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SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

18 December 2002

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

28a. Surf Life Saving Services - Casuarina Beach

604

Cr Youngblutt

Cr Davidson

RESOLVED that

3. The Director Development Services and Director Environment & Community Services in the long term considers and develops a policy in regard to the responsibility and obligations where a private developer proposes to pay for the provision of surf lifesaving services. This policy should also consider any necessary conditions of consent for future developments.

Current Status: Consultant to be appointed.

19 November 2003

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

6 [DS] Draft Tweed Local Environmental Plan 2000, Amendment No 37 - Tweed Heads West

979

Councillor H James

Councillor M R Boyd

RESOLVED that a report be prepared on traffic implications of the proposed rezoning given the recent announcement of the NSW Government regarding Tugun By-pass.

Current Status: Report to be prepared.

7 [DS] Development Application DA03/0922 for a 228 Berth Marina, Construction of Carpark, Installation of a 35000 Litre Capacity Fuel Tank & Underground Piping to Connect the Fuel Tank to Previously Approved Re-fuelling Jetty within Tweed River at Lot 121

980

Councillor B M Luff

Councillor W M Marshall

RESOLVED that : -

1. This report be received and noted.
2. Council agrees to conduct a workshop as requested by the concerned community groups relating to the proposed Marina at Chinderah sometime during the exhibition period for the amended proposal and invite all interested parties to attend including relevant State government agencies.

Current Status: Workshop to be arranged when amended Plans are exhibited.

ORDERS OF THE DAY

6 [NOM] Local Environmental Plan - Definition of "Bed and Breakfast" - GT1/LEP/2000 Pt2

1000

Councillor L F Beck

Councillor R D Brinsmead

RESOLVED that a report be prepared on the implications of the proposal to change the current definition of "bed and breakfast" to:-

"a dwelling used as a principal place of residence, and in addition for the provisions of:

- (a) *accommodation for people away from their normal place of residence, and*
- (b) *meals and ancillary services, by the permanent resident or residents of the building for those people."*

Current Status: Report to be prepared.

7 [NOM] Provision of Lifts in Multi-Dwelling Housing Developments

1001

Councillor L F Beck

Councillor H James

RESOLVED that a report be brought forward identifying the issues associated with a Council Policy requiring lifts to be installed in multi-dwelling housing developments consisting of three or more stories.

Current Status: Report to be prepared.

3 December 2003

ORDERS OF THE DAY

1 [NOM] Honorary Rangers

1033

Councillor W J Polglase

Councillor G Davidson

RESOLVED that a report be prepared by Council on the feasibility of appointing honorary rangers to observe destruction/vandalism of dunal vegetation in the Casuarina Beach Precinct.

Current Status: Report to be prepared.

17 December 2003

REPORTS FROM EXECUTIVE MANAGER OFFICE OF THE GENERAL MANAGER

22 [OGM] Section 64 and Section 94 Developer Contribution Comparison with Land Sale Prices

1068

Councillor R D Brinsmead

Councillor G J Lawrie

RESOLVED that further to this report on Section 64 and Section 94 Contributions (17/12/2003), that Council be provided further information, namely:

1. What are the additions and increases to these contributions over the last four years?
 2. What has been the effect of developer contributions to the Council budget? Does it mean that ratepayers are contributing less - around 40% of the budget - while developers are currently contributing more?
-

3. How does Council compare with the performance of other comparable Councils in NSW in the matter of these developer contributions and ratepayers' share of the budget?

Current Status: Report to be prepared.

21 January 2004

ITEMS DEFERRED

[ID] Development Applications DA02/2086 & DA02/2088 for Tourist Accommodation at Lots 12 and 13 Section 6 DP 14895 and Lots 16, 17 and 18 Section 2 DP 14895 Lorna Street, Kingscliff

5

Councillor W M Marshall

Councillor L F Beck

RESOLVED that this item be deferred for a further report to be brought forward from the Council officers who attended the meeting with landowners on Friday, 16 January 2004.

Current Status: Report to be prepared.

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 1 **[DS] Development Application D95/0224.01 for an Amendment to Development Consent D95/0224 for a Hotel Resort Development at Lot 4 DP 1007168, Lot 17 Sec 1 DP 759009, Lot 8 Sec 1 DP 759009, Lot 1 DP 796876 Boundary Street, Tweed Heads**

7

Councillor G J Lawrie

Councillor L F Beck

RESOLVED that this matter be deferred with Council informing the applicant that, in principle, all parking is to be provided on-site.

Current Status: Awaiting response from applicant.

URGENCY MOTION

Works Program - Riverbank at Oxley Cove

40

Councillor W M Marshall

Councillor P C P Youngblutt

RESOLVED that the Director Engineering Services be requested to review the works program and bring forward as a matter of urgency works already itemised to save riverbank areas at Oxley Cove.

Current Status: Works Program under review.

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MAYORAL MINUTE

Mayoral Minute

Councillors,

1. TAFE Kingscliff

22 January - TAFE Kingscliff Information Communication Technology Summer School Graduation.

2. Southern Cross University Tweed Campus

22 January – Joint Meeting at Tweed with Tweed Bowls Club, Northern Rivers Health Service and Southern Cross University Tweed Campus.

3. Boat Charter Association

22 January – Meeting at Tweed with Boat Charter Association representatives, David Oxenham and Tom Alletson.

4. Cabarita/Bogangar Advisory Committee Meeting

22 January – Cabarita/Bogangar Advisory Committee Meeting.

5. Queensland Netball

23 January – discussions at Tweed with office bearers Queensland Netball regarding Origin Shield.

6. Jetsprints

25 January – Jetsprints Australia Day Meeting at Round Mountain. Flag raising for Australia Day celebrations

7. Tweed Shire Council - Australia Day Celebrations

26 January – attended Australia Day celebrations at Chillingham, Uki and Burringbar.

8. Pre-Election Information Seminar

29 January – Pre-election information seminar in Council Chambers.

9. TEDC

30 January – TEDC Board Meeting at Tweed.

10. Casuarina

30 January – Opening Casuarina Way.

11. Science-Art Festival

31 January – opening Science-Art Festival – Seminar One ‘Symbols of our Age’, Murwillumbah.

12. St. Brigid’s Church Burringbar

31 January – Centenary of the Blessing & Opening of St Brigid’s Church Burringbar.

13. Opening New Art Gallery

1 February – Opening of New Tweed Regional Art Gallery by the Governor, Her Excellency, Professor Marie Bashir.

14. TEDC - Condong Boat Launch Pad

2 February – Condong Boat Launch Pad by Larry Anthony.

15. Tweed Hospital

2 February – Opening of the Tweed Hospital Renal Unit by the Governor, Her Excellency Professor Marie Bashir.

16. Tweed Futures

3 February – Tweed Futures Meeting THCC.

17. Murwillumbah Theatre Company

3 February – Murwillumbah Theatre Company 2004 Launch Murwillumbah.

18. Tweed Futures

4 February – Tweed Futures Workshop at Tumbulgum.

INVITATIONS ACCEPTED:

- 5 February – Tweed Futures Workshop Murwillumbah
- 7 February – Murwillumbah Quota 10th Birthday at Greenhills
- 9 February – Private Citizenship Ceremony Murwillumbah
- 10 February – Shires Association of NSW “A” Division Meeting at Casino with GM
- 10 February – Tweed Taskforce Masterplan Workshop at Tweed Heads
- 13 February – Opening & Policy Launch City of the Arts “Placemaking & Policy Program (Tumbulgum Road Murwillumbah
- 14 February – City of Arts Forum
- 16 February – address to students at Tweed Valley College

INFORMATION ON CONFERENCES TO BE HELD - Councillors to advise Mayoral Assistant, Jan Green, if they wish to attend and/or require further details:

- National Coastal Urbanisation Symposium **29 March 2004**, Gold Coast
-

ABSENCES FROM SHIRE BY EXECUTIVE, AND COUNCILLORS:

Executive

Name	Period	Location	Details
EM	23 January 2004	Sydney	Finance Professionals Meeting
EM	9 February 2004	Kyogle Shire Council	GM's Sub-Regional Group Meeting
EM	12 February 2004	Brisbane	Improving Finance, Accounting & Management Processes in Local Government Symposium
GM	29 January 2004	Sydney	Rate Pegging Task Force Meeting
GM	3 February 2004	Toogoolawah, Qld	Open Day - Vetiver Grass Wetlands
GM	4 February 2004	Ballina	Population Growth Management & Infrastructure Management Meeting

GM	9 February 2004	Kyogle	General Manager's Sub-regional Group Meeting
GM	10 February 2004	Casino	Shires Association of NSW "A" Division Meeting
GM	17 February 2004	Sydney	Focus Group meeting on Proposed Revised Records Management Standards

ITEMS DEFERRED

[ID][NOM] Sealing of Smarts Road (THIS REPORT IS THE SUBJECT OF A REPORT AT ITEM 9 OF THIS AGENDA).

ITEM DEFERRED FROM MEETING HELD:

21 January 2004

41

Councillor W M Marshall

Councillor M R Boyd

***RESOLVED** that the General Manager be requested to review the budget with a view to accommodate and allow the sealing of the 3 kilometres of Smarts Road when the proposed sealing of 1.5 kilometres occurs in the near future, being already in the Works Program and Budget.*

NOTICE OF MOTION:

Councillor W M Marshall moves:

That the General Manager be requested to review the budget to accommodate unsealed road at Smarts Road (3 km) when the proposed sealing of 15 kilometres occurs in the near future, being already in the Works Program and Budget.

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REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

MATTERS FOR CONSIDERATION UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The following are the matters Council is required to take into consideration under Section 90 of the Environmental Planning and Assessment Act 1979 in assessing a development application.

MATTERS FOR CONSIDERATION

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:
 - (a) the provisions of
 - (i) any environmental planning instrument; and
 - (ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority, and
 - (iii) any development control plan, and
 - (iv) any matters prescribed by the regulations,that apply to the land to which the development application relates,
 - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.

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1 [DS] Draft Tweed Local Environmental Plan 2000 - Multi-Dwelling Houses in Zones 3(a) and 3(b)

ORIGIN:

Strategic Town Planning

FILE NO: GT1/LEP/2000/52 Pt1

SUMMARY OF REPORT:

Draft Tweed Local Environmental Plan 2000, Amendment No 52 was publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979 from Wednesday, 29 October 2003 to Wednesday, 26 November 2003.

One submission was received from the Coastal Council of New South Wales, which stated that no objection was raised to the making of the Plan. No submissions were received from the general public.

It is considered that the proposed LEP, as amended, can be forwarded to the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) to make the Plan.

RECOMMENDATION:

That Council:

- (a) Amends the draft Tweed LEP 2000 Amendment No 52 by omitting the exhibited clause 4 (see Appendix 1) and inserting in its place the following:

Tweed Local Environmental Plan 2000 is amended by omitting the current reference to multi-dwelling housing in Item 4 of the Land Use table for Zones 3(a) and 3(b) and inserting in its place the following:

“Multi-dwelling housing (unless attached to shops, commercial premises or other non-residential development and provided that no residential dwelling constructed at ground level fronts a primary and/or secondary street having a streetscape consistent with that of a commercial district).”

- (b) Forwards the draft Tweed Local Environmental Plan 2000, Amendment No 52, to the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

REPORT:

Introduction

At its ordinary meeting of 20th March 2002 Council, pursuant to section 54 of the Environmental Planning and Assessment Act 1979, resolved to prepare a draft Local Environmental Plan amendment - Housekeeping Stage 2. At the time of Council's resolution the draft Housekeeping LEP amendment included approximately 14 separate housekeeping matters. One of which having issues relating to multi-dwelling houses in zones 3(a) and 3(b).

Background

Council, pursuant to the current provisions of Tweed LEP 2000 cannot, grant approval for multi-dwelling housing on land zoned 3(a) Sub-regional Business or 3(b) General Business unless it is located above non-residential ground floor level development effectively requiring the whole ground floor of any site to be developed for shops, commercial premises etc.

Tweed LEP 1987 provided that within zones 3(a) and 3(b) residential flat buildings were prohibited "other than those attached to shops or commercial premises". Upon reflection, the repealed LEP provided better urban design outcomes and flexible merit based assessment on a case-by-case basis.

The purpose of the Amendment is to allow, with the consent of Tweed Shire Council, the development of multi-dwelling housing within zone 3(a) or 3(b) provided that:

- It is attached to shops, commercial premises or other non-residential development; and
- Residential dwellings at the ground floor level do not front a primary and/or secondary street having a streetscape consistent with that of a commercial district.

The intention of the Amendment is to allow multi-dwelling development on the ground floor level where sites adjoin residential areas and result in a blending of landuses in these fringe areas to provide for better urban design.

State Agency Consultation

Pursuant to Section 54 and 62 of the Environmental Planning and Assessment Act, 1979, Council consulted relevant State Government Agencies regarding all 14 of the Housekeeping Amendments. No submissions were received specifically relating to the development of multi-dwelling housing within zone 3(a) or 3(b).

Public Exhibition

In accordance with Section 66 of the Environmental Planning and Assessment Act 1979, draft LEP Amendment No 52 was placed on public exhibition from Wednesday, 29th October 2003 to Wednesday, 26th November 2003.

One submission was received from the Coastal Council of New South Wales, which stated that no objection was raised to the making of the Plan. No submissions were received from the general public.

Conclusion

A review of the draft Plan identified that the Amendment may permit the development of multi-dwelling housing on a ground floor level in locations that would be undesirable in particular developments fronting a town's main street. Therefore it is recommended that the exhibited Tweed LEP 2000 Amendment No 52 (see Appendix 1) be amended by omitting the exhibited clause 4 and inserting in its place the following:

Tweed Local Environmental Plan 2000 is amended by omitting the current reference to multi-dwelling housing in item 4 of the Land Use table for zones 3(a) and 3(b) and inserting in its place the following:

"Multi-dwelling housing (unless attached to shops, commercial premises or other non-residential development and provided that no residential dwelling constructed at ground level fronts a primary and/or secondary street having a streetscape consistent with that of a commercial district)"

The adoption of the draft Plan, as amended, will provide for better urban design outcomes and flexible merit based assessment on a case-by-case basis. The provisions will allow, with the approval of Council, the construction of multi-dwelling housing on the ground floor of land zoned 3(a) Sub-regional business and/or 3(b) General Business.

draft

Tweed Local Environmental Plan 2000 (Amendment No 52)

Under the

Environmental Planning and Assessment Act 1979

I, the Minister for Infrastructure, Planning and Natural Resources, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979* (.....)

Minister for Infrastructure, Planning and Natural Resources

draft

Tweed Local Environmental Plan 2000 (Amendment No 52)

1. Name of plan

This plan is the *Tweed Local Environmental Plan 2000 (Amendment No 52)*

2. Aims, objectives etc

The aim of this plan is to allow, with the consent of Tweed Shire Council the development of multi dwelling housing within Zone 3(a) or 3(b) provided that:

- a. It is attached to shops, commercial premises or other non-residential development; and
- b. It does not front a primary and/or secondary street having a streetscape consistent with that of a commercial district.

3. Land to which plan applies

This plan applies to land in the local government area of Tweed that is within Zone 3(a) or 3(b) under *Tweed Local Environmental Plan 2000*.

4. Amendment of Tweed Local Environmental Plan 2000

Tweed Local Environmental Plan 2000 is amended by omitting the current reference to multi-dwelling housing in item 4 of the Land Use table for zones 3(a) and 3(b) and inserting in its place the following:

"Multi-dwelling housing (unless attached to shops, commercial premises or other non-residential development)"

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

2 [DS] Development Application DA03/0435 for an extension to the existing animal boarding kennels at Lot 5 DP 703258 & Lot 9 DP 726503, No. 999 Clothiers Creek Road Clothiers Creek.

ORIGIN:

Development Assessment

FILE NO: DA03/0435 Pt1

SUMMARY OF REPORT:

Council is in receipt of a Development Application to undertake the erection of boarding kennels for the purposes of an animal establishment. The proposed application originally specified that the proposed new kennels (capable of accommodating 100 dogs) were in addition to the existing kennels (capable of accommodating approximately 85 dogs), however, later correspondence from the applicant clarified that the new proposed kennels were to replace the old existing kennels in a new location within the site.

The existing boarding kennels have been the subject of numerous noise complaints and subsequent legal action by Council under the Noise Control Act. However, this action was unsuccessful and resulted in private action being sought under the Protection of the Environment Operations Act 1997, which was later successful.

This application essentially seeks consent for a new animal establishment and has been assessed having regard to the appropriateness of the site for such a facility. Whilst the proposed kennel with improved construction and intercom etc would be an improvement on the existing kennel in relation to noise reduction, (for all but one objector who would have greater exposure to the new kennel), dog control still relies heavily on kennel management. Adjoining residents have taken private legal action to control noise nuisance from the existing kennel. Objections have been received based on lack of confidence that management of the proposed kennels will improve to a level that will control noise.

It has not been adequately demonstrated in the application that the amenity of the area will be maintained and the adverse impacts on adjoining residences minimised.

RECOMMENDATION:

That Development Application DA03/0435 for an extension to the existing animal boarding kennels at Lot 5 DP 703258 & Lot 9 DP 726503, No. 999 Clothiers Creek Road Clothiers Creek be refused for the following reasons: -

1. The application does not comply with primary objectives of the 1(a) zone within Clause 11 of Tweed Local Environmental Plan 2000, which reads as follows:

Primary Objectives

- *To enable the ecologically sustainable development of land that is suitable primarily for agricultural or natural resource utilisation purposes and associated development.*
 - *To protect rural character and amenity.*
2. The subject site is not considered suitable for such a facility given the proximity to existing dwellings.
 3. Approval of this application would set an undesirable precedent for other properties within the Shire.
 4. The application is not in the public interest to locate non-compatible land uses in close proximity to each other.
 5. It has not been adequately demonstrated that management of the kennels will mitigate noise impacts to an acceptable level.

REPORT:

Applicant: Mr MT Jackson and Mrs CA Jackson
Owner: Mr MT Jackson and Mrs CA Jackson
Location: Lot 5 DP 703259 & Lot 9 DP 426503, No. 999 Clothiers Creek Road, Clothiers Creek
Zoning: Rural 1(a)
Cost: \$100,000.00

BACKGROUND:

An application has been received seeking approval to undertake the construction of new boarding kennels capable of accommodating 100 dogs. The proposed kennels would be constructed of masonry concrete with a colour bond roof. The kennels comprise an insulated component where the dogs are locked in at night (10-12 hours) to reduce noise disturbance. For the remainder of the day the dogs are either in the exercise area or in a chain wire pen.

The subject site has a 190-metre frontage to Clothiers Creek Road, and an average depth of 240m to create a total site area of 4.727ha. The site slopes up from Clothiers Creek Road to a small ridge where the main house and office is located and then begins to drop behind the house, which is where the kennels are proposed to be located.

The subject site has five residences within approximately 500m. The land to the north and west of the site is used for rural purposes, however, 300m to the east of the site is the nearest residential property with a further four houses within 450m of the site. The proposed location of the kennels will impact most on the nearest residence to the east.

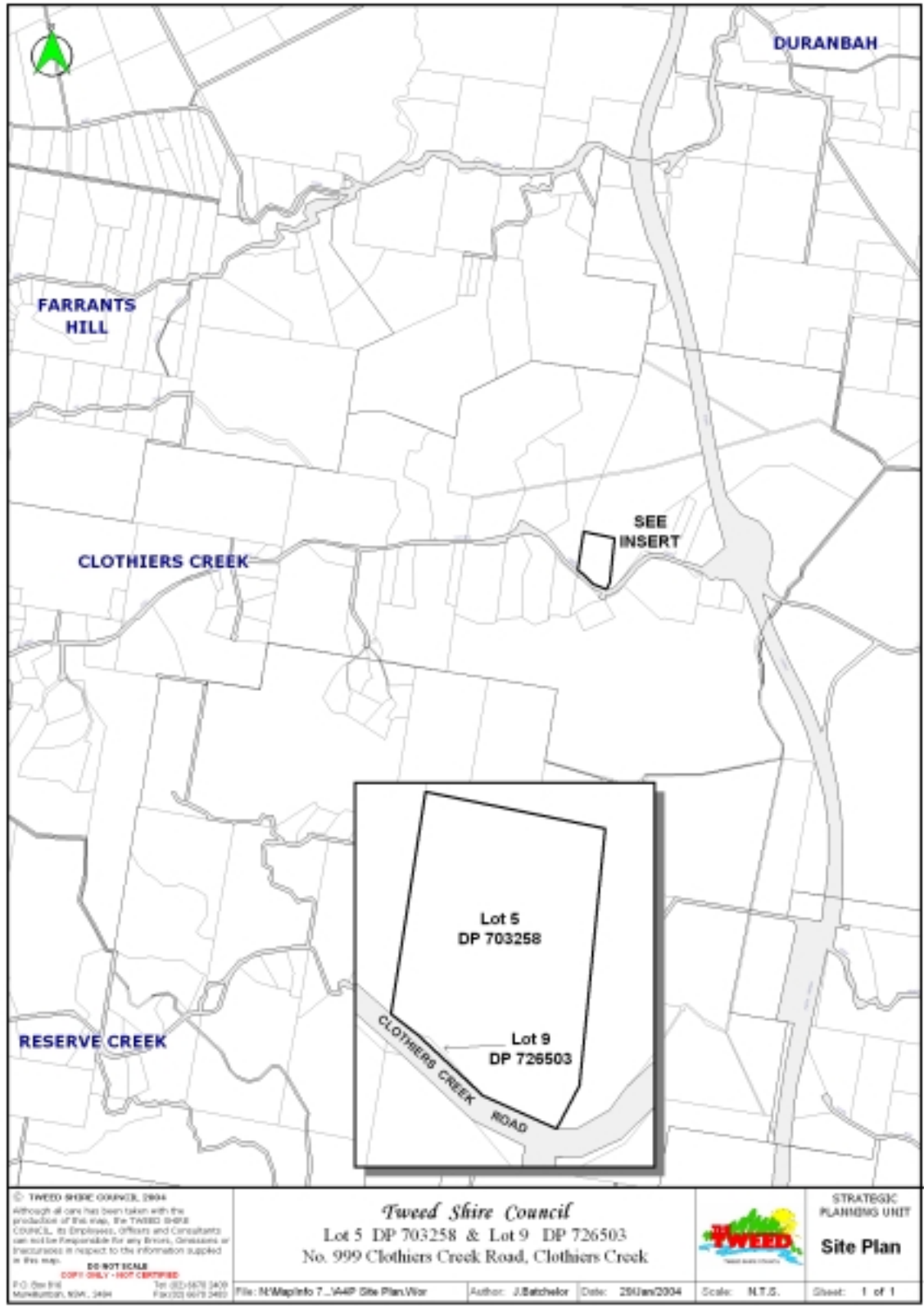
The original kennels were approved in 1974 and since this time Council has recorded multiple noise complaints relating to the facility. Following these complaints Council undertook legal action over a number of years under the Noise Control Act against the owner of the Tweed Valley Boarding Kennels. This legal action was unsuccessful and therefore on receipt of further complaints Council resolved on 1 December 1999 that Council:

“Takes no further action in this matter and the relevant parties be advised of their right to take private action under the Protection of the Environment Operations Act 1997”

Subsequently residents pursued the kennel proprietors privately in court. A Noise Abatement Order was obtained and two subsequent convictions for breaches of that order. In addition an out of court settlement was arranged for further breaches, as recent as 16th May 2003.

If the application was approved Council would be required to undertake regulatory actions which have been proven to be difficult to carry out for the kennels in this locality. Approval would create an expectation that Council would enforce noise control requirements.

SITE DIAGRAM:



CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

(a) (i) The provisions of any environmental planning instrument

Tweed Local Environmental Plan 2000

Clause 11 – Zone Objectives

The subject land is zoned 1(a) Rural under the provisions of the Tweed Local Environmental Plan (TLEP) 2000. The proposed animal establishment is permissible with development consent in this zone.

The objectives of the 1(a) Rural zone are:

Primary Objectives

- *To enable the ecologically sustainable development of land that is suitable primarily for agricultural or natural resource utilisation purposes and associated development.*
- *To protect rural character and amenity.*

Secondary Objective

- *To enable other types of development that rely on the rural or natural values of the land such as agri- and eco-tourism.*
- *To provide for development that is not suitable in or near urban areas.*
- *To prevent the unnecessary fragmentation or development of land which may be needed for long-term urban expansion.*
- *To provide non-urban break between settlements to give a physical and community identity to each settlement.*

The proposed animal establishment is considered to compromise the objectives of the zone. The number and nature of submissions indicate that the rural character and amenity of the area is disturbed and compromised as a direct result of the existence of the current facility. Council has not been convinced through the submission of this application that these areas of concern can be adequately addressed to satisfy this zone objective. The size of the land and the proximity of the land to other residential properties indicate that this site is not suitable for such a facility.

The application must also satisfy the provisions of Clause 8(1) of the TLEP 2000:

Clause 8 Consent Considerations

The consent authority may not grant consent to development (other than development specified in Item 3 of the table to Clause 11) only if:

- (a) *It is satisfied that the development is consistent with the primary objective of the zone within which it is located, and*
- (b) *It has considered those other aims and objectives of this plan that are relevant to the development, and*
- (c) *It is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of the Tweed as a whole.*

The proposed animal establishment is not considered to satisfy Clause 8 of Tweed LEP 2000 as the application fails to demonstrate that the rural character and amenity of the area can be maintained.

Clause 15 of TLEP 2000 refers to the provision of services. In this regard, the subject site does not have the benefit of town water or sewer and would be relying upon the existing water tanks and such facilities to service the facility. The proposal could be considered to be consistent with the provisions of Clause 15 of TLEP 2000.

North Coast Regional Environmental Plan 1988

Clause 12 provides that consideration must be given to the likely impact on the proposed development on the use of the adjoining or adjacent agricultural land and whether the development will cause loss of prime agricultural land and whether the development will cause a loss of prime crop or pasture land.

Residences and general farming lands border the proposed site. The introduction of a new boarding kennel house would not result in a loss of prime agricultural land. However, the approval of a new animal establishment would create conflict with adjoining residential properties.

State Environmental Planning Policies

There are no applicable State Environmental Planning Policies.

(a) (ii) The Provisions of any Draft Environmental Planning Instruments

There are no draft planning instruments applicable to the subject land.

(a) (iii) Development Control Plans (DCP's)

Development Control Plan No.2 – Site Access & Parking Code

The DCP does not provide any specific off-street car parking provisions for animal establishments, and therefore Council generally relies upon a supporting traffic analysis plan.

However, this application has not been accompanied by any supporting traffic analysis plan and therefore it is difficult to determine the vehicle movements per day for such a facility.

The subject site currently has a sealed car parking area that accommodates approximately 5 vehicles. If Council were to approve this application the applicant would be required to provide details on the estimated traffic movements as a result of the facility to establish the required parking rate. However, given the size of the land onsite parking requirements could be satisfied.

(a) (iv) Any Matters Prescribed by the Regulations

There are no matters prescribed by the Regulations that are considered to apply.

(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality

It is considered that the proposed animal establishment will have adverse social impacts.

Noise from barking dogs within the existing facility is a significant problem, and has been well documented within Council files.

The applicant has submitted an Acoustic Report that forms two parts. The first undertakes an assessment of the existing dog kennels, and the second reviews the potential noise impacts from the proposed kennels.

The report nominates acceptable criteria as follows:

Day Periods	Maximum from dogs is not more than 5dB(A) above background.:
Night Periods	Maximum from dogs not audible inside residential premises

The first report on the existing kennels concludes that noise from dogs barking at Station 1 was occasionally barely audible above background and that noise received at surrounding residences would therefore be within the required criteria and not create any unreasonable impact.

Whilst this may have been the case for the days of testing (being 14 December 2002 and 17 January 2003) this is contrary to the submissions from adjoining residences, which raise objections on the basis of the current noise emanating from the premises.

The second report examines the possible noise impact of the proposed kennels based on a maximum of 100 dogs in an air-conditioned environment that also has an open external pen area. The report concludes that as a result

of the proposed attenuation the noise levels from dogs barking would be reduced to within the acceptable criteria and no unreasonable noise impact would occur at nearby sensitive residences.

The report goes on to nominate a Noise Management Plan as follows:

- *An acoustically ventilated enclosure will be provided;*
- *Soothing music will be played to calm dogs and mask background noises that may cause dogs to bark;*
- *Install an intercom system to monitor dog behaviour so appropriate action can be taken for problem dogs;*
- *Dogs would access pen area during the day and be allowed in the pen area for exercise only under full supervision;*
- *Provide an open line of communication with local residences and ensure prompt action to be taken to investigate and resolve any complaints.*

It is acknowledged that the new kennel (with significantly higher construction and attenuation standards) would be an improvement on the existing kennel in relation to noise reduction. However, the nearest resident would actually experience a greater exposure to the new kennel. Furthermore, dog barking control is highly reliant on the kennel management and given that adjoining residents have been significantly affected historically, including taking legal action, there is little confidence that the new kennel would be any better managed.

Notwithstanding, the application has been accompanied by an Acoustic Report Council's Environment and Health Services unit has still recommended that this application be refused for the reasons specified within the recommendation.

(c) Suitability of the site for the development

The locality is best described as being within a rural/ residential environment with dwelling houses on block sizes varying from 2ha of land up to 100ha of land. Given the smaller nature of some adjoining parcels of land, the area could be categorised as having a rural residential or hobby farm character. It is considered that the development will jeopardise this atmosphere and adversely affect the residential amenity of the locality.

The nearest dwelling is located approximately 350m from the proposed kennels and the application has failed to convince both neighbouring residents and Council that the noise from barking dogs will not disturb neighbouring residents.

The application does not specifically request consent for the removal of any vegetation however, site inspections reveal the need to remove some vegetation to facilitate the development. Prior to any approval being issued the

applicant would be required to specify the type and number of trees to be removed to enable a complete determination.

Whilst the site currently has the benefit of an existing approval dating back to the mid 1970's the site is not considered suitable to accommodate the proposed 100 kennels.

(d) Any submissions made in accordance with the Act or Regulations

The proposal was advertised and neighbouring properties notified between 9 April 2003 and 28 April 2003. Council received four (4) objections to the proposal from neighbouring residents. The following table details the areas of concern raised by the objectors to the proposal:

Table 1 - Objection Letters

<u>ISSUE</u>	<u>RESPONSE</u>
The proposal will increase offensive noise.	This comment is concurred with and contributes to the reasons for refusal of the application.
The new location will be closer to one residence in particular.	This comment is concurred with and contributes to the reasons for refusal of the application.
More dog noises will cause my dogs to bark more and reduce my onsite security efficiency.	This comment demonstrates that residences are in such close proximity that any offensive noise reduces residential amenity, and therefore the application is recommended for refusal.
Noise from the motorway is already a burden, the location is not suited to an animal establishment based on noise.	There are four residences within 400m of the proposed site, this is not considered a suitable location for an animal establishment. Therefore the application is recommended for refusal.
The application is not accompanied with adequate information for screening of noise in the design.	The submitted acoustic report does not convince Council that sufficient ameliorative measures are available to reduce the negative noise and amenity issues that may impact adjoining residences. Therefore the application is recommended for refusal.
The acoustic report has not been accompanied by proven accreditation.	The acoustic report has been prepared by Craig Hill Acoustics – Acoustic Consulting Engineering & Designs. Whilst the conclusions of the report are not concurred with - the report itself was adequate to enable determination of the application. This concern does not form one of the reasons for refusal.
The atmospheric conditions described in the acoustic report are contrary to the figures shown by the Bureau of Meteorology.	This issue has not been fully investigated by Council and is not considered imperative to the recommended determination. This concern does not form one of the reasons for refusal.

<u>ISSUE</u>	<u>RESPONSE</u>
The report is fictitious in nature.	The conclusions of the report are not concurred with, however, the report itself was adequate to enable determination of the application. This concern does not form one of the reasons for refusal.
The distances to the nearest residences in the acoustic report are incorrect.	The above report details the proximity of adjoining residences based on aerial photography. The level of information is considered sufficient to enable determination.
Prior legal action has taken 12 years to result in a reduced noise level. The risk of approving a bigger facility is too great given this history.	This comment is concurred with and contributes to the reasons for refusal of the application.
The acoustic report makes reference to the required criteria. What are the required criteria? If the noise is offensive there is no acceptable criteria.	The required criterion mentioned in the acoustic report refers to 5dB(A) above background level during the day or no audible sounds inside residential premises at night. The acoustic report concludes that at the time of evaluation the level of noise was acceptable, based on the above criteria. However, based on the history of complaints received for this site these conclusions are not concurred with and form grounds for refusal of this application.
There is no noise protection during the day given the dogs are only in a cage wire fence.	This comment is concurred with and contributes to the reasons for refusal of the application.
The applicant has a combined fax machine and phone line, which makes it difficult to report noise complaints to the applicant when the phone is pre occupied by a fax machine.	Open communication between neighbours in this situation would be extremely beneficial, however, Council has no authority to require anyone to have a dedicated phone line. This concern does not form one of the reasons for refusal.
The application will decrease adjoining property values.	This is not a matter for consideration under the provisions of S. 79C of the Environmental Planning & Assessment Act 1979.

In addition to the above summary of issues the following quote from one of these submissions is considered particularly relevant:

“After more than 12 years of ratepayer’s complaints about dog noise from the Tweed Valley Boarding Kennels, Council has not yet been able to bring peace to the neighbourhood surrounding the kennels and on 3rd December 1999 we were informed by letter PF1160/590 Pt 2 of its decision to withdraw from any further action in this regard.

On that advice my wife and I have succeeded in bringing peace to the area after pursuing the kennel proprietors privately in court. We have obtained a Noise Abatement Order and two subsequent convictions for breaches of that order by Mr. Jackson plus a further out of court settlement for further breaches, the later being as recent as 16th May 2003. These actions have resulted in the near silencing of dog noise from the kennels.

It has taken some 3 years to achieve this position with a fair amount of anguish.

In guarding our achievement jealously we oppose any further development to increase the number of dogs to be boarded at the kennels particularly as the proposed structure is nothing more than a chain wire cage housing up to 84 dogs. There is no acoustic barrier proposed surrounding the cage to protect us from noise.

Should Council reverse its decision of 3rd December 1999 and re-enter the noise debate by approving the DA, we would expect it to also resume an obligation to ratepayers to protect them from all forms of pollution, including noise, from any new commercial development at 999 Clothiers Creek Road, Clothiers Creek."

(e) Public interest

On the balance of information provided and upon analysis of the likely impacts, the proposed development should be refused.

OPTIONS:

1. Refuse the application in accordance with the recommendation.
2. Approve the application subject to conditions of consent.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should the applicant be dissatisfied with the decision they have the right of appeal to the Land & Environment Court.

POLICY IMPLICATIONS:

This application has potential to set of an undesirable precedent.

CONCLUSION:

This application seeks consent for a new animal establishment and has been assessed having regard to the appropriateness of the site for such a facility. Whilst the new kennel with improved construction and intercom etc would be an improvement on the existing

kennel in relation to noise reduction, (for all but one objector who would have greater exposure to the new kennel), dog control still relies heavily on kennel management. Adjoining residences have been so affected historically so as to take private legal action and still further object based on lack of confidence that management of the proposed kennel would improve.

This lack of confidence and disregard for the rural character and amenity of the area warrants refusal of this application.

UNDER SEPARATE COVER:

Nil.

3 [DS] Farmland Protection - S117 Direction

ORIGIN:

Strategic Town Planning

SUMMARY OF REPORT:

On 15 January 2004 NSW Assistant Planning Minister, Diane Beamer, announced interim rules to safeguard important Northern Rivers farmland against urban and rural residential development. The interim rules have been implemented by way of a S117 Ministerial Direction and apply to land mapped as State or regional farmland protection. The Direction expires in two years.

RECOMMENDATION:

That this report be received and noted.

REPORT:

On 15 January 2004 NSW Assistant Planning Minister, Diane Beamer, announced interim rules to safeguard important Northern Rivers farmland against urban development. The interim rules have been implemented by way of a S117 Ministerial Direction and apply to land mapped as State or regional farmland protection.

It is intended that the interim rules will protect identified farmland from being rezoned for urban and rural residential purposes. Important to note, however, is that the interim rules do not apply to land already identified for settlement in current urban and rural settlement strategies approved under the North Coast Regional Environmental Plan. The Ministerial Direction applies to the local government areas of the Tweed, Byron, Ballina, Lismore, Kyogle and Richmond Valley.

The Direction was implemented as a temporary measure, two years, while strategic planning under the Farmland Protection Project is completed.

A copy of the interim Ministerial Direction Written Instrument is appended to this report.

It is understood the map adopted by the interim rules is similar to that which was publicly exhibited last year.

A report on the impacts of the Farmland Protection Project maps was presented to Council at its Ordinary Meeting of 4 June 2003 and 2 July 2003. These reports and resolutions are attached to this Agenda.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
DIRECTION UNDER SECTION 117(2)

INTERIM PROTECTION FOR FARMLAND OF STATE AND
REGIONAL SIGNIFICANCE ON THE NSW FAR NORTH COAST

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), pursuant to Section 117(2) of the Environmental Planning and Assessment Act 1979 (the Act), hereby direct each Council specified in Schedule 1 to exercise its functions under Divisions 4 and 5 of Part 3 of the Act in relation to the preparation of a draft local environmental plan specified in Schedule 2.

Signed |

Diane Beamer, MP
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Sydney, 12 January 2004

SCHEDULE 1

COUNCIL

Ballina Shire Council
Byron Shire Council
Kyogle Shire Council
Lismore City Council
Richmond Valley Council
Tweed Shire Council

SCHEDULE 2

Proposed Direction

Interim protection for farmland of State and regional significance on the NSW Far North Coast.

Objectives

The objectives of this Direction relate to protecting, as an interim measure, the best large contiguous areas of agricultural land in the Far North Coast from re-zoning to urban or rural residential uses while the strategic planning currently being undertaken under the Farmland Protection Project is completed. The objectives are:

Objective 1: To ensure that the best agricultural land will be available for current and future generations to grow food and fibre;

Objective 2: To provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning.

When this direction applies

This Direction will apply when a council listed in Schedule 1 prepares a draft local environmental plan for land mapped as a State Significant Farmland Protection Area or a Regionally Significant Farmland Protection Area as identified on the set of four draft maps held in the Department of Infrastructure, Planning and Natural Resources and marked "Draft Northern Rivers Farmland Protection Project (Section 117(2) Direction)".

This Direction applies for the duration of two years after the date the Minister signs it, unless withdrawn by the Minister beforehand.

This Direction does not apply to land that has been identified for urban settlement in a currently enforced urban settlement strategy agreed by the Director General of Planning under Clause 38 of the North Coast Regional Environmental Plan (REP), 1988, or identified for rural settlement in a currently enforced rural settlement strategy approved by the Director General of Planning under Clause 20 of the North Coast REP.

What a council must do if this direction applies

A draft local environmental plan relating to land to which this Direction applies must not rezone land, or change the provisions applying to a zone, if that rezoning or change would result in the land becoming available for urban or rural residential use. "Urban use" in this context includes residential housing, retailing, and other uses normally located within towns. "Urban use" does not include a use which adds value to agriculture without consuming a significant area of agricultural land.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Will impact on Local Environmental Plan amendments that relate to land covered by the Section 117 Direction.

UNDER SEPARATE COVER:

1. Council report and resolution from the meeting of 4 June 2003
 2. Council report and resolution from the meeting of 2 July 2003 (DW 924628)
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REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER**4 [OGM] Quarterly Budget Review 31 December 2003****ORIGIN:****Financial Services****SUMMARY OF REPORT:**

This is the second quarter statutory budget review for this financial year and summarises the major expenditure and income changes to the 2003/04 Budget based on current projects to 30 June 2004. This statutory report is prepared in accordance with Local Government Financial Management Regulations Section 6 and 7. Council will have a balanced budget in the General Fund whilst Water and Sewer Funds are in accordance with budget expectations.

RECOMMENDATION:

That :-

1. The Quarterly Budget Review Statement as at 31 December 2003 be adopted.
2. The expenditure and income as detailed below be voted and adjusted in accordance with the revised total expenditure and income for the year.

	POSITIVE (Contribute to Surplus) \$	NEGATIVE (Contribute to Deficit) \$
1. Public Liability Insurance		75,000
2. Pensioner Rate Subsidy	12,000	
3. Section 603 Rate Certificate	20,000	
4. Payroll Tax		7,000
5. Interest on Investments	110,000	
6. Rate Income	54,000	
7. Walking Trail		6,500
8. Public Art		5,000

	POSITIVE (Contribute to Surplus) \$	NEGATIVE (Contribute to Deficit) \$
9. Income		
- Plumbing inspection fee \$20,000		
- Drainage Diagrams \$30,000		
- Sewerage Plan \$15,000	65,000	
Technical Officer - Essential Services		15,000
10. Museum Program – Coordination		6,000
11. Cabarita Surf Life Saving Club		12,000
12. Restoration - Sacred Heart Parish Hall		7,500
13. Beach Income - Vehicle Licence	20,000	
Reserve for beach access / asset management		20,000
14. Beach Accesses / Works Program		77,000
Beach Vehicle Income - Cash Reserve	77,000	
15. M'bah Airfield - Asset Management		5,000
Land Development Fund	5,000	
16. Speed on Tweed		15,000
17. Fencing Tweed Valley Way – Mooball		17,000
18. Art Gallery Income		35,000
19. Public Toilets – Maintenance		14,000
20. Parks & Gardens – Maintenance		40,000
21. Lighthouse Asset Management		6,000
TOTAL	\$363,000	\$363,000
Water Fund		
1. Revised Works Program		187,798
Available funds reserve	187,798	
	\$0	\$0

	POSITIVE (Contribute to Surplus) \$	NEGATIVE (Contribute to Deficit) \$
Sewerage Fund		
1. Revised Works Program	106,508	
Available funds reserve for future works		106,508
	\$0	\$0

REPORT:

The following Financial Statement is submitted in accordance with the Local Government Act 1993 – Financial Management Regulations Sections 6 and 7 and shows details of Council's financial position for the period ending 31 December 2003 and estimated end of year financial position as at 30 June 2004.

This statutory Budget Review is prepared at the close of each quarter and shows the financial result between budgeted income and expenditure adopted by Council and the revised total expenditure and total income on present trends for the year.

Proposed Budget Changes and Comments on Adjustments

	POSITIVE (Contribute to Surplus) \$	NEGATIVE (Contribute to Deficit) \$
1. Public Liability Insurance Increased costs of insurance excesses		75,000.00
2. Pensioner Rate Subsidy Additional income to be received	12,000.00	
3. Section 603 Rate Certificate Additional Income Budget \$130,000 to \$150,000	20,000.00	
4. Payroll Tax Revised Budget Projection for Payroll Tax on Wages		7,000.00
5. Interest on Investments Income increase due to interest rate changes and revised cash flow	110,000.00	
6. Rate Income Increased Rates received	54,000	
7. Walking Trail Network Survey		6,500.00
8. Public Art Maintenance costs		5,000.00
9. Income		
- Plumbing inspection fee \$20,000		
- Drainage Diagrams \$30,000		
- Sewerage Plan \$15,000		
Increased income received above estimate	65,000.00	
Technical Officer - Essential Services - additional position		15,000.00
10. Museum Program - Coordination Additional support costs for proposed museum upgrades		6,000.00
11. Cabarita Surf Life Saving Club Temporary Building - purchase, moving, etc.		12,000.00
12. Restoration - Sacred Heart Parish Hall Murwillumbah Minute No 911 - 5 November 2003		7,500.00

	POSITIVE (Contribute to Surplus) \$	NEGATIVE (Contribute to Deficit) \$
13. Beach Income - Vehicle Licence Reserve for beach access / asset management Additional income received to be held as cash reserve for future works	20,000.00	20,000
14. Beach Accesses / Works Program Beach Vehicle Income - Cash Reserve	77,000	77,000
15. M'bah Airfield - Asset Management Land Development Fund Upgrade of airfield facilities	5,000	5,000
16. Speed on Tweed Council Support Costs to Festival		15,000.00
17. Fencing Tweed Valley Way - Mooball (Minute No 1074 - 17 December 2003) Fencing associated with streetscape & toilet block		17,000.00
18. Art Gallery Income Reduced income from café, workshop and retail - late completion of building, etc.		35,000.00
19. Public Toilets - Maintenance Increased maintenance costs incurred on new toilets		14,000.00
20. Parks & Gardens - Maintenance Increased costs		40,000.00
21. Lighthouse Asset Management - Pt Danger Asset Management in association with GCCC		6,000.00
TOTAL	\$363,000	\$363,000
Water Fund		
1. Revised Works Program Available funds reserve	187,798	187,798
	\$0	\$0
Sewerage Fund		
1. Revised Works Program Available funds reserve for future works	106,508	106,508
	\$0	\$0

Other Issues

The \$337,361 funding from the sale of Wardrop Valley land for the Art Gallery construction has not yet been received, however expenditure has been incurred.

Proposed road works at Wardrop Valley \$50,000.

General Fund

Based on current projection the General Fund is expected to remain as a "balanced budget" for the remaining 6 months of the financial year. Furthermore, any approval for funding of additional programs must be offset by a reduction in alternative program.

Water Fund

The Water Fund remains in a sound financial position with sufficient reserves to meet any unexpected costs.

Sewer Fund

The Sewer Fund remains in a sound financial position with sufficient reserves to meet any unexpected costs.

Statutory Statement – Local Government Financial Regulations (Sections 6 & 7) by "Responsible Accounting Officer"

The responsible accounting officer of a council must: -

- 6** (b) *If any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.*
- 7.** (1) *Not later than 2 months after the end of each quarter, the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the management plan that the council has adopted for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) *A budget review statement must include or be accompanied by:*
- (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
- (b) *if that position is unsatisfactory, recommendations for remedial action.*

Statutory Statement

I consider that the financial position of Council is satisfactory "having regard to the original estimate of income and expenditure".



M Chorlton
"Responsible Accounting Officer"
Tweed Shire Council

**LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1993
SCHEDULE 1 - FORMS
FORM 1**

**Summary of Estimates of Income and Expenditure for the Year ended 30 June 2004
Revised as at 31 December 2003**

Function	Original		Revised		Net Cost	
	Expenditure	Income	Expenditure	Income	Original	Revised
Administration	11,432	1,124	11,601	1,230	10,308	10,371
Public Order & Safety	1,394	757	1,472	777	637	695
Health	642	96	642	96	546	546
Community Services & Education	641	221	641	221	420	420
Housing & Community Amenities	14,845	14,840	15,157	14,840	5	317
Water Supplies	7,254	12,159	7,483	12,159	(4,905)	(4,676)
Sewerage Services	10,889	20,736	10,823	20,736	(9,847)	(9,913)
Recreation & Culture	7,588	6,147	7,671	6,112	1,441	1,559
Mining, Manufacturing & Construction	1,488	1,725	1,531	1,790	(237)	(259)
Transport & Communication	17,180	15,123	17,221	15,123	2,057	2,098
Economic Affairs	4,255	4,238	4,270	4,238	17	32
General Purpose Revenues		28,858	0	29,140	(28,858)	(29,140)
	77,608	106,024	78,512	106,462	(28,416)	(27,950)

Add Expenses not involving flow of funds

Depreciation
Increase in employees leave Entitlements

Original	Revised	Original	Revised
(18,470)	(18,470)		
(18,470)	(18,470)	(46,886)	(46,420)

Sub-total

Add non-operating funds employed

Carrying amount of assets sold
Cost of real estate assets sold

Loan funds used
Other debt finance
Repayments by deferred debtors

(1,346)	(1,346)		
(4,695)	(4,695)		
(6,041)	(6,041)	(52,927)	(52,461)

Sub-total

Subtract funds deployed for non-operating purposes

Acquisition of assets
 Development of real estate
 Advances to deferred debtors
 Repayment of loans
 Repayment of other debts
Estimated Budget Result – Surplus

70,817	70,923		
3,790	3,790		
74,607	74,713	21,680	22,252

Reconciliation with Program Budget:

Add net increase in restricted assets		(25,683)	(26,255)
Deduct Interest on Restricted Assets not included in budget		4,003	4,003
Program Budget Deficit/(Surplus)		-	-

Comprising:

General Fund	-	-
Water Fund	-	-
Sewerage Fund	-	-
	-	-

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

As discussed in the report.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

5 [OGM] 2003/04 Fees & Charges - New Fee to Operate a Surf School

ORIGIN:

Financial Services

SUMMARY OF REPORT:

The Tweed Coast Reserve Trust resolved at its meeting of 12 November, 2003 to issue a temporary licence under the provisions of Section 108 of the Crown Lands Act, 1989 to Mr Tom Campbell for the purpose of operating a surf school for one (1) month. The licence will continue on a monthly basis.

It is proposed to charge a weekly fee of \$40 for the operation of a surf school on Tweed Shire beaches.

RECOMMENDATION:

That as there were no objections received after 28 days of public exhibition period, Council adopts the weekly fee of \$40 for the operation of a surf school on Tweed Shire beaches.

REPORT:

As per summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

6 [OGM] Corporate Quarterly Report - October to December 2003

ORIGIN:

Corporate Development

SUMMARY OF REPORT:

The Corporate Quarterly Report for the period October 1 2003 to December 31 2003 is presented for Council's information.

RECOMMENDATION:

That

1. This report be received and noted.
2. This report be placed in the libraries for public information.

REPORT:

BACKGROUND

In accordance with Section 407 of the Local Government Act the General Manager must report to Council each quarter as to the extent to which the performance targets set by the Council's current Management Plan have been achieved during that quarter.

The Quarterly Corporate Report is still being progressively redeveloped to provide progress feedback on designated priorities within the principle activity categories as specified in the 2003-2006 Management Plan. These Quarterly Reports will be combined at the conclusion of the financial year and included in the annual report to the Department of Local Government, Council and the community.

CORPORATE QUARTERLY PERFORMANCE REPORT

1st October to 31st December 2003

The following report details the progress during October to December on actions identified to be undertaken in 2003-2004 in the 2003-2006 Management Plan. These actions assist Council work towards its vision of "a premier area in which to live, work and visit".

Just some of the actions undertaken between 1st October and 31st December include:

- Installation of new picnic facilities and playground equipment in Council Parks and Reserves,
- New Art Gallery handed over,
- Continued implementation of 5th City of the Arts Programs including:
 - Appointment of a Home Grown Film Works Co-ordinator,
 - Commencement of Arts Aboriginal and Torres Strait Islander - Community stories project with a series of Workshops,
 - Celebration of the International Day of People with a Disability through a Disability Forum on the 3rd and 4th December,
- Successful completion of the Tweed River Festival,
- Completion of Mooball Creek Reserve Rehab Plan,
- Exhibition of Tweed Futures issues paper,
- Issued licenses to operate commercial fishing charters and commercial sight seeing charters on Clarrie Hall Dam
- Awarded contracts for
 - Hastings Point Sewerage Treatment Plant augmentation
 - New Water Pumping Stations construction
 - Telstra relocation works for Frasier Drive upgrade
 - Byangum Bridge upgrade
- Completion of Road Works at:
 - Floral Avenue,
 - Minjungbal Drive,
 - Byrril Creek Road,
 - Urlip Road,
 - Round Mountain,
 - Fingal Road Service Relocation,
- Completion of design for Murwillumbah Depot Upgrade.

ACTIVITY 1: RECREATION SERVICES**Objective:**

To conserve the unique bio-diversity and scenic quality of the Tweed whilst ensuring sustainable quality development.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Upgrade existing and install new Picnic Facilities, and playground equipment in Council Parks and Reserves	Completed by target date	June 2004	Meetings held with various community and residents associations to discuss requirements for new facilities.	Installations commenced.		
Purchase, Subdivide and Maintain Land at Chillingham for Community Purposes	Completed by target date	June 2004	Area being maintained. Draft lease for Community Association and CTC centre finalised.	Maintenance continued.		
Develop Regional Botanic Gardens	Completed by target date	June 2004	Report to Council 1 October resolving on progression of next stages of gardens.	Greencorp group commenced works in Gardens. Logo competition announced.		
Implement Works Program for Recreation Facilities in Development Control Plan 3	Completed by target date	June 2004	Meeting with Banora Point Residents Association to discuss proposed works program. Association to provide feedback prior to seeking broader input.	Works program finalised and commenced.		
Develop Plan of Management for Kingscliff Sportsground	Completed by target date	June 2004	On going negotiations with relevant clubs.	Draft plan completed.		
Develop Plan of Management for Round Mountain Equestrian Centre	Completed by target date	June 2004	On going discussions with relevant facility users.	Discussions continued with relevant facility users.		

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Develop Plan of Management for Bilambil Sports Complex	Completed by target date	June 2004	Further liaisons with various users regarding future needs.	Council's design unit working on plan.		
Develop Plan of Management for Knox Park	Completed by target date	June 2004	Implementation of pond remediation works.	Implementation of pond remediation works.		
Develop Capital Works Program for Council Sports Facilities	Completed by target date	June 2004	Capital works program commenced.	Capital works program commenced.		
Develop a Beach Use Policy	Completed by target date	June 2004	Policy included in draft guidelines for use of Council controlled lands.	Policy included in draft guidelines for use of Council controlled lands.		
Develop Skate Park Policy	Completed by target date	June 2004	Due to resource prioritisation this project will commence next financial year.	Due to resource prioritisation this project will commence next financial year.		
Install Irrigation Central Control System for Council Parks and Reserves	Completed by target date	June 2004	Due to resource prioritisation this project is deferred and will be reassessed next quarter.	Due to resource prioritisation this project is deferred and will be reassessed next quarter.		
Construct and Maintain firebreaks as required under Rural Fires Act.	Completed by target date	June 2004	Additional firebreaks constructed – Cabarita. DA for works in SEPP14 areas in Pottsville progressing.	Additional firebreaks constructed – Cabarita. DA for works in SEPP14 areas in Pottsville progressing.		
Increase maintenance standards within Council Reserves	Completed by target date	June 2004	Maintenance standards increased.	Maintenance standards increased.		
Responsible Division / Unit						
Recreation Services						

ACTIVITY 2: HEALTH AND COMMUNITY SERVICES**Objective:**

To identify community needs and increase the wellbeing of members of the community.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Complete Draft Documentation for New Garbage Contract / Joint Disposal Initiative with Gold Coast City Council	Completed by target date	Dec. 2003	Legal advice being sort on contract.	Report to be submitted to Council January 2004.		
Upgrade Public Toilets	Completed by target date	June 2004	Fingal Head completed. Chinderah completed.	Report to be submitted to Council concerning Tumbulgum and Mooball Public Toilets.		
Implement Sewerage Management Facilities Strategy	Completed by target date	1000	Staff appointed. Initial training completed.	20 systems inspected.		
Plan and Design new SES headquarters	Completed by target date	Sep. 2003	Awaiting confirmation for purchase of RTA land.	Still awaiting confirmation for purchase of RTA land.		
Obtain DA consent for SES headquarters	Completed by target date	Sep. 2003				
Build new SES headquarters	Completed by target date	June 2004				
Complete preliminary planning for Murwillumbah Civic Centre Office extensions	Completed by target date	Dec. 2003	Preliminary planning commenced.	Awaiting settlement of RTA land before progressing.		
Complete planning for Murwillumbah Pool upgrade to regional standard	Completed by target date	March 2004	Expressions of interest for consultants called.	Submissions received and analysed.		
Build new Art Gallery	Completed by target date	Sep. 2003	Works on target for completion December 2003.	Handed over December.		

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Upgrade Surf Lifesaving Club at Cabarita	Completed by target date	Sep. 2003	D.A. approval for works issued.	Tweed Shire Council building demolished. Temporary arrangement nearing completion.		
Plan and design Banora Point Community Centre	Completed by target date	March 2004	Preliminary planning completed.	D.A. submitted.		
Implement the 5 th City of the Arts	Completed by target date	June 2004	Gala Launch 3 August.	Appointed Home grown Film Works Co-ordinator. Commenced Arts Aboriginal and Torres Strait Islander Community Stories project with a series of workshops. Held a Disability Forum celebrating International Day of people with a disability on the 3 rd & 4 th December.		
Purchase new library books in accordance with Libraries Strategies	Completed by target date	June 2004	Books purchased on an ongoing basis.	Books purchased on an ongoing basis.		
Develop and adopt Community Safety Action Plan	Completed by target date	June 2004	Committee convened, Draft Plan being prepared.	Consultation with stakeholders commenced.		
Develop and adopt Human Services Delivery Plan	Completed by target date	June 2004	Draft Plan reviewed by consultant.	Draft submitted to Premiers Department.		

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Develop and adopt Community Facilities Policy and Program	Completed by target date	June 2004	Draft Policy prepared and submitted to Director of Development Services.	Draft Policy prepared and submitted to Director of Development Services.		
Responsible Division / Unit						
Environment and Health Strategic Planning						

ACTIVITY 3: ECONOMIC DEVELOPMENT**Objective:**

To encourage economic activity that enhances the standard of living of residents through the promotion of a wide range of development opportunities through the Council sponsored economic development agencies and commercial undertakings.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Engage Consultants to perform a contaminated land study at Lot 490 South Kingscliff (former tourism NSW site)	Completed by target date	June 2004	Yet to be commenced.	Yet to be commenced.		
Develop and adopt Development Control Plan 46 and Plan of Management for South Kingscliff Gateway	Completed by target date	June 2004	Council resolution sent to DIPNR for endorsement.	No response received to date from Department Infrastructure Planning and Natural Resources.		
Manage TEDC Contract Deliverables Quarterly	Percentage of contracted performance objectives completed to satisfaction of Council	100%	100% satisfaction. Contract performance objectives achieved and up to date.	Contract performance criteria reviewed quarterly. Discussed last quarter performance with EMT. December 2003.		
Manage TACTIC Contract Deliverables Quarterly	Percentage of contracted performance objectives completed to satisfaction of Council	100%	100% satisfaction. Contract performance objectives achieved and up to date.	Contract performance criteria reviewed quarterly. Meeting arranged with TACTIC in January 2004 to discuss last quarters performance.		

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Update a Plan of Management for Jack Evans Boat Harbour Tweed Heads	Completed by target date	June 2004	Draft Plan being finalised.	Tweed Heads Revitalisation Task Force continued to develop Draft Plan.		
Develop and Adopt a Retail Development Strategy	Completed by Target date	June 2004	Consultant engaged to prepare strategy.	Draft Strategy being prepared by consultant.		
Submit Tweed Local Environmental Plan 2000 Amendment – West Tweed Heads to Minister for Planning	Completed by target date	June 2004	No response from land owners to request for contributions towards cost of Environmental Study.	Landowner contribution received. Further report required by Council on Traffic.		
Submit Tweed Local Environmental Plan 2000 Amendment – Fernvale to Minister for Planning	Completed by target date	June 2004	No response from land owners to request for contributions towards cost of Environmental Study.	No response from land owners to request regarding contributions towards cost of Environment Study.		
Submit Tweed Local Environmental Plan 2000 Amendment – Melaleuca Station to Minister for Planning	Completed by target date	June 2004	Request for Section 65 certificate to exhibit Draft LEP and Environmental Study sent to Planning NSW.	Request for Section 65 certificate to exhibit Draft LEP and Environment Study sent to Planning NSW.		
Develop Tourism Industry Infrastructure Development Strategy	Completed by target date	June 2004	Yet to be commenced.	Yet to be commenced.		

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Develop and adopt Development Control Plan for performance based criteria for Employment Generating Development	Completed by target date	June 2004	Draft DCP prepared.	Draft DCP prepared.		
Responsible Division / Unit						
Corporate Services Business Undertakings Strategic Planning						

Additional Actions

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Council owned land at Wardrop Valley is to be partially sold.	Completed by target date	June 2004	Progress subject to D.A. process.	D.A. being assessed by independent consultant.		

ACTIVITY 4: NATURAL & BUILT ENVIRONMENT

Objective:

To conserve the unique bio-diversity and scenic quality of the Tweed whilst ensuring sustainable quality development.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Complete Annual Survey of Development Applicants	Percentage of overall applicant satisfaction	66%	Yet to be commenced.	Yet to be commenced.		
Review Internal Service Level Protocols	Completed by target date	Dec 2003	Implemented Service Level Protocol Dashboard to enable managers to monitor performance against the agreed Service Level Protocols.	Implemented.		
Review Engineering Input into Development and other Application Processes	Completed by target date	Dec 2003	Commenced review and information collection.	Continued review and information collection.		
Implement new 149 certificate production using IT resources	Completed by target date	August 2003	Implementation nearing completion.	Implementation nearing completion		
Complete Review of Inspections system and processes	Percentage of completed projects inspected after 3 months of completion	30%	Estimated on target, approximately 30% of completed Building Strata subdivisions inspected.	Estimated on target, approximately 30% of completed Building Strata subdivisions inspected.		

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Prepare and Implement Complaints Protocol	Percentage of complaints resolved within 4 weeks of initial complaint	50%	Estimated above target at approximately 70% of complaints resolved within 4 weeks of initial complaint.	Estimated above target at approximately 70% of complaints resolved within 4 weeks of initial complaint.		
Implement adopted Tweed Local Environmental Plan Review Program	Percentage of LEP amendments completed within 18 months from Council section 54 Resolution	100%	Various Draft Local Environmental Plans being prepared.	Various Draft Local Environmental Plans being prepared.		
Submit Vegetation Management Plan and Draft Tweed Local Environmental Plan 2000 Amendment to Minister for Planning	Completed by target date	June 2004	Steering Committee has endorsed draft DCP - Exempt and Complying Development and Draft Vegetation Management Strategy. Zoning maps being finalised for consideration by Committee.	Deferred due to State Government Natural Resource Guidelines introduced end of 2003.		
Review and adopt updated Strategic Plan	Completed by target date	June 2004	Project commenced with community meetings, and special edition of Tweed Link.	Issues paper exhibited.		

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Complete Kingscliff Local Plan	Completed by target date	June 2004	Key Issues being investigated.	Key Issues being investigated.		
Draft a Development Control Plan for Kingscliff	Completed by target date	June 2004				
Draft a Section 94 Plan for Kingscliff	Completed by target date	June 2004				
Review Village Strategy for Pottsville	Completed by target date	June 2004	No work to be completed until Retail Strategy provides data on floor space requirements for Pottsville.	No work to be completed until Retail Strategy provides data on floor space requirements for Pottsville.		
Prepare Development Control Plan for Pottsville	Completed by target date	June 2004				
Prepare Section 94 Plan for Pottsville	Completed by target date	June 2004				
Prepare draft Development Control Plan for Cabarita for exhibition	Completed by target date	June 2004	Steering Committee set up, Draft Plan being finalised.	Draft Plan being finalised with Steering Committee.		
Develop and Adopt Rural Villages Development Strategy	Completed by target date	June 2004	Yet to be commenced.	Yet to be commenced.		
Develop and adopt Residential Development Strategy	Completed by target date	June 2004	Relevant issued investigated.	Relevant issued investigated.		
Develop and Rural Settlement Strategy	Completed by target date	June 2004	Brief prepared for consideration by LEP advisory committee.	Project to be completed following completion of Cabarita and Uki DCP's.		
Submit Rural Settlement Strategy to Planning New South Wales	Completed by target date	June 2004				
Draft Local Environmental Plan Exhibited	Completed by target date	June 2004				

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Submit Draft Local Environmental Plan to Planning New South Wales for Terranora Area E Urban Release Area	Completed by target date	June 2004	Consultants preparing planning framework.	Draft Environment Study being reviewed by Council Staff.		
Prepare and adopt Development Control Plan for Terranora Area E Urban Release Area	Completed by target date	June 2004				
Prepare and adopt Section 94 plan for Terranora Area E Urban Release Area	Completed by target date	June 2004				
Submit draft Local Environmental Plan for Kings Forest Urban Release Area to Planning New South Wales	Completed by target date	June 2004	Awaiting transfer of land to new owners before work commences.	Awaiting transfer of land to new owners before work commences.		
Prepare and adopt Development Control Plan for Kings Forest Urban Release Area	Completed by target date	June 2004				
Prepare and adopt Section 94 plan for Kings Forest Urban Release Area	Completed by target date	June 2004				

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Implement Tweed River Management Plan	Completed by target date	June 2004	Bird Monitoring Report received UQ Ecological River Health Report Received Lavender Creek Stormwater Improvements 90% complete.	Successful completion of Tweed River Festival. Woobul Creek Management Plan received. Fingal peninsula Wetland Project DA submitted. Waters of the Tweed IV Educational Brochure completed.		
Implement Estuary Management Plan	Completed by target date	June 2004	Estuary Management Plan Review commenced.	Mooball Creek Reserve Rehab Plan complete.		
Commence development for Implementation of the Coastline Management Plan	Completed by target date	June 2004	Stage 1 Report Completed. Coastline Management Study and Plan 60% complete.	Stage two report draft completed. Coastline Management Study and Plan 70% complete.		
Review and Revise Tweed River Flood Model and DCP5	Completed by target date	June 2004	Digital Elevation Model Project 50% complete. Interim review of DCP5 90% complete.	Tweed River Flood Model 60% complete. Interim DCP5 advertised.		
Construct Boat Ramps	Percentage of project complete	100%	10% complete. Tenders received for 3 boat ramp upgrades.	10% complete. Awaiting additional funding from Waterways.		
Construct new Flood Mitigation Facilities	Percentage of project complete	100%	0% complete. Nil Action. awaiting funding advice.	0% complete. Funding from Federal and State Government unavailable for any new works.		
Responsible Division / Unit						
Development Assessment Strategic Planning Water						

Additional Actions

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Uki Development Control Plan	Completed by target date	June 2004	Yet to be commenced.	Project to be completed following completion of Cabarita DCP.		
Development of Southern Boat Harbour Marina	Completed by target date	June 2004	Report brought forward to Council. Council resolved to proceed with the project and finalise the lease agreement with the Department of Lands.	Awaiting final lease from Department of Lands.		

ACTIVITY 5: INFRASTRUCTURE PLANNING**Objective:**

To prepare strategic plans, specifications and public policies for engineering infrastructure that are consistent with Council's Strategic land use planning, reflect current best practice and are underpinned by demonstrable financial capability and coordination long term financing of key infrastructure with the release of land for urban development.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Implement DCP16 Development Engineering Specs	Completed by target date	June 2004	90% complete.	90% complete.		
Organise DCP16 Development Eg: standard drawing	Standard Drawings produced on time	June 2004	10% complete.	12% complete.		
Review and update as necessary DCP 16 Development Engineering Specs and Standards	Specifications and Standards completed	June 2004	Yet to be commenced.	Yet to be commenced.		
Draft Stormwater DCP	Completed by target date	June 2004	50% complete.	50% complete.		
Finalise Northern Arterial Road Network	Completed by target date	June 2004	70% complete. Report submitted to Council September 2003.	80% complete. Five year program to be submitted to Council January 2004.		
Responsible Division / Unit						
Infrastructure Planning						

ACTIVITY 6: ROADS AND TRANSPORT

Objective:

To provide a transport infrastructure system that allows safe, convenient and comfortable pedestrian and vehicular traffic movement to, from and within the Tweed Shire.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Undertake the pre-construction activities for those projects listed in the Works programme	Complete pre-construction activities 3 months prior to construction commencing	100%	25% complete. On target, pre-construction activities completed 3 months prior to construction commencing.	50% complete. On target, pre-construction activities completed 3 months prior to construction commencing.		
Complete Urban Works Program	Percentage complete	100%	10% complete. Queen Street Fingal completed. Floral Avenue commenced. Cominan Avenue commenced with some re-design required.	25% complete. Floral Ave completed. Cominan Ave redesign finalised and work 70% complete. Rutile Street drainage finished and only roadwork's to complete.		
Complete Drainage Program	Percentage complete	100%	0% complete. No projects commenced at this time.	50% complete. Minjungbal Drive completed.		
Complete Roads to Recovery Program	Percentage complete	100%	20% complete. Minnows Road completed. Byrill Creek Road ready to be sealed.	70% complete. Byrill Ck Rd completed. Urliup Rd completed. Round Mountain Rd completed.		

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Complete ACRD Program	Percentage complete	100%	10% complete. Kyogle Road completed Numinbah Road completed Fingal Road service relocation commenced.	25% complete. Fingal Rd service relocation completed.		
Complete Bridge Program	Percentage complete	100%	10% complete. South Pumpenbil Bridge completed.	70% complete. Byangum Bridge contracts let for pile driving and deck units (work not to commence until April / May 2004).		
Complete Planning for Tweed and Murwillumbah Depots upgrade	Completed by target date	June 2004	Design commenced for extension to Murwillumbah Depot Office. No funding allocated for Tweed Depot improvements.	Design completed for Murwillumbah Depot. Extensions and Contract documents being prepared.		
Responsible Division / Unit						
Design Works						

ACTIVITY 7: WATER & SEWERAGE**Objective:**

To provide a high quality and reliable water and sewerage service that meets community expectations and assists economic development.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Undertake the pre-construction activities for those projects listed in the Water and Sewerage programme	Complete pre-construction activities 3 months prior to construction commencing	100%	25% complete. On target, pre-construction activities completed prior to construction commencing.	50% complete. On target, pre-construction activities completed prior to construction commencing.		
Review and Implement Asset Replacement Program	Percentage of program complete	100%	12% complete.	20% complete.		
Implement Capital Works Program	Percentage of program complete	100%	10% complete. Kingscliff STP Interim Works completed.	22% complete. Uki Sewerage scheme 98% complete. Connection to the system commenced.		
Implement Augmentation of Hastings Point Sewerage Treatment Plant	Percentage of program complete	100%	10% complete. Tenders Received.	15% complete. Contracts have been let.		
Implement Augmentation of Bray Park Water Treatment Plant	Percentage of program complete	100%	5% complete. Concept Design completed.	8% complete. Tenders prepared for supply of membrane filters.		

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Develop Bulk Water Supply Strategy	Percentage of program complete	50%	5% complete. Engaged Consultant to Complete Scoping Study.	5% complete. Hunter Water engaged to complete Integrated Water Cycle Plan Concept Study.		
Obtain Community and Council endorsement for Banora Point & West Tweed Effluent Disposal Strategy	Percentage of program complete	100%	80% complete. Final Meeting Scheduled for November 2003.	95% complete. Awaiting final report from consultant.		
Obtain Community and Council endorsement for West Tweed & Banora Point Sewerage Treatment Plants	Percentage of program complete	100%	0% complete. Awaiting outcome of Disposal Strategy.	0% complete. Still awaiting outcome of Disposal Strategy.		
Responsible Division / Unit						
Design Water						

ACTIVITY: 8 CIVIC GOVERNANCE**Objective:**

To provide representative and responsive government, sound management of the resources of Council, ensure statutory requirements are met and provide services to the organisation in the most cost effective, safe and timely manner.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Continue to Facilitate and Implement Reserve Trust Resolutions in relation to Caravan Park Maintenance and Development	Percentage of Reserve Trust resolutions implemented on time and within budget	100%	100% of Reserve Trust resolutions implemented.	100% of Reserve Trust resolutions implemented on time and within budget.		
Implement Freedom of Information Act	Number of complaints regarding personal details being given out by Council	Zero	Zero complaints.	Zero complaints.		
Implement Privacy and Personal Protection Act.	Number of complaints regarding personal details being given out by Council	Zero	Zero complaints.	Zero complaints.		
Implement Strategic Asset and Risk Management Program	Reduce the number of Public Liability Claims	100%	Estimated reduction in number of public liability claims by 60%.	Estimated reduction in number of public liability claims unchanged from last quarter, 60%.		
Complete Council Safe II Program	Completed by target date	Dec 2003	90% complete.	95% complete.		

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Reduce workers compensation costs against 2002 benchmark	Meet Target	\$2800	Report submitted to EMT.	Workers Compensation costs for the calendar year are \$1634. This is below the target and the 2002 benchmark.		
Implement Training Plan	Percentage of program delivered	100%	20% of program delivered. Training included chemical usage, crane & plant electrical safety, chainsaw safety and maintenance, dam safety surveillance, water fluoridation, various professional conferences and workshops and plant & equipment licences.	73% of program delivered.		
Review employment selection and EEO process	Completed by target date	Feb 2004	Reformation of EEO sub-committee.	Will be the responsibility of the HR Officer - Employee Relations once appointed. Appointment is due to occur in early February.		

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Implement Staff Orientation Program	Completed by target date	Dec 2003	August 11 – commenced first office-based orientation program; August 18 – commenced first field-based orientation program. Program monitoring and enhancement to continue.	Program is fully implemented and progressing well. Monitoring and review of program will be the responsibility of the Human Resources Officer – Employee Relations.		
Benchmark records management processes against local government authorities to ensure it delivers “best practice”	Percentage of processes at or above best practice standard.	50%	Estimated 10% best practice Design phase for compliance to State Records Act completed.	Estimated 15% Best Practice. Plans drawn for new central records repository.		
Specify new information technology application requirements and support existing infrastructure	New specifications developed	March 2004	8 applications specified. Implementation of Minutes Manager / DataWorks Upgrade completed.	Network upgrade 90% complete. Network and Operating System upgrade.		
	Level of customer satisfaction for existing support	50%	90% satisfaction. Aim is to continually improve customer service.	92% satisfaction achieved.		
Monitor Councils budget including timely reporting and provision of financial advise to	Reports completed on time monthly	100%	100% complete. All reports completed on time.	90% complete. Draft copy of Quarterly Budget Review submitted to Executive Management Team.		

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
support the decision making process.	Timely advice provided	100%	100% of advice was provided in a timely manner.	100% of advice was provided in a timely manner.		
Complete relevant statutory financial reporting (annual statements, financial indicators, etc) in accordance with relative statutes.	Completed by target date	Nov 2003	Completed.	Completed.		
Provide effective and efficient costing, payroll, accounts payable, stores, debtors, rating, receipting, management, accounting, water debtors, and property services.	Percentage of satisfaction with financial services	99%	95% satisfaction. Aim is to continually improve service.	100% satisfaction. All areas performing to relevant date of progress.		
Undertake a program of internal Audits of Councils Operations	Number of internal audits undertaken completed by the end of the financial year	30	7 audits completed.	2 audits completed. Several audits waiting to be finalised in varying areas.		
Responsible Division / Unit						
Business Undertakings Administration Services Occupational Health & Safety Human Resources Financial and Information Services						

Additional Actions

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Delivery of training through RTO	Completed by target date	March 2004	10% of training delivered.	15% of training delivered.		
Retention of staff	Completed by target date	June 2004	Commenced labour turnover review	5% complete.		
AURION REGIONAL PROJECT: Regional implementation of Aurion – HRIS system	Completed by target date.	June 2004	Yet to be commenced.	Project commenced. Schedule formulated for the six months ending June 2004. Lismore City Council is managing the project with Tweed Shire Council providing hardware support (server capacity) and program experience.		

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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7 [OGM] Section 64 and Section 94 Developer Contribution Comparison

ORIGIN:

Corporate Development

SUMMARY OF REPORT:

Council at its Meeting of 17 December 2003 resolved that Council be provided further information namely:

1. What are the additions and increases to these contributions over the last four years?
2. What has been the effect of developer contributions to the Council budget?
 - Does it mean that ratepayers are contributing less - around 40% of the budget - while developers are contributing more?
3. How does Council compare with the performance of other comparable Councils in NSW in the matter of developer contributions and ratepayers share of the budget?

RECOMMENDATION:

That this report be received and noted.

REPORT:

Council at its Meeting of 17 December 2003 resolved that Council be provided further information namely:

1. What are the additions and increases to these contributions over the last four years?
2. What has been the effect of developer contributions to the Council budget?
 - Does it mean that ratepayers are contributing less - around 40% of the budget - while developers are contributing more?
3. How does Council compare with the performance of other comparable Councils in NSW in the matter of developer contributions and ratepayers share of the budget?

Request 1

In respect of this request, information on Section 64 and 94 contributions is provided for a development in Banora Point and Black Rocks at Pottsville for the years 1999 and 2003.

The 2003 contributions relates to the figures that were contained in the Council report, which was considered on 17 December 2003.

Banora Point – DCP 3 area – per Lot

	1999	2003	
Section 64			
Water	\$3,420	\$4,000	
Sewer	\$2,820	\$3,275	
Section 94			
CP1 Open Space	\$2,407	\$3,646	*#
CP3 Community Facilities	\$512		
CP4 Roads	\$1,684	\$1,684	
CP6 Street Trees	\$43	\$43	
CP11 Libraries	\$300	\$688	
CP12 Bus Shelters	\$23	\$23	
CP13 Cemeteries	\$85	\$126	
CP16 Surf Lifesaving	\$80	\$215	
CP18 Office Accommodation	\$345	\$345	
CP22 Cycleways		\$160	
CP26 Shirewide Open Space		\$1,398	
TOTAL	\$11,719	\$15,603	

The amount per lot is dependant upon the number of lots in a development – for this Year 2003 scenario, the amount per lot paid was \$1,207 - thus making the total contribution paid per lot for the development being \$15,603 + \$1,207 = \$16,810

* Assumes no dedication or embellishment of structured or passive open space

Includes \$ 512 originally levied under CP3 Community Facilities

Comment

Over the four year period, the amount per lot in a Banora Point development has increased by \$3,884, without the inclusion of new contribution plans for cycleways and shirewide open space, the increase would have been \$2,326, between 1999 and 2003.

Black Rocks - per Lot

	1999	2003
Section 64		
Water	\$5,220	\$5,800
Sewer	\$2,820	\$3,275
Section 94		
CP4 Roads	\$2,394	\$2,394
CP5 Structured Open Space	\$519	\$780
CP5 Casual Comm. Space	\$235	\$167
CP6 Street Trees	\$42	\$42
CP11 Libraries	\$300	\$688
CP12 Bus Shelters	\$23	\$23
CP13 Cemeteries	\$85	\$126
CP15 Community Facilities	\$584	
CP16 Surf Lifesaving	\$80	\$215
CP18 Office Accommodation	\$344	\$344
CP22 Cycleways		\$160
CP26 Shirewide Open Space		\$1,398
TOTAL	\$12,646	\$15,412

Comment

Over the four year period, the amount per lot in a Black Rocks development has increased by \$2,766, without the inclusion of new contribution plans for cycleways and shirewide open space, the increase would have been \$1,208, between 1999 and 2003.

Request 2

This request required information on Council's Budget, however following consultation with Councillor Brinsmead, information pertaining to requests 2 and 3 will now be based on Council's Financial Statements. Budget information only provides an estimate for the

current year, as projects that are planned to be implemented, might not proceed, accordingly the financial statements produce information on what actually did occur.

Information summarised in the table below?? is a comparison of rates and charges and developer contributions to total Council revenue for the years 1999/2000 to 2002/2003. The amount of developer contributions includes both cash and non-cash contributions. Non-cash items refers to infrastructure assets that were required to be undertaken by a developer as part of the development consent and were handed over to Council. In 2002/2003 the RTA handed over to Council the Tweed Valley Way with a value of \$61,726,000 and due to the impact that it has on Council's total revenue, for comparison purposes in this report, it has been deleted from the total of Council revenue. The information is sourced from the yearly comparative information released by the Department and Local Government and Council's Financial Statements.

	1999/2000	2000/2001	2001/2002	2002/2003
Rates/Charges	22%	24%	29%	22%
Development Contributions	19%	27%	25%	24%

Comment

The percentage of rates and charges to total council revenue has reduced by 4% over the four-year period, however the amount of developer contributions has fluctuated. Developer contributions have remained steady for the years 1999/2000, 2000/2001 and 2002/2003 around 22-24%, whilst there was an increase in 2001/2002, which reflected an increase in contributions provided to Council in comparison to the total revenue.

The contributions provided by developers in any year, include developments that have been approved and proceeded in the current year, but also developments approved in previous years, but have now proceeded.

Request 3

Information has been sourced from Hastings Shire and Coffs Harbour City Councils pertaining to level of developer contributions received each year and ratepayers share of the budget.

The two Council's have provided information pertaining to cash and non-cash contributions provided by developers for the relevant years and this information has been compared with their total revenue for each year.

	1999/2000	2000/2001	2001/2002	2002/2003
Tweed	22%	24%	29%	22%
Hastings	19%	27%	25%	24%
Coffs Harbour	12%	8%	7%	14%

Comment

It should be noted that not all three Council's have the same level of Section 64 contribution fees or the same number or level of Section 94 contribution fees. Accordingly, no accurate comparison or performance can be made, the figures indicate the percentage of total developer contribution and total Council revenue.

It is important to note that the basis for levying Section 64 and Section 94 contribution fees is to allocate the cost of providing new infrastructure that is the result of development and that the increased cost of such development is not met by existing ratepayers and residents.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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REPORTS FROM DIRECTOR ENGINEERING SERVICES

8 [ES] Roads and Transport Directorate

ORIGIN:

Works

SUMMARY OF REPORT:

Following the success of the Water Directorate in supporting Councils with water and sewer functions the Institute of Public Works Engineering (NSW) has proposed the development of a Roads and Transport Directorate to provide similar support to road professionals as well as the Local Government Association of NSW and the Shires Association of NSW.

The attached letter and the Purpose and Roles document fully explain the proposal.

RECOMMENDATION:

That Council becomes a member of the Roads and Transport Directorate and that it supports this from the last quarter of 2003/2004.

REPORT:

Following the success of the Water Directorate in supporting Councils with water and sewer functions the Institute of Public Works Engineering (NSW) has proposed the development of a Roads and Transport Directorate to provide similar support to road professionals as well as the Local Government Association of NSW and the Shires Association of NSW.

The letter and the Purpose and Roles document (reproduced at the end of this report) fully explain the proposal.

With the Federal Government moving towards linking road grants to asset management the Roads Directorate will play an important role in assisting Councils to have a consistent and reliable system. It will also provide important information to the LG and SA Roads and Transport Policy Committee for lobbying purposes.

It is recommended that Council support in full the Roads and Transport Directorate and that the support commence from the last quarter of 2003/04.

IPWEA (NSW) ROADS AND TRANSPORT DIRECTORATE

As you may be aware the Institute of Public Works Engineering Australia is a not for profit professional development organisation dedicated to the advancement of those employed in public works and to the improvement of public works infrastructure.

The majority of our members are engineers working for local Councils and for the past several years there has been a desire from many members of the NSW Division of the Institute, IPWEA (NSW), for the establishment of a Roads and Transport Directorate to act as a focus for research activities and the provision of technical advice to:

1. Assist members in discharging their road management roles in the most effective manner consistent with current legal obligations and the most recent technical practices particularly in the critical area of asset management and
2. Assist the IPWEA (NSW), The Local Government Association of NSW and the Shires Association of NSW (The Associations), individual Councils and members in lobbying for a higher priority to be placed on road infrastructure provision and maintenance and for a more equitable share of resources and funding.

Although the initial drive has come from rural regions there is an equal need for a coordinated approach to the above issues from metropolitan Councils where the road asset management task faces ever growing traffic volumes and shrinking budgets. It is proposed that the Directorate would have a brief covering the entire road reservation with interest in infrastructure assets including, for example, footpaths and street lighting which are of prime concern to urban Councils.

The Associations' Support

The concept has in part been driven by the success of the Water Directorate in NSW. A Business Plan has been developed with the enthusiastic support of The Associations' Standing Committee on Roads and Transport and it is clear that we share a common view as to what the Roads & Transport Directorate's roles should be. The Proposal has also been adopted in-principle by the Executives of both The Associations subject to detailed arrangements being agreed. A joint working party from The Associations and IPWEA (NSW) has subsequently reached agreement on the Directorate's Management Membership and Technical Committees, Reporting processes, Organisation Structure and Funding.

Through the agreed Management and Technical Committees the Business Plan encourages input, ownership and support from The Associations, Councils, local Council engineers, related government agencies and industry partners.

Priority Tasks

The Purpose of the Directorate together with comprehensive list of the Roles which it might be called upon to address are outlined in Attachment A to this letter however the priority tasks which are seen as critical for the Directorate are:

- To establish an Asset Management framework for road infrastructure maintenance in NSW Councils.
- To determine a process for establishing technically sound benchmarking systems including common valuation and depreciation of assets.
- To establish a series of Technical subcommittees which will provide an opportunity for practicing local government engineers to have direct input into research and the lobbying efforts of The Associations on strategic issues.
- To establish a NSW Local Government Transport Focus Group.
- To investigate the establishment of an annual NSW Roads and Transport Congress.

Benefits of Membership

By supporting the IPWEA (NSW) – Roads and Transport Directorate, Councillors and staff will have access to a powerful lobby body and a consulting resource which will improve efficiency, avoid duplication and lead the way in NSW towards an integrated approach to asset management. Tangible benefits of membership would include:

- Asset Management templates and guidance.
- A big picture approach to Public Transport Issues.
- Powerful and credible advocacy on issues such as the current review of Regional Road Classifications.
- Operation and maintenance manuals, workshops and forums which are specifically relevant to local roads, free or at discounted costs to members.
- The potential for an Annual NSW Roads Congress.
- Access to benchmarking networks.
- The opportunity to be involved at a strategic level and to shape the future of road and transport issues through membership on the Management Committee and/or technical subcommittees.
- The opportunity for personal professional growth through membership of the Management Committee and/or technical subcommittees.

Funding

Funding is a critical requirement for the establishment of a Roads and Transport Directorate as it can not be accommodated in the IPWEA (NSW) Budget. As detailed in the Business Plan an arrangement has been determined whereby Councils are placed into four Groups according to their Australian Local Government Classifications.

For Tweed Shire Council the contributions for 2004/2005 would be:

2004/2005 (Full Year)	\$5,000
Plus GST	\$500
Total (Incl GST)	\$5,500

Alternatively Tweed Shire Council may wish to take a leading role in the establishment of the Directorate by also committing to funding for the fourth quarter of 2003/2004 in which case the contribution would be:

2003/2004 (Fourth Quarter)	\$1,250
2004/2005 (Full Year)	\$5,000
Sub Total	\$6,250
Plus GST	\$625
Total (Incl GST)	\$6,875

We are aware that this is a busy time for all Councils, particularly those directly involved with proposals for structural reform of local government in NSW, however we are also concerned that consideration of this proposal not be delayed so as to miss the timetable for preparation of individual Councils' Budget and Management Plan processes.

More importantly the Institute and The Associations are concerned that positive steps should be taken to address Local Road asset management processes in NSW where we appear to be falling behind the progress being achieved in other States. We firmly believe that the establishment of the IPWEA (NSW) Roads and Transport Directorate will provide a mechanism for local government in NSW to regain the initiative in this area.

In accordance with the Business Plan, this submission is to be distributed to all NSW Mayors, and through them to their Councillors, and also to General Managers and Engineering Directors, seeking support in the establishment of the Directorate.

Your Council's response to this proposal, by Monday 2 February 2004 if at all possible, on the accompanying reply form would be appreciated. Should you require any further guidance, including a copy of the full Business Plan, please give me call on 8267 3011 or 0410 435 770. Alternatively my email address is clittle@ipwea.org.au

Yours faithfully

Chris Little
Executive Manager – IPWEA (NSW)

ATTACHMENT A

IPWEA (NSW) ROADS & TRANSPORT DIRECTORATE – PURPOSE & ROLES

Purpose

The Purpose of the IPWEA (NSW) – Roads and Transport Directorate is to assist Local Government in NSW to adopt and maintain best practice in the planning, provision and maintenance of local road infrastructure and transport related activities by:

- Assisting members in discharging their road management roles in the most effective manner consistent with current legal obligations and the most recent technical practices particularly in the critical area of consistent and cost effective asset management and
- Assisting the IPWEA (NSW), the Local Government Association of NSW and the Shires Association of NSW, individual Councils and members in lobbying for a higher priority to be placed on road infrastructure provision and maintenance and for a more equitable share of resources and funding.
- Providing for IPWEA members and local government a powerful technical and research resource on transport issues at regional, state and national level. The activities would be, as circumstances dictate, either proactive or reactive to achieve the optimum benefit for the region or state.

Roles

The roles to be addressed in achieving this purpose are as follows:

- 2.2.1 Establishment of common, acceptable processes for the management of road infrastructure assets in NSW which are both efficient and effective and which allow for meaningful exchange of information and benchmarking. This would include management of data collection to boost road management under a framework to be jointly developed by ALGA and the NSW Associations.
- 2.2.2 Clarification of grey or ambiguous areas of responsibility with road authorities
- 2.2.3 Conduct and/or commissioning of research, particularly with respect to local roads.
- 2.2.4 Conducting, or supporting research by others and/or gaining membership advice and support to provide the technical advice that would add value to

lobbying activities by the Local Government Association of NSW and the Shires Associations of NSW, Councils and IPWEA (NSW) on road and transport related issues.

- 2.2.5 Conducting research and/or gaining membership advice and support to provide the technical advice that would add value to submissions in response to government initiatives, white papers etc. by the Local Government Association of NSW and the Shires Association of NSW, Councils and IPWEA (NSW) on road and transport related issues.
- 2.2.6 Provision of a high profile “point of contact” on Local Road issues which would earn the respect of relevant Departments and Ministers and give IPWEA (NSW) a “place at the table” as the technical body representing Local Government in the determination of important road and transport issues including, for example Regional Transport and closure of rural rail lines.
- 2.2.7 Representation of the IPWEA (NSW) on relevant technical Committees, particularly “Peak Bodies”.
- 2.2.8 Provision of technical support to the Streets Opening Conference and like bodies where IPWEA (NSW) provides roads related secretariat and research services.
- 2.2.9 Representation of the IPWEA (NSW) in an oversight role on relevant Standards Committees.
- 2.2.10 Filling the void in technical advice and support on local road issues that is no longer provided by traditional sources in a similar fashion to the activities of the Water Directorate in the water supply and sewerage areas.
- 2.2.11 Provision of technical support through direct advice and/or the preparation of manuals and policies as required.
- 2.2.12 Monitoring Council and member needs and provision of relevant training as and when required.
- 2.2.13 Keeping a watching brief on relevant legislation as and when required including provision of asset management guidance in response to nonfeasance issues and incidents.
- 2.2.14 Developing systems, together with the Local Government and Shires Associations, which can assist Councils at both the employed engineer and Councillor Level.
- 2.2.15 Consolidating relationships with the RTA and the Ministry of Transport in NSW and providing a liaison forum to enable the IPWEA (NSW) on behalf of

the Local Government and Shires Associations and Local Councils to have persuasive input into:

- Road construction and maintenance policies/ standards
- Road Safety Issues generally
- Operation of Traffic Advisory Committees
- Transport issues
- Block Grants for Traffic Facilities
- Single Invitation Maintenance Contracts
- Regional Road Funding and periodic reclassification reviews
- Weights of Loads issues

2.2.16 Developing relationships with industry stakeholders as required including:

- Local Government Association of NSW
- Shires Association of NSW
- RTA
- ROC's
- MAA
- NRMA
- ALGA
- Ministry of Transport
- DIPNR
- ARRB
- AUSTRROADS
- Road Industry Associations
- Transport Industry Associations including for example the Taxi Council and Bus and Coach Association
- Streets Openings Conference
- Consultants
- Contractors

2.2.17 Exploring the possibility of direct "needs based" advice on RTA funding to Local Government. This is recognized as a politically sensitive issue which needs to be pursued in careful consultation with the Local Government Association of NSW and the Shires Association of NSW.

2.2.18 Collating the Local Road network information for ABS statistical returns and State "Infrastructure Report Cards."

2.2.19 Establishing a monitoring role on roads and transport issues that would warrant attention in the form of proposals or responses so that early intervention is facilitated.

2.2.20 Provision of technical guidance on infrastructure assets within the entire road reservation including a forum for discussion of ancillary infrastructure services such as street lighting.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

9 [ES] Smarts Road Sealing

ORIGIN:

Works

FILE NO: R5080 Pt1

SUMMARY OF REPORT:

At its meeting on 21 January 2004 Council requested a review of the budget to allow the full length of Smarts Road to be sealed as part of the current Works Program.

Council has allocated \$150,000 for the sealing of the first 1.5 kilometres, which was to the original school bus turnaround. Without Council's knowledge the route has been extended to the end of the road another 1.5 kilometres. The estimated additional cost is \$150,000. Council would need to defer another project or fund the additional monies in the 2004/05 Works Program and have the project commenced in May/June and completed in July/August as one project but funded over two budgets.

RECOMMENDATION:

That Council defers construction of the first section of Smarts Road until the latter part of the 2003/04 Works Program and completes the second section in the 2004/05 Works Program with the project being completed concurrently.

REPORT:

At its meeting on 21 January 2004 Council requested a review of the budget to allow the full length of Smarts Road to be sealed as part of the current Works Program.

Council has allocated \$150,000 for the sealing of the first 1.5 kilometres, which was to the original school bus turnaround. Without Council's knowledge the route has been extended to the end of the road another 1.5 kilometres. The estimated additional cost is \$150,000. By adjusting the points score for the section of Smarts Road from Turners Road to the end it has similar points to the first section and hence has a high priority. Council would need to defer another project or fund the additional monies in the 2004/05 Works Program and have the project commenced in May/June and completed in July/August as one project but funded over two budgets.

The project has been funded from the Roads to Recovery Program and the only other jobs not completed other than Smarts Road are Machinery Drive \$66,000 and Overall Drive \$85,000.

Machinery Drive and Overall Drive have major pavement deterioration and it is intended to carry out foam bitumen stabilisation treatments. This is to be completed by contract and preliminary discussions have been held with the contractor regarding the timing of the work. While these two projects could be deferred it is not recommended due to the heavy traffic volumes on both roads and the extra maintenance costs that could be incurred.

The recommended option for Council is to commence construction of Smarts Road later in the 2003/04 financial year with completion in the 2004/05 year. With the announcement of the extension of the R2R Program Council should feel confident in being able to continue the sealing program and funding Smarts Road in 2004/05 should be achievable.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

10 [EC] Tweed Heads Maritime & Heritage Museum Site Options

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council in December 2003 had a workshop with Kylie Winkworth concerning her consultancy towards the upgrade of the Tweed River Historical Security premises in Murwillumbah and the need for a new premises for the Tweed Heads Maritime and Heritage Museum.

At that workshop the issue of the location of the new museum building for Tweed Heads was raised. The two possible locations were either at the current site in Kennedy Drive, or as a part of the Jack Evans Boat Harbour/Tweed Heads Town Centre Project.

Kylie Winkworth's issues paper is reproduced within this report.

RECOMMENDATION:

That forward planning for the new museum building proceed on the premise that such will be located on the existing museum site in Kennedy Drive.

REPORT:

Council in December 2003 had a workshop with Kylie Winkworth concerning her consultancy towards the upgrade of the Tweed River Historical Security premises in Murwillumbah and the need for a new premises for the Tweed Heads Maritime and Heritage Museum.

At that workshop the issue of the location of the new museum building for Tweed Heads was raised. The two possible locations were either at the current site in Kennedy Drive, or as a part of the Jack Evans Boat Harbour/Tweed Heads Town Centre Project.

Kylie Winkworth's issues paper on this is reproduced below:-

"Tweed Heads Maritime and Heritage Museum Site Options

In the course of work on the strategic plan for redevelopment of the Tweed Heads Maritime and Heritage Museum on Kennedy Drive, questions were raised as to whether this is the best site for the long term development of the museum.

On the 29th of October a meeting was held with Magdy Youseff, Taskforce Project Manager for the Revitalisation of the Tweed Heads Town Centre project, to better understand the opportunities for a museum located in the Jack Evans Boat Harbour area. This is part of the study area for the Town Centre taskforce. A consultancy for a master plan for the town centre will be underway shortly. These background notes are provided to assist Council to evaluate the site options for the museum.

What makes a good museum location?

There is considerable evidence now that location is the most critical ingredient in the success of a museum. Location has a strong impact on the following issues that underlie museum performance and success:

- attracting high visitation, a common performance benchmark (although not the only one) which in turn affects financial viability*
- successful partnerships with other cultural and community groups*
- sharing resources and operational costs with other cultural and commercial facilities*
- generating recurrent revenue through a viable café and shop.*

Museums and galleries that are out of the way, or that are not located in precincts with other synergistic partners or activities, struggle to get good visitor numbers, even when offering high quality programs, eg the Lewers Gallery at Emu Plains on the Nepean River near Penrith.

A number of councils are now investigating moving their museums closer to the centre of town, and/or into cultural precincts that attract more visitors and which can lower staff and recurrent costs. For example, the Albury Regional Museum,

located in an old inn on the Hume Highway is moving into a new building in the town centre, adjacent to the library and art gallery.

The NSW Ministry for the Arts encourages councils to co-locate museums, galleries and libraries in town centres and in cultural precincts that maximise visitor numbers and provide opportunities for joint programs, and related shops and cafes.

Visiting museums is increasingly seen as a recreational option like shopping, visiting a club and the cinema, rather than as a stand-alone cultural activity. Where possible, museums are seeking to take advantage of this trend by locating into leisure precincts, and/or improving pathways and marketing eg the museums fringing Darling Harbour in Sydney.

However, museum sites with outstanding natural attributes such as park and water views can become successful destinations without the benefits of a town centre cultural precinct. Overall, visitor numbers may be lower with these locations. A good quality café is critical in building public awareness of the destination, and to increase visitor traffic.

The Tweed Heads site for the Tweed River Regional Museum needs to provide the following:

- *A pleasant outlook and good visitor amenities*
- *A high quality architect designed building with permanent and temporary exhibition spaces for travelling exhibitions, as well as exhibitions developed in house and in partnership with community and cultural groups*
- *Museum standard environmental conditions, collection storage and working spaces*
- *A café and museum shop*
- *Parking for visitors and volunteers, and if possible public transport*
- *Truck access and a loading dock for vehicles transporting medium scale temporary exhibitions*
- *Desirably other community and cultural partners, uses*
- *Ease of access and visibility*

Vision for the Tweed Heads Museum

The vision for the Tweed Heads Museum is to create an outstanding cultural facility in a high quality, architect designed building, which will be a major new attraction for Tweed Heads, offering a range of permanent and temporary exhibitions for visitors and the growing community of the Tweed Shire. The Museum's current focus on maritime and heritage themes will be expanded to cater for younger visitors, and new arrivals to the Shire, and to resonate with Council's tourism strategy. Permanent and temporary exhibitions will include themes on the environment, the sea change population trend, Tweed Heads as a holiday destination, and the dramatic changes to the coastline and river through

natural forces and human intervention. The Tweed River will be in many respects the museum's major exhibit, with indoor and outdoor displays exploring its natural, social and economic history.

The Tweed Heads Museum will mount linked exhibitions with its partner museums in Murwillumbah and Uki. These three sites together comprise the proposed new Tweed River Regional Museum. The Regional Museum will also cross promote, and undertake collaborative exhibitions with the new Gallery. The Tweed River is proposed as a major linking exhibition between the Regional Museum sites and the Gallery in late 2006. The linked programs and cross promotion between the Tweed Heads Museum and the Gallery at Murwillumbah will be particularly important given the growing population and tourism industry on the coast.

The Kennedy Drive site

Advantages/Opportunities

Pleasant leafy park setting on the River

The River as the Museum's key exhibit

The Boyd Fishing shed, moved to the site, an important exhibit and heritage item

River cruises using the park

Café could be a successful destination and venue with pleasant, leafy River outlook

Continued use of historic courthouse as part of the museum's facility

Interpret the tick gate

Public art opportunities to interpret maritime themes and give the museum high visibility from the road

Outdoor space for kids' activities/play

Integrated master plan for the museum and park site to create a beautiful park setting for the museum

Council support for the redevelopment of the museum on this site

Issues

Growing traffic on Kennedy Drive, possibly four lanes in five years time

Right hand turn from the site is dangerous

Land is potentially flood prone, need to locate museum above the 100-year flood line

Impact of flood and heavy rain on museum visitation, operations and infrastructure, car park waterlogged after heavy rain

Need to put in hard surface road, possibly raised, for truck access to loading bay

Need to increase security and lighting

Upgrade public toilets and fold into museum building

Long disabled access ramp into building, given height above flood line

Impact of the building development on the park

Lack of public transport to the site

Lack other partners to help keep the museum open. Possibly higher recurrent costs as Council may need to pay for front of house staff to maintain a minimum five-day a week operation

Jack Evans Boat Harbour Site

Advantages/Opportunities

Active high-density town centre location with plenty of visitor traffic

Site would probably result in at least double the visitor numbers to the museum in comparison with Kennedy Drive

More opportunities for business, community and cultural partnerships due to location and higher profile – benefits programming and bottom line

Possibly more volunteers due to higher profile and ease of access

Public transport

Possibility of including the visitor information centre as the front of house for the museum, saving on operational costs, and strengthening the museum's role as the orientation point for visitors to Tweed Heads

Possibility of wider range of facilities as part of a larger museum/cultural development

Higher revenue opportunities through venue hire, conferences etc, lower recurrent costs for the museum due to income generation opportunities

Museum contributes to the overall redevelopment and vitality of the Tweed Heads town centre

Integrated development, landmark building, public art, park setting and cafe

Walking track and public art to interpret the pilot station site and outlook over the river mouth

River could still be the museum's prime exhibit

No flood issues with this site, fewer design problems with truck and disabled access etc

Issues

Question marks about how the master plan will be implemented and funded

Further feasibility study/business plan required on museum with other cultural uses, leading to delays in replacing the museum

The core of the strategic plan will still stand whatever site is chosen, but fine tuning to content and timelines will be required if the Boat Harbour site is the preferred choice

Uncertain community response to master plan, and competing ideas for the caravan park site might diminish community and Council support for museum development

Further planning work might mean that Council undertakes the building works at Murwillumbah in 2005, with Tweed Heads beginning in 2006?

Poor state of the current museum, garbage bins out when it rains, can the museum wait another year?

Museum will need to be bigger on this site to account for lost space from the Court House, and to cater to overall higher numbers

Higher capital costs, but possibility of State Government support

Can Boyd's fishing shed be sensitively relocated to this site without diminishing its heritage value in this setting

Deckhouse of the Terranora to be major indoor exhibit

What would happen to the Court House on the Kennedy Drive site?

*Kylie Winkworth
6 November 2003"*

As raised above, should the Jack Evans Boat Harbour precinct be favoured for the new museum building, then there could be a considerable time factor as the final Tweed Heads Town Project is settled.

Also, the issue of location of the existing Museum Court House/Boyds Boat Shed will need to be settled.

Accordingly, it is recommended that forward planning for the new museum building proceed on the premise that such will be located on the existing museum site in Kennedy Drive.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

11 [EC] Draft Footpath Trading Policy

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

A draft Footpath Trading Policy was prepared and presented to Council in August 2003. This policy was intended to replace and update existing policies E3, E11.1 and E11.2 (Charity Fundraising, Display of Goods on Footpaths and Footpath Restaurants respectively) and to ensure that a single policy provided for footpaths that are safe, accessible and allow free movement.

Council endorsed the draft Footpath Trading Policy for display and public consultation.

Consultation comments were integrated into the policy where appropriate (final copy attached), however the most significant recommended change - that a clear line of travel be established along building lines - was not adopted.

This recommended change, suggest by Blind Citizens Australia, could only be fulfilled by Council, public utilities (such as Telstra) and footpath traders with great difficulty, as many obstacles (including public infrastructure) presently exist along building frontages.

It is recommended that Tweed Shire Council consider this recommendation best practice and encourage its use without making it mandatory.

It is possible that as the Footpath Trading Policy is implemented there will be modifications identified that are supported by Council and business and adhere to the objectives of the policy. So that these modifications can be implemented efficiently it is recommended that the Director Environment & Community Services be delegated to approve minor modifications to the policy that do not conflict with the policy Objectives.

RECOMMENDATION:

That :

1. Council adopts the draft Footpath Trading Policy (attached).
2. The Director Environment & Community Services be delegated to approve minor modifications to the policy that do not conflict with the policy objectives.

REPORT:

Footpaths are travel areas set aside for use by pedestrians. They are intended to be safe, to provide access and allow free movement. These intended benefits must be available to all, including those with mobility limitations such as the disabled and aged.

The high exposure to passing pedestrian (and motor) traffic that footpaths provide also makes them an ideal location for traders, charities and other organisations to capture attention.

Tweed footpaths are experiencing greater pressure as both pedestrian and business usage grows. Concern has been raised in recent years by organisations such as the Tweed Valley Branch of the Blind Citizens' Association and the Tweed Disability Access Committee as to reduced accessibility of footpaths. It is appropriate to establish clearer guidelines for managing the use of footpaths for trading to ensure safety, access and appearances are maintained.

A draft Footpath Trading Policy was prepared and presented to Council in August 2003. This policy was intended to replace and update existing policies E3, E11.1 and E11.2 (Charity Fundraising, Display of Goods on Footpaths and Footpath Restaurants respectively) and to ensure that a single policy provided for footpaths that are safe, accessible and allow free movement.

Council endorsed the draft Footpath Trading Policy for display and public consultation in August 2003.

Seven responses were received in response to consultation -

Origin	Comment
Cudgen resident	Footpath access is diminishing. Must be controlled.
Cudgen resident	Footpath access is diminishing due to excess footpath trading.
Kingscliff resident	Footpath access is diminishing. Must be controlled.
Pottsville resident	Detailed recommendations on parts of the policy.
Tweed Valley Branch Blind Citizens Australia	Footpath trading requires better control. Two metre clearway suggested by policy would be difficult for blind person to navigate. All obstructions should be located on the curb side of footpath. A clear line of travel along building frontage should be allowed. Clear line of travel along building frontage easier to police.
Blind Citizens Australia	Two metre clearway suggested by policy would be difficult for blind person to navigate – should be straight line. Clear line of travel along building line, 1.8 metre wide, should be required. Experience with clear line along building line has shown that traders also benefit. Disability Discrimination Act requires ‘a continuous accessible path of travel’.
Pottsville Community Association	Footpath signs and other advertising should be included in the policy. Concern as to impact on footpath dining. How will policing of policy be resourced?

Comment was also received from Council’s Traffic and Transport Engineer who provided technical advice to enhance the policy, particularly safety. However there was also an overall query from the Engineer as to why Council allows any trade on footpaths due to their role being essentially for pedestrian travel only.

The amendments suggested by submissions have been written into the recommended policy where appropriate (copy attached), however the most significant recommended change - that a clear line of travel be established along building lines - has not been recommended.

This recommendation suggested by the Tweed Valley Branch of Blind Citizens Australia as well as their national office is given some support by the Commonwealth Disability Discrimination Act. The Act requires that a footpath should, as far as possible, allow for a continuous accessible path of travel so that people with a range of disabilities are able to use it without encountering barriers.

The Human Rights and Equal Opportunity Commission (the administrators of the Act) advise *‘that the continuous path of travel should extend from the building line in order to provide the best possible guidance lone for people with a vision impairment. The*

Commission encourages Local Governments with responsibility for footpaths to develop policies that reflect this best practice.'

Unfortunately this proposal could only be fulfilled by Council, public utilities (such as Telstra) and footpath traders with great difficulty, as many obstacles (including public infrastructure) presently exist along building frontages.

The Commission's advice would indicate that while a continuous line of travel along a building alignment may be considered best practice, it is not mandatory. Within the Footpath Trading Policy, General Requirement 'C' states; *Where possible the thoroughfare shall be established along the building line.* It is considered that while Tweed Shire Council will consider this best practice and encourage this approach it should not become mandatory.

Implementation of the Footpath Trading Policy

Generally the implementation of the new policy will not place an undue burden on existing footpath trading. For current footpath dining agreements compliance will not be mandatory until agreements are reviewed for renewal. Compliance will be for the purpose of creating footpaths that are safer, accessible and maintain community appeal while allowing reasonable use for trade

It is possible that as the Footpath Trading Policy is implemented modifications that are agreeable to Council and business, while adhering to the objectives of the policy will be identified. So that these modifications can be implemented efficiently it is recommended that the Director Environment & Community Services be delegated to approve minor modifications to the policy that do not conflict with the policy Objectives.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. Tweed Shire Council Draft Footpath Trading Policy.
-

12 [EC] Enclosure of Buildings Contrary to the Provisions of Development Control Plan No 5 - Development of Flood Liable Land

ORIGIN:

Building Services

SUMMARY OF REPORT:

Council resolved "*that staff bring forward a report to address a strategy to deal with all non-compliant structures*", following consideration of reports to Council's previous meetings held on 5 November and 17 December 2003.

These reports related to the enclosure of buildings contrary to the provisions of Development Control Plan No. 5 - Development of Flood Liable Land. Copies of those reports are included as attachments to this Business Paper.

RECOMMENDATION:

That:

1. Council investigates availability of funding of up to \$50,000 for an initial one (1) year period to employ a person to investigate and pursue areas of non-compliance relating to dwellings erected on flood liable lands not in accordance with the provisions of Development Control Plan No 5 - Development of Flood Liable Land.
2. Subject to the availability of the \$50,000 for this purpose, Council pursues Option 1 of this Report to employ a person to investigate buildings on all flood liable land and where non-compliance issues are identified, issue and pursue orders to require the removal of unauthorised non-compliant structures and enclosures so as to conform with the requirements of Development Control Plan No 5 - Development of Flood Liable Land.

REPORT:

This report addresses a strategy to deal with **non-compliant** structures, which are located within flood liable lands and contrary to the provisions of Council's Development Control Plan No. 5.

The distinction is drawn between non-compliant and unapproved structures. Council is advised that all other non-compliant structures, whether they be approved or unapproved, are separately reviewed, investigated and pursued as the need arises, during the normal course of work events.

This report does not attempt to address the wider issue of all other **unapproved** structures within the Shire, which has been addressed in numerous reports to Council over an extended period, and is the subject of other ongoing initiatives. The thrust of these initiatives is generally contained in the copies of the reports to Council of 25 March 1992 and 6 May 1998 which are included as attachments to this Business Paper for Council's information.

Of the non-compliant structures there are three broad categories. These are:

1. Structures in flood liable land.
2. Structures in bushfire prone areas.
3. Other structures which are non-compliant but do not have as high a litigation/financial exposure risk to Council.

The reasons for recommending Council undertake a program of identifying and pursuing action against owners of properties which are not compliant with Development Control Plan No. 5 provisions are as follows:-

1. A major flood event such as occurred in 1954 and 1974 will have a very substantial impact on properties situated on flood liable land, particularly those properties situated in floodway locations close to the river itself, where considerable flood water velocities are encountered.
2. Such a flood event will cause very substantial property loss and likely loss of life.
3. Such a major flood event will reoccur. It is not a matter of "if", but "when".
4. Because there has been a thirty year interval since the last major flood event, a great deal of public complacency exists, and a large number of more recent owners and occupiers of such properties are not aware of flooding issues and impacts.
5. The relationship between ground levels and required flood levels has meant that many dwellings need to have, or owners have chosen to have, the dwelling floor so

erected that a considerable space exists below the building. This space should not be considered part of the dwelling space.

6. Over this thirty-year period, many such owners have carried out ground floor enclosures to utilise the space beneath such dwellings.
7. The status of these enclosures varies and some of the older structures erected during the 1950's, 60's and 70's have been erected after obtaining formal Council building approval.
8. As more flood information was gathered and particularly after the 1974 flood Council adopted certain minimum flood levels which were progressively increased in height over the years following investigation and advice from the then Department of Public Works, Council on 5 September 1984 adopted a 1 in 100 year design flood level for various localities and Development Control Plan No. 5 - Development of Flood Liable Land was developed and came into force on 28 December 1990.
9. Since Development Control Plan No. 5 was adopted in 1990, Council officers have consistently advised persons making enquiries of the Development Control Plan No. 5 requirements and enforced it. However, some examples on Fingal Road exist where enquirers have been dissatisfied with such Council officers response and as a result obtained a supporting Hydraulic Engineers report and pursued the matter to obtain Council approval on the basis of such report.

Other examples exist such as a property in Tumbulgum where an illegal enclosure was identified, reported to Council with a recommendation to issue an Order to remove the non-compliant doors, windows, etc and Council subsequently resolved not to serve the order allowing the non-compliant structures to remain. A copy of the report to Council's meeting of 13 June 2001 is attached for Councillors reference.

10. The precedents so established by the existing non-compliant buildings gives rise to ongoing requests from other property owners wanting to carry out similar enclosures and who consider themselves victimised when denied. Some of these persons carry out the work at a later date without further reference to Council.
11. Applications for Building Certificates also give rise to the identification of such non-compliant structures. The presence of such invariably results in the Building Certificate Application being refused until the building is made compliant. In many cases substantial costs are involved and victimisation claims are again received. The net result is that often the property sale is terminated and the matter not further pursued.

Priority Issues

For all of the above reasons it is necessary for Council to adopt a formal approach to these non-compliant buildings, situated on flood liable land, to enable consistent advice

to be given in an equitable manner and to ensure that Council is taking some responsible action to discharge its responsibilities and in so doing minimise its exposure to litigation.

The issues associated with damages to buildings on flood liable land and in bush fire areas are considered to be of the highest priority, and must be given priority over issues associated with other non-complying or illegally erected structures.

This latter category will continue to be processed by Council's officers on the same basis as currently by being dealt with when the issue arises through application, complaint or observation.

It is noted that these strategies do not deal with the building for which a moratorium was imposed by Council in 1992 as these relate primarily to planning issues as opposed to such issues canvassed in this report.

Structures located in bush fire prone areas are currently being addressed in conjunction with the Rural Fire Service and Council's Bush Fire Management Plan and those issues are being provided for. In the future Council will have a similar situation where asset protection zones for recently approved buildings and not maintained and will also have to deal with this on a case by case basis. This then leaves the structures in flood liable lands the greatest litigation risk to Council, far in excess of other illegally erected structures.

Strategy for Non-Compliant Structures on Flood Liable Lands

To enable this matter to be progressed, it is suggested that the following strategy be pursued for the various categories of buildings involved.

Option 1 previously outlined and recommended for adoption in the Council report to the meeting of 17 December 2003 is endorsed by Council's solicitors and is the recommend option and is reiterated:

" That:

- 1. Council investigates availability of funding of up to \$50,000 for an initial one (1) year period to employ a person to investigate and pursue areas of non-compliance relating to dwellings erected on flood liable lands not in accordance with the provisions of Development Control Plan No. 5 - Development of Flood Liable Land.*
- 2. Subject to the availability of the \$50,000 for this purpose, Council pursues Option 1 of this Report to employ a person to investigate buildings on all flood liable land and where non-compliance issues are identified, issue and pursue orders to require the removal of unauthorised non-compliant structures and enclosures so as to conform with the requirements of Development Control Plan No. 5 - Development of Flood Liable Land."*

A strategy to address this issue would involve the following measures being undertaken by the Investigating Officer.

1. Identify and establish risk locations and prioritise locations for inspection.
2. Carry out property inspections from risk locations identified on priority basis.
3. Carry out a check of Council records of affected properties to identify previous consents issued, age of structures, etc.
4. Establish constructional requirements and floor level requirements at the time of construction of the buildings.
5. Issue correspondence relating to action required by Council.
6. Follow up correspondence by issue of appropriate notices, orders, etc.
7. Follow up non-compliance with notices and orders, etc by legal action against owners of non-compliant structures if deemed necessary.

In order to respond to and pursue the above strategy, items 3 and 4 above will require buildings to be classified into categories dependent upon their age and the type of works undertaken at the time.

Buildings would be addressed in the following general categories with the attached response.

A. Older Buildings for which no Council records are available.

Response: Prepare and forward property owners advice identifying the fact that their property is situated on flood liable land and identifying the potential risks to their property.

B. Buildings having Council approval for works, which no longer comply with current DCP No. 5 requirements

Response: Prepare and forward property owners advice identifying the fact that their property is situated on flood liable land and identifying the potential risks to their property.

C. Non-compliant Buildings Enclosed or Altered after 28 December 1990 without Council Consent

Response:

- i. Prepare and forward property owners advice identifying the fact that their property is situated on flood liable land and identifying the potential risks to their property.

- ii. Identify that while ever their property remains non-compliant with the DCP No. 5 requirements, a potential risk is posed to themselves, their property and their neighbours.
- iii. In the first instance, request that such structures be made to comply with the DCP No. 5 requirements within a ninety (90) day period.
- iv. If the above request is not satisfactorily responded to, then commence a process to issue an order to order the works to be carried out.
- v. If the order is not complied with, commence legal action to effect compliance against the property owner.

Option 2

Should Council not proceed with the above option or a modification thereof the only other legal option for Council to pursue is to continue with the current practice where Council officers deal with the non-compliant structures of which they become aware by assessing the non-compliance, seeking rectification and where necessary reporting to Council for Council's action.

As previously advised, and confirmed by Council's Solicitors, in written advice dated 20 November 2003 and contained in the report to Council's meeting on Wednesday 17 December 2003. This Option 2 is not recommended as it does not pro-actively and effectively discharge Council's legal duty of care.

Conclusion

The previous conclusions from the Council report of 17 December 2003 are reaffirmed as follows:-

The issues have been discussed with the Acting Manager Water Unit and it is agreed that Option 1 above most effectively discharges Council's responsibilities, albeit this option will be the most controversial, unpopular, and have the most impact on the public.

In addition, this option will require staff resources to be provided for which no provision currently exists.

To provide for this action to occur it would be necessary in the first instance to employ a person to investigate and pursue non-compliant buildings utilising an order process and follow-up with legal action for non-compliance with orders.

It is estimated that such person could be employed for an initial short term period of twelve (12) months at a cost of about \$50,000, which could potentially be funded from either or both of Council's Building Services or Water Units subject to funding being available.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Legal and resource implications have been addressed above.

Legal costs will be incurred in pursuing orders.

Resources of an estimated \$50,000 would be required to pursue option 1 for a twelve (12) month initial period and are likely to be ongoing.

POLICY IMPLICATIONS:

The actions discussed in this report are deemed necessary to pursue the objectives of Council's adopted Development Control Plan No. 5 - Development of Flood Liable Land.

UNDER SEPARATE COVER:

1. Report to Council's meeting of 6 May 1998.
 2. Report to Council's meeting of 25 March 1992.
 3. Report to Council's meeting of 13 June 2001.
 - 4, Report to Council's meeting of 5 November 2003.
 5. Report to Council's meeting of 17 December 2003 (Confidential Attachment).
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REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

Minutes Circulated with this Agenda not requiring Council Resolution

FOR THE CONSIDERATION OF COUNCIL:

UNDER SEPARATE COVER:

1. Minutes of the Cabarita Beach Bogangar Advisory Steering Committee Meeting held Thursday 23 October 2003.
 2. Minutes of the Cabarita Beach Bogangar Advisory Steering Committee Meeting held Thursday 13 November 2003.
 3. Minutes of the Public Transport Working Group Committee Meeting held Friday 5 December 2003
 4. Minutes of the Public Transport Working Group Committee Meeting held Friday 23 January 2004.
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ORDERS OF THE DAY

1 [NOM] Referendum for Wards and Ridings

NOTICE OF MOTION:

Councillor L F Beck moves:

That Council considers the conducting of a constitutional referendum at the forthcoming Council elections to be held on Saturday, 27 March 2004, to consider:

1. Dividing the Council area into wards.
 2. Changing the method of election of the Mayor.
-

2 [NOM] Coolman Street, Tyalgum

NOTICE OF MOTION:

Councillor L F Beck moves:

That the \$115,000 allocated to Coolman Street, Tyalgum for road reconstruction, be used in the Tyalgum area on one of the most dangerous gravel school bus routes.

3 [NOM] Pacific Highway Handover

NOTICE OF MOTION:

Councillor L F Beck moves:

That Council opens up negotiations with the Roads & Traffic Authority to obtain additional funds as part of the Pacific Highway handover to enable retention of the passing lanes on the southern side of the Burringbar Range.

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CONFIDENTIAL MATTERS

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1 [DS] Tweed Shire Community Based Heritage Study

REASON FOR CONFIDENTIALITY:

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

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

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER IN COMMITTEE

Nil.

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

2 [ES] Construction of Concrete Footpaths Various Locations within Tweed Shire

REASON FOR CONFIDENTIALITY:

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

3 [ES] EQ2003-204 Eel Trapping Licence

REASON FOR CONFIDENTIALITY:

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
-

4 [ES] Acquisition of Land for the Purposes of Relocation of Sewer Rising Main at Goonal Place, Banora Point

REASON FOR CONFIDENTIALITY:

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
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REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

5 [EC] Tenders - Management of Council's Dog & Cat Impounding Facility

REASON FOR CONFIDENTIALITY:

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

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