869,497	9,519,073
Community & Natural Resources	34,439,5	34,513,692
Engineering & Operations		

	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>	
	48						
General Manager	(773,891)	(803,891)					
	<u>0</u>	<u>0</u>					

General Fund

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

Water Fund

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

Sewer Fund

The Sewer Fund 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:

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Nil.

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42 [TCS-CM] Monthly Investment Report for Period Ending 31 July 2010

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 Council's 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 17 August 2010.

RECOMMENDATION:

Refer to addendum report.

REPORT:

As per summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

43 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 22 July 2010

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 9.30am

PRESENT:

Committee Members: Cr Kevin Skinner on behalf of Cr Barry Longland (Deputy Mayor), Mr Ian Shanahan, Roads and Traffic Authority, Mr Thomas George MP, Member for Lismore, Mr Geoff Provest MP, Member for Tweed.

Informal: Mr John Zawadzki (Chairman), Mr Ray Clark, Mr Paul Brouwer, Mr Rod Bates, Mr Harry Cao (guest from Geoff Provest's office), Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Cr Barry Longland (Deputy Mayor) Snr Constable Sgt Richard Baxter, NSW Police.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 24 June 2010 be adopted as a true and accurate record of proceedings of that meeting.

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC] Schedule of Outstanding Resolutions 22 July 2010

1. [LTC] Eyles Avenue, Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3999809; Traffic - Committee; School Zones; Parking Zones; Safety; Eyles Avenue; Schools - Murwillumbah Public

SUMMARY OF REPORT:

From Meeting held 27/8/09 (Item B1)

Concern has been raised with cars parking in Eyles Avenue on the school side.

"These vehicles are causing problems for buses accessing the School Bus Zone. Could 'No Parking' at School finishing times be implemented here?"

Council officers will investigate this site and report to the meeting.

COMMITTEE ADVICE:

That:-

1. Council officers discuss with the School representatives the possibility of extending the 'No Parking' zone on the eastern side of Eyles Avenue to the intersection with Prince Street.
2. This item be placed on the Schedule of Outstanding Resolutions.

Current Status: That Item 1 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 24 June 2010 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 27 August 2009).

From Meeting held 22/7/10

Mr George requested that Col Brooks be present at the meeting with the School on behalf of Mr George.

Current Status: That Item 1 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 22 July 2010 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 27 August 2009).

2. [LTC] Kennedy Drive, Tweed Heads West

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3948168; Traffic - Committee; Kennedy Drive, Tweed Heads; Kennedy Drive - Tweed Heads West; Norman Street; Parking - Zones; Traffic - Lights; Traffic - Roundabouts; Boat Ramps

SUMMARY OF REPORT:

From Meeting held 27/8/09 (Item B7)

Concern received in relation to increasing traffic problems along Kennedy Drive.

"In particular the intersection of Norman Street and Kennedy Drive causes local residents a great deal of frustration which is worsened by parking of boats and boat trailers using the boat ramp located on the opposite side of the road.

..... Norman Street is one of the few streets where right hand turns are permitted and this also contributes to traffic problems. He has suggested that either a roundabout or traffic lights are needed to facilitate turning into and out of Norman Street."

The Norman Street/Kennedy Drive intersection has been the subject of community concern for a number of years.

A concept design for a roundabout has been previously completed by Council officers and unfortunately there is insufficient room within the road reserve to install a small roundabout. The installation of traffic signals would not meet the warrants of the Roads and Traffic Authority of NSW guidelines.

Another alternative is to provide a narrow central median on Kennedy Drive which would prevent right turns from both the boat ramp area and Norman Street into Kennedy Drive. This is very undesirable as it would inconvenience many motorists and encourage possibly less safe "U" turns to be made on Kennedy Drive away from the intersection.

Council officers will advise the Committee of the accident history of this intersection.

Council officers advised that of seven accidents from 2005 to 2008, four of them were right rear crashes. The right turns were from Kennedy Drive into Norman Street. Council officers suggested that a right turn lane be further investigated with a view for reducing this type of crash.

COMMITTEE ADVICE:

That:-

1. Council officers further investigate the possibility of a right turn lane on Kennedy Drive into Norman Street.
2. That this item be listed on the Schedule of Outstanding Resolutions.

Current Status: That Item 2 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 22 July 2010 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 27 August 2009).

3. [LTC] Upper Burringbar Road, Burringbar

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 17064318; Burringbar Road; Upper Burringbar Road; Traffic - Committee; Safety; Speed Zones; Directional Signs; Pedestrian Safety

SUMMARY OF REPORT:

From Meeting held 24 June 2010 (Item B7)

Request received for 50km/hr signage on Upper Burringbar Road between the 2 railway crossings.

"Due to the recent upgrading of Upper Burringbar Road between the 2 railway crossings, the residents of this area would like to request 50km/hr road signs as well as bike signs. We already struggle with speeding cars and accidents and with the upgrade these drivers will find it easier to speed even more. Our children ride their push bikes to and from school along this road and we feel that these signs are essential to our families safety."

This item was discussed at the LTC meeting held 15 August 2002 and the item is reproduced as follows:

"R5690; DW685873

Request received for:-

- 1. Re-positioning of the "Drive to Suit Conditions" sign from its present position just past number 143 Upper Burringbar Road to at least another kilometre along the road.*
- 2. The 50kph zone be continued for at least another kilometre.*
- 3. Replacement of the "Drive to Suit Conditions" sign with an 80kph speed zone further up the road.*
- 4. More effective policing of the drivers on Upper Burringbar Road.*

Concerns have been raised for safety, especially for children as drivers begin to speed up before the "Drive to Suite Conditions" sign.

The Committee noted that there is a footpath from Greenvale Court to the School. The RTA Representative noted that the road environment is suitable for de-restriction signage.

The Committee noted that the 50kph speed zone is adequate as it covers from Greenvale Court (rural residential) back to the shopping area.

The Committee noted that the extent of existing 50kph zone was a generous interpretation of the guidelines but to extend it another kilometre into a rural environment is not appropriate.

The Police Representative advised that resources permitting, Police would be tasked to enforce speeds on Upper Burringbar Road.

For Council's information."

Upper Burringbar Road is a rural road with low traffic volumes and limited adjacent development. Council's accident database shows no recorded crashes along the length of road described in the correspondence.

It was suggested that Council officers investigate the matter further with regard to road conditions, traffic volumes, vehicle speeds and the road environment and report back to the Committee.

COMMITTEE ADVICE:

That the Upper Burringbar Road, Burringbar matter be listed on Outstanding Resolutions.

Current Status: That Item 3 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 22 July 2010 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 24 June 2010).

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

A1 [LTC] Jack Evans Boat Harbour Site - Tweed Heads

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 19178600; Jack Evans Boat Harbour; Jack Evans Boat Harbour - Detailed Design & Construction; Traffic - Committee; Parking Zones; Boundary Street

SUMMARY OF REPORT:

A carpark has recently been constructed at the Jack Evans Boat Harbour site in Tweed Heads. Unfortunately large vehicles such as camper vans and buses regularly park in the carpark using many of the carspaces which is both unsafe and inconvenient for other carpark users. It would appear that the carpark is being used as a caravan park which was a previous use of the site many years ago.

It is recommended that "No Parking - vehicles under 6m excepted" signage be installed throughout the recently completed Jack Evans Boat Harbour carpark off Boundary Street.

Mr Thomas George left the meeting at 10.00am

The Committee suggested that:

1. "No camping or overnight staying" signage be forwarded for consideration to the relevant Council department.
2. The management of the Twin Towns complex be advised of the Committee and Council's decision of the proposed prohibitive signage.
3. Council officers consider the feasibility of creating car spaces for longer vehicles in the vicinity of the existing car park off Bay Street near the Tourist Information Centre.

RECOMMENDATION TO COMMITTEE:

That "No Parking - vehicles under 6m excepted" signage be installed throughout the recently completed Jack Evans Boat Harbour carpark off Boundary Street.

RECOMMENDATION TO COUNCIL:

That "Vehicles over 6m prohibited" signage be installed at the entrance of the recently completed Jack Evans Boat Harbour carpark off Boundary Street.

FOR VOTE - Ian Shanahan, Cr Kevin Skinner, Geoff Provest

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Kingscliff Triathlon 25 to 26 September 2010

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 19216117; Traffic - Committee; Traffic - Safety; Bicycle Matters; Road Closures - Temporary; Parks - Faulks; Chinderah Bay Drive; Marine Parade; Moss Street; Murphys Road; Ocean Drive; Sutherland Street; Wommin Bay Road

SUMMARY OF REPORT:

The Kingscliff Triathlon is proposed to take place on the 26 September 2010 between 6.00am to 12.00pm, using similar routes as the event held in March 2010.

Changes from the previous event included:

- Transition area in Faulks Park instead of car park adjacent to caravan park
- Full closure at Marine Parade from Moss Street to Seaview Street
- Commercial bus service (603 and 601) no access through race areas
- Possible extension of run leg down Sutherland Point
- Finish line on Marine Parade south of fig tree roundabout

It is proposed that the roads associated with the conduct of the Kingscliff Triathlon, 26 September 2010, being Marine Parade, Wommin Bay Road, Chinderah Bay Drive, Sutherland Point (road related area) be closed from 6.00am to 12.00pm with staged re-openings under the direction of Police.

It is recommended that the road closures be approved subject to standard conditions and Police approval.

The Committee decided that a letterbox drop to affected residents and businesses should be made by the organisers in the vicinity of the road closures and that evidence be provided to the Local Traffic Committee of such consultation.

Discussion was held regarding the route via Sutherland Street and Moss Street for the running leg and the Committee did not support the closure of Sutherland Street and Moss Street and recommended that the boardwalk be used for this leg and the traffic control plan should reflect this.

It was noted that the Police raised concerns last year with buses using Wommin Bay Road and turning into Kingscliff Street during the event.

The Committee did not support the movement of buses through the event and it was recommended that Council officers negotiate with Surfside Buslines to provide a limited service in Kingscliff during the Kingscliff Triathlon event on 26 September 2010.

COMMITTEE ADVICE:

That:

1. Council officers negotiate with Surfside Buslines to provide a limited bus service in Kingscliff during the Kingscliff Triathlon event on 26 September 2010.
2. No objection is raised to the proposed temporary road closures for the Kingscliff Triathlon event on 25 to 26 September 2010 subject to Police approval, development of traffic control plans and evidence of consultation with stakeholders.

B2 [LTC] Tweed Coast Road, Hastings Point

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 18482573; Tweed Coast Road, Hastings Point: Traffic - Committee; Safety; Speed Zones; School Zones

SUMMARY OF REPORT:

Request received for a reduction in the speed limit to 60km/h on Tweed Coast Road, Hastings Point between Hastings Point and Bogangar Primary School.

- "1. *As a regular driver between Hastings Point and Melbourne I have noticed that Hastings Point seems to be the ONLY place on the east coast where speed reduces from 80kph to 50kph with no warning '50kph ahead' sign. In fact it seems to be the only village where there is a 30kph immediate decrease in speed. As a result traffic simply does not reduce and continues through the Hastings Point village well over the speed limit of 50kph. It is appalling for an average speed of 68.5kph through the village to be considered acceptable.*
2. *There is just under 1 kilometre in distance between the roundabout just south of the Bogangar school and the Hastings Point 50kph sign. That one kilometre includes a skate park where numerous young children cross Tweed Coast Rd to the beach, and a football ground where increasing numbers of events are occurring and cars park along Tweed Coast Road, severely reducing the safety of traffic flow through the area.*
3. *This 'less than one kilometre' stretch of road also passes a pony club where young children on horses regularly ride across Tweed Coast Rd en route to the beach. Most of these riders are young and inexperienced and it is a miracle that an accident has not occurred.*
4. *As you are all aware Hastings Point has a large number of older residents, particularly in the Northstar retirement community who experience difficulty in crossing Tweed Coast Rd safely.*
5. *Hastings Point also has several blind residents and representations have been made to Council by Vision Australia asking for the installation of a pedestrian crossing at the corner of Tweed Coast Rd and Creek St.*

Finally- we ask that this committee strongly reject requests by a developer to remove the pedestrian refuge island at the corner of Tweed Coast Rd and Creek St to enable easier access for construction trucks. To consider construction trucks over pedestrian safety is an appalling request."

Further correspondence has been received regarding this matter which is attached to this report.

Council's traffic data for the week up to 2 April 2009 for Tweed Coast Road south of Creek Street is:

Average Daily Traffic: 6,237 vehicles per day
85th percentile speed: 62kph

Council officers will assess sight distance issues near the Pony Club, oval and skateboard park and report to the meeting.

The installation of a pedestrian crossing near the Creek Street/Tweed Coast Road intersection would not meet warrants under Roads and Traffic Authority of NSW guidelines.

The issue of the probable removal of an existing pedestrian refuge for a proposed development at the end of Creek Street is a matter for consideration as part of the development assessment process.

The length of the 80km/h zone mentioned in the correspondence is approximately 1.5km.

The correspondent requests that trucks that are too large to negotiate the Creek Street/Tweed Coast Road intersection be prohibited from entering Creek Street. Current legislation allows large vehicles (except for b-doubles longer than 19m) to use the street network. Signage cannot be installed at potentially numerous intersections to prohibit large truck turns.

Mr McKennariey's comments were discussed in relation to pedestrian safety especially for the disabled and aged.

It was suggested that Council officers check the swept paths of a number of large vehicles for right turns into Creek Street from Tweed Coast Road, Hastings Point.

The Committee considered that the retention of the existing pedestrian refuge in its existing location or close proximity is essential for pedestrian safety.

The Roads and Traffic Authority of NSW representative advised that a speed rating review is currently being undertaken for Tweed Coast Road from Cudgen to Pottsville. This review will include the section of Tweed Coast Road between Cabarita and Hastings Point villages.

COMMITTEE ADVICE:

That:

1. "50km/hr" *Ahead* signage be installed at the approaches to Cabarita, Hastings Point and Pottsville villages on Tweed Coast Road in accordance with the relevant guidelines.
2. The correspondent be advised of the Committee's considerations on this matter.

B3 [LTC] Pottsville Public School - Tweed Coast Road, Pottsville

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 14868320; Traffic - Committee; Traffic - School Zones; Pedestrian Crossings; Safety; Pottsville Public School; Tweed Coast Road Pottsville

SUMMARY OF REPORT:

From Meeting held 22/4/10 (Item B3)

"Request received for a pedestrian crossing at Pottsville Beach Public School.

"I am writing this letter to raise my concerns about the lack of a pedestrian crossing at Pottsville Primary School.

Since the start of the school year I have seen many incidents that could have quite easily resulted in serious injury or death.

Due to the fact that this is a primary school there are many very young children who are at most risk due to their lack of road safety and maturity.

The current situation where there are 'children crossing' flags yet no lollipop person seems untenable, and an invitation for disaster.

I invite representatives from the local traffic committee to view the current situation in person and see for themselves how precarious this situation is."

The Roads and Traffic Authority of NSW administer the School Crossing Supervisor Scheme and Council provides advice on current traffic and pedestrian volumes for its consideration.

Pedestrian counts will be submitted to the Committee meeting.

The Committee Representatives considered that the existing school crossing is located undesirably, being immediately adjacent to the roundabout. Consideration should be given to relocating the School Crossing to the north side of the roundabout near the School's southern driveway entrance and a report tabled at the next meeting including comments from the School.

Council's pedestrian counts did not satisfy the Roads and Traffic Authority of NSW's warrants for a School Crossing Supervisor however additional counts will be carried out by the Roads and Traffic Authority of NSW and an assessment will be undertaken. Counts conducted on Wednesday 24 March 2010 found there were 10 unaccompanied children, 24 children with adults and 24 adults in a one hour period after school in the afternoon.

COMMITTEE ADVICE:

That the item for Pottsville Public School be brought forward to the May 2010 meeting of the Local Traffic Committee.

Current Status: That Item 3 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 24 June 2010 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 22 April 2010)."

From meeting held 22/7/10

Further advice has been received from the Roads and Traffic Authority of NSW that the pedestrian warrant counts were not met for a school crossing supervisor and advice would be forwarded from the Roads and Traffic Authority of NSW to the school directly.

COMMITTEE ADVICE:

That the advice from the Roads and Traffic Authority of NSW regarding a school crossing supervisor at Pottsville Public School be noted.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 19 August 2010 in the Mt Warning Meeting Room commencing at 9.30am.

Mr Provost provided a list of issues for the next meeting of the Local Traffic Committee.

The Roads and Traffic Authority of NSW Representative advised of a speed review of the Tweed Valley Way from Condong to Murwillumbah.

Cr Skinner requested that an item be placed on the Agenda for the next Local Traffic Committee meeting which considers public and road safety at the intersection of Chinderah Road and Chinderah Bay Drive, especially in relation to the proposed improvements to the Chinderah Bay foreshore at this location. This should include consideration of a pedestrian refuge crossing near the existing bus stop on Chinderah Bay Drive.

There being no further business the Meeting terminated at 11:40am.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A1 [LTC] Jack Evans Boat Harbour Site - Tweed Heads

Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

A1 [LTC] Jack Evans Boat Harbour Site - Tweed Heads

That "Vehicles over 6m prohibited" signage be installed at the entrance of the recently completed Jack Evans Boat Harbour carpark off Boundary Street.

44 [SUBCOM] Minutes of Subcommittees circulated to Councillors with this Agenda not requiring a Council decision

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 July 2010 (ECM 20231217).
 2. Minutes of the Tweed Equal Access Advisory Committee Meeting held Wednesday 21 July 2010 (ECM 20181231).
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ORDERS OF THE DAY

45 [NOR-Crs B Longland, K Milne and D Holdom] Pottsville Shopping Village

NOTICE OF RESCISSION:

Councillor B Longland, K Milne and D Holdom move that Council resolution at Minute No 518 in relation to Item 71 of the Meeting held 20 July 2010 being:

518

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:-

1. *Council schedules a Workshop on a revised shopping village proposal on the Seabreeze/Pottsville site which includes a presentation from the proponents.*
2. *If the community wishes to have a meeting with Council, such a meeting be organised.*

be rescinded.

46 [NOM-Cr D Holdom] Code of Meeting Practice - Council Meetings

NOTICE OF MOTION:

Councillor D Holdom moves that the time for the commencement of the Council meetings as shown in the Code of Meeting Practice (Version 2.0 adopted 26/2/2010) at s1.1.2 be amended to read "*Council Meeting to be held on the third Tuesday of the month from 3.30 pm*".

47 [NOM-Cr W Polglase] Koala Sanctuary

NOTICE OF MOTION:

Councillor W Polglase moves that Council requests the Koala Advisory Committee to give consideration to investigate the opportunity of creating a koala sanctuary in Tweed Shire.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

1 [CNR-CM] Share Farm Agreement - Part Lot 602 DP 1001049 - Duranbah

REASON FOR CONFIDENTIALITY:

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [EO-CM] Potential Council Owned Employment Land - Wardrop Valley

REASON FOR CONFIDENTIALITY:

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

3 [EO-CM] Purchase of Land for Proposed Sportsfields Part Lot 3 DP 1000385 Fraser Drive, Tweed Heads West

REASON FOR CONFIDENTIALITY:

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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