

TITLE: [EC] Beach Lifeguard Service

ORIGIN:

Environment & Health Services

<p>Attachment 1 Report from 1 December 2004 Meeting.</p>

SUMMARY OF REPORT:

Council has previously agreed to provide a lifeguard service at a number of locations along Tweed Beaches. Surf Life Saving Services NSW have now advised that they have received notification that Casuarina Beach Resort Management will not be funding lifeguards at Casuarina Beach which they have funded for the past 2 years. As there are many other coastal locations that are similar to Casuarina Beach that do not have a lifeguard provided it is considered that no action be taken to provide a lifeguard at Casuarina Beach. Such to be further considered when Council adopts a Beach Safety Strategy which is currently in draft form and is expected to be considered by Council in the New Year.

RECOMMENDATION:

That Council does not provide a lifeguard service to Casuarina Beach for the 2004/05 lifeguard season.

REPORT:

Council will recall that at its last meeting it resolved to agree to accept the offer of Surf Life Saving NSW to provide lifeguards on certain beaches along the Tweed Coast.

Council has now been advised by Surf Life Saving NSW that the lifeguard service funded by Casuarina Beach Town Hall for the past 2 years will not be funded this year. This information was provided to Surf Life Saving NSW by David Parrish, General Manager of the Casuarina Beach Resort.

Council was previously requested to provide a lifeguard service at Casuarina Beach but declined to do so. This was because it was considered there was no more justification to provide this service as there was to provide additional services at other growing residential areas such as South of Pottsville Creek or Black Rocks, Wooyung or South Cabarita, North Kingscliff or South Fingal.

Therefore as part of its promotion of Casuarina Beach the Management Company funded the provision of lifeguards for 2 years with 2 patrol areas in the first year and only 1 in the second.

As stated above it is considered that there are many factors, including the cost, population growth, beach profile etc which should determine where and when lifeguard services are provided. To this end Council is currently developing a Beach Safety Strategy which will allow these issues to be further determined.

This strategy is in draft form and should be ready for Council's consideration in the New Year.

Therefore it is recommended that Council takes no action in the matter of the provision of life guards in the Casuarina Beach area for the 2004/05 life guard period.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

No Budget allocation has been made for this service.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

TITLE: [EC] Tender HC2005-186 Annual Agreement for Surf Life Saving Patrols

ORIGIN:

Environment & Health Services

Attachment 2 Report from 2 November 2005 Meeting.

SUMMARY OF REPORT:

Council has provided surf life saving patrols on certain Tweed Coast beaches at Easter and Christmas each year. On 7 September 2005 Council resolved to seek tenders for 2005/06 Christmas and Easter beach patrols by the open tender method.

A number of submissions have been received supporting the need for beach patrols at Casuarina Beach.

RECOMMENDATION:

That :-

- 1. Council accepts the tender provided by Surf Life Saving Services Pty Ltd for the provision of beach life saving services on 'standard' beaches, as outlined in this report, over Christmas 2005/06 and Easter 2006 at the tender price of \$122,343.39 (GST exclusive).**
- 2. Council determines whether to accept the tender provided by Surf Life Saving Services Pty Ltd for the provision of beach life saving services at Casuarina Beach over Christmas 2005/06 and Easter 2006 at the tender price of \$28,084.50 (GST exclusive).**
- 3. All necessary documentation be executed under the common seal of Council.**

REPORT:

Council has provided surf life saving patrols on certain Tweed Coast beaches at Easter and Christmas each year. On 7 September 2005 Council resolved to seek tenders for 2005/06 Christmas and Easter surf life saving patrols by the open tender method.

Council amended the patrol service in the 2004/05 season to provide two life savers at each patrol site. This is consistent with Department of Local Government *Practice Note 15 Water Safety*. This change significantly increased the patrol service cost in 2004/05 to \$139,931 (GST exclusive).

Council has historically provided surf life saving patrols on certain 'standard' Tweed Coast beaches at Easter and Christmas each year.

'Standard' Beach Patrols

Christmas Patrols

Patrols would be provided between 22 December 2005 and 27 January 2006 at the following beaches:

- Cudgen Beach
- Cabarita Beach
- Fingal Beach
- Durabah Beach
- Hastings Beach
- Pottsville Beach

Easter Patrols

Patrols would be provided between 14 April 2006 and 17 April 2006 at the 'non surf club beaches':

- Durabah Beach
- Hastings Beach
- Pottsville Beach

Note that those beaches with surf clubs are patrolled over the Easter weekend in any event by surf club members.

Casuarina Beach Option

During 2004/05 Council provided patrols at Casuarina Beach also, with the 'developer' contributing \$10,000 towards the cost of these patrols. The developer has declined to provide such a contribution this season.

If Council accepts the tender amount of \$28,084.50 (GST excl.) for Casuarina Beach patrol, then patrols would be provided during the periods listed above.

Beach Attendance

The beach attendance total for all 'standard' Tweed Beaches during the 2004/05 season, as reported by Surf Life Saving Services, are as follows:

-	Flagstaff	15,986
-	Cudgen	6,433
-	Fingal	6,728
-	Cabarita	4,604
-	Hastings Point	18,610
-	Pottsville	8,511

Note : Fingal, Cudgen and Cabarita are patrolled by volunteers on weekends and public holidays and attendance at these times are not included in these statistics.

Casuarina total of full days beach attendance was 4,784.

Tender submissions

Tenders closed on 13 October 2005 with one tender only being received from Surf Life Saving Services Pty Ltd.

Council's 2005/06 budget allocation is \$130,000. If Council were to approve beach patrols at both the 'standard' beaches and Casuarina Beach, this budget amount would be exceeded by \$20,427.89.

Clause 11(1)(b) of the Local Government (Tendering) Regulation, 1999 also requires that Council specify the criteria on which assessment of tenders will be based. Part 10 of Council's Procurement Policy states that tenders will be evaluated on certain criteria, not all of which are applicable in this case. In this instance tenders are to be evaluated on the following criteria:

Price

Capability of organisation, including experience and 'track record'

Compliance with Council's OHS & R Policy

Ability to train and supervise patrol staff

Willingness to accept Council's contract requirements

Payment terms

General; suitability of tender submission

Surf Life Saving Services Pty Ltd are considered to have satisfied all of these criteria and have satisfactorily provided beach patrols in Tweed Shire in previous years.

Community Submissions - Casuarina Beach Service

In excess of 50 submissions have been received supporting the need for beach patrols at Casuarina Beach.

All submissions are included in a separate document which forms an attachment to this report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

An additional budget allocation of \$20,500.00 is required if services are to be provided at Casuarina.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Submissions received.
 2. **Confidential Attachment** - Confidential Supplementary Information (DW 1286798)
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TITLE: [EC] Tender HC2005-186 Annual Agreement for Surf Life Saving Patrols

ORIGIN:

Acting Director

Attachment 3 Report from 16 November 2005 Meeting.

SUMMARY OF REPORT:

The attached report was submitted to Council on 2 November 2005 when it was resolved as follows:-

"... that:-

- 1. Council accepts the tender provided by Surf Life Saving Services Pty Ltd for the provision of beach life saving services on 'standard' beaches, as outlined in this report, over Christmas 2005/06 and Easter 2006 at the tender price of \$122,343.39 (GST exclusive).*
- 2. Council undertakes a risk management assessment of options for providing life saving services on this long and often dangerous beach at Casuarina.*
- 3. Council officers prepare a further report on the acceptance of the tender provided by Surf Life Saving Services Pty Ltd for the provision of beach life saving services at Casuarina Beach over Christmas 2005/06 and Easter 2006 at the tender price of \$28,084.50 (GST exclusive) following the completion of the assessment in (2) above.*
- 4. All necessary documentation be executed under the common seal of Council."*

Following this resolution, advice was sought and received from Echelon, Risk Management Consultants who are currently engaged in carrying out various risk management tasks for Council. Echelon has advised that they are not qualified to perform the requested risk management assessment in this instance, and it has not been possible to obtain an alternative comprehensive and appropriate assessment within the short time frame available.

In these circumstances, an in-house review of Council's files relating to Surf Life Saving Strategies and Risk Management Insurance has been undertaken which has revealed the historical actions, as detailed in the body of this report, have occurred.

RECOMMENDATION:

That Council determines this report.

REPORT:

The attached report was submitted to Council on 2 November 2005 when it was resolved as follows:-

"... that:-

- 1. Council accepts the tender provided by Surf Life Saving Services Pty Ltd for the provision of beach life saving services on 'standard' beaches, as outlined in this report, over Christmas 2005/06 and Easter 2006 at the tender price of \$122,343.39 (GST exclusive).*
- 2. Council undertakes a risk management assessment of options for providing life saving services on this long and often dangerous beach at Casuarina.*
- 3. Council officers prepare a further report on the acceptance of the tender provided by Surf Life Saving Services Pty Ltd for the provision of beach life saving services at Casuarina Beach over Christmas 2005/06 and Easter 2006 at the tender price of \$28,084.50 (GST exclusive) following the completion of the assessment in (2) above.*
- 4. All necessary documentation be executed under the common seal of Council."*

Following this resolution, advice was sought and received from Echelon, Risk Management Consultants who are currently engaged in carrying out various risk management tasks for Council. Echelon has advised that they are not qualified to perform the requested risk management assessment in this instance, and it has not been possible to obtain an alternative comprehensive and appropriate assessment within the short time frame available.

In these circumstances, as in-house review of Council's files relating to Surf Life Saving Strategies and Risk Management Insurance has been undertaken which has revealed the following historical actions have occurred:-

Brief History Relating to Casuarina

27.03.2002 Casuarina letter requesting Council's advice on Council's intentions for implementation of monitoring surfing and beach activities (copy attached).

26.04.2002 Council reply advising that Council is not involved, and identifying beaches where patrols are provided, and confirming that this Precinct is no different to other unpatrolled, unsupervised areas of beach within Council's area, and that Council does not propose to employ lifeguards for this area (copy attached).

2002/2003 season

Season operations arranged and funded by Casuarina Beach Developer utilising two patrol areas.

2003/2004 season

Season operations arranged and funded by Casuarina Beach Development utilising one patrol area.

2004/2005

Developer advised that no funding available for season. Matter reported to Council Meetings on 17 November 2004 and 1 December 2004 and 15 December 2004, when it was finally resolved:-

"... that Council:-

- 1. Contracts Life Saving NSW for the period 22 December 2004 to 26 January, 7 days per week \$24,171.84 inclusive and for the period 25 March 2005 to 28 March 2005, 7 days per week \$4,565.79 inclusive such expenditure being voted.*
- 2. Accepts the amount of \$10,000 from Consolidated Properties towards the abovementioned costs.*
- 3. Considers this funding in its December budget review."*

(copies of reports attached)

2005/2006

Tenders were called for the provision of lifeguard services for all beaches which have traditionally been provided with such services, plus a price for one service at Casuarina Beach. This Casuarina service was not provided for in the 2005/2006 Budget because Council had not formally resolved to provide this service.

The report currently being considered addressed the outcome of the Tenders.

Other Related Documents

A number of other related documents exist on Council files which should be considered in conjunction with the above historical background for Casuarina.

Australian Beach Safety and Management Program

This document identifies Bogangar/Cabarita (South Kingscliff to Bogangar Beach) as having a Beach Safety Rating of 6, which is the same as other beaches in the locality such as the beach to the south, running from Norries Headland south to the mouth of Cudgera Creek, and to the north of Casuarina, the Fingal, Dreamtime, Wommin Kingscliff and Cudgen beaches all are rated at 6.

The document's comment relating to bathing on the beach between South Kingscliff and Bogangar Beach is in part as follows:-

Bathing: *A typical open North Coast beach with inner and outer bars and rip currents plus the intervening deep trough and longshore sweep. The currents in the trough and rips are intensified on the falling tide and can generate a dangerous situation.*

Strategic Asset and Service Management Program and Policy (SAMP)

Council's Asset Management Plan introduced in 1993 was updated and re-written during 2002 by Council's consultant risk manager to respond to the introduction of new legislation at that time being the Civil Liability Act and the Civil Liability Amendment (Personal Responsibility) Act.

The revised document entitled the Strategic Asset and Service Management Policy (SAMP) was reviewed and adopted by Council on 22 January 2003 and contains important provisions relating to signage for naturally occurring hazards, beach etc supervision and beach patrols.

The Report and Policy is detailed and extensive, occupying some 87 pages and is not re-produced in full, however several of the relevant Sections are re-produced below for Council's information:-

'Section 14.12 (h) Signs

*h) No sign or warning shall be erected 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 14.29.4 Signage

14.29.4 Signage

14.29.4.1 Generally

- a) *Subject to 14.29.4.2, signs shall be erected in accordance with **Schedule 6**.*
- b) *Despite Schedule 6, in accordance with the Local Government (General) Regulation 1999 (Part 6, s41), any sign used to “control bathing” (and “bathing” includes surfing and any other similar form of recreation) must comply with Australian Standard AS 2416—2002. This applies to the whole of s.14.29.*

14.29.4.2 Placement & Density of Signs

*A responsible person shall, after consulting with Council's Risk Manager, determine the location and density (number of signs) to be placed at the respective assets mentioned in **Schedule 6**.*

14.30 Public (Ocean) Beach Reserves

14.30.1 Application of Policy

- a) *The beaches to which this policy applies are set out in Schedule 1A.*

b) *This section does not apply to, and excludes entirely, the Service Agreement between the Council and Surf Life Saving INC.*

c) *Subject to 14.30.2, the following management standards shall be adopted unless otherwise provided for in Schedule 4, 4A, or 6.*

14.30.2 Determination of Management Standards

A responsible person shall determine the management standards for all public beach reserves respectively.

14.30.3 Supervision of Beaches, Coastline and Other Locations

a) *Except as provided for in Schedules 1A, 4, 4A or 6 respectively:*

b) *All beaches within the Tweed shire area shall be unsupervised.*

c) *The entire coastline, tidal and/or rock pools, foreshores, estuaries, rivers, lakes, lagoons, dams and the like within or immediately adjacent to Council's defined shire area shall be unsupervised; and*

- *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 particular beach.*

14.30.4 Beaches—Erection of Signs

Subject to s.18.53.5:

a) *All beaches listed in Schedule 1A shall have the following signs erected advising the public:*

i. *Where a beach or part of a beach is not patrolled. At each designated entry point erect a sign in accordance with Schedule 6 (Item 2); and*

ii. *Where a beach is supervised. In accordance with Clause 2.2 of Australian Standard AS 2416—2002, inform the public:*

- *the beach is only patrolled between the flags; and*
- *bathing should only be undertaken in the designated patrolled area between the flags.*

b) *All beaches other than those listed in Schedule 1A shall have signs erected in accordance with Schedule 6 (Item 2) at each designated entry point provided always that if no designated entry point exists at a beach then no sign shall be erected at the particular beach.*

- c) *Due to the uncertainty of public telephone placement or services (over which Council has no control), the location of the nearest public telephone (in case of an emergency) shall not be included on any sign.*
- d) *“Designated entry point (s)” means at each entry point to a beach that has been constructed by the Council, or by a competent public authority, for the purpose of permitting pedestrian or vehicular access to a beach reserve.*

14.30.5 Placement & Density of Signs

- a) *A responsible person shall, after consulting with Council’s Risk Manager, determine the location and density (number of signs) to be placed at the respective assets mentioned in Schedule 6.*
- b) *A detailed plan shall be prepared and maintained of the location of all signs determined in accordance with a).*
- c) *An inspection program will be developed for all signs determined in accordance with a).*
- d) *Despite a), signs shall only erected or placed at a designated entry point(s) and not at any other location on a beach.*
- e) *Where, at any particular beach, there is no designated entry point:*
 - *no designated entry point shall be constructed or provided; and*
 - *no sign shall be erected or placed at a beach where no designated entry point exists.*
- f) *No sign shall be erected at or about any road, pathway, track or trail leading to any particular beach where the road, pathway, track or trail has been established by public usage.*
- g) *Signs shall not be erected on or about any road, track or trail specifically constructed for bushfire access by Council, the Rural Fire Service, a public authority, or by any other person.*
- h) *A road, track or trail specifically constructed for bushfire access by Council, the Rural Fire Service, a public authority, or by any other person shall not be regarded as a designated entry point.*
- i) *For the purpose of f), “public usage” includes:*
 - *illegal or unlawful access;*
 - *access where the public has forced or developed an entry onto a beach whether through scrub or over dune areas or across protected or rehabilitated beach dune areas or parks and gardens, and this includes a road, pathway, track or trail constructed by any person. But “public usage” excludes a road, track or trail constructed by Council or a public authority where the road, track or trail has been constructed for the express purpose of providing a designated entry point to a beach or to any particular part of a beach.*

Schedules Referred To:**SCHEDULE 1**

—This is Schedule 1 to the Strategic Asset Management Policy—

Asset Groups Attaching to the Policy**Asset Groups**

- Car Parks (free standing)
- Flood & Stormwater Drainage Systems
- Footpaths, Walking Trails & Tracks
- Parks & Reserves (inc. sporting facilities).
- Public (Ocean) Beaches
- Public Buildings & Facilities
- Public Roads
- Public Wharves, Jetties & Boat Ramps
- Swimming Centres (Murwillumbah, Kingscliff and Tweed Heads)

SCHEDULE 1A**Supervised (Patrolled) Beaches****Table 1****Patrol service performed by contractor**

Beach	Period of Supervision (Patrol Season)	Limit of Supervision
<input type="checkbox"/> Duranbah <input type="checkbox"/> Fingal <input type="checkbox"/> Kingscliff <input type="checkbox"/> Cabarita <input type="checkbox"/> Hastings Point <input type="checkbox"/> Pottsville	School Holidays as Determined each year	As per the Contract with Surf Life Saving NSW

Schedule 6

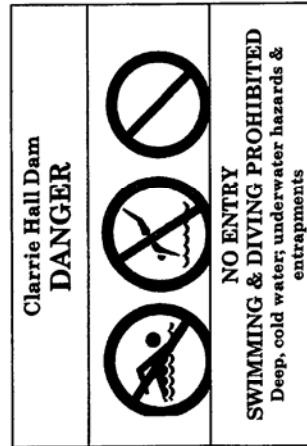
SCHEDULE 6

—This is Schedule 6 of the Strategic Asset Management Policy—

SIGNAGE – DETERMINATION OF ERECT SIGNS

SCHEDULE 6 - SIGNAGE

ITEM	ASSET GROUP	ASSET	LOCATION	SIGN TO BE ERECTED
5	Parks & Reserves	Clarrie Hall Dam	<ul style="list-style-type: none"> One sign at the entrance to the road across the dam wall and spillway. One sign in the centre of the wall facing the spillway. 	Sign is set out below.



Tweed Surf Life Saving Strategy 2020

This is a draft document which examines current services provided, identifies potential future issues, demands and options which may assist Council in future planning initiatives.

The document was prepared by Geolink in conjunction with Tweed Shire Council staff and representatives from Fingal, Cabarita and Cudgen Surf Clubs and Surf Life Saving NSW.

The document identifies a Surf Life Saving Service located centrally at Casuarina at a future date (see attached Plan marked F).

Other Considerations

Casuarina comprises of about three kilometres of beach with some 22 access points, making the choice and siting of a facility difficult, to ensure that all bathers in all locations at Casuarina are provided for.

Casuarina currently is developed at the northern and southern ends with less development in the central area where the Surf Life Saving facility is provided for in the 2020 Strategy document, again making siting choices difficult.

Casuarina is little different to the many other unpatrolled beaches within the Shire area where public access currently exists and no life saving facility is provided.

Plan (F)

F

Tweed Surf Life Saving Strategy 2020



- Legend**
- Open Space & Recreation
 - National Parks & Nature Reserves
 - Caravan Park
- SLSC services provided:
- Traditional patrol
 - Tweed support services
 - Roving patrols
 - Outpost patrols
 - Surf lifesaving services (lifeguards)

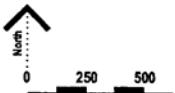


Illustration 3

Bogangar Beach

0488369
Source: GeoLINK; Tweed Coast SLSC Clubs; TSC
Date: August 2004
quality solutions sustainable future

Conclusion

Having regard to all of the above, a decision needs to be made as to whether or not the life saving facility will be provided over the forthcoming Christmas and Easter periods.

As previously advised, no funds have been budgeted for this purpose which will cost \$28,084.50.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

An additional budget allocation will be required if the service is to be extended to include Casuarina.

If the service is not provided Council could be legally challenged in the event of a mishap.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Report to Council Meeting held 2 November 2005 (DW 1286800)
 2. Correspondence from Casuarina dated 27 March 2002 (DW 663741)
 3. Correspondence to Casuarina Town Hall Pty Ltd dated 26 April 2002 (DW 669182)
 4. Action Item and Report - Council Meeting held 17 November 2004 (DW 1122633)
 5. Action Item and Report - Council Meeting held 1 December 2004 (DW 1128447)
 6. Action Item and Report - Council Meeting held 15 December 2004 (DW 1136006)
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TITLE: [EC] Lifesaving Costs - Casuarina Beach

ORIGIN:

Director

Attachment 4 Report from 30 November 2005 Meeting.

SUMMARY OF REPORT:

Council at its meeting of 16 November 2005 resolved as follows:

"that:-

- 1. Council accepts the offer of \$10,000 from Consolidated Properties towards lifesaving services at Casuarina Beach for the 2005/2006 season.*
- 2. Due consideration be made in future budgets for appropriate lifesaving services along the Tweed Coastline."*

To finalise this matter Council needs to formalise the engagement of Surf Life Saving Services Pty Ltd to provide the life saving patrols at Casuarina Beach.

RECOMMENDATION:

That :-

- 1. Council accepts the tender provided by Surf Life Saving Services Pty Ltd for the provision of beach life saving services at Casuarina Beach over Christmas 2005/06 and Easter 2006 at the tender price of \$28,084.50 (GST exclusive).**
- 2. Votes the expenditure of \$10,430.00 for the shortfall in the budget amount and includes this amount in the December quarterly budget review.**
- 3. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

Council at its meeting of 16 November 2005 resolved as follows:

"that:-

- 1. Council accepts the offer of \$10,000 from Consolidated Properties towards lifesaving services at Casuarina Beach for the 2005/2006 season.*
- 2. Due consideration be made in future budgets for appropriate lifesaving services along the Tweed Coastline."*

To finalise this matter Council needs to formalise the engagement of Surf Life Saving Services Pty Ltd to provide the life saving patrols at Casuarina Beach.

Council has previously been advised that the provision of this service would be at a deficit to the current budgeted amount of \$20,427.87.

Council at its meeting on 16 November 2005 resolved to accept the offer from Consolidated Properties to provide \$10,000 for the 2005/06 season.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council will now need to vote the expenditure of \$20,430.00 and include the additional \$10,430.00 in the December quarterly budget review.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
