



AGENDA

OPERATIONS COMMITTEE MEETING

Tuesday 19 June 2007

Chairman: Mr Frank Willan

**Administrators: Mr Frank Willan
Mr Garry Payne AM
Mr Max Boyd AM**



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ITEMS FOR CONSIDERATION OF THE COMMITTEE:

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REPORTS THROUGH THE GENERAL MANAGER

01 [TCS-OC] Monthly Investment Report for Period Ending 31 May 2007

ORIGIN:

Financial Services

SUMMARY OF REPORT:

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

RECOMMENDATION:

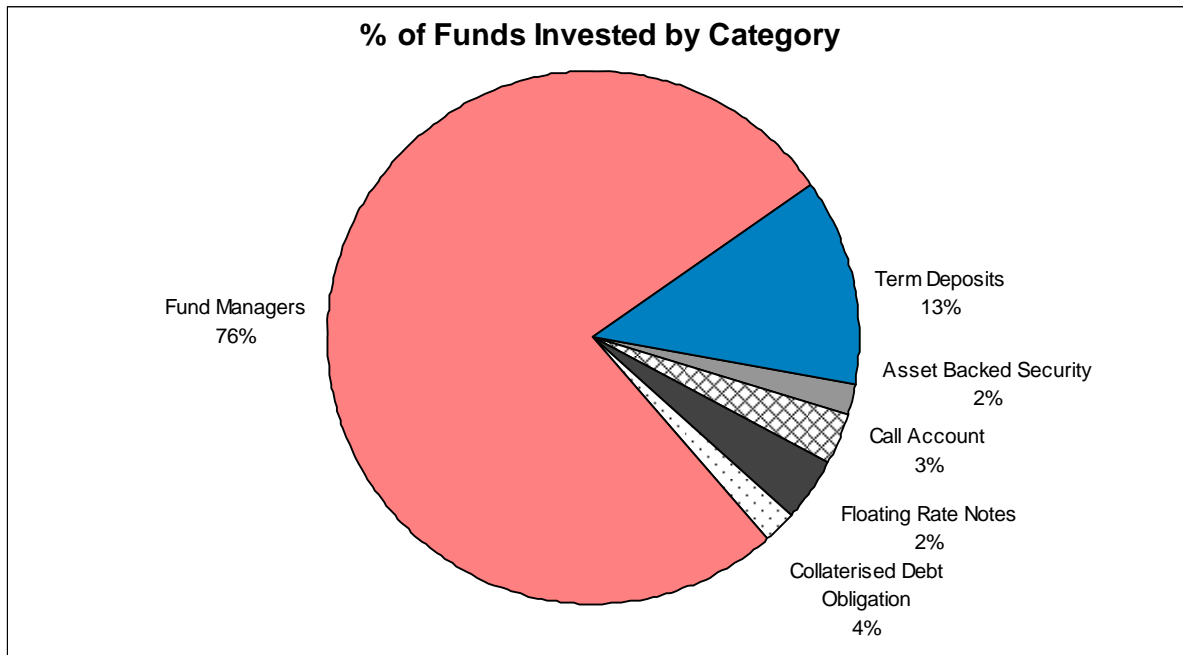
That in accordance with Section 625 of the Local Government Act 1993 the investments totalling \$103,424,103.66, as at 31 May 2007, be received and noted.

REPORT:

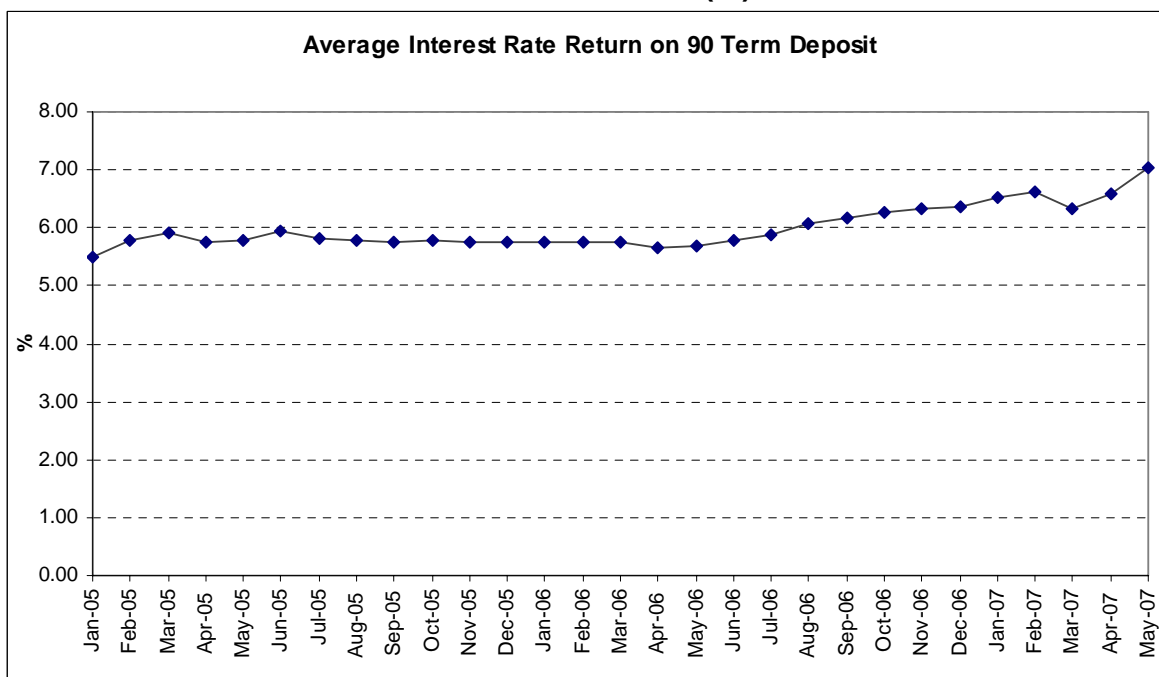
Report for Period Ending 31 May 2007

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies.

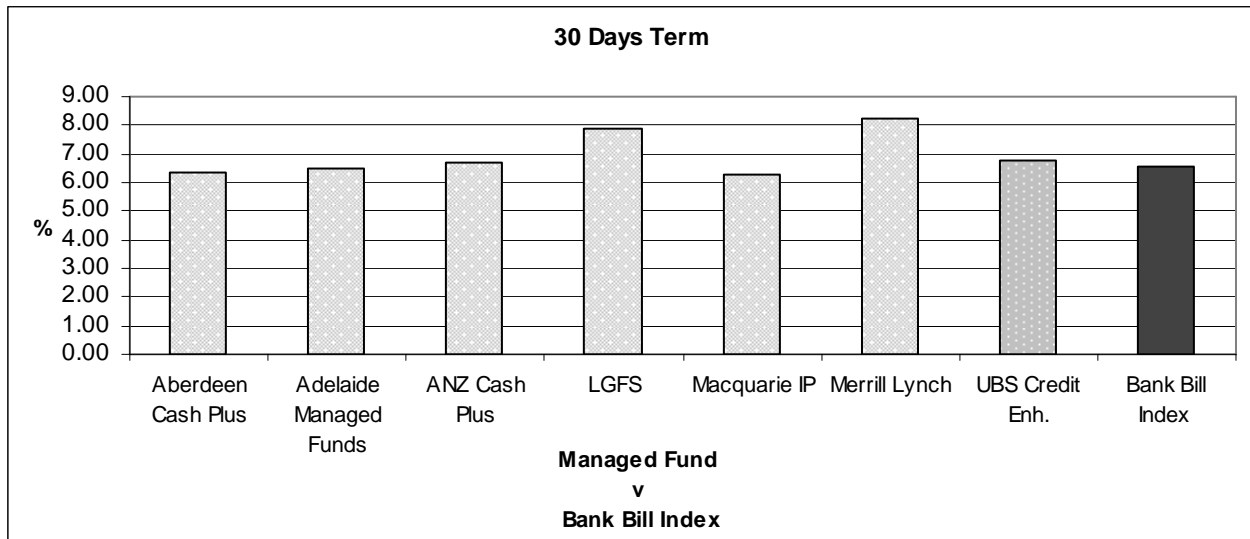
1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



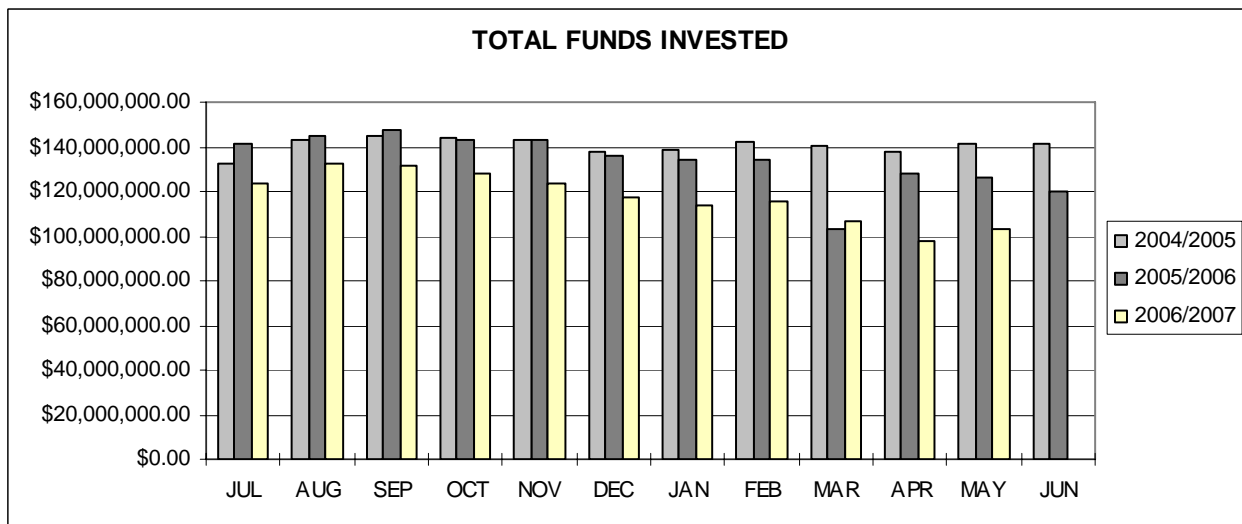
2. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)



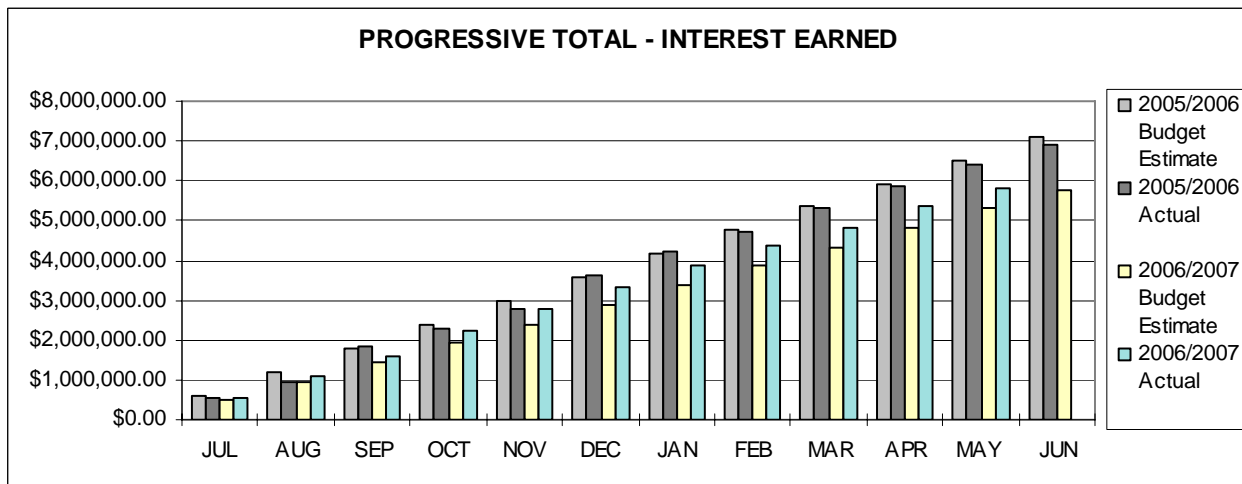
3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS - NET OF FEES



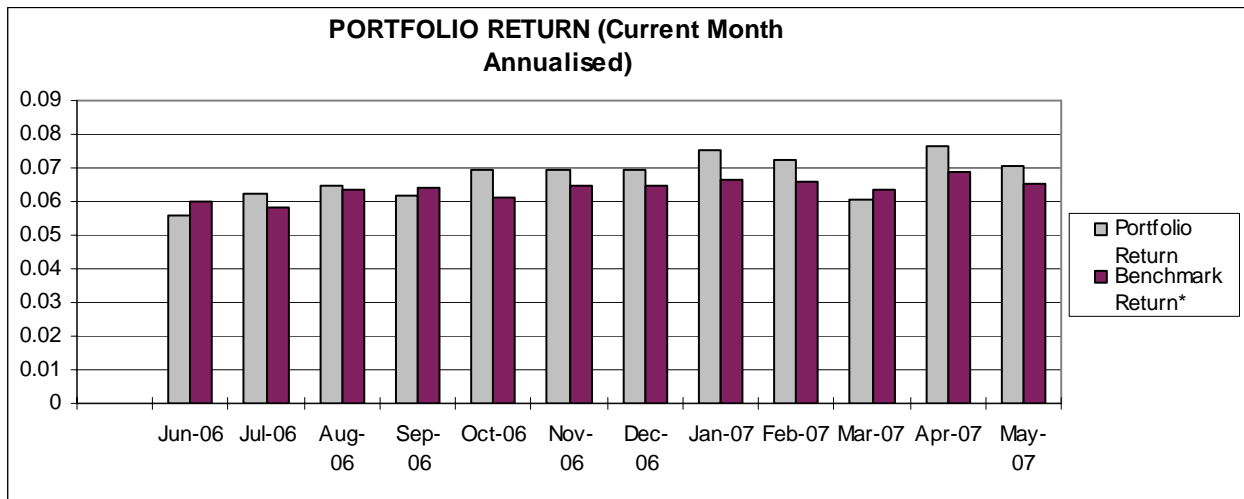
4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



6. PORTFOLIO PERFORMANCE



7. MARKET COMMENTARY

Domestic Economy

Growth in the Australian economy has continued with the labor market remaining strong. While the RBA retains a mild tightening bias, the RBA is currently on hold with inflation and wages growth remaining low. The Quarter 1 Gross Domestic Product (GDP) result showed the economy grew a strong 1.6% which was above the market forecast of 1.2%. This brought the annual rate up from 2.9% to 3.8%.

The annual 3.8% rate of GDP, indicates strong economic growth supported by consumer and business spending.

The cash rate remained on hold at 6.25% p.a. during May but production and employment capacity constraints in the economy are continuing to build. These capacity constraints may lead to the RBA increasing the cash rate to 6.5% p.a. before the end of 2007 in an effort to prevent price and wages pressures pushing up inflation as a result of an "overheated" Australian economy.

Global Economy

The global economic expansion has continued despite US economic activity moderating. This demonstrates the influence and strength of other economies, particularly China.

Excessive liquidity in the China economy is causing problems and the China Central Bank (Peoples Bank of China - PBC) attempted to restrict the supply of money by increasing the reserve requirement ratio by 0.50% to 11.50%. This reserve is the ratio of funds that are restricted and must be held in reserve by banks in China.

The US housing market continued to slow but the US Federal Reserve views the slowdown as a temporary drag on the economy and the housing sector should pick up, in conjunction with consumer spending towards the end of 2007.

Source: Oakvale May Economic Commentary

8. INVESTMENT SUMMARY AS AT 31 MAY 2007**GENERAL FUND**

TERM DEPOSITS	14,075,750.00	
FUND MANAGERS	21,845,090.51	
ASSET BACKED SECURITIES	2,000,000.00	
COLLATERISED DEBT OBLIGATION	4,000,000.00	
FLOATING RATE NOTE	2,000,000.00	
CALL	3,200,000.00	47,120,840.51

WATER FUND

TERM DEPOSITS	0.00	
FUND MANAGERS	23,780,697.84	23,780,697.84

SEWERAGE FUND

TERM DEPOSITS	0.00	
FUND MANAGERS	32,522,565.31	
CALL	0.00	
FLOATING RATE NOTE	0.00	32,522,565.31

TOTAL INVESTMENTS **103,424,103.66**

It should be noted that the General Funds investments of \$47 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

Statutory Statement - Local Government (General) Regulation 2005 Clause 212

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulations and Council's investment policies.



Chief Financial Officer (Responsible Accounting Officer)

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.



UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Nil.

O2 [EO-OC] Contract EC2006-155 - Upgrade of Lavender Creek Flood Pump Station, Murwillumbah**ORIGIN:****Design****FILE NO: EC2006-155****SUMMARY OF REPORT:**

In March 2005 Council resolved to award contract EC2004-087A to Patterson Pumps for the supply of two (2) flood pumps to replace the aging pumps at Lavender Creek Flood Pump station. Contract EC2006-155 relates to the installation of these pumps as well as the upgrade of associated electrical and control hardware.

Both supply and installation of the pumps was to be covered by the original budget allocation prepared in 2004. Extra funding is required due to the installation costs exceeding the remaining budget funds. \

Funding for the project is now proposed to be sourced from:-

- 2006/2007 Flood Mitigation Budget
- Delayed Scour Protection and de-silting works at Boat Harbour Bridge (2005/2006 Bridge Program funds carried over to 2006/2007)
- Savings from the completed Quinns Bridge project (2005/2006 Bridge Program funds carried over to 2006/2007).

A tender was called for the installation component of the project in accordance with the Local Government (General) Regulation 2005 with tenders closing 23 May 2007.

Three tenders were received at the time of closing and this report recommends the award of the tender.

RECOMMENDATION:**That:-**

1. **Council awards contract EC2006-155 - Upgrade of Lavender Creek Flood Pump Station, Murwillumbah for the amount of \$214,178 (Excl. GST) to Hopedale Services Pty Ltd.**
2. **The General Manager be given delegated authority to approve variations up to 20% of the initial contract sum.**
3. **Council authorises funding to be re-allocated from savings on the Quinns Bridge project (\$30,146.00), and delayed scour protection and de-silting works at Boat Harbour Bridge (\$97,960.00).**

REPORT:

In March 2005 Council resolved to award contract EC2004-087A to Patterson Pumps for the supply of 2 flood pumps to replace the aging pumps at Lavender Creek Flood Pump station. Contract EC2006-155 relates to the installation of these pumps as well as the upgrade of associated electrical and control hardware.

The total budget allocation for the supply and installation of the pumps as well as the upgrade of the control building is \$173,512.00. The pumps were purchased in early 2005 for \$73,718.18. With an additional \$10,310.36 in design and investigation costs, \$89,483.46 is remaining for the installation of the pumps and upgrade to the control building.

The increase in installation cost may be attributed to;

- contingency measures required to protect lower level Murwillumbah properties from flooding during the installation process,
- speciality contractors being required to perform the works, and
- increase in construction costs

The lowest tender for installation of the pumps at \$214,178.00 exceeds the budget allowance of \$89,483.46.

It is therefore proposed to source the remainder of the required funds to complete the works from;

- 2006/2007 Flood Mitigation Budget
- Delayed Scour Protection and de-silting works at Harbour Bridge (2005/2006 Bridge Program funds carried over to 2006/2007) (\$97,670)
- Savings from the completed Quinns Bridge project (2005/2006 Bridge Program funds carried over to 2006/2007) (\$30,146)

A tender was called for this project in accordance with the NSW Local Government (General) Regulations 2005 and Council's Procurement Policy. The tender closed 23 May 2007 with submissions being received from the following:-

Telfer & Co Pty Ltd

Hopedale Services Pty Ltd

CLM Excavations Pty Ltd

It is acknowledged that the cost to complete this project will substantially exceed the original budget allocation, however it is considered the project should proceed because:-

- Failure to proceed will result in local flooding behind the Murwillumbah Levee in future floods;
- Pumps have already been purchased;
- A competitive price for the pump installation has been obtained through the tender process.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The cost of the contracted works is funded via various budget allocations as detailed above.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment** – Supplementary Information - EC2006-155 Upgrade of Lavender Creek Flood Pump Station. (DW 1616148).
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O3 [EO-OC] Kennedy Drive - Traffic Capacity and the Impact of Development**ORIGIN:****Planning & Infrastructure****FILE NO: R2830****SUMMARY OF REPORT:**

This report re-examines the traffic impact of approved and currently proposed development west of the Cobaki Bridge since Council considered previous reports on this matter in June 1997 and November 1998. At the November 1998 meeting Council resolved that no development be approved west of Cobaki Bridge beyond the current (18/11/98) remaining spare capacity. This report identifies that the development consents granted since November 1998 have exhausted all traffic volume credits as previously adopted by Council. The report reassesses traffic capacity issues on Kennedy Drive with a view to lowering the level of service to cater for increasing development demand, thus freeing up additional spare capacity at the Cobaki Creek Bridge.

RECOMMENDATION:**That:-**

- 1. Council adopts the revised Level of Service D equating to 24,650 vehicles per day on Cobaki Bridge at Kennedy Drive.**
- 2. The current remaining spare traffic capacity (being 1506 vehicle trips per day) to be provided to future development west of Cobaki Bridge on a first in/first served basis.**
- 3. No development is approved west of Cobaki Bridge when the remaining spare traffic capacity of 1,506 vehicle trips per day are consumed.**
- 4. With respect to items (2) and (3) above, a review of traffic generation and development approvals be undertaken in twelve months time.**

REPORT:

Council at its meeting of 18 November 1998 considered a report relating to Kennedy Drive traffic volumes and the constraining factors affecting capacity levels and resolved:

“That subject to approval of the current development applications, no development be approved west of Cobaki Bridge beyond the current (18/11/98) remaining spare capacity of 140 vehicle trips per day.”

Developments approved since 1998, including the Development Report for DA06/0627 in the Planning Committee meeting on 19 June 2007, have now outstripped the available traffic capacity credits adopted by Council at that time with recent development applications now being held pending clarification of allowable traffic capacity west of Cobaki Bridge.

Since the above report was considered by Council, more traffic counts have been conducted on Kennedy Drive. This data enables an up-to-date assessment to be made on the available spare capacity of Kennedy Drive at the Cobaki Creek Bridge.

Two recent traffic surveys were undertaken in March 2007 at the Cobaki Bridge. These surveys showed that the highest ADT was 18,540. This compares with an ADT of 15,900 surveyed in March 1997. Therefore, in a ten year period, traffic on Kennedy Drive at Cobaki Bridge has increased by 2,640 vehicles per day or less than 1.6% pa. This value also includes the current patronage of the Seagulls Club which was refurbished recently.

In general, 1,800 vehicles per hour per lane can be regarded as the capacity of a single lane without overtaking and without interruptions (refer AustRoads publication “Guide to Traffic Engineering Practice – Roadway Capacity”). This value needs to be adjusted for heavy vehicle / bus traffic and lane widths which have been measured at 3.5% of ADT and >3.5m respectively. These values provide a maximum (uninterrupted) traffic capacity of 1,740 vehicles per hour per lane. A table has been constructed which equates the road capacity and expected “Level of Service” at peak hour at the Cobaki Bridge as follows:

TABLE 1

Level of Service	Approximate Volume to Capacity Ratio (%)	Vehicles per hour per lane	Average Daily Traffic, ADT
A	< 35	< 609	< 10,150
B	35 - 50	609 - 870	10,150 - 14,500
C	50 – 70 (69)*	870 – 1,218 (1,200)	14,500 - 20,300 (20,000)
D	70 – 85 (75)*	1,218 – 1,479 (1,310)	20,300 – 24,650 (22,000)
E	85 - 100	1,479 – 1,740	24,650 – 29,000
F	> 100	> 1,740	> 29,000

* The figures in brackets indicate previously adopted capacity limits by Council.

An explanation of ‘level of service’ or LOS in relation to traffic capacity has been provided in an attachment to this report. The values shown in Table 1 above provide an approximation for ADT and have been derived using the following important criteria:

- Totally uninterrupted traffic flow conditions over a significant length of a single traffic lane. (This is not exactly the case that applies to the Cobaki Bridge situation);
- A directional traffic split of 75% (eastbound) : 25% (westbound) in the AM peak hour, which has been measured;
- AM peak hour traffic representing 8% of ADT, which has also been measured; and
- All traffic generated by developments west of the Cobaki Bridge crosses the Cobaki Bridge. This is not strictly correct as a very small portion of trips generated by a particular development may be away from the Cobaki Bridge.

An adjustment should be applied to the figures above which caters for interruptions imposed on traffic flow such as intersections and turning traffic (into driveways). The evaluation of these interruptions, and hence the required adjustment to the tabulated values above, is complex. Dynamic computer traffic models such as "Paramix" could evaluate traffic capacity more accurately, however such models require significant data input and are generally quite expensive to run. The values provided in the table above can however be taken as broad approximations.

The upgrading of Kennedy Drive to four lanes east of the Cobaki Creek Bridge and the construction of a roundabout at the Piggabeen Road – Gollan Drive intersection just west of the Cobaki Bridge will improve the traffic capacity as the two lane bridge will only impose a short length of restriction (<80m) and will cater for turning traffic more effectively. The exact improvement provided in terms of traffic capacity at the Cobaki Bridge is again difficult to accurately determine.

It was previously reported to Council that, because of development needs and the planned future road network in the area (Cobaki Parkway and the Scenic Drive extension), it was considered reasonable to allow peak hour traffic to operate at a Level of Service D to maximise the use of existing road infrastructure in this location.

To account for the uncertainty of estimating maximum traffic capacity and to not inhibit development as much as possible, it is recommended that the maximum capacity shown for a Level of Service D in Table 1 above be adopted as a basis for assessing current and future development applications. i.e a maximum capacity of 24,650 vehicles per day. It should be noted that this Level of Service will only apply during peak hour traffic conditions at the Cobaki Bridge with a significantly improved level of service at other times and at other locations along Kennedy Drive. It is also important to note that at a Level of Service E, traffic flow becomes unstable and minor disturbances within the traffic stream will cause breakdown (i.e. traffic can very easily become congested). Should additional development west of the Cobaki Bridge pressure Council for a further reduction in the level of service, a detailed and comprehensive traffic analysis using computer modelling should be undertaken.

The volume of traffic for Level of Service C is the capacity adopted for Council's distributor road network as traffic flow at this level is stable. Council at its meeting of 18 November 1998 adopted a Level of Service D which increased the capacity to 22,000 vehicles per day at the Cobaki Bridge. This provided a spare capacity of 6,742 vehicles

per day at that time (the existing volume of traffic at the time was 15,528 vehicles per day). Development applications received and approved by Council since November 1998 which impact on Kennedy Drive have exhausted this spare capacity. A summary of development approvals since March 1998 is shown in Table 2 below.

The report considered by Council in November 1998 contained a table listing all the approved developments and the number of vehicle trips attributable to these developments as at 4 April 1997.

This table has been updated to include approvals since 4 April 1997 and is shown below:

Table 2

Subdivision Name	No of Lots in Subdivision	No of Lots Built on as at March 2007	No of Lots Remaining	Future Trips (vpd)
Pine Tree Road	6	5	1	6.5
Left off Piggabeen Road (Eva Crescent)	9	9	0	0
Robinsons Road	9	0	9	58.5
Mt Glade Estate (Camphour Laurel Dr)	11	10	1	6.5
Foxy's Golf Club	Current DA (additional traffic)			322
Tweed Highlands Estate	60	59	1	6.5
Sierra Vista Estate	105	100	5	32.5
Peninsula Drive	4	1	3	19.5
Marana Park Estate	41	40	1	6.5
Carol Road	9	2	7	45.5
Cusack's Subdivision – The View	52	9	52	338
Lanham	14	9	14	91
Terranora Lakes Country Club	-	-	-	2,660*
Byrne - Walmsleys Road	8	0	8	52
15 Monmeeth Ave, Bilambil Heights	2	0	1	6.5
18-20 Cupania Court, Tweed Heads	15	0	14	91
35 Panorama Drive	127	0	127	482.3
9-10 Cupania Court, Tweed Heads West	3	0	2	5.2
289 Piggabeen Road, Piggabeen	7	0	7	39
34 McAllisters Road, Bilambil Hts	5	0	5	26
Scenic Drive Bilambil Hts	2	0	2	13
38 McAllisters Road	45	0	45	260
Walmsleys Road, Bilambil Hts	2	0	1	6.5
Sierra Vista Blde, Bilambil Hts	4	0	4	19.5
Marrana St, Bilambil Hts	76	0	75	(475)*
TOTAL				4,604

Notes: * 475 vpd offset with Terranora Lakes Country Club vpd

From the above table and accumulated traffic data to-date, it can be seen that the remaining spare capacity at Cobaki Bridge is 24,650 (LOS D) – 18,540 (March actual ADT) – 4,604 (approved developments) = 1,506 vehicles per day (or 232 residential lots).

It is therefore recommended that no development is approved west of Cobaki Bridge when the remaining spare capacity of 1,506 vehicle trips/day is consumed.

It should be noted that this recommended restriction on traffic capacity is only temporary until the Cobaki Parkway and the Scenic Drive extension are completed. These road network projects will provide alternative access to the north into Tugun, however these links are not likely to be constructed for 10 – 15 years.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Attachment - Supplementary Information to Agenda Item (DW 1617308)
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04 [EO-OC] Strategic Asset and Services Management Program**ORIGIN:****Recreation Services****FILE NO:****SUMMARY OF REPORT:**

Council adopted the Strategic Asset and Services Program Policy (SAMP) in 2003. The Policy objectives are to:

“Create, construct, manage, supervise, control, inspect, maintain and repair all assets under the care, custody, control and management of Council to a safe standard and in a safe condition which is, in fact, the highest standard and condition that Council has determined it can reasonably afford in all of its circumstances and having regard to all of its statutory obligations and financial, economic, environmental, aesthetic, social or political factors or constraints.”

The policy includes schedules that prescribe the standards that Council will apply to various assets and services. The General Manager may determine to add new schedules, or vary or rescind the content, standard or procedure of any Schedule attaching to this policy.

In response to the recent issues pertaining to beach safety, Council's risk and asset management consultant was requested to advise on the current status of beach risk warning signage.

This report outlines the advice received and recommended actions.

RECOMMENDATION:

That pursuant to the provisions of the Strategic Asset Management Policy, Council determines the following matters to be set out in Schedule 1 of the policy. The decision shall take effect from 19 June 2007.



SCHEDULE 1

ITEM	DETERMINATION
1	<p><u>Application:</u> All non-contracted beaches</p> <p>(a) That the Schedule 6 (Item 2) sign shall not be erected at any beach which is not patrolled by contracted life saving services (refer Schedule 1A Table 2).</p> <p>(b) That in accordance with section 14.12 g) and f) and 13.30.3 c), no Risk Warning Signs shall be erected at any beach (including at any designated entry point) warning the public about any risk specified in 14.12 g) and f), or that a beach is unsupervised, not patrolled or rescue services are not provided or the whereabouts of the nearest patrolled beach or the whereabouts of the nearest public telephone.</p>
2	<p><u>Application:</u> All contracted (patrolled) beaches.</p> <p>(a) That the Schedule 6 (Item 2) sign shall not be erected at any contracted beach.</p> <p>(b) The Risk warning Sign numbered RWSBCH1 be used in accordance with the attached instructions.</p> <p>(c) That except as provided in (b), and in accordance with section 14.12 g) and f) and 13.30.3 c), no Risk Warning Signs shall be erected at any beach (including at any designated entry point) warning the public about any risk specified in 14.12 g) and f); and no Risk Warning Sign shall be erected warning the public that a beach or any particular part of a beach is not patrolled or that rescue services are not provided.</p>
3	<p>For the avoidance of doubt in 1 & 2 “contracted” means a contract between Council and Surf Life Saving INC and excludes SALT.</p>

REPORT:

Council adopted the Strategic Asset and Services Program Policy (SAMP) in 2003. The Policy objectives are to:

“Create, construct, manage, supervise, control, inspect, maintain and repair all assets under the care, custody, control and management of Council to a safe standard and in a safe condition which is, in fact, the highest standard and condition that Council has determined it can reasonably afford in all of its circumstances and having regard to all of its statutory obligations and financial, economic, environmental, aesthetic, social or political factors or constraints.”

The policy includes schedules that describe the standards that Council will apply to various assets and services. The General Manager may determine to add new schedules, or vary or rescind the content, standard or procedure of any Schedule attaching to this policy.

In response to the recent issues pertaining to beach safety, Council’s risk and asset management consultant was requested to provide advice on the current status of beach risk warning signage.

What is the extent of risk warnings for beaches under the SAMP policy?

The current SAMP policy (s.14.12 g) provides that no warning is to be placed about any watercourse or body of water warning of an artificial or natural danger or hazard inherent in at or about any watercourse or body of water (and this includes the ocean or sea) UNLESS the Council, by express resolution, has designated such watercourse or body of water or any part or parts thereof for swimming, wading, aquatic sports of any type etc.

The fact that TSC has control, management and care of the whole of the Tweed coastline, including beaches where people can recreate as of right, does not mean it has “designated” the coastline or any particular beach for swimming etc. There are several ways a particular beach might be ‘designated’, but TSC, through the SAMP policy, has chosen to only designate by resolution—this means that the general manager or another employee cannot designate a beach; only the Council can do this (usually on recommendation from the General Manager). At this time TSC has resolved to designate only the beaches listed in Schedule 1A.

Section 14.12 h) of the policy provides that no warning of the existence of any naturally occurring hazard or danger to all humankind— including but not limited to the hazards or dangers attaching to water or the use of water, any watercourse or body of water, wave motion on rocks, foreshores or any structure, freshwater or marine dwelling fish whether or not any such fish is known to be dangerous in any way to humankind, animals, reptiles and insects, or any land dwelling animal, reptile, insect, bird, beaches, cliffs, escarpments, steep slopes, uneven and/or slippery surfaces, trees, shrubs or other flora—within the shire at, along, in, about or around any foreshore, watercourse, or public place, park or reserve.



Section 14.30.3 b) and c)—with the exception of Schedule 1A (i.e. the contracted beaches management by Surf Life Saving)—specifies the entire Tweed coastline will be unsupervised and that no sign will be erected at any beach informing the public that a beach is unpatrolled, that rescue services are not provided, the location of the nearest patrolled beach, that bathing or surfing at a particular beach may be hazardous or that hazardous bathing or surfing conditions or dangerous sea creatures may exist at any beach.

Section 14.30.4 a) and b) specifies the erection of a sign, in accordance with Schedule 6 (Item 2) at each designated entry point at all non-contracted beaches. These signs have not been erected. However, if Council desires that this sign not be erected then a decision must be made not to do so. Councils Risk adviser suggests that at this stage, no signs be erected at non-contract beaches, unless a special reason exists, as the new risk warning signs should be used.

The new SAMP policy will use specially designed risk warning signs. Attached is the amended Schedule 6 (Item 2) sign and an example of what it looks like as a double-sided sandwich board sign. Council’s risk adviser has discussed the issues relating to not putting Schedule 6 (Item 2) signs up at either contracted or non-contracted beaches with his lawyers, and their advice is that the course of action set out in Schedule 1 is correct.

Determination of schedule 1

Pursuant to the provisions of the Strategic Asset Management Policy, it is recommended that Council resolve to determine the matters set out in Schedule 1

SCHEDULE 1

ITEM	DETERMINATION
1	<p><u>Application:</u> All non-contracted beaches</p> <p>(a) That the Schedule 6 (Item 2) sign shall not be erected at any beach which is not patrolled by contracted life saving services (refer Schedule 1A Table 2).</p> <p>(b) That in accordance with section 14.12 g) and f) and 13.30.3 c), no Risk Warning Signs shall be erected at any beach (including at any designated entry point) warning the public about any risk specified in 14.12 g) and f), or that a beach is unsupervised, not patrolled or rescue services are not provided or the whereabouts of the nearest patrolled beach or the whereabouts of the nearest public telephone.</p>

2	<p><u>Application:</u> All contracted (patrolled) beaches.</p> <p>(a) That the Schedule 6 (Item 2) sign shall not be erected at any contracted beach.</p> <p>(b) The Risk warning Sign numbered RWSBCH1 be used in accordance with the attached instructions.</p> <p>(c) That except as provided in (b), and in accordance with section 14.12 g) and f) and 13.30.3 c), no Risk Warning Signs shall be erected at any beach (including at any designated entry point) warning the public about any risk specified in 14.12 g) and f); and no Risk Warning Sign shall be erected warning the public that a beach or any particular part of a beach is not patrolled or that rescue services are not provided.</p>
3	<p>For the avoidance of doubt in 1 & 2“contracted” means a contract between Council and Surf Life Saving INC and excludes SALT.</p>

Notes of Determination.

The following notes of determination are provided in support of the determination of the matters set out in Schedule 1.

Budgetary restriction for 2006/07 and 2007/08 and beyond:

(a) Funds and resources not available to provide lifeguard or rescue services beyond the current contracted (patrolled) beaches listed in Schedule 1A.

(b) Restricted funds and resources available for signage including risk warning signs.

(c) The Manager Recreation Services has considered advice from LOGOV in terms of the relevant LOGOV Risk and Analysis Report.

(d) Tabled at this meeting is the Strategic Asset & Service Management Program policy adopted on 22 January 2003. Also tabled is the LOGOV Risk and Analysis Report on Beaches, together with the cost estimate of meeting the common law standard of care set out in the LOGOV report.

An example of what Amended Schedule 6 (Item 2) sign looks like as a double-sided sandwich board sign



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Amendment to Strategic Asset and Services Management Program.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment** - Strategic Asset & Service Management Program (SAMP) adopted 22 January 2003 Schedule 6. (DW1617418)
 2. **Confidential Attachment** - Amended SAMP Schedule 6 dated May 2006 (DW1401664).
 3. **Confidential Attachment** - Advice from Logov Risk Management Services Pty Ltd relating to Beaches - Duty of Care - Risk Warnings (DW1617745)
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O5 [EO-OC] Trimming of Trees Fronting Surf Clubs**ORIGIN:****Recreation Services****SUMMARY OF REPORT:**

Council has received requests from Cabarita Beach Surf Life Saving Club and Fingal Rovers Surf Life Saving Club for Council to trim the trees in the dunal area fronting the clubs to facilitate casual surveillance of the beach from the club buildings.

In past years, Council has undertaken this trimming on an annual basis. However, this has not occurred at Cabarita since the old building was condemned. No trimming was undertaken at Fingal this year as the previous years trimming was sufficient to accommodate this years requirement.

With consideration to Councils stance on vegetation clearing and refusal to endorse requests for thinning or removal of vegetation in front of The Beach development immediately adjoining the Cabarita Surf Club, it is prudent for Council to consider a report on the request to ensure consistency and equity.

RECOMMENDATION:

That Council approves the trimming of vegetation:-

- 1. In front of the Fingal Rovers Surf Club and the Cabarita Beach Surf Club to allow for casual surveillance of the beach subject to the following conditions:-**
 - a) The extent of the trimming is to be the minimum required to facilitate the required view lines.**
 - b) The extent of the pruning is to be determined by Council officers in consultation with the surf club.**
 - c) Only Council staff are authorised to undertake the pruning.**
- 2. Obscuring views from Council constructed viewing platforms as required to maintain the intended view.**

REPORT:

Council has received requests from Cabarita Beach Surf Life Saving Club and Fingal Rovers Surf Life Saving Club for Council to trim the trees in the dunal area fronting the clubs to facilitate casual surveillance of the beach from the club buildings.

In past years, Council has undertaken the trimming of trees fronting both Fingal Surf Club and Cabarita Beach Surf Club on an annual basis. However, this has not occurred at Cabarita since the old club building was condemned. No trimming was undertaken at Fingal this year as the previous years trimming was sufficient to accommodate this year's requirement.

With consideration to Councils stance on vegetation clearing and refusal to endorse requests for thinning or removal of vegetation in front of The Beach development (immediately adjoining the Cabarita Surf Club), it is prudent for Council to consider its response to these requests to ensure consistency and equity.

The validity of the requirement for casual surveillance was discussed with the Beach Safety Liaison Committee. The clubs volunteer patrol roster extends from September to April with the following patrol times:

Fingal Rovers	Saturdays from 10 am to 3 pm and Sunday from 9 am to 4 pm. Extended during school holidays to 9 am to 5 pm Saturdays and Sundays
Cabarita Beach	Saturday from 9 am to 1 pm and Sunday from 9 am to 4 pm. Extended during school holidays to 9 am to 5 pm Saturdays and Sundays.

It was confirmed by all the surf life saving clubs and Surf Life Saving NSW that surf life saving clubs respond to numerous out of patrol hours calls and that the response time to emergency situations is critical. Emergency responses as a result of casual surveillance from the club buildings during out of patrol hours accounts for a significant number of out of hours rescues.

Similarly, an issue that has arisen at Fingal is where Council constructed an all access viewing platform immediately south of the surf club. The view of the beach from the platform has since been obscured by the growth of trees in the dunal area, rendering the viewing platform ineffective.

Council acknowledges the importance of the dunal vegetation and the criticality of maintaining and improving the integrity of a robust dunal system. Indeed, Council and the numerous volunteer groups on the coast have dedicated significant hours and resources to the regeneration of these areas over many years. More recently, Council has imposed conditions on the larger coastal developments requiring dune management plans and significant regeneration works to be undertaken within the dunal areas.

Council also resolved to implement a zero tolerance policy with regard to illegal clearing of vegetation and has acted on this policy where required. Therefore, proposals for the clearing or trimming of vegetation require careful consideration and justification.

In order to justify proposals for clearing or trimming of coastal vegetation, a clear and obvious broad public benefit needs to be demonstrated. Clearing or trimming of coastal vegetation for commercial or private benefit is not supported and clearly unacceptable. The trimmings of trees for surveillance from surf clubs and to maintain views from Council constructed viewing platforms clearly provide a broad community benefit. There is no commercial or private benefit in either circumstance.

Council's Development Assessment Unit has advised that as the area is zoned 6(a) public open space, no approvals are required for Council to undertake these works. Department of Lands officers have advised that they do not have any objections to the proposed trimming provided it is controlled and undertaken by Council.

Therefore, it is recommended that Council endorse the trimming of vegetation out the front of the Fingal Rovers Surf Club, and the Cabarita Beach Surf Club to allow for casual surveillance of the beach subject to the following conditions.

- a) The extent of the trimming is to be the minimum required to facilitate the required view lines.
- b) The extent of the pruning is to be determined by Council officer in consultation with the surf club.
- c) Only Council staff are authorised to undertake the pruning.

Additionally, it is recommended that Council endorse the trimming of vegetation obscuring views from Council constructed viewing platforms as required to maintain the intended view.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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O6 [CNR-OC] Water Supply & Sewerage Development Servicing Plans**ORIGIN:****Water****SUMMARY OF REPORT:**

At its meeting of 8 May 2007, Council resolved to exhibit revised water supply and sewerage development charges. Council has advertised as part of the Draft Management Plan, the development servicing plans for water supply and sewerage in accordance with Section 64 of the Local Government Act and Department of Water & Energy (DWE) guidelines.

No formal submissions have been received during the exhibition period. It is therefore recommended that Council adopts the exhibited charges.

RECOMMENDATION:**That:-**

- 1. Council adopts the Water Supply and Sewerage Developer Servicing Plans and the associated developer charges incorporated in Council's Revenue Policy and Fees and Charges as below:-**

Area	Sewerage	Water Supply
All Areas per ET	\$4,804	\$9,997

- 2. The development servicing plans be forwarded to the Department of Water and Energy for registration.**



REPORT:

Council has advertised as part of the Draft Management Plan, the development servicing plans for water supply and sewerage in accordance with Section 64 of the Local Government Act and Department of Water & Energy (DWE) guidelines.

No formal submissions have been received during the exhibition period. It is therefore recommended that Council adopts the exhibited charges as shown in the table below.

Area	Sewerage	Water Supply
All Areas per ET	\$4,804	\$9,997

Once adopted the Plans will have their status changed from draft to adopted and forwarded to the Department of Water and Energy for registration.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

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Nil.

07 [CNR-OC] EC2007-030 Tender for the Supply, Delivery & Installation of ICP-OES Laboratory Instrumentation

ORIGIN:

Water

SUMMARY OF REPORT:

Tenders for the Supply, Delivery & Installation of ICP-OES Laboratory Instrumentation closed on 23 May 2007 with five tenders being received. These tenders have been reviewed in accordance with Council's Tender Evaluation process and the following tenderer is recommended.

RECOMMENDATION:

That:

- 1. The tender from PerkinElmer be accepted for a sum of \$194,610 GST exclusive.**
- 2. The General Manager is given delegated authority to engage the preferred provider of Operating Lease Finance under Contract AC2007-035 to procure the ICP-OES.**

REPORT:**Background**

The present ICP was procured in 2000 and is close to the end of its productive life. Due to the increase of samples requiring metal analysis, the current instrumentation is unable to sufficiently perform at the required speed and detection levels. The change in technology means that the current instrumentation has been superseded. The laboratory needs to maintain a quality of service expected by our clients. Current technology ICP's are three times faster and have a detection level an order of magnitude lower.

The requirements of this tender includes:-

- Supply of a simultaneous ICP-OES Instrument, this would include Delivery and Installation at Tweed Laboratory Centre Facility.
- Provision for five years of continuous maintenance, support and supply of consumable items.
- Sufficient training to allow Laboratory Staff to operate unsupervised.
- Provision for payment through a five year operating lease, with no residual.
- Sufficient information to determine the daily running costs.
- Ability of the software to be able to communicate successfully with LIMS.

It is proposed to finance the purchase through an Operating Lease under Contract AC2007- 035.

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

No	Criteria	Weighting
1	Price	25%
2	Technical Abilities	25%
3	Support	25%
4	Record Of Performance	25%

Tenders Received

At the closing of tenders on 23 May 2007, five tenders were received.

Number	Tenderer
1	PerkinElmer
2	Biolab
3	Agilent Technologies
4	Varian
5	ThermoFisher

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funds have been allocated in the Tweed Laboratory Centre budget 2006/2007 for purchase by a 5 year operating lease

POLICY IMPLICATIONS:

Nil.

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1. **Confidential Attachment** - Supplementary Information - EC2007-030 Supply, Delivery & Installation of ICP-OES Laboratory Instrumentation (DW 1617602)
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O8 [CNR-OC] Request for "In Kind" Support/Waive Fee**ORIGIN:****Community & Cultural Services****SUMMARY OF REPORT:**

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

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

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

RECOMMENDATION:

That Council, with reference to the request from United Hospital Auxiliaries of NSW Inc (Tweed Heads Branch), Council provides the Tweed Heads Civic Centre for a reduced fee of \$114 being 50% of the full fee of \$228 for the Auxiliary's fashion parade to be held on 28 May 2007, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".



REPORT:

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

Organisation Name	Request	Est \$ Amount of Waiver	Recommendation	Meet Guidelines?
United Hospital Auxiliaries of NSW Inc (Tweed Heads Branch)	Request fee be waived for hire of Tweed Heads Civic Centre on 28 May 2007 for the Tweed Heads Branch's Auxiliary Fashion Parade	\$114	That the fee be reduced to \$114 being 50% of the full fee of \$228 for the Tweed Heads Branch's Auxiliary Fashion Parade.	Yes

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

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

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

POLICY IMPLICATIONS:

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

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

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1. United Hospital Auxiliaries of NSW Inc (Tweed Heads Branch) (DW1612386)
-

09 [CNR-OC] Entomological Control Report for Period March to May 2007

ORIGIN:

Community & Natural Resources

SUMMARY OF REPORT:

The following report outlines nuisance insect, pest and vermin control carried out in the Shire from March to May 2007.

RECOMMENDATION:

That this report on Entomological Control for the period March to May 2007 be received and noted

REPORT:

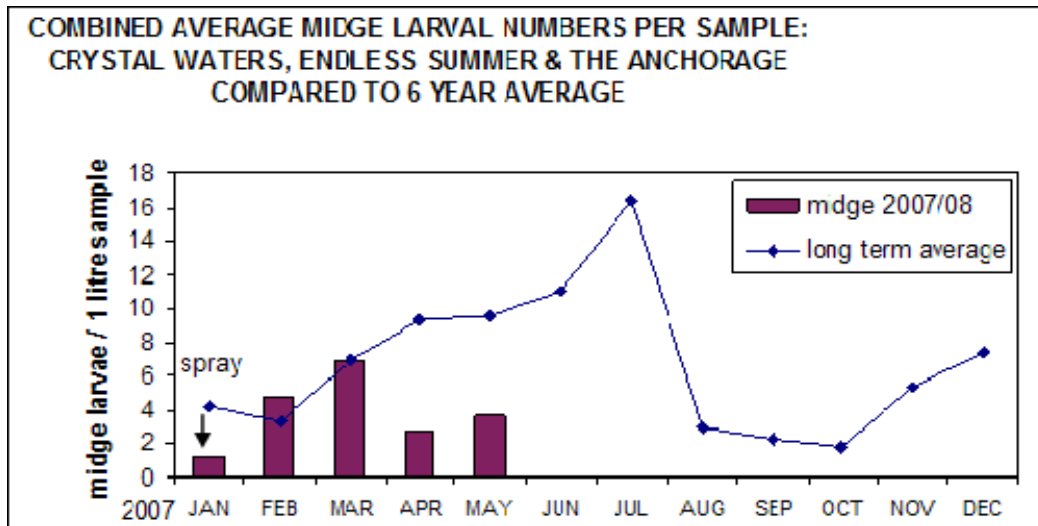
BITING MIDGE

Seasonal activity

Biting midge activity was generally less than average during autumn with only 11 biting midge related enquiries during the 3-month report period. Complaints regarding midges emanated from Banora Point, Tweed Heads South, Tweed Heads West, Terranora and Chinderah.

Canal estate biting midge larval treatments are proposed for July when larval numbers generally peak.

The following graph depicts biting midge larval numbers averaged in 3 major canal estates this year.



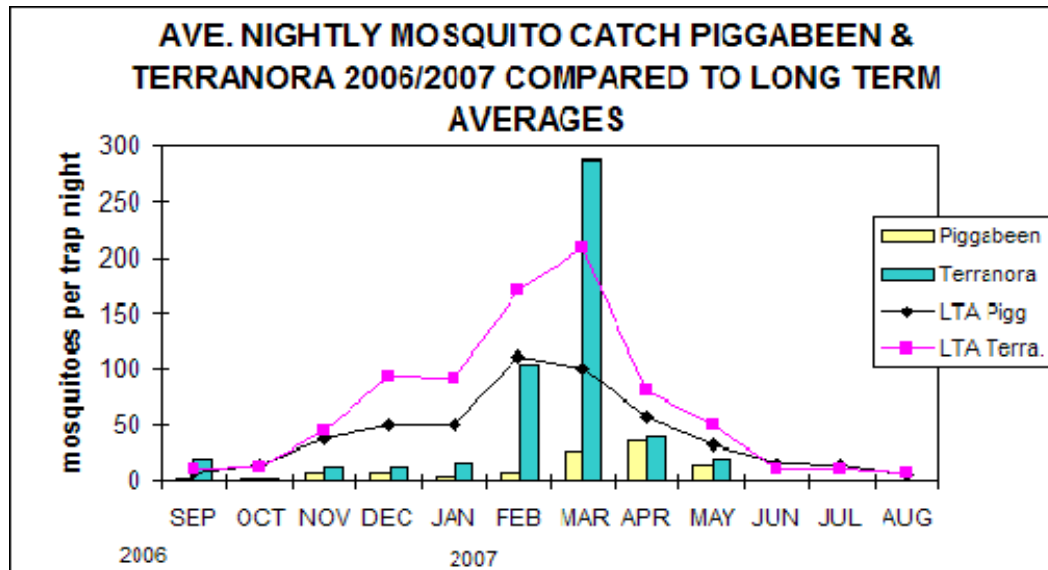
MOSQUITOES

Seasonal activity

With the exception of one area, mosquito activity remained low over the 3-month report period due to the dry conditions and generally smaller than predicted tides. There were 24 mosquito related enquiries over the report period. Most of the mosquito complaints emanated from areas of Banora Point West and Terranora adjacent to an extensive wetland area with a degraded floodgate system that was allowing full tidal inundation of previous freshwater wetlands. Salt marsh mosquito activity in this area quickly diminished following the installation of a new environmentally focussed floodgate in April. Tweed Shire Council was successful with an application to the North Coast Catchment Management Authority to fund the new floodgate system at the Terranora site. The floodgate is designed to allow a regulated flow of tidal-water on an environmental needs basis back into the wetland through an adjustable sluice. Benefits from this new floodgate - apart from reductions in mosquito and biting midge breeding, are likely to be: reliable fish access to wetland perimeter drains, enhancement of wetland vegetation health and biodiversity, reduced acid-sulfate discharge and maintenance of freshwater frog breeding areas.

With the exception of the high numbers of mosquitoes trapped near the previously mentioned degraded floodgate site at Terranora, carbon dioxide baited mosquito traps

caught below average mosquito numbers over the period (see graph below). The most frequently trapped mosquitoes were the salt marsh and brackish water breeding species *Culex sitiens*, *Aedes vigilax* and *Verrallina funerea*.



Control

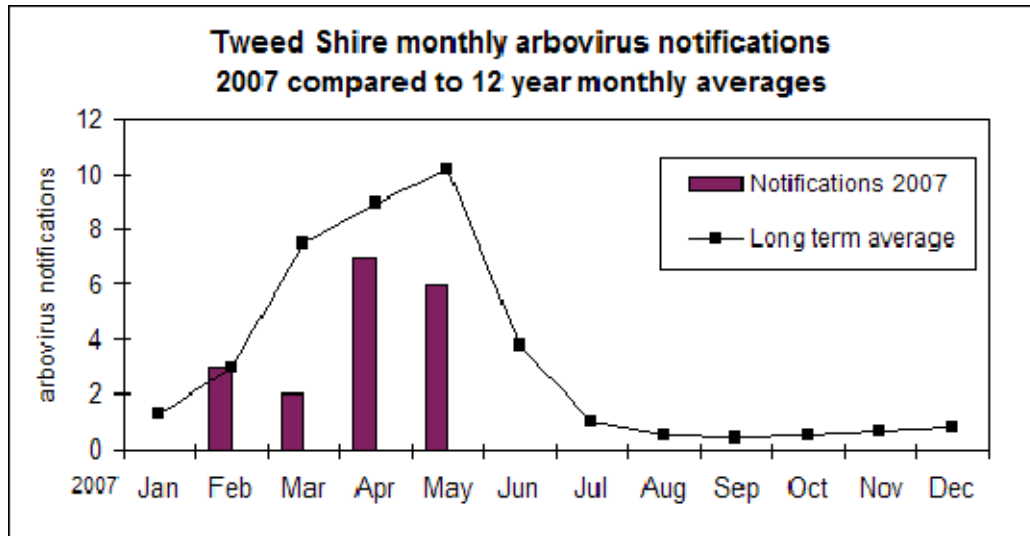
The report period was one of the quietest autumn mosquito control seasons we have had.

Ground based control and pre-treatment with biological insect growth regulating pellets and briquettes was carried out in chronic mosquito breeding sites at Bilambil, Piggabeen and Pottsville. No aerial mosquito larval control was necessary.

The problem Terranora wetland previously mentioned was not treated as it has become impossible to effectively survey for mosquitoes due to extensive tall and dense vegetation cover.

Arbovirus

The lack of mosquitoes over the report period has been reflected in the below average arboviral notifications within the Shire. There were 15 arboviral notifications over the report period made up of 7 cases of Ross River virus and 8 cases of Barmah Forest virus.



Mosquito publication

Council's entomologist jointly produced a paper with Professor Pat Dale from Griffith University QLD and Douglas Carlson, manager of Indian River Mosquito Control District, Florida USA for the American Mosquito Control Annual Conference in Orlando Florida in March 07. An enlarged version of the paper is being submitted to the Journal of The American Mosquito Control Association. The Paper is titled "4 Degrees of Latitude: Mosquito Control on the "Right" Coasts of Australia and Florida". This study compares mosquito control within similar environments between 26 and 30 degrees of latitude on the east central coasts of Florida and Australia. It describes the relevant mosquito-producing environments, the development of mosquito control, legislative framework, funding bases and organizational differences between the areas.

OTHER PESTS

Rodents

Numerous rodent complaints were received from widespread areas of the Shire. Rodent baiting was carried out around coastal holiday parks and gardens, adjacent to several drainage reserves and infested sections of Tweed River rock walls.

Rabbits

Rabbits have continued to be a minor problem around Casuarina Beach and parts of Pottsville and Murwillumbah.

Pandanus dieback

Isolated Pandanus plant hopper infested trees showing symptoms of dieback were found at Kingscliff and on private property at several sites at Bogangar. The trees at these sites and any found nearby were treated with the systemic insecticide Confidor. Plant hopper egg cases were removed from some of these trees and hatched in the laboratory to assess whether plant hopper parasitic wasps were active at the sites – no parasitism was observed. Lack of beneficial wasp egg parasites may be due to low host thresholds or possibly the very dry seasonal conditions.

Miscellaneous

There were 94 enquiries over the report period requesting miscellaneous pest information and identifications. The most common enquiries related to ants and wasps.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

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Nil.



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