



# **AGENDA**

## **OPERATIONS COMMITTEE MEETING Tuesday 5 September 2006**

**Chairman: Mr Frank Willan**

**Administrators: Mr Frank Willan  
Ms Lucy Turnbull  
Mr Max Boyd AM**

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## ITEMS FOR CONSIDERATION OF THE COMMITTEE:

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## REPORTS THROUGH THE GENERAL MANAGER

### 01 [GC-OC] 2006-2007 Loan Borrowings Program

#### ORIGIN:

**Financial Services**

#### SUMMARY OF REPORT:

The Minister for Local Government has determined Council's 2006/2007 approved borrowing limit to be \$12,317,685 for new loans and \$5,601,700 for renewal loans. Council has previously approved the borrowing of these loan funds, which includes the first year of the 7 year Infrastructure & Services plan, by adoption of the Management Plan and budget.

#### RECOMMENDATION:

That :-

1. **The General Manager and Chief Financial Officer be authorised to negotiate acceptance of the loan quotations; and**
2. **The loan documentation be completed under the Common Seal of Council.**

**REPORT:**

The Minister for Local Government has determined under section 624 of the Local Government Act 1993, the borrowing limit for Council for the period 1 July 2006 to 30 June 2007, to be:

**NEW LOANS** **12,317,685**

<b>Infrastructure</b>	Bridges	1,630,000	6,249,267
	Drainage	2,000,000	
	Road & Footpaths	2,192,600	
	Flood Mitigation/Waterways	426,667	
<b>Other</b>	Public Toilets	100,000	6,068,418
	Parks, Open space & sportsfields	1,908,418	
	Carpark/Pool upgrade	1,000,000	
	Tweed Heads Masterplan	3,000,000	
	Dog Pound	60,000	

**RENEWAL LOANS** **5,601,700**

**TOTAL BORROWINGS** **17,919,385**

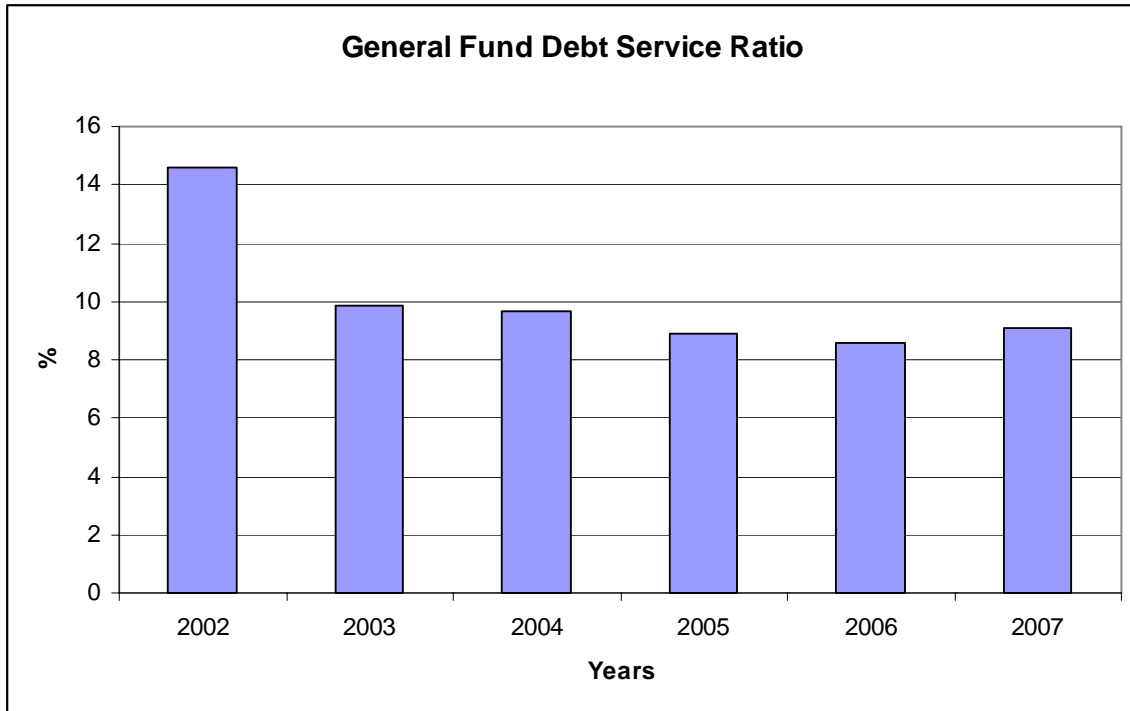
It is Council's practice to call quotations for the supply of loan funds from various financial institutions. A further report will be submitted to Council at a later date on the quotations received and accepted by the General Manager and the Chief Financial Officer.

In order to distribute the cost of long term facilities over the period which the facilities benefits will be enjoyed, it is usual for Council to finance part of these works from borrowings. This ensures that both current and future ratepayers share the cost of the facility equally. However, it should be noted that loan borrowings have a long term effect on Councils finances. The more debt incurred each year will reduce the amount available for other purposes, such as normal operations, because of the increased repayment amounts.

Council's Debt Service Ratio represents the degree to which revenues from ordinary activities are committed to the repayment of debt. The following table represents the previous five years and the current year estimated debt service ratio for the General Fund.

**General Fund Debt Service Ratio**

<b>Financial Period</b>	<b>%</b>	<b>Financial Period</b>	<b>%</b>
2001//2002	14.62	2004/2005	8.88
2002/2003	9.87	2005/2006 – estimate	8.60
2003/2004	9.67	2006/2007 – estimate	9.10



If the debt service ratio, for a developing Council such as Tweed Shire, were to exceed 15%, there would be a need to consider other sources of funding and or levels of service.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**02 [EO-OC] Sports Advisory Committee**

**ORIGIN:**

**Recreation Services**

**FILE NO: Sports Advisory Committee**

**SUMMARY OF REPORT:**

At its meeting held 25 July 2006, Council resolved to call for nominations for eight community representatives on the Sports Advisory Committee for a 2 year tenure.

At the close of nominations 6 nominations were received.

**RECOMMENDATION:**

**That:-**

**Merve Edwards  
Alana Brims  
Linda Threlfo  
Rob Neinhuis  
Stephen Reade  
Robert McDowell**

**be appointed as community representatives on the Sports Advisory Committee for a 2-year tenure. The two vacant positions may be occupied should appropriate candidates be identified.**

**REPORT:**

At its meeting held 25 July 2006, Council resolved to call for nominations for eight community representatives on the Sports Advisory Committee for a 2 year tenure.

At the close of nominations 6 nominations were received as listed below:-

Merve Edwards  
Alana Brims  
Linda Threlfo  
Rob Neinhuis  
Stephen Reade  
Robert McDowell

Merve Edwards, Alana Brims, Linda Threlfo and Rob Neinhuis are re-applying members of the previous committee. Stephen Reade demonstrates experience with several sports within the Shire. Robert McDowell is associated with the Tweed Coast Raiders.

Subsequently, it is recommended that the six nominations be accepted, and that the two remaining positions be left vacant and occupied should appropriate candidates be identified.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**03 [EO-OC] Plan of Easement over Lot 71 in DP 755730, Kyogle Road, Uki**

**ORIGIN:**

**Design**

**FILE NO: PF2970/2860**

**SUMMARY OF REPORT:**

Council have acquired an Easement to Drain Water within Lot 71 in DP 755730, with the consent of the Landowners. A plan of Easement has now been prepared. Council have a charge over the property as Guarantor for the mortgage between Uki Village & Districts Residents Association Inc. and Southern Cross Credit Union. As Council holds a charge over the land it is a requirement of LPI Sydney that Council sign the plan under Common Seal prior to registration.

**RECOMMENDATION:**

**That:-**

- 1. Council signs the plan of Easement to Drain water within Lot 71 in DP 755730 as Chargee.**
- 2. All necessary documentation be executed under the Common Seal of Council.**

**REPORT:**

As per Summary of Report.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

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Nil.

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**04 [EO-OC] Kingscliff Mechanical & Electrical Facility - Contract No. EC2006-076**

**ORIGIN:**

**Contracts**

**FILE NO: JC12/3 - 2006076**

**SUMMARY OF REPORT:**

Open tenders were called for the construction of a new Mechanical and Electrical Facility at the Kingscliff Sewage Treatment Plant site and closed on the 28 June 2006.

Five (5) tenders were received prior to the advertised closing time and date from:-

AMFM Constructions Pty Ltd  
FRH Group Pty Ltd  
Haigh's Constructions  
Multi Span Australia Pty Ltd  
T & T Building (Prestige) Pty Ltd

**RECOMMENDATION:**

**That:-**

- 1. Council awards Contract EC2006-076 to Multi Span Australia Pty Ltd at the adjusted tender amount of \$2,063,695 (excluding GST).**
- 2. The Acting Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract sum.**

**REPORT:**

Council has recognised that the existing Murwillumbah Mechanical and Electrical Workshop serving the Shire's water supply and sewerage operations is inadequate and unable to be expanded at the current site. A new site has been selected adjacent to the new Kingscliff Sewage Treatment Plant (STP).

Following completion of design and documentation, tenders were called and closed on 28 June 2006. Five (5) tenders were received as follows:-

AMFM Constructions Pty Ltd  
FRH Group Pty Ltd  
Haigh's Constructions  
Multi Span Australia Pty Ltd  
T & T Building (Prestige) Pty Ltd

Some of the tenders contained various qualifications and departures. An examination was carried out via post tender correspondence and tender interviews. The final contract sum includes amendments required to satisfy the contract intent.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The cost of the contracted works is included in the 2006/2007 Water Supply and Sewer Budgets.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. **Confidential Attachment** - EC2006-076 Supplementary Confidential Information to Agenda Item EC2006-076 - For the Construction of Mechanical & Electrical Facilities Building, Kingscliff Sewage Treatment Plant (DW 1452247).
-

**O5 [EO-OC] Tweed Shire Council Lease of Quarry at North Arm within Lot 2 DP 772166**

**ORIGIN:**

**Design**

**SUMMARY OF REPORT:**

Council has negotiated an agreement with the owner of Lot 2 DP 772166, whose property at North Arm contains a quarry. It is proposed that Council enter into a lease agreement and pay royalties for road base material from the quarry.

Council will operate the quarry during the term of this lease.

This proposal is an interim arrangement, pending amalgamation of three quarries, one in Council's ownership and the other two in private ownership, to enable the utilisation of the road base material contained in the boundary zones between the parcels.

**RECOMMENDATION:**

**That:-**

- 1. Council approves entering into an agreement with the owner of Lot 2 DP 772166 at North Arm for the leasing and quarrying of road base material within the quarry located on the land for a period of two years with options for three further one year periods in accordance with the terms detailed in the body of the report; and**
- 2. All necessary documentation be executed under the Common Seal of Council.**

## **REPORT:**

Council has negotiated an agreement with the owner of Lot 2 DP 772166, whose property at North Arm contains a quarry. It is proposed that Council enter into a lease agreement and pay royalties for road base material from the quarry.

This proposal is an interim arrangement, pending amalgamation of three quarries, adjacent to each other - one in Council's ownership and the other two in private ownership, to enable the utilisation of the road base material contained in the boundary zones between the parcels.

The attached aerial photograph (DW 1452127) shows the quarry and the adjacent quarries that will be amalgamated.

In discussions with the owner of Lot 2 DP 772166, the following terms were agreed:-

- Initial term of two years with three one year options - total term of five years.
- A fee of \$1.13 plus GST per tonne for road base products.
- A fee of \$0.57 plus GST per tonne for overburden products.
- A minimum yearly total payment of \$30,000 plus GST per year.
- Quarterly payments for material obtained with a balance figure paid in the final quarter (if necessary) to make the \$30,000 plus GST total.
- CPI adjustments to be made to the material costs and the minimum payable at the end of the initial two year period upon the exercise of the first option period and at the exercise of each further option.
- Council will purchase the existing stockpiles of product at an agreed price. The stockpiles are to be measured and reported by Council surveyors.
- All trees to be removed will be at Council's expense. The larger trees are to be cut into logs and the balance of the tree to be chipped. The logs will remain the property of the landowner and the chipped mulch to be stockpiled on site for rehabilitation purposes on site.
- All costs of operation during the term of the lease and any option periods are to be borne by Council.
- The quarry will be operated in accordance with any current development consents and Environmental Impact Studies relating to the subject land.

## **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Funding for the works and materials will be included in the relevant budget year.



**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Aerial Photograph (DW 1452127).
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**O6 [EO-OC] Telstra Communication Building - SALT**

**ORIGIN:**

**Design**

**FILE NO: DA05/0248**

**SUMMARY OF REPORT:**

In April 2005 Council approved an application for the construction of a Telstra communication building at SALT within Lot 471 DP 1075192. It was noted in the assessment of the application that a new Lot was to be created, and as it would be for the purpose of a public utility undertaking, development consent for the subdivision would not be required in accordance with Clause 19 of the Tweed LEP.

The building was subsequently constructed, however, the plan of subdivision to create the Lot for the Telstra facility was not lodged prior to Lot 471 being subdivided. The effect of the registration of the subdivision of Lot 471 is that the land where the facility was constructed is now community land, as it was vested in Council as a Public Reserve, now known as Lot 941 in DP 1079124.

Telstra require ownership of the land where the facility is constructed, together with a legal access to the facility.

**RECOMMENDATION:**

**That Council:-**

- 1. Approves the creation of a Right of Access 5 wide burdening Lot 469 in DP 1075142 and benefiting Telstra Corporation;**
- 2. Approves the acquisition of proposed Lot 943 in the subdivision of Lot 941 in DP 1079124 for the purposes of the Local Government Act, 1993 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the making of the necessary application to the Minister and/or Governor;**
- 3. Advises the Director-General of the Department of Planning that, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, and Section 28 of the Local Government Act 1993, it intends to prepare a draft Local Environmental Plan Amendment to reclassify proposed Lot 943 at Kingscliff from Community Land to Operational Land;**

4. Approves the transfer of proposed Lot 943 to Telstra Corporation following reclassification;
5. Proceeds with any necessary actions only upon receipt of an undertaking from Telstra or Ray Group Pty Ltd to cover all costs relating to this matter; and
6. All necessary documentation be executed under the Common Seal of Council.

**REPORT:**

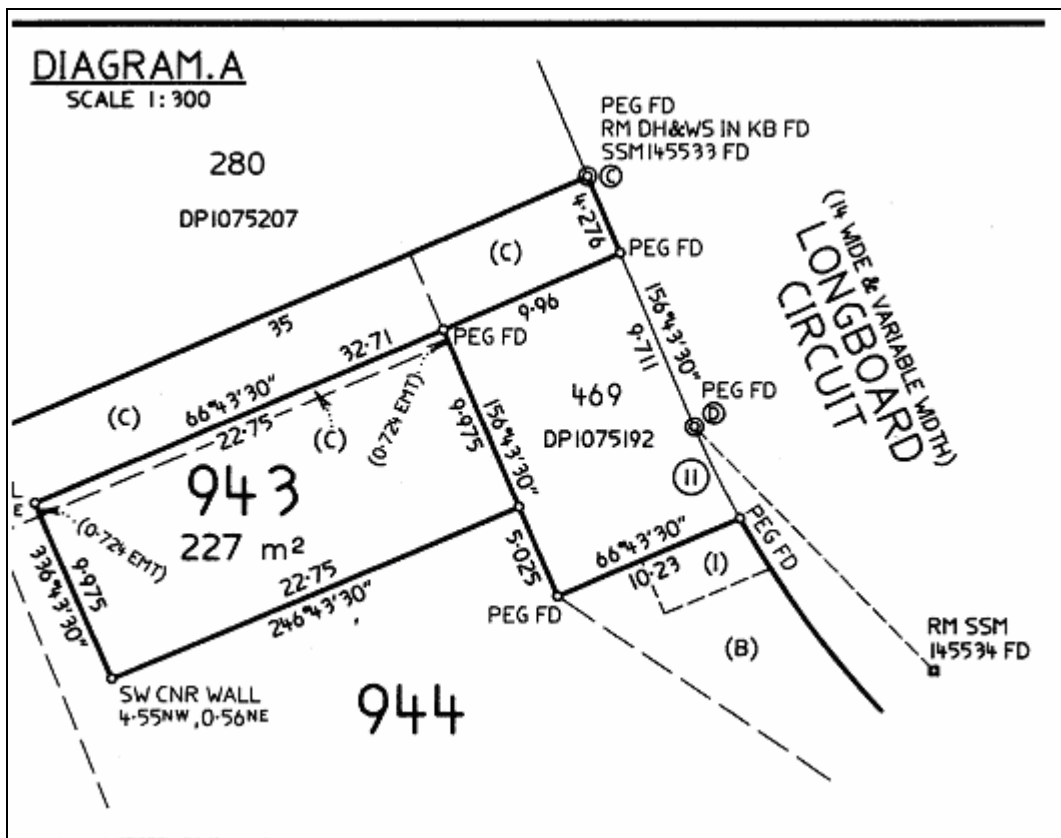
In April 2005 Council approved an application for the construction of a Telstra communication building at SALT within Lot 471 DP 1075192. It was noted in the assessment of the application that a new Lot was to be created, and as it would be for the purpose of a public utility undertaking, development consent for the subdivision would not be required in accordance with Clause 19 of the Tweed LEP.

The building was subsequently constructed, however, the plan of subdivision to create the Lot for the Telstra facility was not lodged prior to the plan of subdivision of Lot 471 being registered. The effect of the registration of the plan of subdivision of Lot 471 is that the land where the facility was constructed (now Lot 941 in DP 1079124) was vested in Council as a Public Reserve, and is classified as community land.

Telstra require ownership of the land where the facility is constructed, together with a legal access to the facility.

Now that the land is vested in Council as community land, there are statutory restraints prohibiting the subdivision of Lot 941, and the *Local Government Act 1993* states that the sale of community land is prohibited.

The plan below shows proposed Lot 943, being the lot required by Telstra:-





### **Access Issues**

It is to be noted that proposed Lot 943 is located behind Lot 469 in DP 1075142, being Council owned land and classified as operational as it contains a sewer pump station. Access to the Telstra facility is over Lot 469, and as it is operational, a right of access can be registered on the title, benefiting Telstra.

Telstra are seeking immediate access rights to their facility and one of the objects of this report is to seek the approval of Council to create the right of access, which would be achieved by the registration of a Transfer Granting Easement.

### **Tenure Issues**

Telstra are also seeking ownership of the land where their facility has been constructed.

Council cannot sell the land because of the restraints imposed by the *Local Government Act*, nor can it subdivide the land to create the Lot, as there is no plan of management that allows such action. It is to be noted that newly vested parcels cannot be added to the schedule of lands in a plan of management, this would be overcome by the creation of a new plan of management that will replace the existing plan. Council will receive a report in the future relating to the funding of a new management plan.

In the meantime, the creation of Lot 943 can be achieved by excising the parcel from Lot 941 by compulsory acquisition. This would be a compulsory acquisition by Council from itself, allowable pursuant to section 7B of the *Land and Acquisition (Just Terms Compensation) Act*. Upon obtaining approval from the Governor, the acquisition will be gazetted, the parcel would be re-classified from community to operational as an LEP amendment and then a transfer of the parcel can be effected.

The re-classification process is expensive, and the compulsory acquisition will require a high level of Council input from the appropriate officers and it is recommended that either Telstra or the developers of SALT, between whom it was agreed to transfer the site for the facility to Telstra, cover all costs relating to the preparation and registration of relevant plans and to pay Council for its services relating to the preparation of reports relating to the reclassification and the making of an application to the Department of Local Government for the compulsory acquisition.

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

It is recommended that Council only approve the compulsory acquisition, re-classification and transfer of proposed Lot 943 if all costs are borne by either Telstra or the SALT developers.

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**07 [EO-OC] Tugun Bypass - Compensatory Habitat and Airport Drainage**

**ORIGIN:**

**Director**

**FILE NO: Tugun Bypass**

**SUMMARY OF REPORT:**

Council has requested the Tugun Bypass, PacificLink Alliance to provide more suitable compensatory habitat land than is currently identified in their plans.

The Tugun Bypass severs western draining Gold Coast Airport land, but transverse drainage works convey this runoff from one side of the bypass alignment to the other so it can continue to discharge into the Cobaki Broadwater. Tugun Bypass facilities treat stormwater from catchments within the bypass project, but, are not obliged, and do not treat transverse stormwater from upstream (airport catchments).

The airport contains an overflow of Coolangatta Creek that diverts some floodwaters across catchment, state and local government boundaries into Tweed Shire and Cobaki Broadwater.

Gold Coast Airport Limited has been asked to seek Council's concurrence with the flood diversion and to comply with the requirements of Council's Stormwater Quality Management Plan for airport catchments that discharge to Tweed Shire.

**RECOMMENDATION:**

**That this report be received and noted.**

## REPORT:

### 1. Background

At the meeting held 15 August 2006, Council resolved:-

*"that:-*

1. A. *Council indicates its dissatisfaction to the Pacific Link Alliance that the compensatory habitat currently being offered does not provide land of a comparable nature to the 17 hectares of rare and endangered species of local, regional, State and National significance that will be lost forever and not be replaced under the proposed compensatory package.*
- B. *And therefore requests Pacific Link Alliance to have discussions with Tweed Shire Council representatives to seek a more satisfactory solution.*
2. *Tweed Shire Council staff bring forward a report which details the drainage management plan that deals with all water from the Gold Coast Airport and the C4 bypass which is proposed to be conveyed to the Cobaki Broadwater directly or indirectly and which sets out clearly the methods to be used to collect this water, monitor its quality and treatment to be used before it is discharged to the Cobaki Broadwater."*

A letter has been written to the PacificLink Alliance advising them of the terms of resolution 1 above (DW1449771).

## 2. Resolution 2 - Gold Coast Airport and Tugun Bypass Drainage Management

### 2.1 Airport Drainage Catchments

The airport land lies in two catchments.

The eastern part is in the Coolangatta Creek catchment in Queensland. Coolangatta Creek rises in Tugun, runs in a southerly direction through the airport, crosses the Tweed Heads Bypass near the state border then heads east to an ocean outfall at North Kirra. The western part is in Tweed Shire NSW and the Cobaki Broadwater catchment, which discharges to Terranora Creek and the Tweed River. The state border is the nominal watershed between these two catchments.

The Gold Coast Airport Preliminary Draft Master Plan 2006 advises *"there is a current agreement between GCAPL and the Gold Coast City Council to maintain the storage volume of Coolangatta Creek within the airport precinct. GCPAL acknowledges the importance of the existing storage volume of the creek within the airport, and will maintain as much as possible to limit peak flows"*.

The issue of airport drainage is referred to in the "Tugun Bypass Environmental Impact Statement, Technical Paper Number 7, Flooding and Hydrological Assessment" (DW1369256) which advises:-

*"3.3 Coolangatta Creek*

*Coolangatta Creek drains the areas of Tugun and Kirra. The main runway of the Gold.*

*Coast Airport forms the south-western border for majority of the creek's length. However, at the southern end of the airport, there is an overflow drain that directs high.*

*flows in large flood events (nominally larger than the 20 year ARI flood event) into Cobaki Broadwater. The route is crossed by this overflow channel."*

It is understood from the above that GCAL has caused an overflow drain to be constructed on their land which diverts flood flows from Coolangatta Creek in Queensland across the natural watershed, state and council boundaries to the Cobaki Broadwater in Tweed Shire NSW.

Neither Tweed Shire Council nor the NSW Department of Natural Resources have any record of consultation or agreement to this cross boundary/watershed diversion of floodwaters from Queensland.

The Tugun Bypass "Design Report - Transverse Drainage South - Report No:DR-097-DR" (DW 1445321) advises:-

*"A master drainage study for the Coolangatta Creek Catchment was undertaken by Cameron McNamara and Partners for Gold Coast City Council in August 1976. In November 1992, Gutteridge Haskins and Davey (GHD) used RORB runoff routing and HEC2 backwater analysis for the hydraulic component to specifically consider the drainage in the airport section of the Coolangatta Creek catchment.*

*Kinhill Pty Ltd (now KBR) undertook a drainage study in January 2000 into the existing Coolangatta Creek Drainage System. The hydrologic modelling of the catchment was undertaken using ILSAX, a package developed by the University of Technology (UTS) for the design and hydrological analysis of urban stormwater drainage systems. MIKE 11 was used to hydraulically model the catchment. This model was developed by the Danish Hydraulic Institute (DHI) for hydrodynamic modelling of rivers and other waterways. The study provided peak flows and peak water levels at numerous locations along Coolangatta Creek with ARI events between 2 and 100 year being considered.*

*After the June 30th 2005 rainfall event, Gold Coast Airport Limited (GCAL) aviation operations were forced to cease for a 24 hour period. GCAL staff observed water levels that were significantly higher than those estimated by Kinhill Pty Ltd for the 1 in 100 year storm event. Maunsell were engaged by GCAL to quantify the storm event, review the Coolangatta Creek drainage study and provide advice on both flood propagation over the site and a tool to assist further airport developments.*

*GCAL collaborated a flood map showing the extent of flooding over the site from a range of available data, including video footage, photographs and recorded observations as well as taking into consideration eye witness accounts from the circulated staff questionnaire. The Coolangatta Creek flooding was limited to the eastern side of the runway, with only localised flooding occurring on the western side. The review of this rainfall event by Maunsell confirmed that the critical duration is 6 hours for Coolangatta Creek at the airport, as was identified in the Coolangatta Creek Drainage Study (Kinhill, 2000). Due to the low lying areas within the airport site, flood behaviour was found to be influenced by high ocean water levels produced by storm surge. In large rainfall events, the airport acts as a flood storage area, and attenuates peak flows. Maunsell recommended that GCAL determine an overall Masterplan considering all future and existing development as part of their proposed development planning."*

This extract indicates that there is a considerable flooding issue in the Coolangatta Creek Catchment and in particular on the airport land. It is further understood that blockage of the Coolangatta Creek ocean outfall by sand (particularly in recent years) may be a contributing factor.

In its response to the Gold Coast Airport Preliminary Draft Master Plan 2006, Council's submission has *"requested that the Gold Coast Airport Draft Master Plan 2006 foreshadow a protocol whereby matters regarding stormwater/drainage/flooding diversion of Coolangatta Creek within airport land to Tweed Shire, require consultation with and the concurrence of Tweed Shire Council"*.

## **2.2 Airport Land - Storm Water Quality**

Section 4.3 of the Gold Coast Airport Preliminary Draft Master Plan 2006 (DW 1440123) advises:-

*"The Commonwealth under the Airports Act 1996 and Regulations 1997 also requires GCPAL to prepare an Airport Environment Strategy (AES) which follows a similar five(5) year cyclic process as the Master Plan. The AES outlines how GCPAL will manage environmental issues on the airport over a five(5) year period. DoTARS has appointed an Airport Environment Officer (AEO) on site ensuring the airport is in compliance with the Airport Environmental Protection Regulations, the AES and operates in accordance with good environmental practices."*

Section 6.3.3 of Gold Coast Airport Preliminary Draft Master Plan 2006 advises:-

*"The proposed developments outlined within Section 4.0 of this Master Plan have the potential to impact on the existing water quality at Gold Coast Airport. These negative impacts may occur as a result of an accidental fuel or chemical release, changed drainage conditions and increased sedimentation and erosion. To ensure the protection of surface water quality, the following mitigation strategies will be implemented:*

- *develop and implement soil management procedures for construction activities;*
- *require adherence to best practice guidelines for storage and use of chemicals; and*
- *ensure compliance with the AES"*

In its response to the Gold Coast Airport Preliminary Draft Master Plan 2006, Council's submission has *"requested that the Gold Coast Airport Draft Master Plan 2006 require that for catchments which discharge to Tweed Shire, stormwater quality requirements be in accordance with section 5.5 of the Tweed Urban Stormwater Quality Management Plan."*

## **2.3 Tugun Bypass**

### **2.3.1 Transverse Drainage**

The Tugun Bypass severs the part of the western draining airport catchment that discharges to the Cobaki Broadwater.

Road authorities are required to convey existing and natural transverse drainage from one side (upstream) of a road alignment to the other (downstream). The Tugun Bypass does this and details are shown in the Tugun Bypass "Design Report - Transverse Drainage South - Report No:DR-097-DR" (DW 1445321). In discharging its transverse drainage responsibilities, the Tugun Bypass does not, and is not required to treat or deal with water quality issues or pollution from upstream (airport) catchments.

The Tugun Bypass also severs the flood overflow from the eastern draining part (Coolangatta Creek) of the airport catchment that discharges in rare events to the Cobaki Broadwater. The bypass similarly conveys this runoff from one side of the alignment to the other without any attenuation or treatment.

### **2.2.1 Stormwater Quality**

The Tugun Bypass is required to treat/remove pollutants that arise from construction and operation of the road.

This is done by a series of stormwater water treatment devices and artificial wetlands that are spaced at regular intervals along the alignment to capture and treat runoff from the Tugun Bypass catchments. Details are available in section 3.2 of the Tugun Bypass "Design Report Longitudinal Drainage South - Report No: DR-040-DR" (DW 1425367).

Requirements for stormwater quality monitoring in the pre construction, construction and post construction phases are detailed in section 7 of the Tugun Bypass "PP-044-SWMP - Soil & Water Management Plan" (DW 1369104).

## **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Cross border and Commonwealth land issues.

## **POLICY IMPLICATIONS:**

Stormwater management, cross border issues, commonwealth land impacts on Tweed Shire.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O8 [EO-OC] Bray Park Water Treatment Plant Augmentation - Selection of Tender Panel for Principal Contractors**

**ORIGIN:**

**Water**

**SUMMARY OF REPORT:**

Expressions of Interest (EOI) were received from 7 construction companies for inclusion on the tender panel for the construction of the Bray Park Water Treatment Plant Augmentation Works. The EOI document indicated that the tender panel would comprise '3 or 4' contractors.

The selection panel for the shortlisting of suitable Contractors comprised members of the project team from Tweed Shire Council and Hunter Water Australia.

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

Four companies have been shortlisted and are considered suitable for the proposed work and should be invited to submit detailed tenders for the project.

**RECOMMENDATION:**

**That Council:-**

- 1. Selects the following four companies for invitation to submit Detailed Tenders for Principal Contractor for the Bray Park Water Treatment Plant Augmentation Works: -**

**Barclay Mowlem Construction Limited  
Boulderstone Hornibrook Pty Ltd  
FRH Group Pty Ltd  
Reed Constructions Australia Pty Ltd**

- 2. Requests short-listed companies to attend additional workshops throughout tender period to ensure risks are correctly apportioned and allocated and specification issues are clearly defined.**
- 3. Makes a payment of a nominal sum of \$10,000, to each company, to participate in the pre-tender workshops**

**REPORT:**

Expressions of Interest (EOI) were received from 7 construction companies for inclusion on the tender panel for the construction of the Bray Park Water Treatment Plant Augmentation Works. The EOI document indicated that the tender panel would comprise '3 or 4' contractors.

The EOI Documents were received from the following companies:-

Abigroup  
Barclay Mowlem Construction  
Boulderstone Hornibrook  
FRH Group  
Queensland Concrete & General Construction Company  
Reed Constructions Australia  
Veolia Water

The selection panel for the shortlisting of suitable Contractors comprised members of the project team from Tweed Shire Council and Hunter Water Australia. The Bray Park WTP Augmentation - EOI Assessment Report dated August 2006, by Hunter Water Australia can be found at DW 1449793.

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

Under the scoring methodology used, the best ranked Contractors were:-

Boulderstone Hornibrook  
Reed Constructions Australia  
FRH Group  
Barclay Mowlem Construction

A financial review of the four preferred Contractors was undertaken that confirmed they had the adequate financial resources available to undertake the Bray Park Project.

The four companies shortlisted are considered suitable for the proposed work and will be invited to submit detailed tenders for the project.

The next phase in the project is to undertake the completion of the tender documentation based on the NSW State Government's General Conditions of Contract GC21. GC21 has been selected as the contract form as it is specifically written to include co-operative contracting principles. The Department of Commerce has been engaged to manage the tendering and construction phase and will provide a Contract Manager to the project within the next 4 weeks.



A tender process developed by the Department of Commerce and implemented on the Shannon Creek Dam Project for Clarence Valley Council is proposed for this project. The process is based on an open workshop format including the 4 selected tenderers, with the aim of minimising risks to both parties during the construction phase. The workshops will openly discuss the draft tender document including the identification, understanding and allocation of risk. This process will allow each party to become fully aware of all obligations required under the contract. The first workshop will be conducted during October 2006. Tenders will close March 2007 with construction commencing June 2007.

As this process will require a commitment over and above what would normally be expected of a tenderer it is proposed that each company be paid a nominal amount of \$10,000.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

A nominal sum of \$10,000 is to be paid to each short-listed contractor to participate in the pre-contract Workshops. The funds will be taken from the Bray Park Water Treatment Plant upgrade budget. It is anticipated that the Workshops will be conducted during October / November 2006.

**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](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. **Confidential Attachment** - Hunter Water Australia EOI Bray Park Water Treatment Plan Augmentation Works - (DW 1452947).
  2. **Confidential Attachment** - Hunter Water Australia EOI Assessment Summary (DW 1452929).
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**09 [EC-OC] Future Use and Naming of "The City of the Arts Space"**

**ORIGIN:**

**Director Environment & Community Services**

**SUMMARY OF REPORT:**

Council at its meeting on 15 August 2006 dealt with a recommendation of the Community Cultural Development Advisory Committee which recommended that:

*“the building (currently named the City of the Arts Space) be suitably named as a Cultural Centre and offer the following name for approval*

*"Coolamon Cultural Centre" "*

Council at that meeting resolved to refer the recommendation to the Executive Management Team for a report on the long term usage and naming back to Council.

The recommendation of the Community Cultural Development Advisory Committee is supported by the Executive Management Team.

**RECOMMENDATION:**

**That :-**

- 1. The building at 3-5 Tumbulgum Road, Murwillumbah be set aside as a cultural centre to be known as "Coolamon Cultural Centre", also acknowledging for the next few years that part of the building, will be used as offices for Community and Cultural Services staff.**
- 2. A Plan of Management be developed for the use of these facilities**

**REPORT:**

Council at its meeting on 15 August 2006 dealt with a recommendation of the Community Cultural Development Advisory Committee which recommended that:

*“the building (currently named the City of the Arts Space) be suitably named as a Cultural Centre and offer the following name for approval*

*“Coolamon Cultural Centre”* ”

Council at that meeting resolved to refer the recommendation to the Executive Management Team for a report on the long term usage and naming back to Council.

The recommendation of the Community Cultural Development Advisory Committee is support by the Executive Management Team.

This was considered by the Executive Management Team at its meeting held on 23 August 2006.

The proposal for cultural use of the building was supported by the Executive Management Team owing to the building's:-

1. Central location
2. It is a continued use of the building which was formerly the Art Gallery, then the "City of the Arts Space" as a cultural facility.
3. The ongoing use as a cultural centre keeps the significant building in a picturesque location available for access by the public.
4. There is a need for a space where smaller events or displays can be held.

Part of the building has been converted to provide space for staff from the Community and Cultural Services Unit, and will be required for this purpose for some time.

This conversion has however, been made in a manner which is compatible with the remainder being used for cultural activities.

A Plan of Management should be developed for the building.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O10 [EC-OC] Negotiations with Department of Lands for Tweed River Regional Museum Relocation to Pilot Station Site**

**ORIGIN:**

**Environment & Health**

**SUMMARY OF REPORT:**

Council is proceeding with planning for the Tweed Heads branch of Tweed River Regional Museum and at this stage it is opportune for Council to seek to have the facility located at the old Pilot Station site on Flagstaff Hill, Tweed Heads.

**RECOMMENDATION:**

**That:-**

- 1. The preferred option for the Tweed River Regional Museum is to utilise the former Pilot Station site at Flagstaff Hill.**
- 2. Council forwards Concept Plans and appropriate documentation and application for long term lease to the Department of Lands.**
- 3. Council proceeds to commission architect Paul Berkemeier to develop a Concept Plan for the Tweed Heads branch of the Museum at the former Pilot Station site.**

## **REPORT:**

The Tweed River Regional Museum (“the Museum”) came into effect by Tweed Shire Council’s adoption of the Tweed River Regional Museum Strategic Plan 2004 on 2 June 2004, and upon the signing of the Memorandum of Understanding on 20 September 2004.

The Museum Strategic Plan was written by Consultant Kylie Winkworth following a number of public consultations.

Along with the site of the existing museums at Kennedy Drive, the former Pilot Station was one of the sites considered for the Tweed Heads branch of the Regional Museum.

Pursuit of this site was mothballed as it was judged that as the site was related to planning activities of the Tweed Heads Town Centre and Jack Evans Boat harbour precinct, that it may not be made available and pursuit of the site may delay Museum redevelopment plans. Further, as the Kennedy Drive site was available and confirmed, this was the most expedient choice.

Therefore, the Strategic Plan recommended that the existing Museum buildings at Kennedy Drive Tweed Heads be redeveloped to create a new purpose built Museum.

In 2005, Council initiated a design competition for architects to design the new building and Paul Berkemeier Architects was selected. A concept was developed for Kennedy Drive, in order to meet the deadline of applying to the New South Wales Ministry for the Arts for funding for the building program.

While the Kennedy Drive site is suitable for the Museum, it is evident that the former Pilot Station site is a premium location for the facility.

The Historical Society wrote to Council to express its desire to revisit investigations as to the availability of the Pilot Station site as an alternative.

Council initiated negotiations with the Department of Lands, resulting in principle support for the concept from the office of the Regional Manager. A copy of this letter is attached.

## **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Architect Paul Berkemeier, based on being the selected architect for Tweed River Regional Museum, to be commissioned to develop a concept plan for the site, proposed at approximately \$6000.

Council to pursue a short term licence for site investigations.

An amendment to be made to the Museum Strategic Plan to reflect the change of site.



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Letter from Department of Lands (DW 1431565)
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**011 [EC-OC] Request for "In Kind" Support/Waive Fee**

**ORIGIN:**

**Environment & Health Services**

**SUMMARY OF REPORT:**

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

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

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

**RECOMMENDATION:**

**That Council provides the Tweed Valley Division of General Practice the use of the Tweed Heads Auditorium on 15 June 2007 at no charge for the purpose of hosting an Aboriginal and Torres Strait Island (ATSI) health exposition.**

**REPORT:**

Council has received a request asking that Council provides in-kind support/waives the fees for room hire. Details of the request is reproduced as follows:-

Organisation	Request	Est \$ Amount of Waiver	Application Summary	Meet Guidelines?
Tweed Valley Division of General Practice	Waive fee for use of the Tweed Heads Auditorium on 15 June 2007	\$185	Request the use of the Tweed Heads Auditorium to host an Aboriginal and Torres Strait Island health exposition on 15 June 2007 (date change - was to originally be 17 May 2007)	Yes. Open to public and matter of public interest.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

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

**POLICY IMPLICATIONS:**

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

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Letter from Tweed Valley Division of General Practice (DW 1425382).
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**012 [EC-OC] Lifeguard Service Casuarina**

**ORIGIN:**

**Environment & Health Services**

**SUMMARY OF REPORT:**

Tenders for the provision of a lifeguard service for some Tweed Coast Beaches are currently being prepared for a three year period. The issue of the inclusion of Casuarina for this period needs to be determined by Council.

**RECOMMENDATION:**

**That Council provides a lifeguard service for Casuarina in the current three year contract for the Christmas holiday period only.**

**REPORT:**

Council is advised that tenders for the provision of lifeguard services on certain Tweed beaches for a period of three years is currently due to be advertised. This will see the provision of these services at Cudgen, Cabarita, Fingal, Duranbah, Hastings Point and Pottsville over the Christmas school holiday period and at Duranbah, Hastings Point and Pottsville over the Easter weekend.

The decision whether to include a similar service somewhere along the Casuarina development site has not been finalised by Council.

A brief history is that two such services were provided by the developer in this area in 2002/03 season and one service in the 2003/04 season.

In 2004/05 and 2005/06, the developer contributed to Council an amount of \$10,000 towards the cost of approximately \$28,000.

A copy of previous reports dealing with the situation appear as an attachment to this business paper.

The possibility of developer contribution will be pursued and further advice provided.

Council is also reminded that it has established a Beach Safety Liaison Committee which as part of its consideration will be a review of the location of existing and future life guard patrol areas therefore to provide a patrol at Casuarina will be the subject of future review. This review is due to be completed and reported to Council by July 2008. Also the adopted two years of the seven year plan includes additional dollars which could be used to fund this service.

Accordingly it is considered that Council should include a patrol at Casuarina over the Christmas period.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Report to meeting held 1 December 2004 (DW 1128447)
  2. Report to meeting held 2 November 2005 (DW 1291389)
  3. Report to meeting held 16 November 2005 (DW 1298754)
  4. Report to meeting held 30 November 2005 (DW 1307266)
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