

010 [EO-OC] EC2005-033 Quarterly Variation Report on Contract - Construction of the Kingscliff Sewage Treatment Plant

ORIGIN:

Contracts

FILE NO: GC12/3-200533 Pt1

SUMMARY OF REPORT:

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

Construction commenced on 6 February 2006 and is scheduled to be finished by December 2007.

The Council decision required reporting, on a quarterly basis, on variations approved under delegation by the Director of Engineering and Operations. The total approved variations to the end of September 2006 is \$2,137,940.90 (GST Excl.). This is within the current limit of delegated authority of 10% of the original contract sum (i.e. \$2,997,073.00 -GST exclusive).

In addition to the variations detailed in this report for the quarter to 30 September 2006, there are a number of other variations (and potential variations) under consideration resulting from additional works and poor foundation conditions (Latent Condition) underlying part of the site. This will result in further variations to the contract sum, potentially of the order of \$1.25m. Accordingly, an increase of the Director of Engineering and Operations delegated authority to a total of 20% of the original contract sum is requested, (i.e. up to \$5,994,146).

RECOMMENDATION:

That:-

- 1. The September 2006 Quarterly Variations of \$745,421.57 (exclusive of GST) for Contract EC2005-033 Construction of the Kingscliff Sewage Treatment Plant, be received and noted:-**
 - a) Variation No.16 - Poly Batch Plant, Upgrade to Omron PLC (\$5,272.00 GST Excl.)**
 - b) Variation No.17 - Grit Concentrator added to the Inlet Works (\$6,500.00 GST Excl.)**

- c) Variation No.18 - Clarifier Conduits- change central conduit material from PVC to stainless steel (\$2,425.00 GST Excl.)
- d) Variation No.19 - Stopboard for Dechlorination Tank (1.160 wide x 3.200m high) (\$9,685.00 GST Excl.)
- e) Variation No.20 - FRH unable to operate from site offices at Kingscliff due to delays in provision of ADSL phone/internet services. FRH had to set up temporary offices at Tweed Heads South to run the project for 4 weeks (\$7,475.00 GST Excl.)
- f) Variation No.21 - Extension of services to future Mechanical and Electrical Workshop (\$47,495.00 GST Excl.)
- g) Variation No.22 – Negative variation for deletion of subsoil drains under road kerbs (-\$19,095.00 GST Excl.)
- h) Variation No.23 - Extra tests and impact rolling of area 1A due to poor foundation conditions (\$6,132.17 GST Excl.)
- i) Variation No.24 - Place and remove additional material for preload of Inlet Works and Oxidation Tank to help remedy poor foundation conditions (\$98,666.00 GST Excl.)
- j) Variation No.25 – Negative variation to replace 63mm Service with 50mm Services for Hose Cocks (-\$1,604.70 GST Excl.)
- k) Variation No.26 – Increase capacity of Sludge Lagoons (\$130,000.00 GST Excl.)
- l) Variation No.27 – Provide power Supply to future Mechanical and Electrical Workshop and extend electrical conduit to Control Building (\$61,815.00 GST Excl.)
- m) Variation No.28 – Negative variation for deletion of 40mm topping to floors of both Clarifiers (-\$36,340.00 GST Excl.)
- n) Variation No.29 – Negative variation for Sludge Dewatering Building equipment size reductions and improvements (-\$47,859.00 GST Excl.)
- o) Variation No.30 - Negative Variation due to reduction in scope of works due to raising of Sludge Lagoons: avoiding working in groundwater, avoiding acid sulfate treatment of spoil, revised lining system, revised concrete mix (-\$104,080.00 GST Excl.)
- p) Variation No.31 - Additional Costs Sludge Dewatering Plant: revised price for the alternative equipment and training for sludge dewatering facility. (\$73,277.10 GST Excl.)
- q) Variation No.32 - Construction of additional joints in walls and slab of Oxidation Tank to accommodate potential differential settlement due to unexpected poor foundation conditions. (\$495,469.00 GST Excl.)
- r) Variation No.33 - Redesigned thrust blocks (2 off) with steel reinforcement and larger footprint required as original design did not take into account multi pipes (\$1,895.00 GST Excl.)
- s) Variation No.34 - Installation of additional monitoring equipment to assess performance of preload material above Oxidation Tank (relates to poor foundation conditions). (\$8,294.00 GST Excl.)

2. The Director of Engineering and Operations' delegated authority be increased from the current 10% of the original contract sum (i.e. \$2,997,073) to a total of 20% of the original contract sum, (i.e. \$5,994,146).

REPORT:

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

A status report for the Kingscliff STP project is attached as Appendix A to this report.

1. Quarterly Variation Report

The major variations for the September quarter (and total contract period) have been a consequence of either:

- redesign to improve operational performance,
- redesign to improve constructability,
- optimisation of equipment to improve operational performance
- redesign as a consequence of poor foundation conditions (Latent Condition),
- activities as a consequence of poor foundation conditions (Latent Condition), and
- delay costs incurred by the contractor as a result of poor foundation conditions (Latent Condition).

In accordance with the Council decision requiring a quarterly report on variations, the subject variations, during the September quarter 2006, are listed for Councils information, as follows:

Variation No.	Description	Amount (Exc GST)	Status
16.	Poly Batch Plant PLC: Upgrade standard PLC to Omron PLC to be consistent with Council's preference for PLCs.	\$5,272.00	Approved
17.	Grit Concentrator to Inlet Works. Not included in original contract. Required for performance improvement.	\$6,500.00	Approved
18.	Clarifier Conduits: Change of central electrical conduit from PVC to stainless steel to increase life of conduit.	\$2,425.00	Approved
19.	Stopboard for Dechlorination Tank not included in original design. 1.16 wide x 3.2m high stopboard required for performance improvement.	\$9,685.00	Approved
20.	FRH unable to operate from site offices at Kingscliff due to delays in provision of ADSL phone/internet services. FRH had to set up temporary offices at Tweed heads south to run the project for 4 weeks.	\$7,475.00	Approved
21.	Extension of services to Mechanical and Electrical (M&E) Workshop, (includes water sewer, reuse water). This work removed from M&E Workshop contract with a resulting equivalent saving in cost of Workshop. Also avoided potential interface conflict between FRH and M&E Workshop contractor.	\$47,495.00	Approved

Variation No.	Description	Amount (Exc GST)	Status
22.	Deletion of Subsoil drains to standard road kerb design. Subsoil drains not required due to alternative drainage/embankment design. Negative variation.	-\$19,095.00	Approved
23.	Extra tests and impact rolling area 1A required due to poor foundation conditions encountered under oxidation tank and clarifiers (Latent condition). Extra work required to verify if Latent Condition existed and its' extent.	\$6,132.17	Approved
24.	Place and remove additional material for preload to Inlet Works and Oxidation Tank. Part of the solution to the poor foundations encountered under the oxidation tank and clarifiers was to provide a preload to reduce post construction differential foundation settlement.	\$98,666.00	Approved
25.	Replace 63mm Service with 50mm Services for Hose Cocks. Reduced size lowered cost without compromising operational effectiveness of system. Negative variation.	-\$1,604.70	Approved
26.	Increase capacity of sludge lagoon: Capacity increased by approx 15% by increase wall gradient from 1:3 to 1:1. This will improve operation of sludge lagoons and will reduce extent of future sludge lagoons required for stage 2 of the plant upgrade. (Note related negative variation No 30).	\$130,000.00	Approved
27.	Provision of Power Supply to M&E Workshop and extend electrical and communications to the Control Building. This work removed from M&E Workshop contract with a resulting equivalent saving in cost of Workshop. Also avoided potential interface conflict between FRH and M&E Workshop contractor.	\$61,815.00	Approved
28.	Deletion of 40mm Topping to floors of both Clarifiers. Topping not required with improved equipment design and construction techniques. Negative variation.	-\$36,340.00	Approved
29.	Sludge Dewatering Building Equipment and Building changes: optimisation of equipment sizes and improvements combined with minor changes to building details will improve operational performance. Negative variation. (Note related positive variation No 31).	-\$47,859.00	Approved
30.	Reduction in scope of works due to raising of sludge lagoons: avoids work in groundwater, avoids acid sulphate treatment of spoil, revised lining system, and revised concrete mix. Negative variation.	-\$104,080.00	Approved
31.	Additional Costs Sludge Dewatering Plant: Alternative centrifuge, conveyors, other minor equipment and revised training requirement. Will enhance operational performance.	\$73,277.10	Approved
32.	Poor foundations under Oxidation Tank necessitated redesign. Additional reinforcement and additional joints in walls and floor slab of Oxidation Tank required to accommodate potential differential settlement, (up to 175mm).	\$495,469.00	Approved

Variation No.	Description	Amount (Exc GST)	Status
33.	Thrust blocks (2 off) for incoming and outgoing pipework redesigned to accommodate multiple large diameter pipes in same trench. Resulted in steel reinforced thrust block with increased bearing area. (Original design did not take into account multi pipes).	\$1,895.00	Approved
34.	Installation of additional settlement monitoring equipment required to assess performance of preload over the Oxidation Tank. Variation relates to poor foundation conditions.	\$8,294.00	Approved

The net result of the approved variations during the September Quarter is an increased cost of \$745,421.57 (GST Excl.) bringing total variations approved to the end of September 2006 to \$2,137,940.90 (GST Excl.). This is within the current limit (\$2,997,073.00 GST Excl.) of delegated authority given to the Director of Engineering and Operations.

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

2. Increase to the Delegated Authority for the Director of Engineering and Operations to Approve Variations.

The Director of Engineering and Operations currently has delegated authority to approve contract variations up to a total of \$2,997,073 (i.e. 10% of the original contract sum).

Variations for additional works and delay costs are currently under review.

The estimated value of variations for additional works is of the order of \$200,000. These include improved electrical services and control systems, additional earthworks, additional landscaping, pipework changes and building works modifications.

Delay costs resulting from poor foundations (i.e. Latent Condition) under the Oxidation Tank, Clarifiers and adjacent structures fall into two categories, delays incurred to date and subsequent delays. Negotiations with FRH on costs for delays experienced to date are nearing completion and are expected to result in payment to the contractor of approximately \$550,000. Subsequent delay costs are difficult to determine accurately at present but will be significant. Costs of the order of \$500,000 are expected.

Variations currently under review are expected to be resolved and approved by mid to late October 2006. At this time, the total value of approved variations will be approaching the limit of the Director of Engineering and Operations' delegated authority, (i.e. \$2,997,073). It is important that the Director of Engineering and Operations have adequate delegated authority to approve future variations to ensure that management of contract variations is undertaken within time limits specified within the contract.

Approval is requested to increase the Director of Engineering and Operations delegated authority from the current 10% of the original contract sum (i.e. \$2,997,073) to a total of 20% of the original contract sum, (i.e. \$5,994,146).

The following September 2006 Progress Report is provided for Council's information.

PROJECT: Kingscliff Sge: Construction of STP	PROGRESS REPORT DATE: September 2006
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SCOPE OF PROJECT

Construction of a new 25,000EP Sewage Treatment Plant at Kingscliff & decommissioning of existing STP. Management of concept, design and construction phases.

PROGRAM MILESTONES

	Target	Actual
<i>New STP</i>		
Completion of Construction	Oct 07	
Process Commissioning	Dec 07	
<i>Decommission Existing STP</i>		
Preconstruction Complete	Jun 08	
Let Contract	Jul 08	
STP Decommissioned	Feb 09	

PROJECT FUNDS

Budget Allocation	\$43,000,000
Preconstruction (Concept, Design, Fees, Interim Works, etc)	\$3,098,866
Contract - Value @ LOA	\$29,970,729
Contract - as Varied at 30/09/06	\$32,108,669
Contract - Forecast Final Cost	\$35,400,000
Works by Council	\$919,621
Process Commissioning	\$250,000
Contract & Proj Mgmt (new STP only)	\$914,870
Decommission Existing STP	\$2,506,000
Land Matters	-\$2,790,674
Project Contingency	\$2,375,000
Total Project Cost	\$42,673,683

PROJECT CASHFLOW

2006	Prev	Aug	Sept	Oct	Nov	Dec
Predic	6,693	1831	1855	1829	1829	1861
Actual	7193	1713				
2007	Jan	Feb	Mar	Apr	May	Jun
Predic	1829	1829	1861	1831	1934	1966
Actual						
2007	July	Aug	Sept	Oct	Nov	Dec
Predic	1934	2092	2170	2144	2223	1147
Actual						

PROGRESS FOR PERIOD

New STP - Overall percentage complete	25%
Contract Construction	20%
Works by Council	90%
Commissioning	0%
Decommission Existing STP - Overall percentage complete)	0%
Preconstruction	0%

- New STP; Bulk Earthworks 100%, Oxidation Tank floors 10%, CCT, EPS concrete works 80%, Control, Chemical & Sludge Dewatering Buildings 5%, Pipes & Conduits 40%, Sludge Lagoons 45%. Council works 95%.

CONTRACTOR PERFORMANCE

- FRH have lost 52 days to wet weather and 40 days due poor foundations (Latent Condition). Despite this FRH are achieving good progress. FRH expect PC in Nov/Dec 2007 provided no excess wet weather.
- Quality of work is good. Safety good.
- Initial poor environmental management has improved to acceptable level.

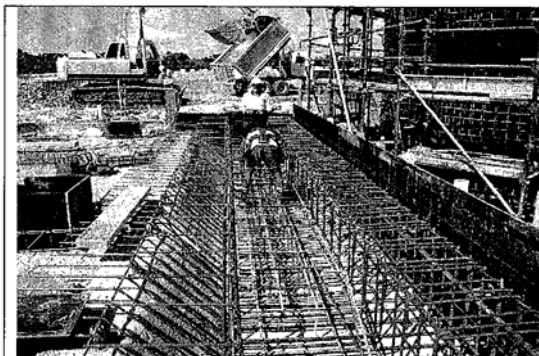
ISSUES/ACTIONS FOR TSC

- Nil

COMMENTS/RISKS

- Delay claim for Latent Condition resolved at \$0.45m but there will be future flow-on delays which will cost \$0.3m to \$0.6m (very approx).
- Despite additional foundation work and redesigns, still some risk of differential settlement to Oxidation Tank and associated repairs.



PROJECT PHOTO



Sludge Dewatering Building Work

SHORT TERM MILESTONES/ACTIVITIES

- Major Works in October; Oxidation Tank concrete work, dewatering clarifier excavation, membrane liner to Sludge Lagoons.
- Start preconstruction for decommissioning of Existing STP.

	Contact: Andrew Grant Telephone: 02 6670 2680 Email: agrant@tweed.nsw.gov.au		Contact: Ian Norris Telephone: 02 6674 1293 Email: inorris@tweed.nsw.gov.au
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LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The subject variations are within the total project budget.

If exercised in full, the increase in the delegated of the Director of Engineering and Operations to a total of 20% of the original contract sum, (i.e. \$5,994,146) is within the project budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

O11 [EO-OC] EC2005-193 Quarterly Variation Report on Contract - Design and Construction of the Tertiary Treatment Facility, Murwillumbah Sewage Treatment Plant

ORIGIN:

Contracts

FILE NO: GC12/3-2005193 Pt 1

SUMMARY OF REPORT:

At the Council Meeting of 7 February 2006, a contract was awarded to Water Technology Australia for the design and construction of the Tertiary Treatment Facility at the Murwillumbah Sewage Treatment Plant. The aim of this project is to provide treated effluent suitable for use at the Cogeneration Plant under construction at the Condong Sugar Mill.

The Council decision required reporting, on a quarterly basis, on variations approved under delegation by the Director Engineering and Operations.

The design phase of the contract commenced on 6 March 2006, and on site works commenced on 2 June 2006.

This report gives details of variations approved for the quarterly period between 1 July and 30 September 2006.

RECOMMENDATION:

That the Variations of \$118,357.17 (exclusive of GST), for the period 1 July to 30 September 2006, for Contract EC2005-193 Design and Construction of the Tertiary Treatment Facility, Murwillumbah Sewage Treatment Plant, be received and noted.

REPORT:

Following the awarding of Contract EC2005-193 to Water Technology Australia for the Design and Construction of the Tertiary Treatment Facility at the Murwillumbah Sewage Treatment Plant, design of the facility commenced in March 2006.

The design process revealed several matters of safety, operational and quality detail that have been referred to Council consideration as variations to the original contract brief.

At its meeting of 25 July 2006, Council noted variations 1, 2, 3, 4, 5 and 8 for the value of \$86,803.00 (exclusive of GST) for the period 1 April to 30 June 2006.

In accordance with the Council decision requiring a quarterly report on variations, the additional variations, for the quarterly period 1 July to 30 September 2006, are listed for Council's information as follows:

Variation No	Description	Amount (Exc GST)	Status
6.	Supply and install membrane tank platform, ladders and railing	\$36,212.00	Rejected
7.	Relocation of recycle pump skid	\$20,779.00	Approved
9.	Additional stairs to switch room building	0	Approved
10.	Back pulse tank access platform	\$ 4,789.00	Approved
11.	Valve extension spindles for membrane tank actuated valves	\$ 4,568.17	Approved
12.	Additional safety shower	\$ 4,945.00	Approved
13.	Additional I.O for E-stop and isolators	\$ 4,858.00	Approved
14.	Supply & installation of UPS for PLC and associated works	\$ 8,524.00	Approved
15.	Supply & installation of speed pot control (VSDs only)	\$ 5,383.00	Approved
16.	Powder coating of roller doors and colour change for PA door	\$ 2,404.00	Approved
17.	Outdoor pipework to be stainless steel in lieu of PVC	\$47,415.00	Approved
18.	Supply and install stormwater pits and pipe from control building	\$ 6,750.00	Approved
19.	Supply & install handrailing around clearwater and backwash pumps	\$ 7,942.00	Approved

The nett cost of the approved variations, for the quarter, is \$118,357.17 or 4.86% on the original contract sum of \$2,437,350.00.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

UNDER SEPARATE COVER:

Nil.

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012 [EO-OC] EC2006-114 Supply and Delivery of One (1) 25,000 Kg Operating Weight Screening Machine

ORIGIN:

Works

SUMMARY OF REPORT:

Tenders closing Wednesday 30 August 2006 were invited for the supply of one (1) 25,000 kg Operating Weight Screening Machine Plant Number 9904. The screening machine is a direct replacement of the existing screening machine and therefore Council has called for the Trade/Sale of the current unit.

Following evaluation in accordance with the specified criteria, the offer from Precision Screen Pty Ltd for the supply of one (1) Fintec 542 Screening Machine is recommended. It is further recommended that Council trade/sell the existing Lincom Power Screen complete with two (2) stock pilers.

RECOMMENDATION:

That Council: -

- 1. Accepts the tender from Precision Screen Pty Ltd for the supply of one (1) Fintec 542 Screening Machine in accordance with Tender No EC 2006-114, for the price of \$228,030.45 GST exclusive. Plant No 9904.**
- 2. Trades/Sells one (1) surplus to requirements Lincom Power Screen complete with two (2) stock pilers to Precision Screen Pty Ltd 39 Quindus Street Wacol QLD 4076 for \$64,000.00 GST exclusive. Plant No 9904.**

REPORT:

Tender EC2006-114, closing Wednesday 30 August 2006, invited tenders for the supply of one (1) 25,000 Kg Operating Weight Screening Machine. The tenderers are listed below: -

Tenderers:

Stricker Crushing And Screening
Precision Screen Pty Ltd
Extec Sales and Distribution Pty Ltd
Power Screen Australia Pty Ltd
Synergy Mining Systems Pty Ltd
Screen Masters Australia Pty Ltd
Screen Master Australia Pty Ltd
Finlay Screening & Crushing Systems Pty Ltd

Tenders are analysed in a separate confidential attachment.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funds have been voted in the current 2006/2007 budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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- 1. Confidential Attachment** - Supplementary Information - EC2006-114 Supply and Delivery of One (1) 25,000 kg Operating Weight Screening Machine (DW 1475934).
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013 [EO-OC] Application to Close and Relocate Part of Road Reserve - Parish of Condong

ORIGIN:

Design

FILE NO: GR3/12/1

SUMMARY OF REPORT:

Council has received an application to close and relocate part of a road reserve, which runs through Lot 4 in DP 231719. The road reserve is currently used as part of the Koala Wanderers Walking Trail and has been fully surveyed by Council Officers.

An application to the Department of Lands to transfer the Crown road reserve to Council has been made and is awaiting confirmation and gazettal.

The landowner has proposed that upon the closure of the current road reserve a newly created road reserve will be opened at an alternate site, within Lot 1 in DP 771838.

Councils Policy on Road Closure and Private Purchase provides under the heading of exceptions to Roads not eligible for closure, at item 2

“Applications will be considered for closing road reserves where the proponent is opening a more negotiable corridor serving the same access role.”

This application clearly falls within the parameter of this notation by providing an alternate road reserve, which will serve the same purpose as the current road reserve being that of the Koala Wanderers walking trail.

RECOMMENDATION:

That :-

- 1. Council approves the closure of the road reserve, which runs through Lot 4 DP 231719 being approximately 90m in length and 20.115m in width.**
- 2. The applicant bears all the survey and legal costs and opens an alternate road reserve at their cost, within Lot 1 DP 771838, approximately 200m in length and 20.115m in width, as per the attached diagram.**
- 3. The title of the closed road be consolidated with the adjacent land at the applicants cost.**

4. Easements be created over public authority reticulation services, as required.
5. All necessary documentation be executed under the Common Seal of Council.

REPORT:

Council has received an application to close and relocate part of a road reserve, which runs through Lot 4 in DP 231719. The road reserve is currently used as part of the Koala Wanderers Walking Trail and has been fully surveyed by Council Officers.

At present the road reserve, and thus the walking trail, pass directly across the rear of the dwelling located in Lot 4. The owner of the property has requested that the road be closed to ensure both privacy and a reduction in the risk to members of the public as far as public liability is concerned.

An application to the Department of Lands to transfer the Crown road reserve to Council has been made and is awaiting confirmation and gazettal.

At Councils meeting of 2 May 2006 it was resolved that *“Council does not approve the closure of the section of Crown Road reserve at Clothiers Creek, which adjoins Lot 4 in DP 231719”* due to the fact that the road reserve does form part of an internationally renowned walking trail, and as it would sever the current network of roads which potentially provide access to other properties.

The owner of the property has again made application to close this section of road, measuring approximately 90m in length. In exchange for the closure of the road reserve the landowner has offered to provide an alternate road reserve measuring approximately 200m in length within Lot 1 in DP 771838, which will maintain the network of roads and continue to provide walkers with full pedestrian access. The landowner has verbally agreed that should Council accept this proposal, he would ensure the continued maintenance of the walking trail signage and the proposed road reserve.

Council officers have inspected the site and confirm that the proposed road reserve would provide an acceptable alternative to the current road reserve as well as providing a more visually pleasing outlook to walkers. The proposed road reserve is an open flat surface, grassed and easily traversed. The new route along the proposed road reserve offers uninterrupted views to Mount Warning and the surrounding landscape.

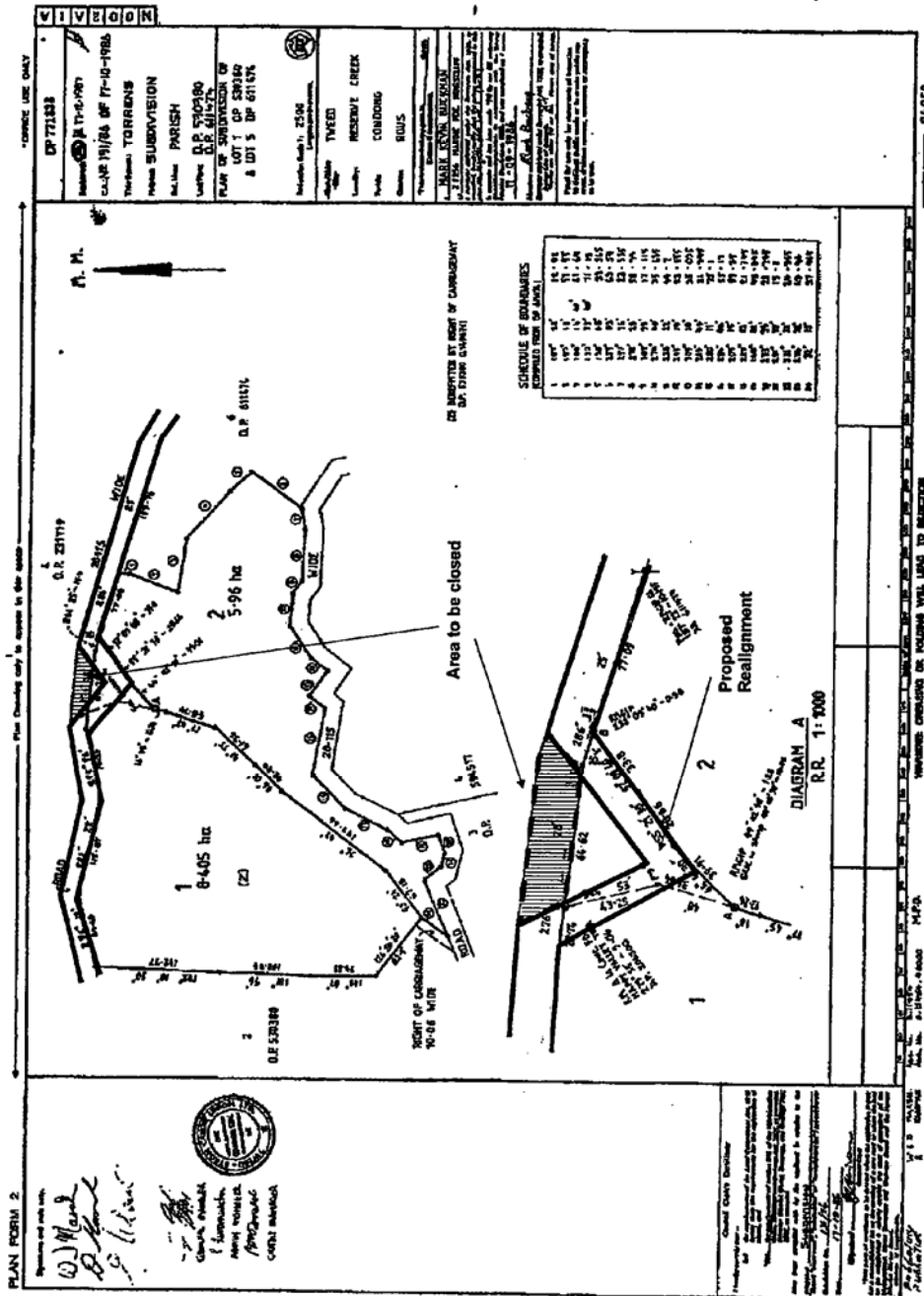
Councils Policy on Road Closure and Private Purchase provides under the heading of exceptions to Roads not eligible for closure, at item 2

“Applications will be considered for closing road reserves where the proponent is opening a more negotiable corridor serving the same access role.”

This application clearly falls within the parameter of this notation by providing an alternate road reserve, which will serve the same purpose as the current road reserve being that of the Koala Wanderers walking trail.

At the inspection of the site it was determined that no Council or other service infrastructure was apparent within or near this part of the road reserve that would have any detrimental impact.

Below is a plan, which shows the existing road reserve within Lot 4 DP 231779 and the proposed site of the realigned road reserve within Lot 1 in DP 771838.



Proposed Road Reserve Realignment Plan - Hammond Drive, Clothiers Creek
 Prepared by PLANIT CONSULTING on behalf of David Perry - Sept 2006 - Plan No.1A

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O14 [EO-OC] Application to Close and Purchase Part of Road Reserve - Everinghams Road, Pumpenbil

ORIGIN:

Design

FILE NO: GR 3/12/12

SUMMARY OF REPORT:

Council has received an application to close and purchase part of a road reserve, which runs through Lot 4 in DP 1071380. A copy of the Deposited Plan is attached. The property has been purchased recently and a preliminary site plan indicates that the positioning of the proposed dwelling will encroach the current road reserve. Due to the topographical restraints of the property the optimal site for a dwelling is limited to the area currently proposed on the site location plan.

Everinghams Road is situated immediately north of the road reserve. This road reserve is formed and sealed. It appears unlikely that the unformed section of the road reserve within Lot 4 DP 1071380 will ever be utilised by Council.

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

RECOMMENDATION:

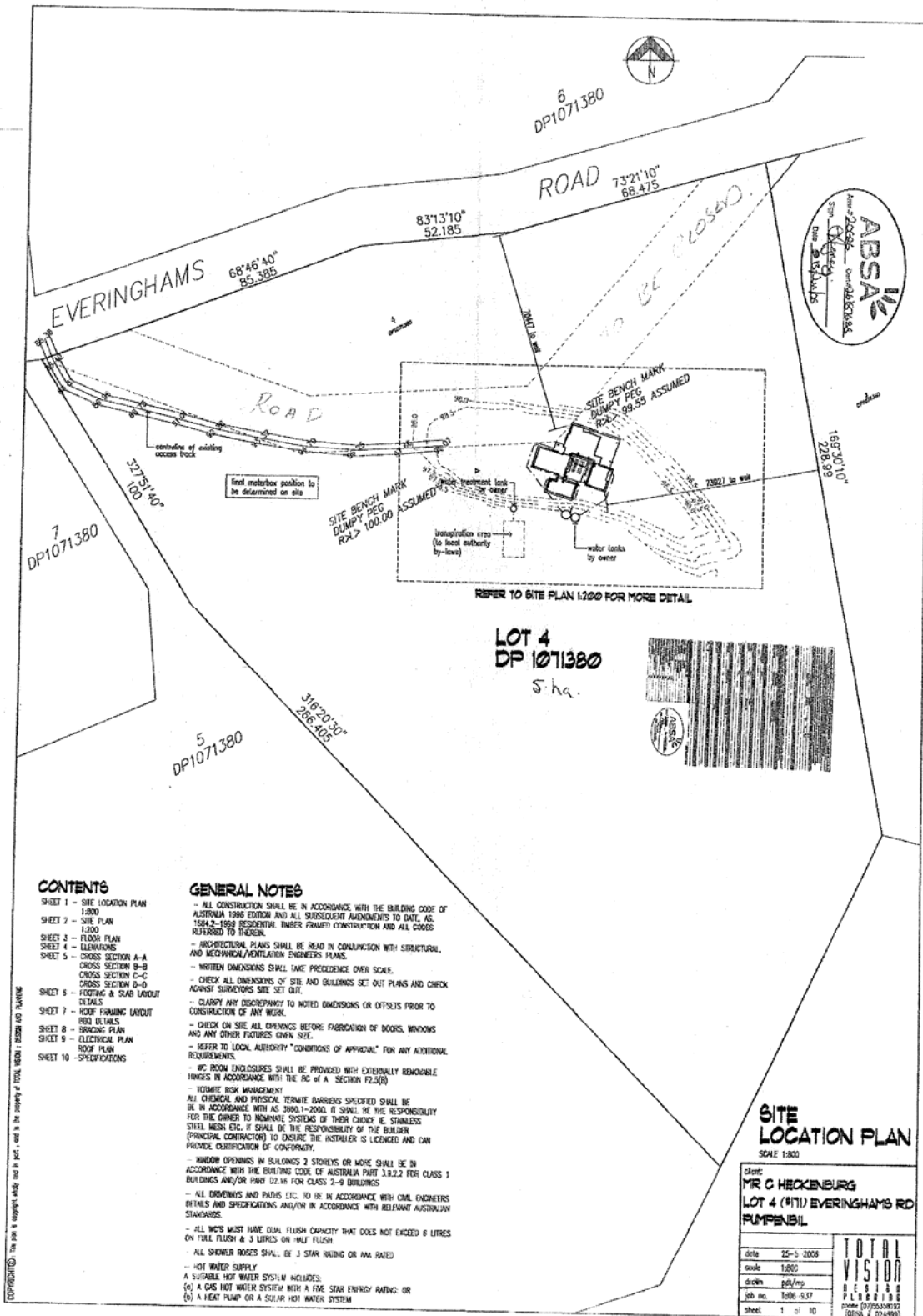
That:-

- 1. Council approves the closure of the road reserve, which runs through Lot 4 DP 1071380;**
- 2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;**
- 3. The title of the closed road be consolidated with the adjacent land at the applicant's cost;**
- 4. Easements be created over public authority reticulation services, as required; and**
- 5. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

As per summary.

Site Location Plan



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

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015 [EO-OC] Acquisition of Easements within Crown Land and Lot 2 DP 727324 - Murwillumbah

ORIGIN:

Design

SUMMARY OF REPORT:

Easement for Sewer Rising Main - DP 1042666

Following the construction of a sewer rising main in 2002, it was necessary to create easements where the rising main was located on freehold land and the Murwillumbah Showground being Crown land held under Trust by the Murwillumbah Showground Trust. A survey plan for the acquisition of Easements for Rising Main 3 and 4 metres wide was prepared and registered as DP 1042666 following completion of the works.

The Showground Trust and affected landowner provided their consent to the acquisition of the easements within their properties and now it is necessary to proceed with an application to the Department of Local Government to complete the acquisition.

Easement for Sewage 4 wide & Easement to Drain Water 4 wide and Variable - DP 1093716

Drainage works in 2006 within the Murwillumbah Showground revealed that a 150mm gravity main was located in the south-eastern corner of Portion 49, in the vicinity of a manhole that was constructed as part of the drainage works.

A survey plan for the acquisition of the Easement for Sewage 4 metres wide and variable width and Easement to Drain Water 4 wide and variable width was registered as DP 1093176 following completion of the works.

The Showground Trust has provided its consent to the acquisition of easements for both the drainage works and the gravity main.

The acquisitions are to proceed under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purposes of the Local Government Act, 1993 whereby an application is to be made to the Department of Local Government for approval to the acquisition.

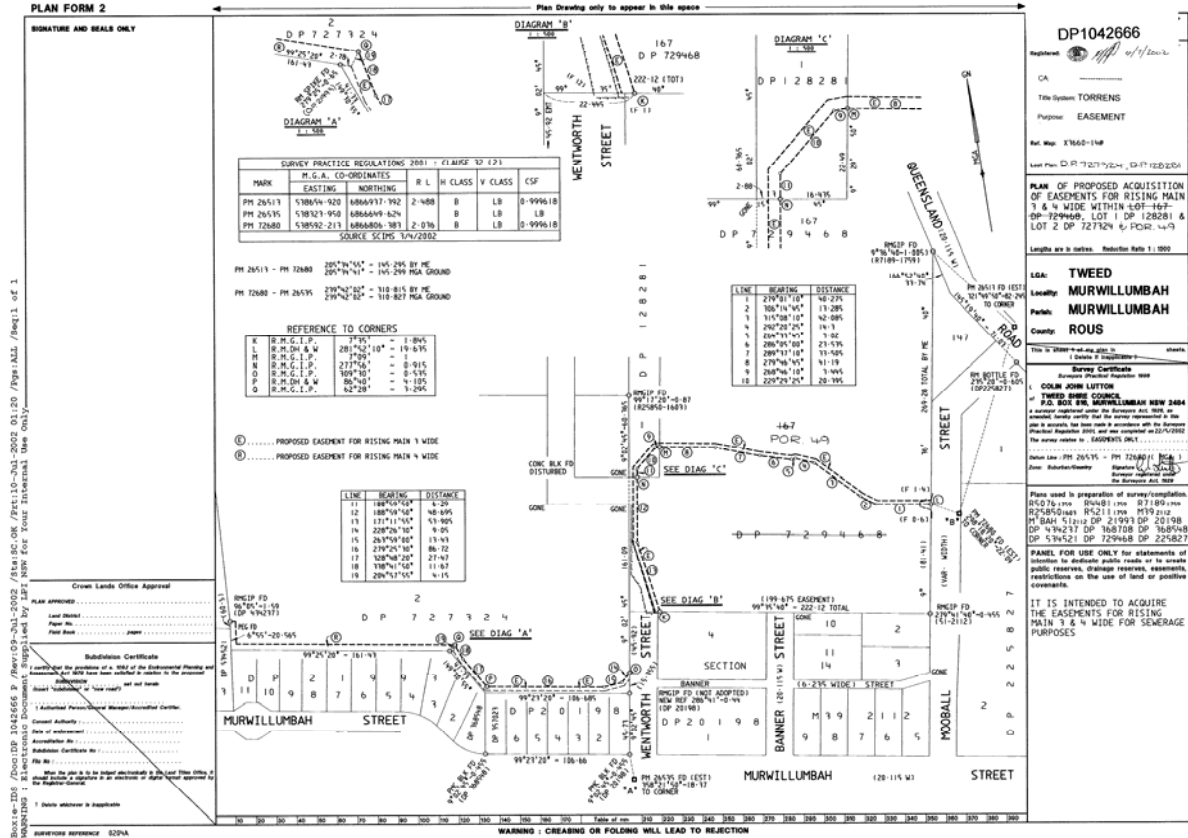
RECOMMENDATION:

That:-

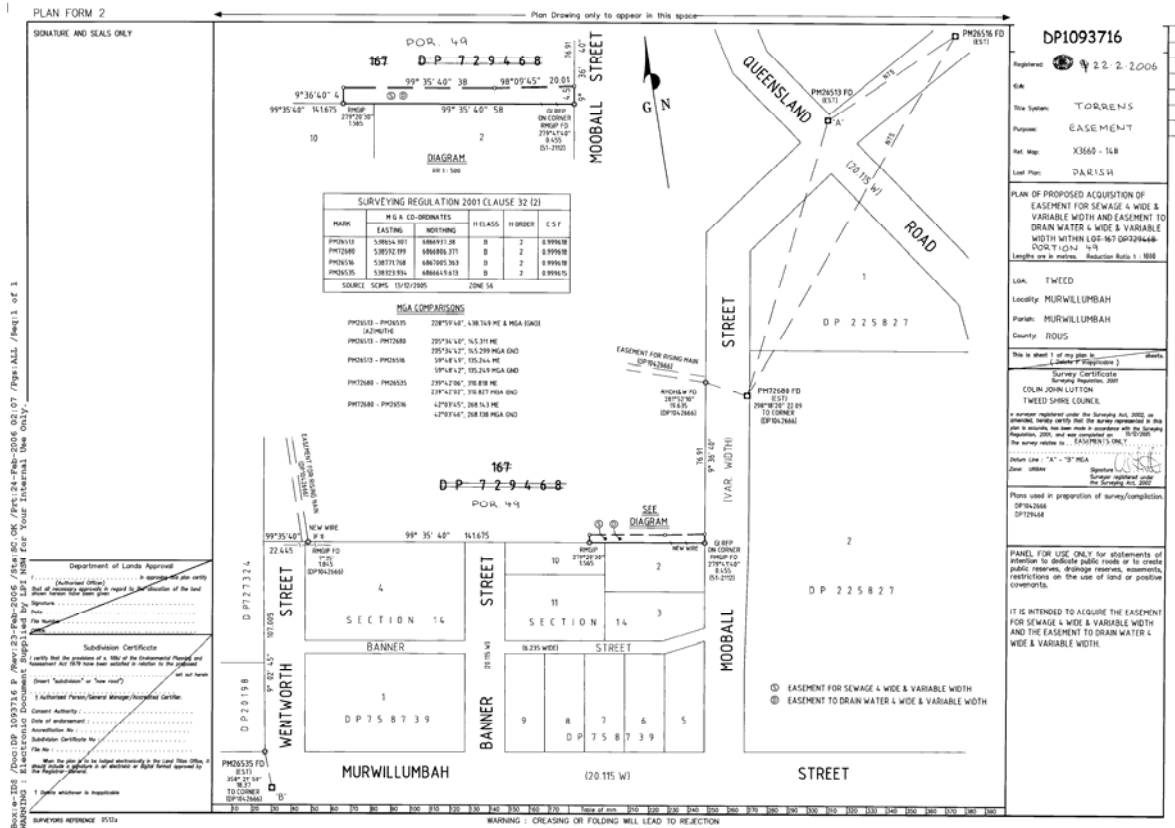
- 1. Council approves the acquisition of Easements for Rising Main 3 and 4 metres wide within Lot 1 DP 128281 and Lot 2 DP 727324 and Portion 49 DP 755724 registered as DP 1042666 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor;**
- 2. Council approves the acquisition of Easements for Sewage 4 metres wide and variable and Easement to Drain Water 4 metres wide and variable within Portion 49 DP 755724 registered as DP 1093716 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor; and**
- 3. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report. Copies of DP 1042666 and DP 1093716 are shown below:



WARNING: CREATING OR FOLDING WILL LEAD TO REJECTION



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council will request the waiving of compensation for the easement from the Department of Lands. Compensation may be payable to the private landowner should a claim be made upon receipt of notification of approval by the Department of Local Government.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

O16 [EO-OC] Roads to Recovery Supplementary Program

ORIGIN:

Works

SUMMARY OF REPORT:

Reporting on the proposed projects to be undertaken under the Roads to Recovery Supplementary Program.

RECOMMENDATION:

That the projects included on the Roads to Recovery Supplementary Program are –

- 1. Tyalgum Road 2.4km from Tyalgum – Rehabilitation of pavement for 0.8km;**
- 2. Bilambil Road Terranora – rehabilitation of pavement from Gladioli Avenue to Naponyah Road – 1.1km;**
- 3. Coronation Avenue Pottsville – rehabilitation of pavement from Phillip Street west for 0.4km;**
- 4. Wardrop Valley Road Murwillumbah – widening and strengthening of pavement from Lundberg Avenue to Pistol Club – 0.75km.**

REPORT:

Council has been advised by the Minister for Local Government, Territories and Roads, Mr Lloyd, of the Roads to Recovery Supplementary Program. This program is additional to the Roads to Recovery program. The grant allocation to Tweed Shire Council under the Supplementary Program equals 25% of the total of the 4-year Roads to Recovery Program grant, that is \$1,028,110. This grant amount has been received.

While the first year of the normal Roads to Recovery Program has been applied to the sealing of school bus routes, it is proposed to apply the Supplementary Program funds to rehabilitation and strengthening of existing sealed road pavements.

Based on the condition assessment of deteriorated sealed pavements and their associated maintenance demands, the Maintenance Engineer has recommended the inclusion of the following roads –

- Tyalgum Road 2.4km from Tyalgum – Rehabilitation of pavement for 0.8km – estimated cost \$185,000
- Bilambil Road Terranora – rehabilitation of pavement from Gladioli Avenue to Naponyah Road – 1.1km – estimated cost \$275,000
- Coronation Avenue Pottsville – rehabilitation of pavement from Phillip Street west for 0.4km – estimated cost \$190,000

Wardrop Valley Road will serve the new industrial precinct in South Murwillumbah, and will be required to carry high traffic volumes and heavy loads. To support these traffic loads and in accordance with development standards for such precincts, the road pavement needs to be widened and strengthened. The inclusion of an estimated \$378,110 for this work from the Supplementary Program is recommended. (Co-funding for this project is coming from developer contributions for road upgrading.)

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

017 [EO-OC] RR-ISK Program

ORIGIN:

Works

SUMMARY OF REPORT:

Youth have been identified as an at risk group in regards to vehicle crashes and harmful behaviours associated with alcohol and drug use.

Council has been a partner in the Reduce Risk - Increase Student Knowledge program since 2002. This program is designed to address these risky behaviours through education of school students in the north coast.

The National Roads and Motorists' Association (NRMA) has provided \$5,000 toward the costs of conducting this year's program.

RECOMMENDATION:

That Council accepts the \$5,000 contribution from the NRMA for the conduct of the RR-ISK program and ratifies the expenditure on the program.

REPORT:

The Reduce Risk - Increase Student Knowledge (RR-ISK) program is a road safety and health initiative that targets students at high schools on the North Coast. This year, Council, through the RR-ISK Committee, applied for and received \$5,000 funding from the National Roads and Motorists' Association (NRMA) towards the conduct of the program.

The program provides students with skills, attitudes and knowledge required to make informed decisions that will reduce risk taking behaviour associated with driving, drug and alcohol use and celebrating. RR-ISK is an inter-sectoral partnership between Tweed Shire, Ballina and Lismore City Councils, Department of Education, Health Department and Catholic Education Office.

RR-ISK offers timely education on issues appropriate to the developmental stage, social life and concerns of adolescents. The program has been running for nine years on the north coast and in Tweed for four years. RR-ISK involves a range of strategies including skills based learning, support for the senior PDHPE curriculum, newsletter inserts, professional development for teachers and peer leadership training for students. The program culminates each year with a series of RR-ISK Seminars held at Southern Cross University Lismore and at Tweed Heads Civic Centre. Some 26 schools with 2,000 students attend the seminars.

The grant will be used to fund expenses relating to the keynote speaker from the National Drug and Alcohol Research Centre and materials provided to students attending the seminars. The program involves minor costs to Council for stationery expenses and time commitment of the Road Safety Officer's position for coordination of the program.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

O18 [EC-OC] Tweed Heads Civic Centre Precinct Masterplan

ORIGIN:

Director

SUMMARY OF REPORT:

Council has contributed to the cost of the development of a formal Masterplan for the Tweed Heads Civic Centre Precinct. The Masterplan has not been considered or endorsed by any of the stakeholders at this point in time and therefore currently has no status. One of the proposals has identified the use of part of the Council owned land on the corner of Brett and Wharf Streets for future development of a 6 storey university building. The Southern Cross University has sought an early indication from Council of its position in regard to that proposal.

RECOMMENDATION:

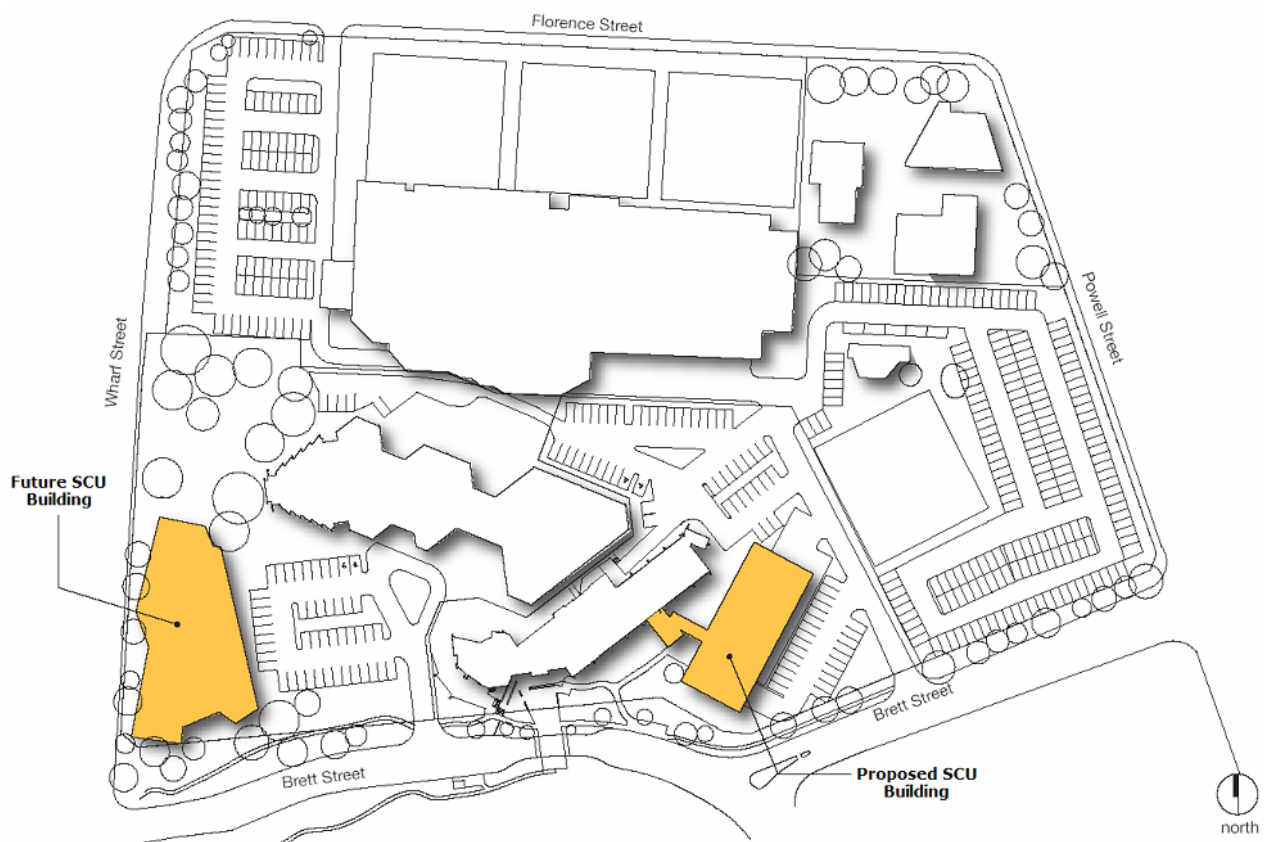
That Council exhibits for public comment a proposal of the Tweed Heads Civic Centre Precinct Masterplan which includes the proposition of sale or lease of the site on the corner of Brett and Wharf Streets Tweed Heads to the Southern Cross University for possible future expansion of the Tweed Heads Campus.

REPORT:

Council has previously resolved to contribute \$10,000 towards a Tweed Heads Civic Centre Precinct Masterplan. The plan includes land owned by Council and the Southern Cross University and was developed by Planning Consultants, URBIS.

In the absence of endorsement by all the stakeholders in the precinct (Anglican Church, Tweed Heads Bowls Club, Council and University), the planning work is regarded as a work in progress which is commercial in confidence and accordingly cannot be released to the public as it has no formal status at this stage.

One option as set out below includes a proposal for a new university building to be located on the south west corner of the site at the intersection of Brett and Wharf Streets.



This proposal obviously includes an increase in the university presence within Tweed Heads.

Both the Tweed Heads Economic Development Strategy and the Tweed Heads Town Centre Masterplan acknowledge the significance of the university presence as a major economic driver for the revitalization of the Town Centre.

Since opening in 2001 student numbers have doubled. The Campus now supports 1,000 students and 30 staff. The existing 3,000 square metre facility is at full capacity. Currently the university is renting space from the Tweed Heads Bowls Club, renting premises in Wharf Street and occupying demountable buildings behind the Tweed Heads Civic Centre as well as renting the Civic Centre Auditorium and South Sea Islander Meeting Room 3 days per week.

The economic impact on the Tweed regional economy is significant and likely to grow substantially. In January 2006, the Centre for Enterprise Development and Research measured the direct and indirect benefits from the university at \$13.4 million annually and the creation of 126 jobs. These estimates were based on 2002 and 2004 data, so the current impact would be higher. Studies in the Tertiary sector indicate that for every five equivalent full-time students (EFTS), one job is created in the local economy or alternatively in monetary terms each EFTS injects approximately \$40,000 into the local economy.

The university plans to increase student numbers to 2000 (approx 1,000 EFTS) by 2010, increase staff numbers to 65 and increase its current floor space threefold.

The university has advised Council that the current location is not sustainable for the future growth of the university unless it can attain a usable floor space of 12,000 by 2012 and obtain a Wharf Street profile.

Further, it is the strong preference of the university to purchase a portion of the Council owned land on the corner of Brett and Wharf Streets. If the Council is not willing to sell the land, the university would like to negotiate a long term lease.

Whilst the university currently has a development application for a 6-storey building on their own site, being processed by the State Government, the University has indicated that construction will not proceed unless the future growth of the university within the precinct has a degree of certainty.

An urgent decision is required to facilitate the growth of the university within the precinct to enable the forward planning for the university facilities for 2008 and 2009 and in this regard Council has undertaken to provide advice to the university by 28 November 2006.

Disposal of Land

There are no statutory restraints relating to the sale of part of Lot 1 of the Civic Centre site due to its classification, however, any sale of part of Lot 1 would need to adhere to Council's Disposal of Land Policy.

Clause 1 of the policy provides that Council land held in fee simple under the Real Property Act 1990 shall be disposed of by either public auction or by public tender, except in special circumstances as resolved by Council.

It is arguable that any sale of part of Lot 1 to the university could be viewed as "special circumstances" in light of their ownership of Lot 2, which was created for sale to the university. Being an adjacent landowner, a transfer of further land for expansion of the university could be viewed as "special circumstances", as the university will not be an additional land owner within the precinct, rather the ownership of land by the university within the precinct will simply be expanded.

As the land is zoned specifically for either civic centre or university, the use of the land by the university will be within the intentions of the zone and will not be a prohibited use; this adds a further factor in an argument for sale of land in "special circumstances".

Whether the land is to be sold in special circumstances, or by public tender or auction, prior to making any resolution, Council will have to advertise its intentions to dispose of the land and seek submissions relating to the disposal. Any submissions received shall form part of the report to Council prior to any resolution relating to the disposal of the land.

Leasing of Land

There are no statutory restraints for the leasing of the land to the university. The Conveyancing Act 1919 provides that the leasing of land for a term longer than five years (inclusive of option periods) requires the registration of a leasehold plan, which results in a separate title being created for the leasehold area for the duration of the lease. Generally the lessee bears all costs relating to the preparation and registration of such a plan.

Other Issues

A valuation of the land to be sold or leased to the university would be required to determine the market value or market rental to enable negotiations to commence. It is suggested that this be obtained from the State Valuation Office to ensure transparency of the transaction as the parcel is in a prominent location at Tweed Heads and any changes to the precinct will attract a great deal of public attention.

It is also suggested that due to the prominence of the site, that Council in any agreement with the University, includes provision for Council to have input into the form of any proposed building on the site.

This will also provide Council with an opportunity to negotiate on the design concept, as the development falls within SEPP 71 as it is within 100 metres from the Tweed Southern Boat Harbour, the NSW Department of Planning will be the consent authority.

As the administrators are aware, the university needs an urgent response from Council to the possibility of the university purchasing/leasing the land on the corner of Brett and Wharf Streets to allow the future erection of a building as depicted in the Stage 1 proposal.

Should any such arrangement be agreed to, such should be at the current commercial rate, and any arrangement made between the university and Council would be subject to development consent being obtained for the proposed use of the site. Therefore the issues in relation to parking, traffic impact, appearance of the building etc. will all be part of the development application process.

Accordingly it is recommended that Council exhibit the proposal for public comment which includes the proposition of sale or lease of the site on the corner of Brett and Wharf Streets to the university.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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019 [EC-OC] Proposed Transfer of Mobile Fire Assets

ORIGIN:

Acting Director Environment & Community Services

SUMMARY OF REPORT:

The Local Government Association of NSW and Shires Association of NSW advise of a proposal to transfer all mobile fire assets (not buildings) to the NSW Rural Fire Service.

RECOMMENDATION:

That Council advises the Local Government Association of NSW and Shires Association of NSW of its support for the transfer of its mobile fire assets to the NSW Rural Fire Service.

REPORT:

Council is advised that the letter as set out below has been received from the Local Government Association of NSW and Shires Association of NSW.

The letter advises of a proposal to transfer from Council to the Rural Fire Services all mobile fire assets. The proposal follows supporting resolution passed at Annual Conferences of both Associations.

Local Government
Association of NSW



Shires Association of NSW

Our ref R90/1033 wt Out-13786

1 September 2006

Mr Max Boyd
Administrator of Tweed
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

BUSH FIRE BRIGADES

TWEED SHIRE COUNCIL	
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Dear Mr Boyd

Both Associations considered a report at their Executive Council meetings in June 2006 about the suggestion that mobile fire assets (not buildings) be transferred from councils to the NSW Rural Fire Service. At the moment, Section 119(2) of the Rural Fires Act requires these assets to be vested in council.

This action follows supporting resolutions that have been passed at Annual Conferences of both Associations, together with comments from auditors and insurance brokers that councils do not have custody of fire vehicles and may therefore have no insurable interest in them.

Discussions with the Commissioner Koperberg at a recent RFS/LG Liaison Committee concluded that the RFS may be prepared to negotiate legislative amendments to transfer these assets provided there is clear majority support from Local Government.

A Position Paper is attached which outlines pertinent aspects upon which councils are requested to indicate their views on whether support is given to transfer ownership of mobile assets to councils. The paper indicated that there is a risk that the transfer of assets to the RFS could lead to an increase in contributions payable by councils.

Council is requested to indicate their position by 30 September 2006.

Should council wish for further explanations, contact may be made with Warren Taylor, Manager Special Policy Projects, at the Associations by phoning 02 9242 4120 or email warren.taylor@lgsa.org.au

Yours sincerely

Cr Genia McCaffery
President
Local Government Association of NSW

Cr Col Sullivan OAM
President
Shires Association of NSW

GPO Box 7003 Sydney NSW 2001
L8, 28 Margaret St Sydney NSW 2000
Tel (02) 9242 4000 • Fax (02) 9242 4111
www.lgsa.org.au • lgsa@lgsa.org.au
ABN 49 853 913 882

A position paper has also been forwarded and appears as attachment to the Business Paper.

Council's Manager Risk & Human Resources on the insurance issue supports the proposal and Council's Manager Works on the plant issues also supports the proposal.

Accordingly, it is recommended that Council advises its support to the proposal.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. Local Government Association of NSW and Shires Association of NSW - Position Paper (DW1458199)
-

O20 [EC-OC] Control of Burning

ORIGIN:

Environment & Health

SUMMARY OF REPORT:

The Protection of the Environment Operation (Clean Air) Regulation 2002 provides a comprehensive range of controls on burning in the open, including a framework for councils to exercise a level of control that is appropriate to local conditions. The latter is achieved by councils nominating their local government area for listing on Schedule 8 of the Regulation.

RECOMMENDATION:

That Council:

- 1. Seeks an amendment to the Protection of the Environment Operations (Clean Air) Regulation 2002 to list Tweed Shire within Part 2 of Schedule 8 of the Regulation.**

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

REPORT:

The uncontrolled burning of waste such as household rubbish and garden clippings creates an air quality impact that should be avoided. Measures have been introduced over time to control backyard burning and other open burning. The **Protection of the Environment Operations (Clean Air) Regulation 2002** consolidates and builds on these measures.

The Regulation creates a general obligation for anyone who burns in the open or in an incinerator to prevent or minimise air pollution. This requirement applies even in areas where there are no other specific controls on burning. In particular, the person undertaking the burning should take into account the potential for smoke impacts on other people and only burn material that is suitable for burning from a human health and environmental perspective. The Regulation prohibits the burning of certain articles, such as, tyres coated wire, paint and solvent containers and residues and timber treated with copper chromium arsenate (CCA) or pentachlorophenol (PCP).

The Regulation specifically allows local councils to select an appropriate control for their area. The level of control will vary.

- For local government area listed in Part 1 of Schedule 8 of the Regulations, all burning in the open or in an incinerator is prohibited except with an approval.
- For local government areas listed in Part 2 of the Schedule, all burning of vegetation in the open or in an incinerator is prohibited except with an approval. Councils have the powers to grant approvals for burning dead and dry vegetation on the premises on which the vegetation grew. A Council may issue such approval under **Clause 6G(2)** to:
 - (a) a class of people, such as all people living in a certain locality specified by the Council, through a notice published in a local newspaper circulating in the local government area, or
 - (b) a particular person to undertake a one-off burn, through a written notice.
- For local government areas listed in Part 3 of the Schedule, burning anything other than vegetation in the open or in an incinerator is prohibited except with an approval. However **Clause 6F(4)** permits the burning of domestic waste if domestic waste collection services are not available.

Exceptions from the prohibitions within the Regulation do not apply to:

- Burning to give official instruction in fire fighting methods
- Cooking or barbecuing in the open
- Fires for recreational purposes such as camping, picnicking, scouting etc
- Burning vegetation while carrying out agricultural operations.

The Regulation also does not limit or affect any right or obligation to carry out bushfire hazard reduction work.

Tweed Shire Council maintains an existing policy for the general prohibition of burning in residential areas. Many of the complaints received by Council are in relation to the concern for the burning of vegetative matter. Council officers work closely with both the rural and urban brigades to maintain the requirements of the policy. However it is considered the requirements of the policy are better regulated under the provisions of the **Protection of the Environment Operations Clean Air) Regulation 2002**. It is therefore recommended that Council resolves to write to the Department of Environment and Conservation to seek an amendment to the Regulation to include Tweed Shire Council within Part 2 of Schedule 8 of the Regulation and stipulates conditions for the approval.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Will enhance the regulatory powers of Council's existing policy which prohibits burning off within residential areas.

UNDER SEPARATE COVER:

Nil.

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O21 [EC-OC] Support of Motion by Camden Council to Local Government Association Annual Conference - Licensing of Aerated Wastewater Treatment System (AWTS) Service Agents

ORIGIN:

Environment & Health

SUMMARY OF REPORT:

The purpose of this report is to seek Council support for a motion to be put to the Local Government Association Annual Conference by Camden Council for the state wide licensing of Aerated Wastewater Treatment System (AWTS) service agents by the Department of Fair Trading.

RECOMMENDATION:

That Council supports the motion put forward by Camden Council to the Local Government Association Annual Conference calling on the NSW State Government to introduce a system of licensing of Aerated Wastewater Treatment System (AWTS) Service Agents by the Department of Fair Trading.

REPORT:

The NSW Department of Health is responsible for the accreditation of all domestic Aerated Wastewater Treatment Systems (AWTS). This accreditation specifies the design, construction and performance requirements of the system. Accreditation requires systems be serviced at regular intervals (most systems require servicing every 3 months) by a representative of the company or a service contractor or company acceptable to the Council.

The Department of Health, in the certificate of accreditation for each system, specifies that each service by this service agent shall include a check of all mechanical, electrical components and functioning parts of the system, including:

- the chlorinator and replenishment of the disinfectant
- pumps, air blower, fan or air venturi
- the alarm system
- slime growth on the filter media
- operation of the sludge return system
- the effluent irrigation area
- on-site testing for free residual chlorine, pH and dissolved oxygen.

Council is often presented with complaints from the community regarding the poor workmanship of some of the service agents that are servicing AWTS. It is not uncommon for Council to receive complaints that service agents are not conducting a complete inspection and are just dropping chlorine tablets into the system and then leaving the site.

Service agents are responsible for inspecting the entire system, including the tank(s) and the related effluent application area (irrigation area), however Council is aware that many of these service agents are also neglecting to inspect the irrigation areas. However, due to the lack of a regulated system requiring registration and therefore accountability of service agents, Council is powerless to take action.

It is compulsory for all AWTS owners to have their system serviced. The servicing of these systems generally costs the property owner upwards of \$300 per year. Service agents are not required to be licensed by the Department of Fair Trading, consequently the property owners have no quality assurance that servicing is conducted in a satisfactory manner.

As previously mentioned, NSW Department of Health is responsible for the accreditation of these systems, however once the system is accredited there appears to be a lack of accountability by the Department of Fair Trading and the NSW Department of Health in regards to the ongoing operation and performance of the systems.

The lack of accountability of AWTS service agents is a statewide issue. If a service agent operates in a certain manner in the Tweed Shire LGA then they should operate in the same manner or under the same rules within other LGAs. The licensing and regulation of AWTS service agents is a State Government function and there needs to be a change in policy to have these service agents licensed by the State. It is considered that these service agents should be regulated in the same manner as other trades such as plumbers, builders and the like. Over the past decade Camden Council has made numerous approaches to various government agencies to have this approach adopted, but all have been met with a non-committal response. It would not be appropriate for Councils to be responsible for registration of agents as this would be an unfair burden on operators who would be required to register with all councils where they do work. In the case of a local agent, this would be likely to require registration with Tweed Shire, Byron, Ballina, Lismore, Kyogle and Richmond Valley Councils, each of which may have similar but perhaps not identical requirements.

Camden Council actually undertook the servicing of AWTS for some years. The creation of this service was in direct response to requests from ratepayer demands for Council to hold these service agents accountable. Legislation does not permit Council to hold them in any way responsible for their work. It is considered that this issue has profound effect across New South Wales and the Government have chosen not to act.

It is hoped that by raising this motion at the LGA Conference, attention can be brought to bear on government to deal with this matter.

Conclusion:

The licensing of AWTS service agents is crucial in regulating the quality of service being provided to our community. If the systems are not serviced correctly then the health of rural people across the state may be put at risk, not to mention the environmental impacts related to poorly functioning systems. Since this is a statewide issue the motion to get the State Government to commit to a more regulated regime for the licensing of AWTS service agents requires the support of the Local Government Association.

The licensing of AWTS Service Agents by the Department of Fair Trading will result in:

- Increased accountability of service agents.
- State wide standards for the servicing of AWTS.
- Support for Local Government in resolving issues with service agents not adequately servicing systems.
- Support for owner operators of systems when they have not been provided with an appropriate level of service.
- Provision of a regulated service to AWTS owner operators.

By making the service agents accountable through the Department of Fair Trading for their workmanship, Local Councils and the community can be satisfied that the servicing of AWTS NSW wide is being done to a standard stipulated by the Department of Fair Trading. The licensing of service agents will also further assist in reducing the risk that AWTS have both on the environment and public health.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

O22 [EC-OC] Tweed Regional Library Committee

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council's delegate to the Tweed Regional Library Service was previously the Manager Environment & Health. Oversight of the Library Service is now undertaken by the Manager Community & Cultural Services. It is appropriate that Council's delegate be the newly appointed Manager Community & Cultural Services

RECOMMENDATION:

That Council replaces the Manager Environment and Health with the Manager Community & Cultural Services as Council's delegate to the Tweed Regional Library Service Committee and the Committee be advised accordingly.

REPORT:

As per summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

O23 [EC-OC] Entomological Control Report for Period June - September 2006

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

The following report outlines nuisance insect and vermin control carried out for the period June to September 2006.

RECOMMENDATION:

That this report be received and noted.

REPORT:

BITING MIDGE

Seasonal activity

Estuarine breeding biting midge activity increased during August and September. Resident complaints regarding biting midge nuisance were mainly focussed around East Banora Point and The Anchorage Estate. Some western areas of the Shire had infestations of the forest-breeding biting midge species *Lasiohelia townsvillensis*. This species is often a pest following moderate winter rainfall. In general, complaints concerning midge nuisance were low over the report period.

Monthly biting midge larval monitoring indicated below average to slightly above average numbers of the canal-breeding midge species *Culicoides molestus* in the major canals.

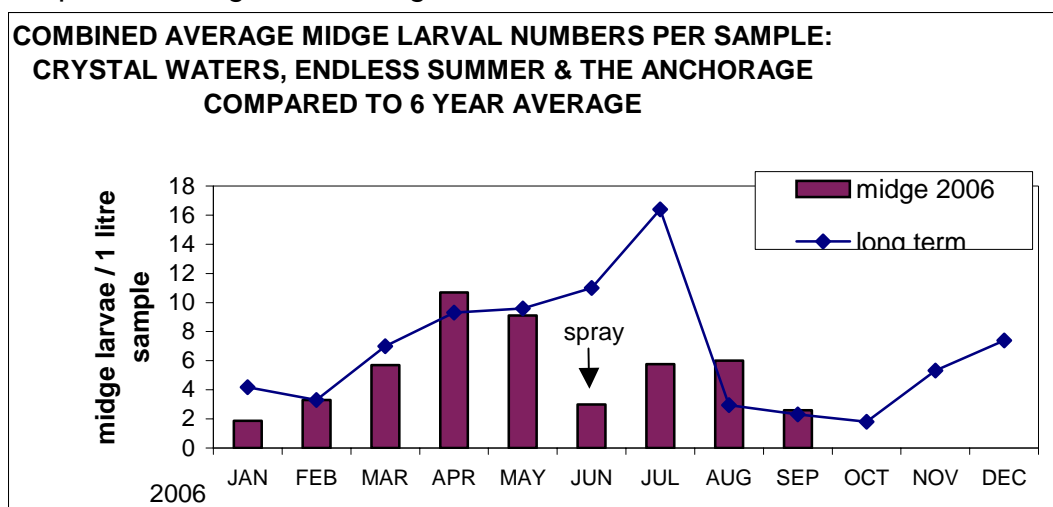
Control

Larvicide spraying of midge-affected canal beaches was carried out during June at The Anchorage, Endless Summer Estate, Crystal Waters Estate, Blue Waters Estate and Tweed Waters Estate with good results at most test sites. Spraying during the winter period substantially reduces the biting midge adult spring emergence.

To comply with canal spray pesticide permit requirements, pre and post-spray assessment of non-target organisms was carried out on canal beaches. Populations of non-target organisms were assessed by sieving sand samples along sprayed and unsprayed transects with 1mm gauge mesh. Non-target populations remained stable post-spray.

Biting midge larval susceptibility to control larvicide was assessed in the laboratory with a discriminating dose to monitor any developing resistance patterns.

The following graph shows monthly average biting midge larval numbers in major canals compared to long-term averages.



MOSQUITOES

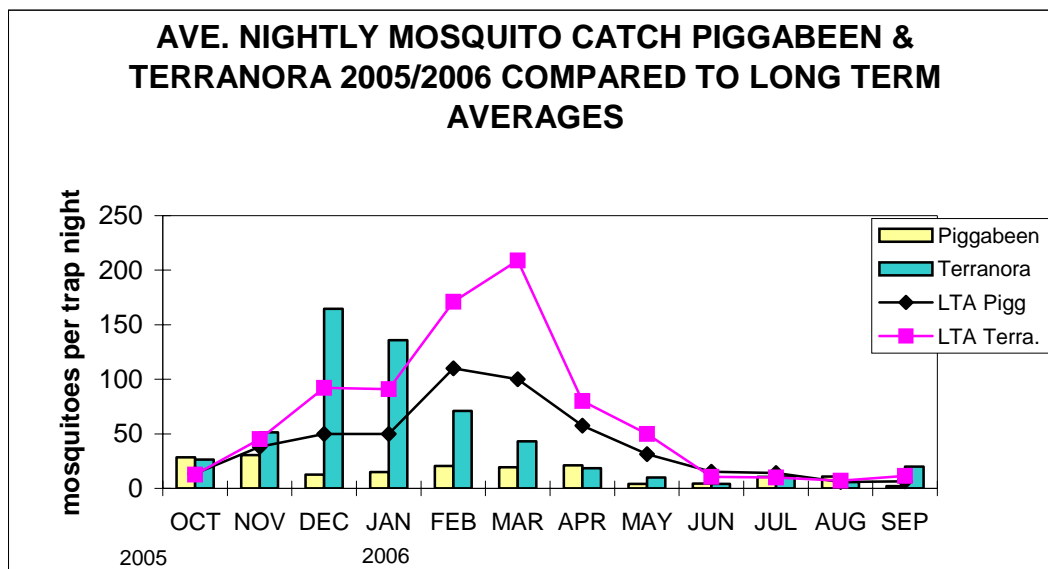
Seasonal activity

Reported mosquito nuisance was generally low, with only 5 related enquiries over the report period.

A combination of large spring tides, rainfall and warm August temperatures kicked saltmarsh mosquito breeding off early in the season in areas adjacent to Terranora and Cobaki Broadwaters. Most of the breeding areas had mosquito larval populations below treatment thresholds.

Carbon dioxide baited mosquito traps at Piggabeen and Terranora collected low numbers of mosquitoes over the report period. The most commonly caught mosquitoes were the freshwater pond breeding *Culex annulirostris* and the domestic container breeding *Aedes notoscriptus*.

The following graph shows average nightly mosquito numbers caught in CO₂ baited traps this season compared with long-term averages (LTA)



Mosquito control

A small area of saltmarsh mosquito breeding at South Tweed Heads was treated with Methoprene (insect juvenile hormone mimic) in August. No aerial larval control was necessary.

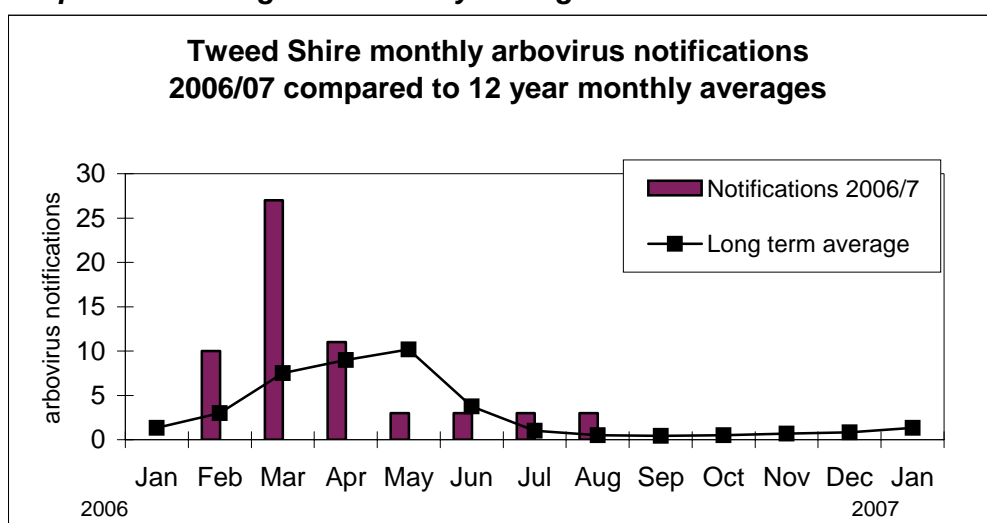
Due to last season's consistent summer rains, large populations of larvivorous fish and aquatic insect predators had developed in many of Tweed's wetland areas by February. These predator populations effectively dealt with mosquito larvae in many chronic mosquito-breeding coastal sites, which allowed a reduction in chemical control efforts. The winter rainfall sustained some of these populations and larvivorous fish were still active in several large mosquito-breeding areas into spring. Regular rainfall is required over the next few months to maintain these predator populations.

Calibration tests were carried out on local aerial control equipment to trial a new granular formulation of the bacterial larvicide Bti. If this formulation is found to be effective it will allow application of the mosquito specific bacteria at higher wind speeds than is possible with present Bti liquid preparations and improved penetration through tree cover. Improved shelf life of the product is claimed. A technical problem with variable flow rates related to humidity has become apparent. The Australian distributor is working with U.S. product formulation chemists to alleviate this problem.

Arbovirus

Consistent with the time of year, arbovirus activity declined over the report period. There were 6 cases of Ross River virus and 6 of Barmah Forest virus notified for the Shire over the report period.

The following graph depicts combined RRv & BFv cases notified 01 Jan –30 Apr 06 compared with long-term monthly averages.



1. MISCELLANEOUS PESTS

There were 51 miscellaneous requests for information and services over the report period. The most common requests dealt with ants, bee swarms and rodents.

Rodent baiting was carried out around coastal van parks, reserves and infested Tweed River retaining walls. Ant control was carried out at Eviron Cemetery and the swimming pool complexes.

Pandanus dieback update

Pandanus planthopper induced tree dieback appeared to have ceased in the Shire following Council’s extensive control efforts in 2004. However, two adjacent Pandanus trees at the southern end of Kingscliff beach and one tree at Hastings Point were recently found to be suffering dieback symptoms and heavy planthopper infestations. The Kingscliff trees showed signs of a North Queensland native parasitic egg wasp actively parasitizing the planthopper eggs. The affected Kingscliff trees were manually stripped back of old growth to aid recovery and the lower limbs treated with a foliar spray. The upper limbs were left untreated to assess whether the parasitic wasp can assert control over the planthopper. The trees will be carefully monitored.

The Hastings Point tree is in an area not previously infested with Pandanus planthopper and surrounded by healthy trees. No parasitic egg wasp activity was found on this tree. The infected tree and those surrounding it were injected with the systemic insecticide Confidor.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Nil.

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