



Tweed Shire Council

BUSINESS PAPER AGENDA

14 October 2004

Dear Minute Book

NOTICE IS GIVEN that a Meeting of Council will be held at the Council Chamber, Murwillumbah Civic and Cultural Centre on Wednesday 20 October 2004, commencing at **3.00pm**.

Submitted,

A handwritten signature in black ink, appearing to read 'Don Buckley'.

Mr Don Buckley

Acting General Manager

AGENDA

1. Prayer
2. Confirmation of Minutes
3. Apologies
4. Disclosure of Interest
5. Items to be Moved from Ordinary to Confidential - Confidential to Ordinary
6. Schedule of Outstanding Resolutions
7. Mayoral Minute
8. Items Deferred
9. Reports through General Manager
 - Reports from Director Planning & Environment
 - Reports from Executive Manager-Office of the General Manager
 - Reports from Director Engineering and Operations
 - Reports from Director Environment & Community
10. Reports from Sub-Committees/Working Groups
11. Delegates Reports
12. Outstanding Inspections
13. Items of Information and Interest
14. Orders of the Day
15. Workshops
16. Question Time
17. Confidential Matters - (exclude Press and Public)

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SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

17 March 2004

REPORT FROM DIRECTOR ENGINEERING SERVICES

21 [ES] Proposed Water Reservoirs Adjacent to Koala Beach Estate

202

Councillor H James

Councillor B M Luff

RESOLVED that Council investigates the further option of constructing the proposed Reservoir at a location on the Mooball-Pottsville Road.

Current Status: Reassessing technical aspects including alternative sites.

16 June 2004

REPORT FROM DIRECTOR PLANNING & ENVIRONMENT

8 [DS] Draft Development Control Plan No 50 - Bogangar/Cabarita Beach Locality Plan

432

Councillor M R Boyd

Councillor S M Dale

RESOLVED that this item be deferred.

Current Status: Meeting to be arranged.

4 August 2004

2 [NOM] Section 149 Certificates

NOTICE OF MOTION:

Cr G J Lawrie

Cr L F Beck

RESOLVED that a report be prepared on "puting in place" a procedure for the processing of URGENT applications for S149 Certificates to be made available to the applicant within, say, two (2) hours of lodgement of the application and appropriate fee, in lieu of the current forty-eight (48) hours.

Current Status: Meeting held. Data cleansing to be completed.

3 [NOM] Grey Water Reuse

NOTICE OF MOTION:

1

Cr G J Lawrie

Cr L F Beck

RESOLVED that a report be brought forward about the feasibility/possible incentive(s) for encouraging ratepayers to collect and divert household grey water for garden use in lieu of entering the sewerage system.

Current Status: Report being prepared.

ITEMS DEFERRED IN COMMITTEE

[ID][DS] Application to Modify Development Consent 98/79 Involving Unauthorised Enclosed of Ground Floor of Dwelling in a Flood Prone Area

REASON FOR CONFIDENTIALITY:

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

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C 123 RESOLUTION:

That this matter be deferred following the DCP Workshop and after a decision has been made on the DCP.

Current Status: Workshop held 25 August 2004 - report now awaiting further decision on DCP.

1 SEPTEMBER 2004

ORDERS OF THE DAY

1 [NOM] Street Lighting of Footpaths

2 RESOLUTION:

Cr D M Holdom

Cr B J Carroll

RESOLVED that Council officers draft a report on "night lighting" of the main (council) coastal footpaths to afford more security to residents/visitors who wish to walk the footpath/s of an evening/night (time switch operated to go off at 11pm) lighting more so where each footpath moves through each village main street/beach area.

Current Status: Report being prepared.

QUESTION TIME

1 Lands Classified Operational

Cr S M Dale

Asked that Council Officers supply councillors with a list of all operational council lands, including individual valuations or estimates for each parcel and permissible uses for each. Further can councillors be provided with information on uses and/or potential uses if developed in the future.

The General Manager responded that this information would be reported to Council.

Current Status: Details being prepared.

15 September 2004

2 [NOM] Public Toilet at Tumbulgum

NOTICE OF MOTION:

**Cr G J Lawrie
Cr L F Beck**

RESOLVED that a report be prepared as to the feasibility of making available the funds for the construction of bollards on the riverfront at that village, and for the completion of a footpath on the residential side of Riverside Drive.

Current Status: Report to be prepared.

6 October 2004

7 [PE] Northern Rivers Farmland Protection Project

**Cr R D Brinsmead
Cr J F Murray**

RESOLVED that a report be prepared as to how the implementation of the Farmland Protection Project will affect the Tweed Shire.

Current Status: Report being prepared.

4 [NOM] Entry Statements to the Tweed

NOTICE OF MOTION:

**Cr J F Murray
Cr G B Bell**

RESOLVED that Tweed Shire Council officers prepare a report on improving the Entry Statements to the Tweed.

Current Status: Report being prepared.

5 [NOM] Kingscliff Walk of Fame

NOTICE OF MOTION:

Cr J F Murray

Cr G J Lawrie

RESOLVED that Tweed Shire Council officers prepare a report on how best the "Kingscliff Walk of Fame" can proceed.

Current Status: Report being prepared.

10 [EO] Chinderah Bay Drive - Sale of Land

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*

That this item be deferred to allow Council Officers to report to Council on the current status of the contract.

Current Status: Information being collated.

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MAYORAL MINUTE

Mayoral Minute

Councillors,

1. Far North Coast Strategy

8 October – Far North Coast Strategy Half Day Workshop at THCC

2. Gold Coast Soccer Association

9 October – Gold Coast Soccer Association Annual Presentation Dinner

3. Tweed Chamber of Commerce

12 October – Tweed Chamber Breakfast at South Tweed

4. Tweed River Management

13 October – Tweed River Management Meeting at Murwillumbah

5. Cabarita Surf Life Saving Club

13 October – Interview with Channel 9 GC regarding Cabarita SLSC

6. Mayoral Ball

15 October – Mayoral Charity Ball at Tweed in aid of Rural Bush Fire Service

7. Sports Advisory Committee

19 October – Sports Advisory Committee Meeting at Cabarita

8. Brian Donaghy Retirement

11 December – Farewell Dinner on retirement Brian Donaghy at Murwillumbah Golf Club

9. Mayor's Christmas Dinner

18 December – Mayor's Christmas Dinner for Councillors, Directors and Managers at Plantation House

INVITATIONS ACCEPTED:

- 22 October – Meeting with GM, EM and GC Airport re TSC and Tourism
- 23 October – Launch Birds of Tweed Valley
- 23/24 October – Wollumbin Festival

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

- NSW Coastal Conference 2004 **9-12 November** Lake Macquarie
-

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

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 [PE] Development Application DA04/0596 for a Farm Shed and Manager's Residence at Lot 1 DP 874316, Piggabeen Road, Tweed Heads

ORIGIN:

Development Assessment

FILE NO: DA04/0596

SUMMARY OF REPORT:

At the Council meeting of 15 September 2004 Council considered an application, which sought approval for a farm shed incorporating a manager's residence on Piggabeen Road, Tweed Heads. Council resolved that this item be deferred to allow the applicant to amend their development application.

Council has since received correspondence from a planning consultant (on behalf of the applicant) advising as follows:

"Mr and Mrs Hanson have instructed us to formally amend the application pursuant to Clause 55 of the Environmental Planning & Assessment Regulations such that the amended application is simply to construct a workshop and machinery storage shed ancillary to the golf driving range incorporating a staff toilet, a public toilet, a new counter (for payment of course fees etc), internal bench and sink to enable morning and afternoon tea to be provided and also removal of the existing shed on the land.

In support of the amended application we enclose an amended floor plan of the proposed shed and amended plans showing structural details of the building".

Based on this advice it appears that the key issues previously identified have been resolved by the amended application in that it no longer involves a caretaker's residence. Subsequently it is now recommended that conditional consent be granted to the proposed workshop and machinery storage shed.

RECOMMENDATION:

That Development Application DA04/0596 for a workshop and machinery storage shed at Lot 1 DP 874316, Piggabeen Road Tweed Heads be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos CURM 12564 Sheets 1-5 prepared by Steelway Buildings and dated 23/09/2004 and the unnumbered internal layout plan (as submitted with the Development Application), except where varied by these conditions.
2. Front external wall of the building is to stand a minimum of 25 metres from the front boundary of the property. [GEN0010]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0080]
4. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
5. The proposed workshop and storage shed is NOT to be used for any human habitation. The proposed structure is to be used as a workshop and storage shed ancillary to the use of the site as a golf driving range only. [GEN0150]

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. Erosion and Sediment Control During the Construction Phase of Development
 - (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
 - (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
7. An on-site sewage management system design and report to the satisfaction of the DECS shall be submitted prior to the release of the CC. [PCC0320]
8. The On-site Sewage Management System shall be installed in accordance with an Approval to Install an On-site Sewage Management System under Section 68 of the Local Government Act, 1993.
9. The Lodgement of Tweed Shire Councils Approval to Install an On-site Sewage Management System application and associated fees.
10. An approval to install an On-site Sewage Management System must be gained prior to issue of a construction certificate. [PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

11. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.[PCW0060]
12. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and

- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- [PCW0070]
13. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0090]
14. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

- [PCW0190]
15. Prior to the commencement of works on the site all required erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

[PCW0280]

DURING CONSTRUCTION

16. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- [DUR0010]
17. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.

[DUR0080]

18. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council. [DUR0130]
19. The principal certifying authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the principal certifying authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979. [DUR0170]
20. Rainwater must be disposed of to absorption/distribution trenches, positioned and constructed no closer than 3m to any building and below any effluent disposal area; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2. [DUR0180]
21. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied. [DUR0200]
22. Provision to be made for a flood free storage area for stock and equipment susceptible to water damage. [DUR0680]
23. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution. [DUR0870]
24. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays. [DUR0900]
25. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. Long term period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence. [DUR0910]
26. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services. [DUR0930]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

27. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications and conditions of Consent.
- [POC0020]
28. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
- [POC0030]
29. An approval to operate any OSMS is to be obtained prior to the occupation certificate being issued.
30. A roof catchment water supply source shall be provided where a Council reticulated supply is unavailable. Any domestic water supply roof collection system is to be fitted with a first flush device. Minimum storage tank capacity shall reflect the dry seasonal periods experienced with the locality and shall be separate to any fire fighting requirements stipulated by the NSW Rural Fire Services.
31. Prior to the occupation certificate being issued a Spillage Management Plan to the satisfaction of Council's DECS shall be compiled and implemented.

[POCNS01]

USE

32. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

[USE0160]

REPORT:

Applicant: Mr SJ Henson and Mrs JN Henson
Owner: Mrs JN Henson, Mr SJ Henson, Ms JL MacOnachie and Mr DT MacOnachie
Location: Lot 1 DP 874316, Piggabeen Road Tweed Heads
Zoning: 1(a) Rural
Cost: \$45,000.00

BACKGROUND:

At the Council meeting of 15 September 2004 Council considered an application, which sought approval for a farm shed incorporating a manager's residence on Piggabeen Road, Tweed Heads. Council resolved that this item be deferred to allow the applicant to amend their development application.

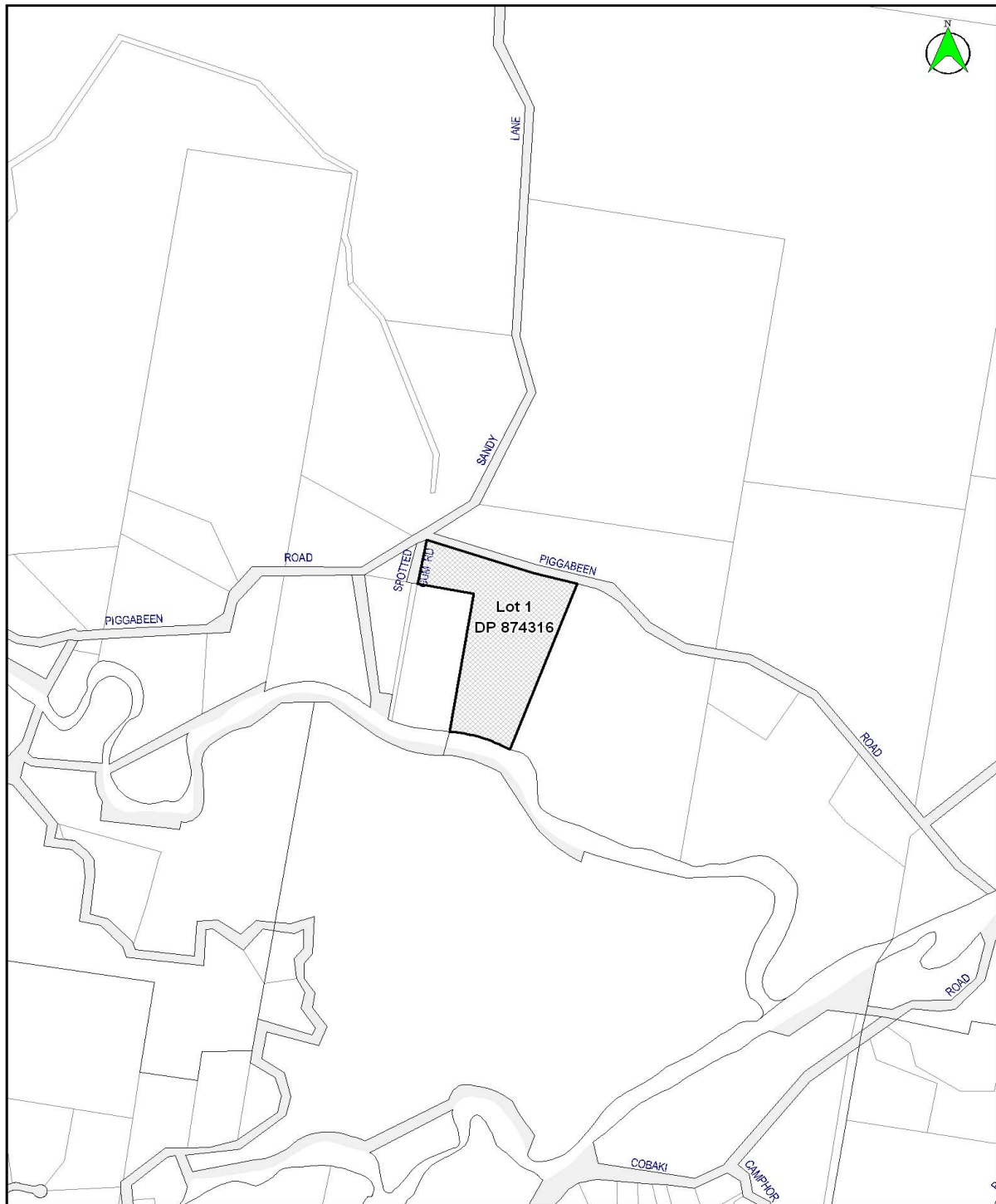
Since this time the application has been formally amended and Council is now requested to determine DA04/0596 which now seeks consent for the erection of a workshop and machinery storage shed ancillary to the golf driving range incorporating a staff toilet, a public toilet, a new counter (for payment of course fees etc), internal bench and sink to enable morning and afternoon tea to be provided and also removal of the existing shed on the land


The proposed structure is single storey and comprises dimensions of 7m x 12 m to create a total area of 84m². The proposed structure will replace the existing smaller sheds and will be located within the north eastern corner of the allotment. As the shed is no longer intended for residential purposes the applicant does not propose to fill the site.

The site currently accommodates an existing driving range and an associated office/storage area. Council approved the driving range on 24 January 1994 by virtue of Development Consent No. D93/0405. The driving range was approved in conjunction with the establishment of a public golf course, guest accommodation and ancillary facilities on Lot 2 DP 625157 Piggabeen Road. The golf course has previously been known as Foxy's Golf Course. The driving range was subdivided from the golf course and tourist accommodation, with the subdivision being approved by consent S97/33 issued on 17 September 1997.

The current application no longer seeks consent for a residence but rather an improved shed to provide more efficient security and better facilities on site for staff and visitors. A merit assessment of the proposed application reveals that the proposed shed structure is appropriate for the site subject to the recommended conditions of consent.

SITE DIAGRAM:



<p>© TWEED SHIRE COUNCIL 2004 Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL, its Employees, Officers and Consultants can not be Responsible for any Errors, Omissions or Inaccuracies in respect to the information supplied in this map. DO NOT SCALE COPY ONLY - NOT CERTIFIED P.O. Box 816 Murwillumbah, NSW, 2484 Tel: (02) 6670 2409 Fax: (02) 6670 2483</p>	<p><i>Tweed Shire Council</i> Lot 1 DP 874316 Piggabeen Road, Tweed Heads</p>		<p>STRATEGIC PLANNING UNIT Site Plan Sheet: 1 of 1</p>
<p>File: N:\MapInfo 7...A4P Site Plan.Wor</p>	<p>Author: J.Batchelor</p>	<p>Date: 06/Sept/2004</p>	<p>Scale: 1:10,000</p>

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

Tweed Local Environmental Plan 2000

The subject land is zoned 1(a) Rural under the provisions of the Tweed Local Environmental Plan (TLEP) 2000. Consent is sought for the proposed workshop and machinery storage shed as incidental and ancillary to the dominant use being the approved Golf Driving Range. The driving range was approved as a recreation area which means:

- a. children's playground
- b. an area used for sporting activities or sporting facilities;
- c. an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community; or
- d. an area used by a body of persons associated together for the purposes of physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes.

For the structure to be considered permissible in the zone it must form an ancillary component to the approved recreation area. Ancillary is commonly defined as "*subordinate or subservient*". The proposed storage and workshop shed is considered to be necessary to assist the operation of the golf driving range business, and subsequently be considered permissible as an ancillary structure.

Clause 15 – Availability of Essential Services

In accordance with Clause 15, the proposed structure must have adequate provision for essential services. The structure would be capable of being serviced by an approved onsite effluent treatment, with water supply from on site water tanks and would be close to an existing electricity line. These services would be considered more than satisfactory for the proposed shed.

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.

The proposed construction of a shed (to replace an older shed) would not result in a loss of prime agricultural land.

State Environmental Planning Policies

The subject site is located within the coastal zone in accordance with SEPP 71 – Coastal Protection. The proposed works are not considered contrary to the objectives of the SEPP having regard to the matters of consideration.

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

There are no applicable Draft Environmental Planning Instruments.

**(a) (iii) Development Control Plans (DCP's)
DCP 2 – On site Car Parking**

The proposed shed structure would not generate the need for any additional onsite parking.

DCP5 - Flood Liable Land

Whilst the subject site is considered to be flood prone, the proposed structure will not contain any habitable floor area and therefore does not need to be located above the design flood level. However, it is recommended that Council impose a condition of consent requiring the structure to provide an element of flood free storage.

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

There are no matters prescribed by the Regulations that are considered to apply, as there are no contradictions to the objectives of the Coastal Policy.

(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

Impacts from Fill and Earthworks on Piggabeen Creek

The applicant has submitted that filling would no longer be required as the application no longer seeks approval for a dwelling.

Environmental Health Issues

The Environment and Health Unit has provided appropriate conditions of consent relating to the proposed effluent disposal system.

(c) Suitability of the site for the development

Bushfire

The subject land is identified as being bushfire prone, however, as the application has been amended to a shed only no referral is required to The Local Fire Office.

Flooding

Whilst the subject site is considered to be flood prone, the proposed structure will not contain any habitable floor area and therefore does not need to be located above the design flood level. However, it is recommended that Council impose a condition of consent requiring the structure to provide an element of flood free storage.

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

The original application was notified to adjoining landowners for a two-week period between 21 July 2004 and 4 August 2004. During this period Council received one submission regarding the application specifically in relation to the potential land use conflict between the proposed residence and the adjoining function centre to the east of the subject site. Concern was expressed that if Council approved a residence within 500m of the adjoining property boundary noise complaints may arise. As the application has since been amended to delete reference to a residence this objection is no longer considered relevant to this application.

(e) Public interest

The proposed amended application can now be supported, as it is considered that a storage shed that is required to assist the operation of the business is essential.

OPTIONS:

1. Approve the amended application in accordance with the recommended conditions of consent.
2. Refuse the application

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should the applicant be dissatisfied with the determination he may seek to have the matter remedied in the NSW Land and Environment Court.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

It is considered that the operation of the golf driving range genuinely necessitates an improved storage facility area that provides greater security and better facilities for staff and visitors. The proposed structure is subsequently recommended for conditional consent.

UNDER SEPARATE COVER:

Nil.

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2 [PE] Development Application DA03/1578 for a Shopping Centre at Lot 123 DP 1049552 Botanical Circuit, Banora Point

ORIGIN:

Development Assessment

FILE NO: DA03/1578

SUMMARY OF REPORT:

Council is in receipt of a development application for a shopping centre on land at the corner of Fraser Drive and the Leisure Drive extension. The proposal is for a shopping centre with retail floor space of 3430m² comprising a supermarket with 2800m² and two speciality shops.

The proposal is accompanied by a request to amend Development Control Plan No. 3 - Banora Point West/Tweed Heads South as the subject land is partly designated 'Residential A'. The applicant is attempting to increase the intended retail floor space in this location.

Design limitations of the development are reflected in the impacts to the local road network, the intersection of Fraser and Leisure Drive, the inability to provide area for expanded car parking capacity and inadequate landscape buffers to residential land with minimal setbacks of the delivery bay and waste areas to residential land. These design limitations cannot be resolved due to the shape and dimensions of the subject land. The size of the shopping centre is considered too large for the area of land proposed for this development.

To assist Council in its assessment of the proposal independent expert advice was sought from Core Economics to review the application and the applicant's submissions. The report is attached and highlights the inconsistencies, assumptions and factual errors that are submitted to justify the market share calculations between centres. On the basis of the assessment by Core Economics the information from the proponent cannot be relied on in determining the proposal.

Given the extent of the impacts that would arise from the proposal to the Tweed as a whole and to the local community the proposal is not considered to be in the public interest and is not supported for reasons detailed in the recommendation.

RECOMMENDATION:

That Development Application DA03/1578 for a shopping centre at Lot 123 DP 1049552, Botanical Circuit, Banora Point be refused for the following reasons: -

1. The proposed development does not satisfy the Clause 8 consent consideration requirements of the Tweed Local Environmental Plan 2000 in relation to the relevant aim of the plan and unacceptable cumulative impacts on the community.
2. The proposed development is considered to generate economic impacts that are unacceptable.
3. The proposed development does not achieve the objective for development near designated roads being:
 - * to protect and improve the capacity, efficiency and safety of designated roads.

The extent of the impact on the designated road network is considered unacceptable.

4. The proposed development is inconsistent with Clause 47 of the North Coast Regional Environmental Plan 1989 in that it will create a new shopping centre in isolation from the existing retail centres.
5. The proposed development is inconsistent with Development Control Plan No. 3- Banora Point West/Tweed Heads South in relation to: -
 - design standards relating to part of the site
 - intended neighbourhood function of the site
 - designated land use for the site in part
6. The subject land dimensions and shape limit the proposed development in relation to the following design areas and is considered to therefore be inappropriate for the proposed development: -
 - * provision of expanded parking demand
 - * location of entry/exit access and distance from signalised intersection
 - * provision of a practical layout on site in relation to car parking, pedestrian safety, delivery bay and waste location and adequate buffers to residential land

7. The proposed development is considered to result in unacceptable impacts to the residential amenity of the surrounding residential estate.
8. The proposed development is considered to result in unacceptable traffic impacts on the local road network.
9. The proposed development is not in the public interest due to the impacts on the residential amenity and local roads from the design, economic impact on the Tweed as a whole, and extent of variation to the intended scale of the commercial activity on the site.

REPORT:

Applicant: THG Resource Strategists, C/ Urbis JHD
Owner: Metricon Pty Ltd and Lanlex Pty Ltd
Location: Lot 123 DP 1049552 Botanical Circuit, Banora Point
Zoning: 2(c) Urban Expansion
Cost: \$5,150,000.00

BACKGROUND:

Council is in receipt of a Development Application for a proposed Banora Central Shopping Centre which is to be located at the intersection of Fraser Drive and Leisure Drive in the Flame Tree Park Estate. The subject site has an area of 1.13ha and the proposal will be accessed via the Leisure Drive extension, and Fraser Drive.

The Banora Point Centre Shopping Centre is to have a proposed retail floor space of 3430m² and be accompanied by 163 car parking spaces on site. The proposal provides standard retail facilities and includes a major tenant. The proposed supermarket component is 2800m² with specialty shop areas at the entry of 335m² and 295m². The application is accompanied by detail in relation to associated signage.

The applicant has submitted that the proposal represents an important opportunity to secure an appropriately sized retail development that will provide necessary services in the growing community. The application describes the proposal as being a modern convenience centre with one major tenant however there is the ability for the specialty retail requirements to also be serviced. The application refers to shop uses such as grocery, newsagent, liquor shop, real estate agency uses or refreshment rooms and an outdoor eating area in the central court area. Their submission implies that these are uses that could possibly be located in the two smaller tenancies of proposed development.

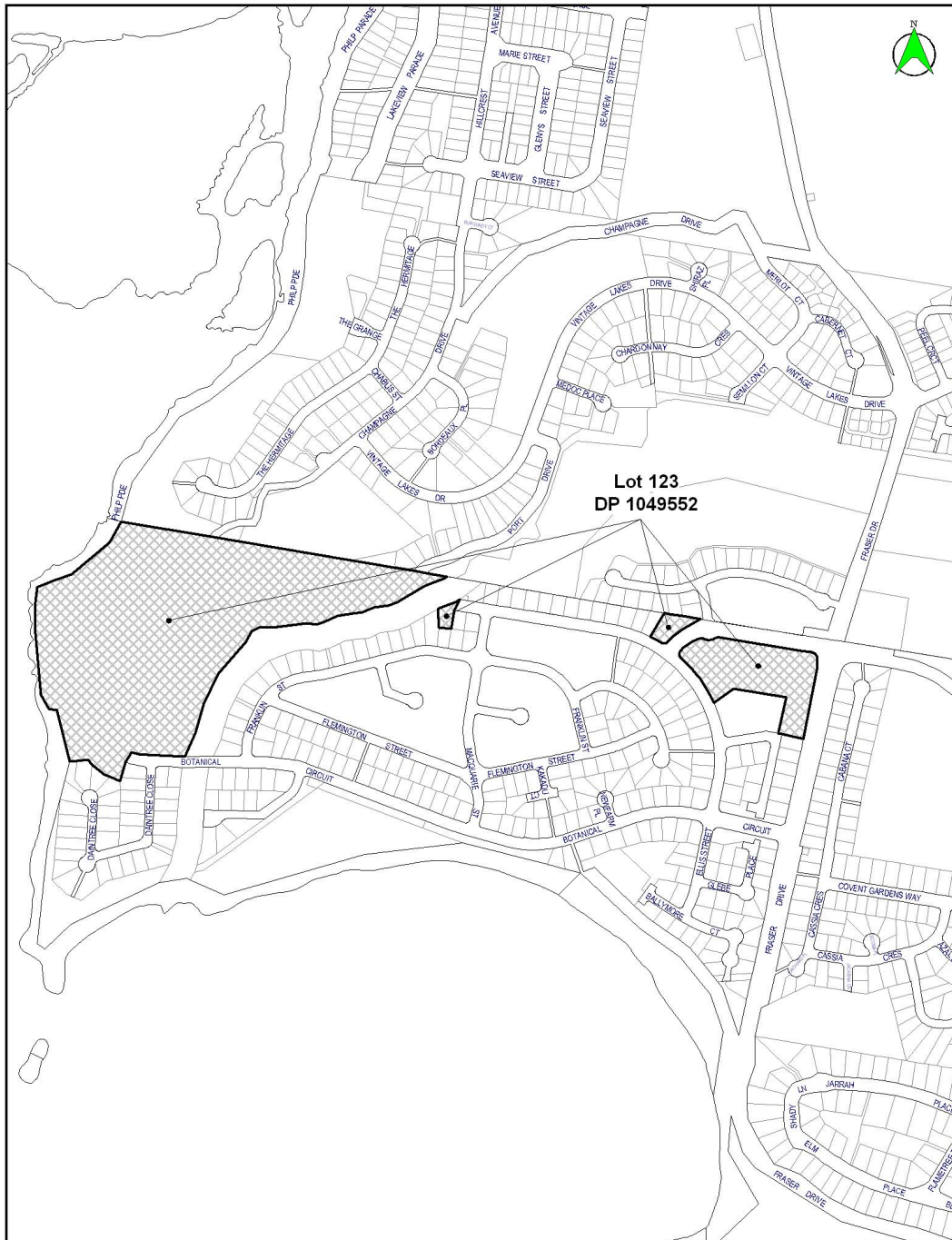
The proposed building is approximately 8.2m high, is single storey and has a typical standard supermarket design with an arched roof over the entry area and some façade detail.

The Development Application is accompanied by an economic impact assessment prepared by Urbis justifying the need for the proposal as well as a traffic management report justifying and assessing the traffic impacts of the proposal. The application is also supported by engineering statement and acoustic report that deals with the acoustic requirements to the adjoining boundaries and the application also has extensive landscaping.


The development application is accompanied by a submission to vary Development Control Plan No. 3 - Banora Point West Tweed Heads South. The subject site has two designated uses being neighbourhood business and 'Residential A'. As the proposal is over land not included in the neighbourhood business precinct it would be necessary to amend the Development Control Plan to include the larger land area and no longer be designated as 'Residential A'.

The following report addresses the issues raised by the application.

SITE DIAGRAM:



**Lot 123
DP 1049552**

<p>© TWEED SHIRE COUNCIL 2004 Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL, its Employees, Officers and Consultants can not be Responsible for any Errors, Omissions or Inaccuracies in respect to the information supplied in this map. DO NOT SCALE COPY ONLY - NOT CERTIFIED P.O. Box 816 Murwillumbah, NSW, 2484 Tel: (02) 6670 2408 Fax: (02) 6670 2483</p>	<p><i>Tweed Shire Council</i> Lot 123 DP 1049552 Botanical Circuit, Banora Point</p>	 <p>TWEED SHIRE COUNCIL</p>	<p>STRATEGIC PLANNING UNIT Site Plan</p>		
	File: N:\MapInfo 7...A4P Site Plan.Wor	Author: J.Batchelor	Date: 12/Oct/2004	Scale: 1:7,500	Sheet: 1 of 1

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

The subject land is zoned 2(c) Urban Expansion under the Tweed Local Environmental Plan 2000. The primary objective of the zone is:

- *To identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its' optimum utilisation consistent with environmental constraints and the need to minimise residential land take.*

The secondary objectives include:

- *To allow associated non-residential development which meets the recreation, shopping, commercial, employment and social needs of future residents;*
- *To ensure that sensitive environmental areas within and outside the zone are protected from any adverse impacts of development;*
- *To enable planning flexibility to achieve the other objectives of the zone are providing detailed guidelines through Development Control Plans.*

The Tweed Local Environmental Plan provides the definition of a "shop" which is:

land used for the purpose of selling, exposing or offering for sale by retail goods, merchandise or materials but does not include a building or place elsewhere defined under the Local Environmental Plan.

The proposed use is considered to be a shop that is permissible with consent in the subject zone under the Tweed Local Environmental Plan.

Clause 8 of the Tweed Local Environmental Plan provides consent consideration and states that the consent authority may only consent to development if:

- a) It is satisfied that the development is consistent with the primary objectives 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 Tweed as a whole.

The proposed development is considered to be consistent with the objectives of the zone. One other aim of the plan contained in Clause 4 of the Tweed Local Environmental Plan that is considered to be relevant to the proposal is:

- d) To encourage sustainable economic development of the area of Tweed compatible with the area's environmental and residential amenity qualities.

The proposed development is not considered to have satisfied the above aim for reasons detailed in the attached report prepared by Core Economics and dated 20th September 2004 being technical advice sought to assist in the assessment of this development application. The proposed development is not considered to achieve sustainable economic development.

Further it is considered that the residential amenity qualities of the Flame Tree Park Estate and Fraser Drive precinct would be diminished from the proposal for design, amenity and traffic reasons contained in this report.

The proposal is not considered to have satisfied the aims of the plan relevant to the proposal.

Unacceptable cumulative impacts are considered likely to occur from the proposal on the community and locality and accordingly the proposal is not considered to warrant consent.

Clause 15 of the Tweed Local Environmental Plan requires Council to assess the availability of essential services prior to granting consent to any development on land. Council's Engineers have assessed the proposed development and have advised that the subject site is able to be serviced and that the proposed development does not require augmentation of existing services.

Clause 16 of the Tweed Local Environmental Plan relates to heights of buildings. The subject land under the Local Environmental Plan has a three (3) storey height limitation. The proposed development is single storey in height and is considered to comply with the height limitation under the Local Environmental Plan.

Clause 17 of the Tweed Local Environmental Plan relates to social impact assessment and states *"that where the consent authority considers the proposal is likely to have a significant social economic impact, the consent authority must consider a social impact statement in relation to the proposed development."* The applicant has submitted an economic impact assessment as part of the proposed development. The most critical elements of the social impact of the proposed development as submitted by the applicant are:

- Opportunities for employment for residents in the area; and

- Impact on employment of people within other retail centres that may be impacted upon by the proposed development.

This aspect of the proposal is further assessed in this report. It is noted that the applicant has failed to identify the adverse impacts of the proposal or adequately justify the need.

Clause 22 of the Local Environmental Plan is applicable to the proposal as the subject land has frontage to a designated road. The subject designated road is Fraser Drive. To assist in assessing the likely impacts the applicant has submitted a traffic impact assessment report prepared by TTM Consulting which addresses the issues of traffic impact onto the designated road.

Subsequent designs and submissions have been received on the proposal in relation to traffic as Council's Engineer is not satisfied that the proposal would result in a practical or functional development in relation to traffic design. The inadequacy of design is further exacerbated due to the proposals proximity to a designated road.

Council's Engineers have assessed this aspect of the proposal and provided detailed traffic comment that is included in this report.

Clause 34 of the Tweed Local Environmental Plan relates to flooding. The subject land has been filled as part of the development of the Flame Tree Park Estate. As the subject land meets the minimum height for the flood design requirements no further detail is required in relation to flooding.

Clause 35 of the Tweed Local Environmental Plan relates to the management of acid sulphate soils. As the subject land has been filled as part of the development of Flame Tree Park, it is unlikely that the proposed development will impact on acid sulphate soils as the provision of services will be in the fill material. In the event that the proposed works impact on acid sulphate soils the management of these soils would be required.

Clause 37 of the Tweed Local Environmental Plan is applicable to the proposed development as the land is within a transmission line corridor marked on the zoning plan. The proposed development was referred to Country Energy as part of the assessment and advice received raised no objection in relation to the transmission easement.

Clause 39A of the Tweed Local Environmental Plan relates to land identified as being bushfire prone and where in the opinion of the consent authority the land is likely to be bushfire affected a number of matters should be taken into account.

In assessing the proposal it is evident that the proposed development is not a special purpose use and is not integrated development. The natural features of the land and its location in the urban environment reduces the likely significance of bushfire risk and consequently no further detailed assessment is required on this issue.

Clause 48 of the Tweed Local Environmental Plan relates to advertising signs. The objective of this clause is to ensure that there is not a proliferation of signs or that signage does not lead to a visual impact or detract from the amenity of the local area. The addition of the development at the prominent intersection and associated signage is further assessed in this report under the relevant State Environmental Planning Policy.

As the proposal has not been able to satisfy the statutory consent considerations of the Tweed Local Environmental Plan the proposed development is unable to be supported.

North Coast Regional Environmental Plan 1988

Clause 47 of the REP requires a number of matters to be taken into consideration before granting consent. The main sub point relevant to the proposal is:

- a) *Strong multi functional town centres should be maintained to focus the drawing power of individual businesses and maintain the integrity of the main business area by only zoning land for further commercial or retail development where that development adjoins or is adjacent to the existing town centre,*

To assist in the assessment of the proposed development advice was sought from Core Economic in relation to the economic aspects of the development and retail impacts generated. The proposed development is not considered to have been formulated with adequate consideration to the economic impacts for the following points and accordingly Council cannot rely on the proponents reports or primary conclusions. It is considered that the development does not achieve the intentions of the REP.

- The Primary Trade Area is considered to be too large, resulting in proportionally lower market shares.
- No evidence is submitted to support the assertion that customers would rather utilise services of a neighbourhood centre rather than visit a large regional shopping centre.
- No evidence is submitted that the Bi-Lo supermarket is overtrading.
- Statistical information provided is not at a collector district level and errors in information cannot be explained.
- Errors in population size and household income could be material in considering impact and viability.

- Market share calculations between centres raises inconsistencies, assumptions and factual errors.

State Environmental Planning Policies

State Environmental Planning Policy No. 11 - Traffic Generating Development

The proposed development required referral to the Regional Traffic Committee under clause 3 of State Environmental Planning Policy No. 11. The Regional Traffic Committee raised a number of concerns in relation to the proposal.

One of the main concerns was the impact of this type of development on the future operation of the signalised intersection of Fraser and Leisure Drive particularly when traffic volumes in the order to 24,000 vehicles per day are realised on Fraser Drive. The traffic report accompanying the application assessed Fraser Drive volumes at 16,000 per day and Regional Traffic Committee raised that additional modelling may be required to assess the impacts.

The Regional Traffic Committee raised a number of other issues that need to be assessed as part of the development. Council's Engineers have provided further assessment in relation to the issues raised. The traffic impacts of the proposal are further addressed in this report.

State Environmental Planning Policy No. 64 - Advertising and Signage

State Environmental Planning Policy No. 64 provides assessment criteria when considering proposed signage. The applicant has submitted a detailed table addressing how the proposed signage satisfies the requirements of SEPP 64. The applicant has submitted that the signage for the proposal includes:

- A pole sign, approximately 15m high located on the corner of Leisure Drive and Fraser Drive;
- Facia signs;
- Below awning signs;
- Wall flush sign on the Leisure Drive elevation of the building advertising the major tenant of the centre; and
- Ancillary signage depicting traffic flow, pedestrian, cyclist and vehicles together with signage depicting elements such as shopping trolley bays.

It is also noted that there is a second pole sign identified on the submitted plans at the intersection of Fraser Drive and the Leisure Drive extensions near the traffic lights.

The applicant has submitted that the proposed signage has been designed as a holistic package to ensure the integration of the design elements with the overall built and landscaped form of the centre. The only signage to be illuminated is the logo which is in the facade of the development. The light source is concealed fluorescents which glow over the sign instead of providing high level illumination. The applicant has submitted that the illuminated sign will be turned off as part of the trading hours.

The proposed development will result in significant changes at the intersection of Fraser Drive and Leisure Drive extensions. The proposed commercial use at the submitted scale will result in a number of amenity impacts to the adjoining residential areas as well impacts to the road safety in this location.

It is acknowledged that signage accompanies developments of this nature and size however it is considered that the site was never intended to support a commercial use of this scale and it could reasonably be concluded that signage of the volume and scale proposed are beyond what could be expected on the site and adjacent to the residential precinct.

The pole sign at the intersection may result in safety impacts to the traffic network and is considered to detract from the signalised function of the intersection.

If the development were able to be supported on all other grounds it is considered that there would be merit in requesting the applicant to provide a more comprehensive signage strategy for the site limiting signage from the outset to prevent the unsightly proliferation that often accompanies developments of this scale.

State Environmental Planning Policy No. 71 - Coastal Protection

The subject land is not identified as being in a significant coastal location. As the proposed development is not identified as significant coastal development, Council is the consent authority. The application has been assessed in relation to the provision of Clause 8 of SEPP 71.

The matters for consideration under Clause 8 are primarily of a coastal environment nature, and as the site is not adjacent to any coastal foreshore or associated environs the application is considered to generally satisfy the provisions of SEPP71.

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

The proposed development is not considered to require detailed assessment in relation to any of the draft environmental planning instruments applicable to the site.

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

Development Control Plan No. 2 - Access and Carparking

The following table assesses the requirements for the proposal under DCP2.

Standard	Requirement	Complies / Variation
On site car parking	4 per 100m ² including staff and customer. Based on area of 3430m ² , 137 spaces required.	Complies and exceeds requirements with 163 car parking spaces.
Delivery Bays	1/1500m ² GFA for deliver bays with min of 2 for supermarkets	Proposal has one main loading area and a second smaller loading area for speciality shops.
Bus Stops	1/100m ² GFA	A bus bay is provided on the Fraser Drive frontage.

The development complies with Council's DCP2 requirements in terms of on site parking and two loading areas however there is a clear absence of bus bays, taxi stand and functional movement through the site for vehicles. As the lot shape is narrow and long there is not the width to provide circulation through the site for loading bays or customer parking. The queue lengths to leave the site may back into parking areas and conflicts between customers/pedestrians/vehicles may occur.

Regional Traffic Committee Requirements

The Regional Traffic Committee highlight the practical difficulties of the proposal and the car dependent nature of the development. It is also noted that the RTA Guidelines for Traffic Generating Developments would require 6.1 spaces per 100m² and therefore 209 spaces might be a more appropriate provision of on site parking. The lack of further area on the site limits the ability for the development to provide for expanded car parking demand. For merit considerations the proposal is not supported based on lack of ability to provide expanded demand.

Development Control Plan No. 3 - Banora Point West/Tweed Heads South

The subject site is identified under the Development Control Plan as being a local shopping centre/neighbourhood business precinct. The subject land is partly identified as 'Residential A' precinct.

The neighbourhood business designation was amended as part of Stage 4 of Flame Tree Park identified as being suitable for a petrol station and associated convenience retail. The area of the local shopping centre/neighbourhood business identified site in DCP 3 is 5486m² and the proposed development including the area identified as Residential A has increased the size of the neighbourhood business to be a total area of approximately 1.13ha.

The applicant has submitted that there is a definite need to re-evaluate what the needs and extent of needs are of the residents that the need for a local shopping centre may have changed and to this end the applicant has submitted an economic impact assessment report. The applicant has submitted that they contend that due to the changing expectations of the consumer, the continued growth of the area and the limitations of other retail centre sites the subject development represents an ever diminishing opportunity to provide residents with a level of service and convenience that is expected in modern residential neighbourhoods.

The area of land that the proposal is located on that is designated as residential was identified and intended to be a medium density residential area within Flame Tree Park. This was identified in Stage 4 of Flame Tree Park Estate, as submitted by the applicant.

To achieve the required densities in Flame Tree Park Estate the developer provided a number of larger lots which would support units and therefore ensure the required land yield was achieved. These larger lots were identified for this purpose in Stage 4 of Flame Tree Park Estate. It is noted these were located adjacent to the neighbourhood business site being a suitable location for medium density development.

The proposal involves the use of one of the unit sites to increase that land area available for the commercial development. This is considered to be in conflict with the adjoining development that is completed for units and the potential future developments adjoining the site.

The proposed development changes the intended and identified land use pattern provided for by Development Control Plan No. 3.

Development Control Plan No. 3 provides objectives for the business components in the area. These are:

- To provide for commercial activity at both a local and neighbourhood level;
- To ensure the appropriate location of retail and commercial facilities in terms accessibility, residential amenity and traffic circulation;
- To promote the integration of other community activities with retail and commercial uses to encourage a focus of community activities.

Development Control Plan No. 3 provides guidelines in relation to the development of the neighbourhood business and local business centre sites. These development guidelines include that no buildings within the identified areas should exceed two (2) storeys in height. The proposed development complies with this requirement. Included also are guidelines in relation to landscaping, fencing, setbacks, advertising signs, bus stops, toilets, vehicular access and parking. Special requirements are also included for the Flame Tree Park site. This is the site subject to the application. This clause relates to the site within Flame Tree Park Estate Stage 4 being Lot 433.

Development Control Plan No. 3 provides that the following design principals for the site:

1. Orientate the proposed service station and shop layout so that at least one of the businesses is capable of providing a suitable public area located on the quiet side road frontage. That business should set back sufficiently to allow an intervening treed outdoor area that has not included parking between the development and the street. The parking for it being off the service station concourse. Free standing frontage advertising is acceptable subject to obtaining the necessary approvals.
2. Provide an integrated public transport stop and shelter.
3. Integrate safe separated pedestrian and cycle movement into and through the site.
4. Control façade design and lighting to minimise the adverse visual impact of the development on Fraser Drive and provide effective landscaping on the perimeter and through the site.
5. Consign security lighting spill within the site.

In comparison to the above requirements it is evident that the proposal does not achieve the intended treed outdoor area intervening the development to the road, and that on site car parking does dominate the frontage. It is considered that the development does not achieve the intended development design principles identified for the site.

Development Control Plan No. 3 designates the residential areas into density levels. The area that the shopping complex is located on is partly designated 'Residential A'. The 'Residential A' areas are predominantly conventional detached housing in character and amenity, although duplexes are permitted.

The Flame Tree Park subdivision layout provided larger sized lots which enabled the developer to identify a number of unit sites. The subject land is one of those sites and the applicant submitted as part of Stage 4 of Flame Tree Park that by providing units on this site, the proposed subdivision layout and density being achieved could be supported. To this end, Council approved the Stage 4 development of Flame Tree Park and consequently the unit sites were identified. One of those sites has been developed.

Development Control Plan No. 3 includes general objectives and the purpose of the plan which clearly states that the Plan is to give guidance to those wishing to develop within Banora Point West/Tweed Heads South area and indicate Council's policies with respect to development and to form a basis for negotiations should a departure from the provisions of the Plan be requested.

The development control plan includes some development principles and those relevant to the application are:

- To enable development for retail, commercial and community purposes for the local neighbourhood in appropriate locations within the site.
- To provide for industrial and commerce/trade activities which are to be significantly buffered from residential areas.

Also the land uses identified within the plan include commercial. Within the Development Control Plan there is the provision for one neighbourhood shop and one neighbourhood shopping centre. The neighbourhood shop is located in Precinct 3 and to service the convenience needs of the immediate local residents. The local shops identified in Precinct 5 being larger in size than a neighbourhood shop will service the whole Development Control Plan area catchment. These local shops, service stations, squash courts, etc. for an integral part of the community facilities precinct. It is considered that the subject land is partly identified for the purpose of local shopping.

In summary the proposed development is inconsistent with the Development Control Plan No. 3. It would be necessary, should Council be of the view to support the proposal, to amend Development Control Plan No. 3. The local residential development and the people who purchased into that area would have purchased with an expectation that part of this development site would be a larger unit site and the extent of the change by providing a supermarket is considered to be significant.

The process of amending a Development Control Plan is detailed and specific and would enable residents the opportunity to consider a Development Control Plan change separate to the proposed commercial development. As the application raised a number of traffic issues and concerns in design the advertising of the proposed development did not include a combined Development Control Plan amendment. There were significant merit issues which were identified which needed to be resolved prior to Council being able to support a change to the Development Control Plan. To proceed to determine the proposed development application without properly addressing all of the Development Control Plan issues and the need to amend the Development Control Plan would not be in the public interest. The Environmental Planning and Assessment Act sets out a procedure for amending Development Control Plans which includes the consideration of issues and the need for wider public consultation to determine the suitability of the development.

As the Tweed Shire Retail and Centres Strategy hasn't been completed as yet or adopted by Council the assessment and determination of a retail application and the question of inconsistency with the Development Control Plan No. 3 is considered to be premature as the critical research of that retail strategy is fundamental to determining whether DCP 3 should be amended or otherwise.

Given the advice provided by Core Economics on the development application it is considered that the proposal to amend DCP 3 to provide the whole site for commercial business purposes could not be supported on economic grounds.

Council's Strategic Planning unit also provided the following comment on the proposal.

"Existing Provisions for Commercial / Retail Developments

DCP 3 was originally adopted in 1990.

Section 5 of DCP 3 specifically identifies One (1) Neighbourhood Business and one (1) Local Business Centre have been located within the DCP area to service the daily shopping and other needs of the future population.

Some discrepancies exist in the identified retail hierarchy. The DCP 3 map identifies two (2) Local Shops. One at the "Sullivans" development off Fraser Drive, and the other at corner of Woodlands Drive and Leisure Drive. The Neighbourhood Business is located at the corner of Fraser and Leisure Drive.

Also there are some discrepancies with the terminology between the maps and the written instrument. On the map the term Local Shops are used where in the instrument they are referred to as Local Business Centres.

DCP 3 recognises one "1" Neighbourhood Business at the Corner of Leisure and Fraser Drives. Originally this site was identified as Local Shops. Several amendments were carried out which swapped the centre types with the centre located at the corner of Leisure and Woodlands Drive. There is a specific reference in Clause 5.3 to the area (lot 433) to be used for the Neighbourhood Business. There is no further description to the use or maps provided on the identified lot in the DCP. Clause 5.3 also specifically refers to a service station as a specific use for the site.

History to Commercial / Retail Provisions for the Site

There has been a series of amendments to the DCP over the last few years to modify the DCP for specific developments. Below is a historic description to the amendments which relate to the area identified for Neighbourhood Business which is located on the corner of Fraser and Leisure Drives.

On 6 September 2000 Council resolved (Attachment 1) to amend DCP 3 to include the current Section 5.3, which relates specifically to the Neighbourhood Business site on Cnr Leisure and Fraser Drives. The new section 5.3 specifically refers to a Service Station. This reference is further elaborated on in the Council report as follows;

A concept plan of the proposed neighbourhood business site has been submitted by the developers consultants showing a service station (at the northern part of the site) and 5 shops with left in left out vehicular access from Fraser Drive. Car parking is proposed within the area between Fraser Drive and the shops.

A Concept Plan (plan 2643/2; 10/8/00)(Attachment 2) lodged on Council files, identifying a Service Station, 5 smaller individual shops and parking and traffic layout which was submitted to Council prior to the adoption of the new Section 3.5 of DCP 3. Considering the date of drawing and the date of the Council report it is inferred that this is the plan referred to in the Council report.

Further comment by the then Planning and Design Unit, on the proposed Concept Plan was included in the Council report. These points formed the basis of the new section 5.3 of DCP 3.

Planning & Design Unit comments

A number of issues have been raised in relation to the detailed design of future development of the Neighbourhood Business site (Lot 433) based on the concept plan tabled by the applicant.

In particular, the detailed design of the site should satisfy the following principles:-

- 1. Orienting the proposed service station and shop layout so that at least one of the businesses capable of providing a casual community meeting place is located on the (quiet) side road frontage. It should be set back sufficiently to allow an intervening treed outdoor area that has no included parking between the development and the street, the parking for it being off the service station concourse. Freestanding frontage advertising OK.*
- 2. Providing an integrated public transport stop and shelter.*
- 3. Integrating safe separated pedestrian and cycle movement into and through the site.*
- 4. Controlling hard landscaping, façade design advertising and lighting to minimise the adverse visual impact of the development on Fraser Dive. Providing soft landscaping on the perimeter and through the site.*
- 5. Confining security lighting sill within the site.*

No map or further description of the service station was included in the Council report or subsequently included in DCP 3.

Proposed Retail Development's Inconsistency with DCP 3 (Retail Development Considerations)

The retail development proposed for the Neighbourhood Business is considered to be inconsistent with the intentions of DCP 3 in the following respects;

- The original size of the area identified for Neighbourhood Business is larger than is proposed by the proposed development. This subsequently will increase the size of the retail floor area which can be accommodated on the site. The proposed development essentially doubles the amount of retail floor space identified in the original concept plan.*
- The catchment goes beyond the DCP 3 area. This raises the question of whether the development goes beyond the intent of the Neighbourhood Business (Attachment 3).*
- The proposed use is specifically for a supermarket and other shops not a service station as described in the DCP.*

Proposed DCP 3 amendment and Relaxations

Section 5.2 Relaxation

There is a request for a relaxation to buffer distances from Fraser Drive, access to the centre via Fraser Drive and the provision of a bus shelter. These issues are identified in Section 5.2 of DCP 3.

Section 5.3 Deletion

The proponents have expressed in the SEE that they wish to increase the size of the area identified on the map. This is important because the lot is specifically identified in section 5.3 as lot 433 within release area 4.

The SEE identifies that Lot 123 DP 1049552, the proposed site, consists of lots 433 and 434 on the approved plan G248-CP18. This essentially increases the land areas available and subsequently the floor space available for the retail development.

The size of the original lot 433 would restrict the size of the amount of retail floor space that can be developed. By increasing the area to include the original lot 434 a fundamental increase in the original size of the Neighbourhood Business area and subsequently the retail floor space will be gained.

The Economic Impact Assessment (Appendix D attached to the SEE) has identified a primary catchment extending as far south along Terranora Rd to Tumbulgum. The secondary catchment for the proposed retail development includes Tumbulgum. It is questionable whether the extent of this catchment was intended for the definition for DCP 3 *Neighbourhood Business*. But there is indication in the DCP that retail catchment is the local neighbourhood. However this is not clearly expressed.

Section 9.3 Amendment

There is obviously some history to this matter, particularly with the Engineering Services Division. There are considerable implications to any amendment to this section. Particularly implications to the contributions plan, *Lower Tweed Transportation Contribution Plan*.

Retail Development Strategy

Core Economics have been engaged to prepare a Retail Development Strategy for the Tweed Shire. These issues listed above will be considered in the preparation of the Retail Development Strategy.

Increasing the size of the land area in this location increases the size and scale of the retail development which was envisaged in this *Neighbourhood Business* precinct of DCP3.

Recommendation

Considering that the primary and secondary catchment extend well outside the DCP 3 area it is considered prudent to postpone any amendment to increase the area identified in the DCP for *Neighbourhood Business* until the Retail Development Strategy has been adopted by Council.

Conclusion

The following recommendations are put forwarded in relation to the proposed Banora Central Shopping Centre (Part Lot 123 DP1049552 (specifically proposed lots 433 and 434 on approved plan G248 – CP18 26 July 2002), Fraser Drive, Banora Point;

1. Considering that the retail catchment extends well outside the Development Control Plan 3 area and the amendment to increase the area identified in the DCP for the use of a *Neighbourhood Business* is premature until Council has adopted the Retail Development Strategy.
2. That any amendment to Development Control Plan 3 includes a review of the retail / business centres. This should be undertaken in conjunction with the preparation of the final Retail Development Strategy."

Given the above advice and assessment in relation to DCP 3 it is considered that the proposed development should not be supported for reasons reflected in the recommendation.

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

The NSW Coastal Policy applies to the subject land. The proposed development is considered to be consistent with the strategic aims and objectives of the policy document.

(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

Traffic Impact

The proposed development has been assessed by Council's Engineers who have detailed the unacceptable design in full. The location of the site adjacent to a significant signalised intersection, expected traffic volumes and lot depth and width constraints are factors increasing the unsuitable nature of the site for the development.

Regarding the Leisure Drive entry, the proposed entry manoeuvre could not be considered as conventional or satisfactory access to a shopping complex located close to a major signalised intersection. The proposed entry requires a U-Turn manoeuvre, for which the applicant has relied on a turning template in AS2890.01, which is for a vehicle (car) travelling in the 0-5 kph range. The proposed template is considered unacceptable for the design of an intersection with a major road for a number of reasons:-

A review of the submitted turning template, shows that for vehicles to enter the car park from Leisure Drive they must slow down to 0-5 kph, 'swing out' to the extremity of the travelling lane in Leisure Drive and then cross over the car park entry road centreline. It is considered that it is unrealistic to assume roads users will be aware of this requirement to enter the car park, leading to driver confusion.

The entry itself lies only 35-50 metres from the intersection between Fraser Drive and Leisure Drive, which means that drivers entering Leisure Drive will have minimal time to indicate and perform their movements, particularly if they have turned into Leisure Drive from Fraser Drive.

The proposed arrangement aligns the Leisure Drive through traffic (from the east of Fraser Drive) directly into the left turn entry into the complex. It is unlikely that traffic entering the complex or through traffic, will be aware that traffic having to enter the complex will have to brake to such an extent (0 - 5 kph) to enter the car park, leading to the very real danger of rear end collisions.

Other potential conflicts exist with right and left turning traffic from Fraser Drive. The proposed arrangement could introduce a weaving problem with right turners trying to enter the complex and left turners wanting to continue along Leisure Drive.

- Leisure Drive left turn in can only be handled by large car at very low speed. A car with trailer or small fixed wheel base truck should be able to access the site.
- Pedestrian access is hazardous due to complex vehicle movement.
- Fraser Drive requires two through lanes in addition to a left turn slip lane. The submitted plan only shows one through lane.
- Access arrangements are complex due to inflexibility of the centre shape.

The applicant has attempted to provide revised plans to Council's requirements however the site is unable to be designed to meet the traffic requirements due to lot size and shape. The site was never intended to support a complex of this size and the impact of this on the intersection of Leisure and Fraser Drives is considered to be unacceptable. As previously stated in this report the proponents consultants under estimated the traffic volumes of Fraser Drive and used 16000 vehicles per day instead of the 24000 vehicles per day which likely to be shortly released in this location.

The size and location of the delivery bays will result in delivery vehicles reversing into the site.

While the site may be able to accommodate this movement potential future traffic impacts on Leisure Drive and the intersection will arise.

This highlights the limited area of the site for the proposed development.

A further impact of the proposal may be experienced in the local roads within Flame Tree Park Estate by vehicles manoeuvring through the roads to locate alternate routes or parking instead of accessing the site. Confusion with pedestrians and vehicles and the impractical nature of access are elements of the proposal that may make it undesirable from an amenity perspective in the locality. The proposal is not able to be supported due to unacceptable impacts on the local road network.

Residential Amenity Impact

Commercial development generally requires adequate buffering and setbacks from residential areas to prevent nuisance impacts generated by noise, odour and visual amenity. Typically when planning on the location for shopping centres these factors are considered by providing adequate area so that the use can provide substantial landscape buffers and setbacks to reduce impacts on residential amenity.

The applicant has supported the application with an acoustic report however with a setback of five metres to the south and an approximate setback of one metre to the west is not considered adequate. Solutions to the noise impacts were provided in a noise impact assessment, however, the solutions in part rely on management to control potential impacts.

The vacant lot to the west will abut the primary loading bay and only be afforded a one metre separation and acoustic fence. With the intended use of that lot being medium density residential it is considered that the impact on the future residents of that site is unacceptable. Noise odours and disturbance from commercial activities will reduce residential amenity and potentially result in neighbourhood disputes.

Other impacts to residential amenity will be experienced by properties opposite the Leisure Drive entry/exit. Vehicle lights and vehicle noise will be experienced at a level higher than the intended use of the site, ie. medium density housing.

The scale of the commercial use in the Flame Tree Park Estate is also considered to raise impacts to the residential amenity with the Gross Floor Area increasing beyond the intended service station and shops scale. A purpose planned site would incorporate lot shape and dimensions to reduce residential amenity impacts rather than always being an under designed site.

For residential amenity reasons the proposal is not supported.

Socio-Economic Impact

To assist in relation to this component of the application expert advice was sought from Core Economics. A copy of this advice is attached to this report. The proposal is not considered to be formulated with strong economic grounds and accordingly is unable to be supported due to the likely impacts to be generated in the area and Tweed as a whole.

- The Primary Trade Area is considered to be too large, resulting in proportionally lower market shares.
- No evidence is submitted to support the assertion that customers would rather utilise services of a neighbourhood centre rather than visit a large regional shopping centre.
- No evidence is submitted that the Bi-Lo supermarket is overtrading.
- Statistical information provided is not at a collector district level and errors in information cannot be explained.
- Errors in population size and household income could be material in considering impact and viability.
- Market share calculations between centres raises inconsistencies, assumptions and factual errors.

It is noted that Council received a number of objections to the proposal on this ground and that the applicants response and use of the 'Pro-rata Market Share Approach' provides no justification to support the proposal. Council cannot rely on the proponents first or second report or the primary conclusion that there is sufficient need for the centre.

(c) Suitability of the site for the development

Acid Sulphate Soils

The subject land has been filled during the construction of the Flame Tree Park Estate and consequently the proposal is unlikely to impact on Acid Sulfate Soils. No detailed assessment at this point is required.

Flooding

The subject land has been filled to comply with Council's requirements.

Environmental, Noise and Odour Impacts

The proximity of loading bays and garbage disposal areas on the proposal to adjoining residences is considered to be of concern. There is the potential that the proposal will result in amenity and nuisance impacts to local residents. The applicant submitted a noise impact assessment that provides solutions to some of the impacts, however, it is noted that these rely on management to ensure implementation. The potential for complaints and enforcement on this site would be high due to the proximity to residential areas.

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

The Development Application was publicly notified for a fortnight in accordance with Council's Notification Policy. During this period a number of submissions were received raising a range of issues in relation to the proposal. The following table identifies the issues and provides comment in relation to the submissions received.

Issue	Comment	Assessment
Change in land use	Concern was raised that the whole of the area was to be of a residential land use.	The applicant contends that the proposed development is to amend Development Control Plan No. 3 and is an identified need for the local area. It is considered that the proposed amendment to the land use in the area is unacceptable.

<p>Traffic</p>	<p>Concern was raised that the Leisure Drive and Fraser Drive is an important intersection and by increasing the number of traffic movements through this intersection the proposed development will create traffic congestion</p>	<p>The applicant has submitted that the detailed Traffic Impact Assessment for the proposal justifies the application and that both Fraser Drive and Leisure Drive have the capacity to cater for the proposed development without impacting on the functioning of the traffic network. Additionally the proposed development will reduce the impact on the local road network in other areas of the region due to the convenient location of the proposed retail facilities.</p> <p>Council's Traffic and Design Engineers do not support the proposal for a range of traffic impacts. This is considered to be an unacceptable impact.</p>
<p>Amenity</p>	<p>Concern was raised that the nature and scale of the proposed development will result in noise, nuisance from lighting odour and traffic congestion which will impact on the residential amenity of the area.</p>	<p>The applicant has submitted that the proposed design has responded to the potential impacts on residential environment through the inclusion of additional built structures and landscaping. Significant consultation has been undertaken with the major landholders of the adjoining site.</p> <p>The nature of the use is such that impacts will arise and these are unacceptable to the current and future residents in the locality.</p>
<p>Carparking/Loading Bays</p>	<p>Concern was raised that the impact of the proposal on the adjoining residential amenity due to the actual loading and unloading of vehicles as well as lights of vehicles moving to and from the site and the noise of vehicles moving to and from the site.</p>	<p>The applicant contends that the proposed development has been designed with regard to the residential environment.</p> <p>The design is inadequate and does not provide adequate separation or buffering. The report details these issues further.</p>
<p>Design</p>	<p>Concern was raised that the air-conditioning stacks for the proposed supermarket and other roof intrusions will be unsightly and impact on the amenity of the adjoining developments including increasing overshadowing.</p>	<p>The applicant contends that by negotiating with adjoining property owners this concern has been resolved.</p> <p>Location of air-conditioning stacks are only one feature of the design that needed modifying. The amenity to residents is impacted on due to lack of buffering and unsightly nature of loading dock with this type of development.</p>

Residential Amenity	<p>Concern was raised that the residential amenity in the area will be reduced due to the acoustic fencing closing in the adjoining residential development. Residential amenity will also be reduced due to the separation and distance of the development from the adjoining residential units. This and landscaping was raised as an issue of concern for reducing the breezes into the adjoining unit development and also increasing the amount of overshadowing on adjoining units due to the dense landscaping thereby reducing access to the northern light.</p>	<p>The applicant has submitted that by negotiating with the adjoining landowner suitable solutions to these issues have been achieved and as such this issue is no longer requiring further assessment.</p> <p>Solutions may have been resolved with current owners however the standard being achieved on the development site will impact on the residential amenity of future owners.</p>
Crime Prevention	<p>Concern was raised that pedestrian access from the site will provide a criminal route out of the site, that the area is unsafe at night and that the pedestrian access route will filter criminal activity into the adjoining residential area.</p>	<p>The applicant has submitted that the intention of the pedestrian access is encourage walk ability to the centre and therefore increase pedestrian access from Yarra Close to the development. The applicant has submitted that the provision of the access will provide:</p> <ul style="list-style-type: none"> • Enhances casual surveillance opportunities and sightlines between the centre and Yarra Close being visible from Fraser Drive. • The design defines ownership and intended use of the space ensuring that the use of the space is clear and illegitimate use are obvious and therefore less likely. • Provision of lighting will increase the perception of safety and deter crime. <p>In the event that the development could overcome all other inadequacies this matter would be referred to NSW Police for expert comment and design.</p>

<p>Inconsistent with DCP 3</p>	<p>Concern was raised that the proposed development is inconsistent with the numerous design standards relating to the site and its' designation as a neighbourhood business including the scale (service station and shop), access, setbacks, landscaping, parking location and provision of a "public area". In addition to these inconsistencies, the proposal is increasing the designated neighbourhood business area by approximately 6400m² or 130% of adjacent land currently designated as Residential A on the structure plan. This increase of scale will remove the intended neighbourhood function of the site, will consume residential land and is likely adversely affect the residential amenity of the surrounding properties.</p>	<p>The applicant has submitted and articulated in their application that consent is required to be given to the proposal as it's larger than that described in DCP 3 and applicant contends that the proposal is important to secure an appropriately sized retail development to service the community. The applicant submits that the planning report demonstrates the need for the development and that the corresponding impacts could be mitigated.</p> <p>The proposal does not meet requirements of DCP3. This is addressed in this report.</p>
<p>Retail Strategy and Premature Development</p>	<p>Concern was raised that as the Shire wide Retail & Centres Strategy has not yet been made public, the Development Application cannot be properly assessed in relation to that policy and its' structure. The proposed development seeks to precede a proper planning practice and it is considered that in the absence of an adopted Tweed Shire Retail and Centres Strategy and amended to Development Control Plan No. 3, the proposed development will undermine the established and intended retail hierarchy of the area and create a significant long term social and economic problem for the community to endure in the form of poorly located isolated retail floor space.</p>	<p>The applicant has submitted that a number of areas have been justified in relation to the proposal. Economic impact assessment has been provided and the suitability of the site has been identified.</p> <p>Council's Strategic Planning Unit have advised that any amendment to DCP3 would need to have regard to the Retail Strategy.</p>

<p>Economic Impacts</p>	<p>Concern was raised that the proposal would damage the legitimate existing and proposed retail facilities in the locality and to the retail network as a whole. Concern was raised that the economic impact assessment which forms part of the application is found to be inaccurate and provides no justification whatsoever for the development proposed. The submission identifies a number of areas of inconsistencies and highlights where the economic impact analysis is flawed based on the statistics and information that has been gathered and misconstrued.</p>	<p>The applicant has provided a detailed response to all of the areas identified as being flawed. This comprehensive comment is summarised and highlighted within the assessment contained within this report.</p> <p>Council engaged expert advice to assist in the assessment of this issue. For economic reasons the proposal is not supported.</p>
<p>Inconsistency with LEP</p>	<p>Concern was raised as the proposed development is considered to be inconsistent with the zone objectives as the scale of the development exceeds beyond the neighbourhood convenience as detailed in site specific guidelines contained in DCP 3. Furthermore, the proposal will consume approved residential land. Development Consent K99/165 being part Stage 4 of Flame Tree Park which is also directly inconsistent with the detailed structure plan and guidelines in DCP 3. Concern was also raised that Clause 17 of Tweed LEP being socio-economic impact has not been satisfied and in fact that the proposed economic impact assessment does not deal with social issues and does not include any community consultation. It is inadequate and not valid in relation to satisfying the requirements of Clause 17 and in the absence of this information, Council could not properly assess this application.</p>	<p>The applicant has submitted that the primary objective of the zone has been complied with in relation to the proposed development and that the proposal meets the secondary objective to provide for non-residential development. The applicant submits that the proposal provides an opportunity for the creation of a retail centre that serves the needs of the local community. The applicant also submits that the economic needs assessment highlights the requirement for such a facility and level of service for the residences in the expanding urban environment and to this end the applicant contends that the proposal is consistent with the LEP.</p> <p>The proposal is not supported for statutory reasons of non compliance with the TLEP detailed in this report.</p>

<p>Inconsistency with REP</p>	<p>Concern was raised that the proposed development would create a new shopping centre in isolation from the existing retail centres and that this is inconsistent with Clause 47 of the REP. The creation of an additional isolated shopping centre such as that proposed is likely to create a number of serious social and economic problems for the community. Insufficient information has been provided by the applicant in this regard for Council to properly assess the impacts.</p>	<p>The applicant has submitted that Clause 46 of the REP in relation to commercial and industrial development intends to encourage an adequate supply of zoned land located where there are planned growth centres. The economic impact assessment clearly identifies that within Banora area that existing and proposed commercial facilities are undersupplied for current and future residents. Additionally, the applicant contends that the site is suitable for commercial development given its' designation under DCP 3 and that the proposal therefore complies with the North Coast REP.</p> <p>The proposal is not supported for statutory reasons of non compliance with the REP detailed in this report.</p>
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(e) Public interest

The proposal is not considered to achieve the standard of development expected by the community. The proposal would result in unacceptable impacts to: -

- Residential amenity of the local neighbourhood
- Traffic functioning of local road network
- Economies of the commercial centres existing and approved in the Tweed

By reducing the standard expected by development in Tweed Shire this site would be characterised by: -

- Lack of accessibility from road network
- Complicated entry exit design for vehicles and pedestrians
- Inadequate supply of car parking
- Lack of area for expanded demand by vehicle usage and parking
- Unacceptable residential impacts due to location of loading bay and waste services

Rather than being a retail development of a high standard that the community can reasonably expect the site would be overdeveloped and create an undesirable amenity impact to a high standard residential living area.

For the reasons detailed above and contained in this report the proposal is not considered to be in the public interest.

OPTIONS:

1. Refuse the proposed development in accordance with the recommendation.
2. Request the applicant to redesign a proposal to only apply to the land identified as a Neighbourhood Centre under Development Control Plan No.3 - Banora Point West Tweed Heads South and submit a new development application accordingly.
3. If Council is of a view to support the proposal a recommendation to amend DCP3 to redesignate the land to Neighbourhood Centre and amend relevant development criteria in DCP3 would be required.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

In the event that the applicant is not satisfied with the determination of this application they may appeal the decision in the NSW Land and Environment Court.

POLICY IMPLICATIONS:

The proposed development is not in accordance with a number of Council's policies. The applicant did request to amend Development Control Plan No.3 - Banora Point West Tweed Heads South to include all lands identified with the application for commercial purposes.

This would require an amendment to the map under the DCP that designates land uses in the area. The proposed development however is not considered to warrant an amendment under DCP 3 and as such the submission is not supported.

In considering the proposal it is noted that it would be premature to proceed to favourably determine the application without the necessary advertising and public consultation required under the Environmental Planning and Assessment Act 1979, given the scale of the variation to the DCP being sought.

CONCLUSION:

The proposed development has been assessed by Council's Technical Officers and further information and representations by the proponent have been considered. The difficulties of the site have not been able to be resolved in the design of the retail shopping centre.

Development of shopping centres in the Tweed should achieve a high standard and in themselves not create unacceptable impacts. It is considered that Council's standards should not be varied to provide a reduced standard of development. Accordingly the proposal is not supported for reasons contained in this report.

UNDER SEPARATE COVER:

1. Report by Core Economics dated 20th September 2004 being the Banora Point Shopping Centre Application Review (DW 1101830)
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3 [PE] Tweed 04/24 Strategic Plan

ORIGIN:

Strategic Town Planning

SUMMARY OF REPORT:

In August 2003 Council resolved to review the Tweed Shire 2000+ Strategic Plan. That project has now been completed and Tweed 4/24 Strategic Plan is presented for Council's adoption.

The draft Plan has been prepared over an eleven month period which has included extensive community consultation, preparation of issues paper and exhibition of a draft Plan. The process was assisted by the appointment of Associate Professor Graham Sansom, as an Independent Facilitator, and the establishment of a Steering Committee.

The Plan now presented to Council has been endorsed by the Steering Committee.

The submissions fall into a number of categories:

1. Nature of the Document
2. Implementation
3. Infrastructure
4. Governance
5. Dunloe Park
6. Kingscliff Retail Development

RECOMMENDATION:

That:

1. Council adopts Tweed 4/24 Strategic Plan as presented in this Report.
2. Council acknowledges the considerable contribution provided by the Members of the Tweed Futures Steering Committee in successfully completing this project.
3. A report be presented to Council setting out the Membership and Constitution for the Expert Advisory Panels nominated in the Plan, together with the ongoing role for the Tweed Futures Steering Committee.
4. Council notes the priority actions for 2004/05, and commits the necessary resources.

REPORT:

In August 2003 Council resolved to review the Tweed Shire 2000+ Strategic Plan. That project has now been completed and Tweed 4/24 Strategic Plan is presented for Council's adoption.

Background

The draft Plan has been prepared over an eleven month period which has included extensive community consultation, preparation of issues paper and exhibition of a draft Plan. The process was assisted by the appointment of Associate Professor Graham Sansom, as an Independent Facilitator, and the establishment of a Steering Committee.

The consultation process identified the 'top ten' issues which the Plan should address, as follows:

- Community desire to reduce emphasis on growth and effectively control and manage urban development, retaining 'green belts' between towns and villages.
- Maintenance of quality of life and protection of the environment and natural beauty of the Tweed.
- Farm viability, rural subdivision and associated landscape impacts.
- Road improvements/maintenance, traffic management and lack of public transport.
- Economic development and employment diversification, including tourism.
- Water cycle management, including ensuring adequate supplies, environmental flows and water quality.
- Activities and services for young people.
- Impacts of an ageing population and associated service needs.
- Housing affordability and living costs generally.
- The need to engender confidence in the planning process and ensure effective implementation of agreed strategies and standards.

The Steering Committee has overseen the whole project, including:

- Preparation of the Issues Paper;
- Preparation of the draft Plan;
- Finalisation of the Plan in light of submissions;
- An extensive community consultation process, including a telephone survey, public meetings and community summits.

The Plan now presented to Council has been endorsed by the Steering Committee. This report sets out the response to the exhibition of the draft Plan, presents the Plan endorsed by the Steering Committee and details arrangements for its implementation.

Council will recall that following the exhibition of the draft Plan a joint Workshop with Council and the Steering Committee was held on At this Workshop a summary of submissions was presented and draft amendments put forward for discussion. The need for a number of further amendments was identified. These have been considered by the Steering Committee.

Submissions

A total of 54 submissions were received, including the following from State Agencies:

- NSW Health Department;
- Volunteering Tweed;
- Northern Rivers Social Development Council;
- NSW Agriculture;
- NSW Department of Primary Industries;
- Tourism NSW;
- NSW Department of Housing;
- Department of Environment & Conservation;
- NSW Department of Education & Training.

The main points arising from the submissions are set out in Appendix 1 together with a brief response. The significant points arising from submissions are summarised as follows:

1. Nature of the Document

Whilst many submissions supported the basic thrust and content of the Plan, some criticised it for being too loose. Submissions also raised detailed issues.

Response:

Tweed 4/24 is a broadly based Strategic Plan which is designed to set the broad direction for Tweed. In such a format it will not gain the support of many who are looking for detail.

However, the Plan prioritises the completion of that detail through other documentation - Structure Plan, Locality Plans etc. It also sets out a clear basis for the completion of that detail - eg, sustainability, green belts and water quality management. The submissions in respect of detailed matters will provide a basis for the completion of the relevant projects.

2. Implementation

The implementation of the initiatives set out in Tweed 4/24 was perhaps the major theme of submissions. Implementation is perhaps the most crucial element of Tweed Futures. Not all of the 4-year priorities can be achieved at once. The priorities have been summarised and action nominated in Table 1 which has been incorporated into the Plan.

The success of this implementation regime will depend on a number of factors: resources, commitment and integration. There will be considerable advantages in having a coordinating committee to oversee the implementation process. As nominated by the Independent Facilitator, the Steering Committee is ideally placed to undertake such a role. If this is acceptable Council will need to determine its membership and constitution.

Table 1 - Four Year Priorities Action Plan

No	Priority Action	2004/05	2005/06	2006/07	2007/08
1	Adopt sustainability as basis for Shire planning				
2	Initiate community sustainability awareness program				
3	Prepare 'State of the Shire' Report				
4	Revise DCP 45				
5	Update Tweed Economic Development Strategy				
6	Complete Tweed Input-Output Model				
7	Identify industrial and commercial land				
8	Finalise Tweed Tourism Development Strategy.				
9	Economic development infrastructure improvements				
10	Review controls for small-medium enterprises				
11	Finalise new Social Plan				
12	Undertake Housing Choice and Affordability Study				
13	Expert Advisory Panel – community development				
14	Complete Integrated Human Services Delivery Plan				
15	Finalise Council's Community Facilities Policy and Program (CFPP) etc.				
16	Developer contributions for timely development				
17	Prepare 'umbrella' Environmental Management Plan				
18	Upgrade management of the Tweed River system				
19	Coordinate Coastal Plans				
20	Regional Open Space System Task Force				
21	Implement Community-based Heritage Study,				
22	Revisit environmental levy option.				
23	Establish Tweed Rural Partnership				
24	Prepare Rural Settlement Strategy				
25	Review inland villages expansion potential				
26	Land Use Structure Plan and Urban Design Framework				
27	Establish Expert Advisory Panel on urban design.				
28	Implement upgrading of the Tweed Heads				

No	Priority Action	2004/05	2005/06	2006/07	2007/08
	CBD				
29	Prepare Locality Plans				
30	Review capacity and timing of urban release areas				
31	Determine redevelopment potential in existing areas.				
32	Finalise retail development strategy.				
33	Prepare Tweed Infrastructure Program (TIP)				
34	Review Developer Contributions (s94) Plans				
35	Review infrastructure needs in towns and villages				
36	Finalise Integrated Water Cycle Management Plan				
37	Undertake water conservation education programs				
38	Complete major road links				

3. Infrastructure

Issues raised nominated a range of infrastructure considered to be essential for meeting the needs of not only the existing community, but also the needs arising from growth.

Response

Whilst these constitute essential infrastructure items many are a matter for other public and private agencies to make provisions. Tweed Futures will provide the framework for ensuring the integrated provision of such essential infrastructure.

4. Governance

Issues raised included enforcement of planning controls, community involvement and feedback.

Response

These are issues which Tweed Futures cannot address. Whilst Council has the necessary governance procedures in place to meet these expectations, their implementation is dependent on the decisions of Council.

5. Dunloe Park

Two submissions called for further analysis on the potential for Dunloe Park for urban release.

Response

Dunloe Park is currently included in the Tweed 2000+ Strategic Plan (TSP), as "Additional Potential Urban Land". It is not included in Council's formal Residential Development Strategy which provides the basis for the urban release program. No further work has been undertaken to advance the nomination in the TSP.

The basis of Tweed 4/24 is to consolidate the existing release program with sustainable development. This presents Council with significant challenges without having to face those arising from nominating further urban releases.

However, the Plan also acknowledges that:

- Housing affordability is emerging as a serious concern and it may be necessary to identify additional land specifically for lower cost housing development.
- A priority must be to review the likely capacity of urban release areas having regard to housing demand and affordability.

In view of the extent of issues the work arising from the current release program and the pending completion of the Integrated Water Management Strategy any indication of treating Dunloe Park other than as potential urban land as nominated in the TSP would be premature.

6. Kingscliff Retail Development

Submissions canvassed the issues concerning retail development at Kingscliff. These included:

- Retail planning based on an independent analysis of need and in turn, a strategic network of centres.
- Concern at the 'key principle' of the proposed structure plan "*...expansion at Kingscliff to be limited to an appropriate scale, and another site identified to serve the coast in the longer term*".
- No need for additional shopping at Kingscliff.

Response

Retail development has not been avoided. The plan identifies the completion of the retail strategy as a 4 year priority. Having regard to these submissions the Structure Plan principle could be adjusted to better reflect this position, to read as follows:

"expansion at Kingscliff to be limited to an appropriate scale in the short term and longer term needs to serve the coast be based on the findings of the Retail Strategy".

Figure 1 - Independent Facilitator's Report

TWEED FUTURES: TWEED 4/24 STRATEGIC PLAN

INDEPENDENT FACILITATOR'S REPORT

This report is intended to assist Council both in considering the *Tweed 4/24* Strategic Plan and determining necessary follow-up action. It offers a *personal perspective* on some of the key issues and directions to emerge from the Tweed Futures process.

Planning Process

The Tweed Futures planning process proceeded remarkably smoothly and was very productive. This was due in large part to the spirit of cooperation that prevailed amongst members of the Steering Committee.

Tweed 4/24 represents a consensus. To a large extent it represents a continuation of the policies contained in the existing Tweed 2000+ strategic plan, but with considerable 'fine-tuning'.

Tweed 4/24 focuses on broad areas of agreement about future directions and the more detailed planning that now needs to be undertaken to turn strategies into programs for action. It is important that Council builds on the many areas of agreement rather than getting bogged down in disagreements about detail.

Across the board, the Tweed community wants the planning process to secure a high quality of life in a well-managed environment – with as little change as possible and no unwelcome surprises. There is considerable nervousness about the future and Council's ability to plan effectively and deliver these outcomes. The independent telephone survey commissioned by the Steering Committee made it clear that this nervousness is widespread and not confined to a noisy minority.

Council cannot satisfy the community's needs and concerns on its own. But it can take steps to better inform the community about planning issues and to increase confidence in its own planning processes. Tweed 4/24 provides a framework for this to be done.

Strategic Framework

The broad framework for development and change in the Tweed over the next 20 years is largely fixed. Subject to detailed planning and environmental studies, the new release areas identified in Tweed 2000+ and the Residential Development Strategy will accommodate most if not all of expected growth.

It is important not to exaggerate how much more development is in the pipeline or to change course unnecessarily as this can only increase community concerns. The growth rate appears to have declined somewhat in recent years. Unless it accelerates unexpectedly, or one of the major new release areas currently on the drawing board fails to eventuate, the development framework can remain essentially unchanged apart from some inevitable fine-tuning. Any

significant departures need to be very carefully thought through and subject to extensive consultation.

A central theme is the need to devote more attention to managing change in existing urban areas and the rural hinterland. This will be essential to address pressures associated with redevelopment and economic and social change. In addition, it will respond to community concerns that Council has been too pre-occupied with growth management.

A more concerted approach to environmental management is also critical – to deal with emerging problems, to complement tourism development, and to balance the attention given to urban issues. The outstanding environmental qualities and World Heritage status of the Tweed should be reflected more strongly in Council's priorities.

Locality Planning

The program of Locality Plans is absolutely fundamental to successful implementation of Tweed 4/24. Preparation of Locality Plans for various parts of the Shire will play a key role in terms of:

- ▣ Fine-tuning the development framework
- ▣ Managing change in existing urban and rural communities
- ▣ Coordinating infrastructure provision
- ▣ Improving local environmental management
- ▣ Community involvement in the planning process and addressing local concerns.

Additional resources will be required to ensure that Locality Plans achieve these objectives and are completed on schedule.

Council's Management Plan

Tweed 4/24 is more than a land use plan. It is intended to provide a strategic framework for a broad cross-section of Council's activities.

Effective implementation of Tweed 4/24 would be assisted by a number of adjustments to Council's Management Plan. These can be introduced in the June 2005 update.

- ▣ An expanded, consolidated 'Strategic Framework' section at the front (as recommended in the Department of Local Government's Guidelines), based on the Four Year Priorities set out in Tweed 4/24. This could replace most of the current Part C dealing with Supporting Plans, some of which is inaccurate or out-of-date.
- ▣ Re-framing of the Operational Component so that the Action Plans match the content of Chapters 3-7 in Tweed 4/24, with separate Action Plans for Infrastructure and Governance
- ▣ Cross-referencing the Environment Action Plan to key issues identified in the State of Environment report, as required by legislation
- ▣ Similar cross-referencing with the Social Plan
- ▣ Incorporation of all the other Four Year Priorities where they are not already covered
- ▣ Linking those priorities to specific budget allocations wherever possible.

Other Implementation Issues

Effective implementation of Tweed 4/24 also depends on:

- ▣ Retention of the Tweed Futures Steering Committee as recommended in the final report, with the Mayor becoming Chair and the inclusion of two additional Councillors to ensure that a broad spectrum of views is reflected
- ▣ A strongly coordinated effort by senior management, with the consolidated (post June 2005) Division of Planning and Environment playing a leading role in implementing a 'triple bottom line' approach and supporting the collective efforts of the EMT
- ▣ Establishing or strengthening a number of critical partnerships with other organizations, in particular
 - more effective links with TEDC and TACTIC to define and pursue economic and tourism development priorities
 - a real partnership with the State government on Tweed Heads
 - coordination with State and federal agencies and the private sector on infrastructure provision (physical, social and environmental)
 - the proposed Tweed Rural Partnership
 - cooperation with State agencies on catchment, river and coastal management, as well as longer term establishment of the proposed regional open space network.



Graham Sansom
Associate Professor and Director
UTS Centre for Local Government

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Tweed 4/24 will provide the platform for future Council planning policies across the full range of Council activities.

UNDER SEPARATE COVER:

1. Appendix 1 - Tweed Futures - Summary of Submissions
 2. Appendix 2 - Recommended final Tweed 4/24 report.
-

4 [PE] Development Application DA02/1423.09 for an amendment to Development Consent DA02/1423 for the Erection of a Tourist Resort (Outrigger) and 2 Lot Stratum Subdivision at Lot 194 DP 755701, Lot 301 DP 755701, Lot 312 DP 755701, Tweed Coast Road, Kings

ORIGIN:

Development Assessment

FILE NO: DA02/1423

SUMMARY OF REPORT:

An amended application has been received for the Outrigger Tourist Resort at the SALT development. The proponents are seeking amendments to conditions relating to disabled access, strata and stratum subdivision certificate release and resourcing of the surf facility.

The proponents wish to open the resort by Christmas but have experienced difficulties in securing materials and tradesmen for completion by this date. It is estimated that 54 of the 213 units will not be internally completed by the target date.

The proponents are seeking release of the stratum and strata subdivision certificates prior to completion of the resort to save the time involved in processing these certificates by the Land and Property Information Office.

Legal advice has been received regarding this matter and Council's solicitors advise that a restriction can be placed on the titles to prevent occupation until an occupation certificate has been issued for the units. In addition to this the Conveyancing Regulation has been amended so that settlement of strata units cannot be undertaken until an occupation certificate has been issued. Providing the Development Application conditions are amended to require compliance subject to issue of a Certificate of Occupancy there is legal provision for the protection of Council's interests and any purchasers of the units.

RECOMMENDATION:

That Development Application DA02/1423.09 for an amendment to Development Consent DA02/1423 for the erection of a tourist resort (Outrigger) and 2 lot stratum subdivision at Lot 194 DP 755701, Lot 301 DP 755701 and Lot 312 DP 755701 Tweed Coast Road, Kingscliff be approved subject to the following amended conditions: -

7. The ongoing resourcing of the surf lifesaving facilities for a period of 10 years shall be by the **body corporates of each resort**. The applicant is to ensure that each tourist resort development on the project will be required to annually contribute to the annual running costs of the surf lifesaving facility on the SALT development with the contributions being based on a share per tourist resort room of the costs of manning the facility with professional life guards contracted through Surf Lifesaving New South Wales.

52. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of **Part D of the Building Code of Australia. Particular attention is to be given to the deemed to satisfy provisions of Part D-3 and their requirement to comply with AS1428.**

53. **Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols must be provided to identify accessible routes, areas and facilities. The signage including Braille or tactile signage should be installed in accordance with the relevant provisions of the building code of Australia and achieve the minimum design requirements provided under AS 1428.**

Car parking spaces for people with disabilities shall be provided and constructed in accordance with the provisions of Section D of the Building Code of Australia. Particular attention is to be given to the deemed to satisfy provisions of Part D-3.5 of the Building code of Australia and its requirement to comply with AS2890.1.

- 91 A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). **In this regard landscaping and ancillary works are to be completed prior to issue of the occupation certificate for any of the units.**

92. The building is not to be occupied or **an occupation certificate** issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

107. A Subdivision Certificate for the two lot stratum subdivision will not be issued by the General Manager until such time as all conditions of Development Consent No DA02/1423 have been complied with other than meeting the requirements of Conditions 91 and 108.

108. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 - i. Easements for sewer, water supply and drainage over **ALL** services on private property.

- ii. Easements for support, maintenance, service ducting etc in relation to the stratum subdivision of the building.
- iii. **A restriction is to be placed on the titles of the strata lots indicating that occupation or use of the lots is not permitted until a final occupation certificate has been issued.**

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services **PRIOR** to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

REPORT:

Applicant: Ray Group Pty Ltd
Owner: South Kingscliff Developments Pty Ltd
Location: Lot 194 DP 755701, Lot 301 DP 755701 and Lot 312 DP 755701 Tweed Coast Road, Kingscliff
Zoning: 2(f) Tourism
Cost: Nil

BACKGROUND:

Development consent was issued in April 2003 for a tourist resort and two lot stratum subdivision. The site is located within the SALT development. The tourist resort contains accommodation units, a tavern and 15 retail tenancies. The two lot stratum subdivision creates the lots containing the accommodation units in one lot and the tavern and retail tenancies in the other lot.

Amendment to conditions 91, 92, 107 and 108 Strata and Stratum subdivision release

The resort is nearing completion and the proponents have an opening target date set at Christmas. Fifty-four of the units will not be completely finished and the applicants wish to amend the consent to enable release of the subdivision certificates prior to occupation of part of the building. The standard practice for Council to release strata and subdivision certificates has been to require all works to be completed and compliance with conditions of consent.

In this case it is being requested to release the subdivision certificates prior to completion of the development and require full compliance with development approval conditions prior to release of the occupation certificate.

The implication for Council is the occupation of uncompleted units, however existing regulation and a proposed title restriction is likely to prevent this from occurring.

Settlement between the parties is not permitted to occur until an occupation certificate has been issued as per the Conveyancing Regulation. Settlement for the completed units is due on 20 December 2004.

Given that the majority of the units will be completed a final occupation certificate will be able to be issued for these units to facilitate settlement.

The applicants have agreed to a Section 88B restriction being placed on the titles to alert purchases that occupation or use cannot occur until an occupation certificate has been received.

Condition 91 has been amended to require landscaping and any other ancillary works that would be required to be completed prior to strata release to be completed prior to release of the final occupation certificate for the deferred units.

Amendment to Condition 7 Resourcing of surf facility

A key component of the Outrigger Resort approval and the entire SALT development is the construction and operation of a surf lifesaving facility. Condition 7 of the consent requires the surf facility to be resourced by the resort operators for ten years based on a share per tourist room. The surf facility and land that contains the facility is to be transferred to Council and leased to the body corporate for 10 years.

The proponents wish to amend this condition so that the resourcing of the facility comes from the body corporate of the resorts rather than the resort operators. The reason for this is that not all of the units may be managed by the resort operators and therefore funding could not be drawn from all of the units. Some units owners may choose to use local agents for their letting arrangements. Additionally the resort operators can change over time and they could also be removed by the body corporate by majority vote.

Linking the resourcing of the surf facility to the body corporate is considered a secure means of maintaining funding for the facility.

Conditions 52, 53 and 54 Disabled access

Disabled access is required to be provided to the resort. Council's standard conditions have been updated and this amendment reflects the updating of these conditions. The updated conditions provide a clearer explanation of the disabled access requirements.

Council's Health and Building Surveyor agrees with the amendments.

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

The proposal is permissible.

North Coast Regional Environmental Plan 1988

The REP matters have been satisfied.

State Environmental Planning Policies

SEPP matters have been satisfied.

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

N/A

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

The proposed amendment does not affect any DCP matters.

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

All matters satisfied.

(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

The proposed amendments will not alter the impacts of the development or produce any additional undesirable impacts.

(c) Suitability of the site for the development

The site is suitable for the development.

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

The application was not required to be notified.

(e) Public interest

Whilst it has not been common practice to release subdivision certificates prior to completion of the development it is considered that the current legislation and the proposed title restriction alerts prospective purchasers, solicitors and conveyancers to the requirement to seek an occupation certificate prior to settlement, use and occupation of the units.

OPTIONS:

1. Approve the amended application as per the recommendation.
2. Refuse the amended application.

It should be noted that the application can only be amended in the form requested to by the applicant.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicants have a right of appeal in the Land and Environment Court if they are dissatisfied with the determination.

POLICY IMPLICATIONS:

It is likely that Council will receive similar requests for early release of strata certificates however these should be dealt with on a case by case basis given the variables involved such as the timeframes for completion, the amount of work to be completed, economic scale of the development, potential long term employment generation, the safeguards for Council and the prospective purchases.

CONCLUSION:

It is considered that the amendments are acceptable. The safeguards to preventing occupation of an uncompleted unit are considered adequate.

UNDER SEPARATE COVER:

Nil.

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REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

5 [OGM] 2003/2004 Statutory Financial Reports / Audit Report

ORIGIN:

Financial Services

SUMMARY OF REPORT:

Council's Statutory General Purpose Financial Reports in accordance with Section 413 (2) (c) of the Local Government Act, 1993 for the financial year ended 30 June 2004 have been completed and audited. The Reports, including significant accounting policies and associated independent Audit Report from Thomas, Noble and Russell (TNR), presents Council with a financial overview of its operations for the year 2003/04.

The financial result for the year reveals that Council's finances are in a favourable position and that the internal financial management practices are sound.

The Financial Reports for 2003/04 are now presented to Council for adoption.

Mr Kevin Franey and Mr Geoff Dwyer, partners of TNR will address Council at 6.00pm on issues that have arisen during the course of the audit. They will also be available to answer questions from Councillors.

RECOMMENDATION:

That Council adopts the tabled 2003/04 Financial Reports, as required by Section 413 (2) (c) of the Local Government Act, 1993 as follows: -

1. The financial statement are drawn up in accordance with:
 - a) - the Act and the Regulations;
 - that Statements of Accounting concepts;
 - the Local Government Code of Accounting Practice and Financial Reporting; and
 - the Australian Accounting Standards.
- b) Accounting policies be adopted.
- c) The reports present fairly the Council's financial position and other records.

REPORT:

BACKGROUND

Council's General Purpose Financial Report, including significant accounting policies for year ended 30 June 2004 have now been completed and the auditor's report received. In accordance with the provisions of the Local Government Act, and the Local Government Financial Regulations, Council must implement the following actions to allow the reports to be finalised.

- a) adopt the financial reports and financial policies;
- b) fix a meeting date to present the reports to the public, and
- c) advertise, for a minimum period of seven (7) days, that the Statements and the Auditor's Reports are available for public inspection.

In order to comply with these guidelines, Council advertised in the Tweed Link on Tuesday 12 October 2004, that the reports are to be presented to Council at this meeting and that the reports are available for public inspection.

A copy of the Financial Reports will be tabled to this meeting.

These reports were completed by Council and audited by Council's auditors, Thomas Noble and Russell, within the statutory timeframe set by NSW Government legislation.

LEGISLATION REQUIREMENTS

The Local Government Act, 1993 ("the Act") relating to the preparation of Council's annual financial reports requires that: -

1. Section 413 – A council must prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year.
2. Section 413 (2) – A council's financial reports must include:
 - (a) a general purpose financial report;
 - (b) any other matter prescribed by the regulations; and
 - (c) a statement in the approved form by the council as to its opinion on the general purpose financial report.
3. Section 413 (3) – The general purpose financial report must be prepared in accordance with the Act and the regulations and the requirements of:
 - (a) the publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to regulations; and
 - (b) such other standards as may be prescribed by the regulations.

4. Section 416 – A council's financial reports for a year must be prepared and audited within the period of 4 months after the end of that year.
5. Section 418 – Upon receiving the Auditor's Report, the Act requires the Council to give at least 7 days public notice of the meeting at which it proposes to present its audited financial reports, together with the Auditor's Report, to the public.
6. Section 420 – Any person may make submissions to the Council with respect to the Council's audited financial reports or with respect to the Auditor's Report.
7. Section 428(2)(a) – The audited financial reports must be included in the Council's annual report.
8. Clause 19 of the Local Government (Financial Management) Regulation, 1993 requires that the Statement under Section 413 (2) (c) on the annual financial report must be made by resolution of the Council and signed by the Mayor, at least one (1) other member of Council, the General Manager and the Responsible Accounting Officer.

COUNCIL'S RESPONSIBILITY

Council is responsible for the preparation of the financial reports and adequate disclosures. This includes the maintenance of adequate accounting records and internal controls, the selection and application of accounting policies, and the safeguarding of the assets of Council. As the Responsible Accounting Officer, the Chief Financial Officer, Mr Michael Chorlton has stated the accounting records have been maintained in accordance with Section 412 of the Act and in a manner that permitted the timely preparation of the General and Special Purpose Financial Reports for the year ended 30 June 2004.

Update No. 12 to the Local Government Code of Accounting Practice and Financial Reporting was issued in July of this year and is relevant to accounting periods ending 30 June 2004.

The Operating Result for the year for General Fund is generally in accordance with budget expectations. Revisions have been made through the year in quarterly Budget Reviews to ensure Council has a sound financial result for the year.

The Water and Sewerage Funds' end of year financial results have had unexpended work that will be carried over to 2004/05. Both Funds also remain financially stable.

BENEFITS AND PURPOSE OF ANNUAL FINANCIAL REPORTING

The primary benefits of financial reporting are:

- It makes Council accountable to the community for its financial management
- It provides the community and other interested parties with access to information about the current financial status of Council and its operational performance for the period in question.

The purpose of financial reporting, or the preparation of annual financial statements, is to communicate information about the financial position and operating results of Council to those who need to know or have an interest in Council operations.

Parties who have an interest in, or need to know financial reporting information include:

- councillors and management;
- residents/ratepayers;
- government departments and public authorities;
- community groups; and
- financial institutions

The users of financial reporting information are varied and financial statements must, therefore, be structured to meet all their respective requirements. This is achieved through conformity with the Australian Accounting Standards, which apply to the majority of business operations in Australia.

GOVERNMENT CONTROLS

NSW legislation strongly controls the external financial reporting requirements of Council.

ANNUAL FINANCIAL REPORTING SYSTEM

General Purpose Financial Reports

Under the requirements of Australian Accounting Standards, in particular AAS 27, Council is required to prepare the following reports for each financial year.

Operating Statement

This shows the operating result and change in net assets from operations for the year.

Statement of Financial Position

This discloses the assets, liabilities and equity of Council.

Statement of Cash Flows

This shows information about cash flows associated with Council's operating, financing and investing activities.

Statement of Changes in Equity

This reconciles opening and closing balances for each class of equity during the reporting period and gives details of any movement in these classes of equity.

Notes to the Financial Statements

These disclose the accounting policies adopted by Council and provide additional material necessary for evaluating and interpreting the financial statements.

In addition to the General Purpose Financial Reports, Council must also submit the Auditor's Reports in accordance with Section 417(1) of the Act and Council's Certificate in accordance with Section 413(2)(c) of the Act.

Special Schedules

The Department of Local Government, the Local Government Grants Commission and the Department of Energy, Utilities and Sustainability require a series of schedules. These provide additional details on Council's net cost of services; internal and external loans; operating statements and statements of net assets committed for water and sewerage services; and information on water and sewerage rates and charges.

AUDIT MANDATE

Council's Auditors, Thomas Noble and Russell, have completed the audit of Council's general purpose financial reports for the year ended 30 June 2004 under Section 417 of the Local Government Act 1993.

The audit included:

- An examination of the financial information for the purpose of expressing and opinion on financial statements to help establish the credibility of those statements
- An examination of financial information for the purpose of reporting on the legality and control of operations and the probity of those dealing with public funds, and including the expression of an opinion on an entity's compliance with the statutory requirements and regulations that govern the activities of Council.

Council's auditor must prepare two reports to Council (Section 417 (1)): -

- A report on the general purpose financial report, and
- A report on the conduct of the audit.

As soon as practicable after receiving the auditor's reports, Council must send a copy of the audited financial reports and the auditor's reports to the NSW Department of Local Government.

MANAGEMENT RESPONSIBILITY - AUDIT

The performance of an audit or the provision of an audit report does not in any way absolve or relieve management of its responsibility such as the maintenance of adequate accounting policies and the preparation of financial information such as budget preparation and the quarterly budget reviews submitted to Council each three months. Council has a strong internal management reporting practices in place that ensures all costs and income are monitored and acted upon on a weekly basis.

Management has the responsibility to safeguard Council assets and prescribe policies and procedures that are consistent with the economic and efficient use of resources.

PERFORMANCE INDICATORS

Council remains in a sound financial position regarding its short-term liquidity. The key financial performance ratios, as shown in the statements and listed in the following table, remain at satisfactory levels.

Performance Indicators	2003/04	2002/03	2001/02
Current Ratio	5.17	5.29	5.45
Unrestricted Current Ratio	2.31	2.50	2.07
Debt Service Percentage	11.45%	9.92%	9.82%
Rate and Annual Charges Coverage Ratio	38.13%	24.03%	39.09%
Rates and Annual Charges Outstanding (\$)	4.61%	5.69%	6.30%

To clarify the meaning and implication, a basic definition of each indicator is listed below.

- a) Current Ratio - The total current cash or cash convertible assets available, divided by current liabilities.
- b) Unrestricted Current Ratio – This is the same as the current ratio except it excludes assets and liabilities, which relate to activities that are restricted to specific purposes by legislation. This is a measure of Council’s liquidity.
- c) Debt Service Ratio – The amount used to repay borrowings as a percentage of total operating revenues. The indicator shows the amount of revenue necessary to service annual debt obligations.
- d) Rate Annual Charges Coverage Ratio Percentage – This percentage is based on rates and annual charges revenues as a percentage of total operating revenues. This is a measure of Council’s dependency on rate income. State average is approximately 50%.
- e) Rates and Annual Charges Outstanding Percentage – This percentage is based on the amount outstanding as a percentage of the amount to be collected for rates and annual charges. This indicator measures the effectiveness of Council in recovering legally owed debts.

FINANCIAL OVERVIEW - GENERAL COMMENTS

While the above performance indicators reflect a sound position, the result has only been achieved through tight control over Council finances. Council’s infrastructure needs continue to exceed available funds and the demand for works and services continue to grow as the population of the Shire increases. As experienced during the recent deliberations for the 2004/05 Management Plan & Budget, funding for operational and capital works continues to remain tight. Council will need to develop its list of priority projects, to be incorporated into the long term financial plan, so a planned strategic approach to works and services may be implemented, whilst maintaining Councils sound financial position.

COUNCIL OF TWEED SHIRE					
STATEMENT OF FINANCIAL PERFORMANCE					
for the year ending 30 June 2004					
Original Budget*				Actual	Actual
2004				2004	2003
\$'000		Notes		\$'000	\$'000
	EXPENSES FROM ORDINARY ACTIVITIES				
23,737	Employee costs	3(a)		25,787	23,285
2,828	Borrowing costs	3(b)		2,525	2,643
23,978	Materials & contracts			19,359	16,005
18,470	Depreciation	3(c)		21,279	19,977
8,600	Other expenses from ordinary activities	3(d)		8,721	7,745
O	Loss from the disposal of assets	5		2,526	1,470
77,613	TOTAL EXPENSES FROM ORDINARY ACTIVITIES			80,197	71,125
	REVENUE FROM ORDINARY ACTIVITIES				
41,316	Rates & annual charges	4(a)		41,788	39,038
16,583	User charges & fees	4(b)		14,975	14,399
4,824	Interest	4(c)		7,971	6,575
650	Other revenues from ordinary activities	4(d)		858	505
13,179	Grants & contributions provided for non-capital purposes	4(e&f)		14,377	12,393
76,552	REVENUES FROM ORDINARY ACTIVITIES BEFORE CAPITAL AMOUNTS			79,969	72,910
(1,061)	SURPLUS(DEFICIT) FROM ORDINARY ACTIVITIES BEFORE CAPITAL AMOUNTS			(228)	1,785
31,655	Grants & Contributions provided for capital purposes	4(e&f)		29,612	89,563
30,594	SURPLUS(DEFICIT) FROM ORDINARY ACTIVITIES AFTER CAPITAL AMOUNTS			29,384	91,348
30,594	SURPLUS(DEFICIT) FROM ALL ACTIVITIES			29,384	91,348
30,594	Surplus(Deficit) attributable to Council			29,384	91,348
* The original budget as approved by Council Refer Note 16					
The accompanying notes form an integral part of the financial statements					

COUNCIL OF TWEED SHIRE				
STATEMENT OF FINANCIAL POSITION				
as at 30 June 2004				
		Actual	Actual	
		2004	2003	
	Notes	\$'000	\$'000	
CURRENT ASSETS				
Cash assets	6	71,851	66,983	
Receivables	7	6,607	5,968	
Inventories	8	842	838	
Other	8	777	947	
TOTAL CURRENT ASSETS		80,077	74,736	
NON-CURRENT ASSETS				
Cash assets	6	69,139	68,385	
Receivables	7	1,263	1,492	
Property, plant and equipment	9	793,675	766,339	
TOTAL NON-CURRENT ASSETS		864,077	836,216	
TOTAL ASSETS		944,154	910,952	
CURRENT LIABILITIES				
Payables	10(a&c)	10,026	7,951	
Interest bearing liabilities	10(a&c)	3,264	3,735	
Provisions	10(a&b)	2,196	2,436	
TOTAL CURRENT LIABILITIES		15,486	14,122	
NON-CURRENT LIABILITIES				
Payables	10(a)	2,417	567	
Interest bearing liabilities	10(a)	33,072	33,593	
Provisions	10(a&b)	9,382	8,257	
TOTAL NON-CURRENT LIABILITIES		44,871	42,417	
TOTAL LIABILITIES		60,357	56,539	
NET ASSETS		883,797	854,413	
EQUITY				
Accumulated surplus		882,955	853,571	
Asset Revaluation Reserve		842	842	
TOTAL EQUITY		883,797	854,413	
The accompanying notes form an integral part of the financial statements				

COUNCIL OF TWEED SHIRE				
STATEMENT OF CASH FLOWS				
for the year ending 30 June 2004				
Budget			Actual	Actual
2004			2004	2003
(\$'000)	Notes		(\$'000)	(\$'000)
CASH FLOWS FROM OPERATING ACTIVITIES				
Receipts:				
41,316	Rates & annual charges		42,131	39,378
16,583	User charges & fees		14,237	14,095
4,824	Interest		8,197	6,527
26,244	Grants and Contributions		30,694	27,278
650	Other		858	131
Payments:				
(23,737)	Employee Costs		(25,668)	(23,085)
(23,978)	Materials & Contracts / Other		(25,883)	(20,209)
(2,828)	Interest		(2,586)	(2,715)
39,074	Net cash provided by (or used in) operating activities	11(b)	41,980	41,400
CASH FLOWS FROM INVESTING ACTIVITIES				
Receipts:				
0	Increase in deposits held in trust		2,726	117
0	Sale of real estate assets		0	755
0	Sale of property, plant and equipment		1,783	924
0	Payments from deferred debtor		37	66
Payments:				
(55,227)	Purchase of property, plant and equipment		(39,911)	(25,718)
	Advances to deferred debtors		0	(137)
(55,227)	Net cash provided by (or used in) investing activities		(35,365)	(23,993)
CASH FLOWS FROM FINANCING ACTIVITIES				
Receipts:				
4,695	Borrowings & advances		4,852	3,676
Payments:				
(3,790)	Borrowings & advances		(5,845)	(4,073)
905	Net cash provided by (or used in) financing activities		(993)	(397)
(15,248)	Net increase/(decrease) in cash assets held		5,622	17,010
135,368	Cash Assets at beginning of reporting period	11(a)	135,368	118,358
120,120	Cash Assets at end of reporting period	11(a)	140,990	135,368
The accompanying notes form an integral part of the financial statements				

COUNCIL OF TWEED SHIRE
STATEMENT OF CHANGES IN EQUITY

for the year ending 30 June 2004

	2004 \$'000	2003 \$'000
Balance at beginning of the reporting period	853,571	762,223
Changes in equity recognised in the statement of financial performance	29,384	91,348
Adjustment due to compliance with revised Accounting Standards		
Transfers to Asset Revaluation Reserve		
Transfers from Asset Revaluation Reserve		
Distributions to/from outside equity interests		
Balance at end of the reporting period	882,955	853,571

The accompanying notes form an integral part of the financial statements

Note 6b

DETAILS OF MOVEMENTS & UTILISATION OF RESTRICTED CASH ASSETS

Restrictions	Notes	Movements			Proposed Utilisation of Restriction		
		Opening Balance 30-Jun-03 \$' 000	Transfers To Restriction \$' 000	Transfers From Restriction \$' 000	Closing Balance 30-Jun-04 \$' 000	Less than 1 Year	Between 1 and 5 Years
External		0	0	0	0		
Specific Purpose Unexpended Loans	6a	0	0	0	0		
Security Deposits	6a,10	680	2888	(162)	3406	989	2417
Developer Contributions	6a,17	16,670	13,262	(12,241)	17,691	6,000	11,691
RTA Contributions	6a	78	3,489	(3,371)	196	196	
Specific Purpose Unexpended Grants	6a,14	2,474	12,391	(12,562)	2,303	2,303	
Water (not in reserves)	6a	950		(905)	45	45	
Water (Capital Upgrade - CRR)	6a	21,962	5,200	(6,746)	20,416	13,642	6,774
Water (Asset Replacement - ARR)	6a	20,202	3,564	(3,401)	20,365	7,657	12,708
Sewerage (not in reserves)	6a	2,569		(740)	1,829	1,829	
Sewerage (Capital Upgrade - CRR)	6a	8,651	3,955	(2,610)	9,996	6,164	3,832
Sewerage (Asset Replacement -ARR)	6a	32,910	5,323	(3,106)	35,127	8,497	26,630
DWM - Acquisition of Land	6a	0	52	(24)	28		
DWM - Bin Replacement	6a	1,240	831	(892)	1,179	92	500
DWM - Recycling	6a	729	111	(7)	833	200	200
DWM - Land Rehabilitation	6a	459	263	(113)	609	100	210
DWM - Zoning costs -Stotts Ck Depot	6a	73	4	0	77		
DWM - EIS report - Stotts Ck Depot	6a	85	5	0	90		
DWM - Roadworks - Garbage Collect.	6a	13	356	0	369	230	139
DWM - Provision for Financial Assur.	6a	1,299	203	0	1,502		
DWM - Landfill Environment M'nt.	6a	741	464	(84)	1,121	500	551
DWM - Implementation Waste Disp.	6a	259	142	0	401		
Caravan Park Cash Assets	6a	3,292	2,414	(1,678)	4,028	4,028	300
Special Rate - Koala Beach	6a	29	28	(6)	51		
Total		115,365	54,945	(48,648)	121,662	52,523	65,753
							3,386

Note 6b cont'd

Restrictions

Notes	Movements		Closing Balance 30-Jun-04 \$'000	Less than 1 Year \$'000	Between 1 and 5 Years	Greater than 5 Years
	Opening Balance 30-Jun-03 \$'000	Transfers To Restriction \$'000				
<u>Internal</u>						
<u>Included in liabilities</u>						
Employees Leave Entitlements	4,222	2,401	6,221	6,221		
Unexpended Loans	2,910	4,262	2,218	2,218		
Unexpended Grants	943	1,613	430	430		
<u>Asset Management Reserves</u>						
Future Quarry Purchases	0	589	589	589		
Software & Equipment - Asset M'tment	166	9	175	175		
Community Facilities	74	55	129	129		
Sportsfields - Asset M'tment	118	56	65	65		
Fire Control - Risk M'tment Plan	5	0	0	0		
Civic Centre Asset M'tment	16	46	62	62		
Waterways Asset Management	20	19	39	39		
Swimming Pools Asset M'tment	52	58	110	110		
Asset Management Reserve - Office Ext.	286	15	301	301		
Tweed Heads Hacc	52	16	68	68		
Murwillumbah Community Centre	7	0	3	3		
Land Sales - Cemetery Asset M'tment	164	6	84	84		
<u>Other</u>						
Special Projects - 50% Land Dev	17	0	0	0		
Workers Comp. Cont. Reserve	168	5	41	41		
Contingency - Loan Guarantee	25	0	25	25		
Land Development	729	58	764	764		
Non-DWM Land Rehabilitation	92	21	9	9		
Non-DWM M'tment Plan Depots	6	1	7	7		
Non-DWM Zoning Stotts Ck.Dep	5	1	6	6		
Non-DWM EIS Report	48	2	50	50		
	10,125	9,233	11,396	11,396		11,396

Note 6b cont'd

Restrictions	Notes	Movements						
		Opening Balance 30-Jun-03 \$' 000	Transfers To Restriction \$' 000	Transfers From Restriction \$' 000	Closing Balance 30-Jun-04 \$' 000	Less than 1 Year \$' 000	Between 1 and 5 Years	Greater than 5 Years
Internal (continued)								
Non-DWM Roadworks Garb. Coll.	6a	(18)	19	0	1	1		
Non-DWM Prov Fin Assurance	6a	257	54	(55)	256	256		
Non-DWM Landfill Env. M'tment	6a	(1)	78	(77)	0	0		
Non-DWM Quirks Quarry	6a	208	11	0	219	219		
Coastal M'tment Planning	6a	27	32	0	59	59		
Beach Vehicle Licence Income	6a	123	63	(52)	134	134		
Skate Park - Tweed Coast	6a	0	0	0	0	0		
Sewerage M'tment Facilities	6a	74	4	0	78	78		
Agenda 21	6a	35	35	0	70	70		
Consulting	6a	43	2	0	45	45		
Access Funding	6a	95	47	(85)	57	57		
Road Land Sale	6a	109	5	0	114	114		
Works Carried Forward	6a	2,637	2,212	(1,511)	3,338	3,338		
Revolving Energy Fund	6a	15	11	0	26	26		
Art Gallery Construction	6a	323	399	(722)	0	0		
Maternity Leave Reserve	6a	66	10	(8)	68	68		
Smart House - Sale Proceeds	6a	155	0	(81)	74	74		
Museum - Asset Management	6a	94	0	0	94	94		
Tweed River Art Gallery Construction	6a	161	0	(161)	0	0		
Haulage Fees	6a	0	292	0	292	292		
Plant Operations	6a	0	807	0	807	807		
Total		14,528	13,314	(10,714)	17,128	17,128		
Total Restrictions		129,893	68,259	(59,362)	138,790	69,651	65,753	3,386



THOMAS NOBLE & RUSSELL
Chartered Accountants

Lismore, 20 October 2004

Mayor and Councillors
Council of Tweed Shire
Civic and Cultural Centre
MURWILLUMBAH NSW 2484

Dear Sir

We advise that we have completed our audit of the Council's general purpose and special purpose financial reports for the year ended 30 June 2004 under section 417 of the Local Government Act 1993.

In accordance with that section we now report on the conduct of the audit.

1. AUDITORS' RESPONSIBILITIES

In order that your Councillors may appreciate our responsibilities as auditors, we take this opportunity to briefly discuss the scope of our audit.

In accordance with our contractual arrangements with Council we have undertaken to perform an attest (risk based) audit. The definition of an attest audit is:

"the minimum audit work necessary to enable an opinion to be expressed as to whether the financial report is presented fairly in accordance with the requirements of the Local Government Act 1993, Australian Accounting Standards and Accounting Concepts so as to present a view which is consistent with an understanding of the Council's financial position, the results of its operations and its cash flows."

Forming an opinion

Our function as auditors is to examine the general purpose and special purpose (National Competition Policy) financial statements presented to us by the Council. Our audit responsibility does not extend to the original budget information included in the statement of financial performance, statement of cash flows, Note 2(a) and Note 16 budget variation explanations in the general purpose financial report and the best practice disclosures in Notes 2 & 3 to the special purpose financial report and accordingly, we do not express an opinion on such. As auditors of the Council we are not responsible for the preparation of the financial reports nor for the maintenance of proper and adequate accounting records and proper systems of internal control. These responsibilities, together with the requirement to present financial reports which give a true and fair view of the state of the Council's affairs and of its results are imposed on the Councillors by the Local Government Act and Regulations 1993.

As auditors of Council we are not required to:

- 1) Review and assess the adequacy of Council's:
 - a) management plans;
 - b) quarterly budget reviews;
 - c) insurance cover; and
 - d) infrastructure improvement / maintenance planning and monitoring.
- 2) Form an opinion on, or advise Council on the probity of its decisions, however we ensure that the financial effect of Councils decisions are adequately disclosed in the general purpose and special purpose financial reports in accordance with applicable Accounting Standards, Statements of Accounting Concepts and other mandatory professional requirements.

The responsibility of the abovementioned rests with Council.

2. FINANCIAL MANAGEMENT PRACTICES

In accordance with the requirements of the Local Government Act and Regulations Council must prepare detailed budgets for all operations. As part of the budgetary process Council is responsible for authorising all expenditures and variations to budget. Council's policy in general fund is to operate with a balanced budget.

The quarterly review of Council's budget progress is a very important process in ensuring that the financial targets established by Council are met. We are aware that management place a high level of importance in ensuring that budgets are complied with. To maintain Council's financial position there needs to be a continued level of accountability and responsibility by senior management.

All decisions of Council need to be made with appropriate consideration of their financial impact.

3. OPERATING RESULT

Council's surplus from all activities for 2004 totalled \$29,384,000. This compares to a surplus in 2003 of \$91,348,000. This result can be summarised as follows:-

	2004	2003	2002	2001	2000
	\$'000	\$'000	\$'000	\$'000	\$'000
Revenues from ordinary activities	79,969	72,347	69,207	64,889	61,123
Expenses from ordinary activities	(56,392)	(50,185)	(48,475)	(43,218)	(41,910)
Result from ordinary activities before depreciation	23,577	22,162	20,732	21,671	19,213
Less Depreciation	(21,279)	(19,977)	(18,106)	(17,753)	(17,173)
Result from ordinary activities before capital amounts	2,298	2,185	2,626	3,918	2,040
Capital grants and contributions	29,612	27,837	32,022	23,444	22,993
Gain / (loss) on disposal of assets	(2,526)	(1,470)	(2,764)	(3,908)	(2,938)
Significant items	0	62,796	(4,054)	0	(5,349)
Surplus from all activities	29,384	91,348	27,830	23,454	16,746

Variations to 2003 by Income / Expenditure

The result from ordinary activities before capital amounts, gain / (loss) on disposal of property, plant and equipment and significant items has increased from a surplus of \$2,185,000 for the 2003 year to a surplus of \$2,298,000 in the 2004 financial year. Some of the components contributing to the increase in the result from ordinary activities before capital amounts include:

Revenue

- i) *increased general rates income \$672,000*

Increase in accordance with the rate-pegged increment of 3.6%.

- ii) *increased sewerage annual charges income \$1,120,000*

Increase due to growth in the number of assessments and the charge increased from \$419 to \$430 (2.6%) per annum. Refer to section 3.5 for analysis of sewerage services.

- iii) *increased domestic waste management annual charges \$854,000*

Increase due to growth in the number of services and the charge increased from \$168.50 to \$173.50 (3.0%) per annum.

- iv) *increased interest income \$1,396,000*

Increase due to additional funds held for investment and an increase in interest rates over the year of approximately 0.5%.

- v) *increased fines income \$274,000*

Increase due to additional parking and development services fines.

Expenditure

- i) *increased employee costs \$2,502,000*

Salaries & wages and employee leave entitlements increased as a result of indexing to wage rates and employment of 51 (9.6%) full-time equivalent employees since June 2003.

- ii) *increased materials and contracts costs \$3,354,000*

Materials and contracts increased in line with general price rises and increased service levels.

- iii) *increased insurance expense \$448,000*

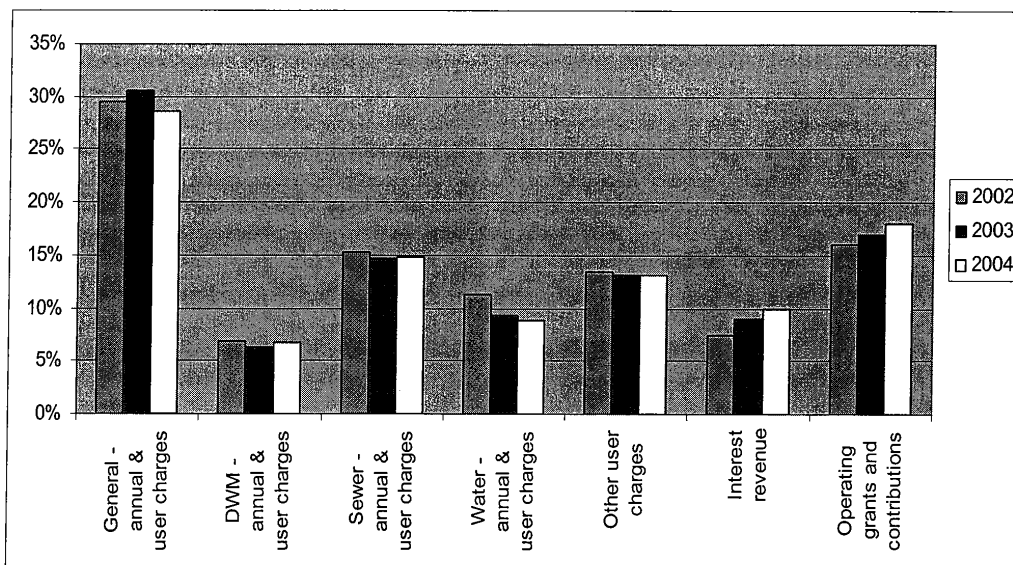
Increase due to higher premiums and a reduction of \$135,000 in the write-back of the State-wide Mutual Insurance provision for loss.

- iv) *increased operating lease rentals \$307,000*

Increase due to additional leasing of computer hardware in 2004.

3.1 COUNCIL REVENUE SOURCES

	2004	2003	2002
	\$'000	\$'000	\$'000
General - annual & user charges	22,847	22,252	20,380
DWM - annual & user charges	5,380	4,581	4,714
Sewer - annual & user charges	11,832	10,745	10,619
Water - annual & user charges	7,089	6,752	7,862
Sub - total	47,148	44,330	43,575
Other user charges	10,473	9,612	9,339
Interest revenue	7,971	6,575	5,199
Operating grants and contributions	14,377	12,393	11,094
Total ordinary income before profit on sale of non-current assets	<u>79,969</u>	<u>72,910</u>	<u>69,207</u>



Councils relative reliance on various income streams as detailed has remained steady over the last three years.

3.2. CAPITAL GRANTS AND CONTRIBUTIONS

Capital grants received during the period amount to \$2,325,000 and largely consisted of grants for bushfire control, Roads to Recovery, construction of the art gallery, cycleways / walkways, bus shelters, pedestrian facilities, the environment and grants from the Department of Energy, Utilities and Sustainability for sewerage augmentation.

Capital contributions received during the period amounted to \$27,287,000. This can be broken down as follows:-



	2004 \$'000	2003 \$'000	2002 \$'000
Non cash contributions from developers	12,493	11,473	17,494
Section 94 Contributions - cash	5,912	4,694	4,444
Section 64 Contributions - cash	7,927	6,402	7,950
RTA Contributions	388	425	279
Non cash dedication of Tweed Valley Way	0	61,726	0
Other contributions	567	1,509	222
TOTAL	27,287	86,229	30,389

At 30 June, 2004 Council had \$17,691,000 held as a restricted asset for S94 contributions. S64 receipts are treated as a recoupment of infrastructure constructed in prior years and accordingly there are no unexpended S64 contributions. Council places all such receipts into internal reserves. Unexpended S94 contributions comprised:

	2004 \$'000	2003 \$'000	2002 \$'000
Open Space	5,020	4,031	3,425
Community Facilities	3,153	2,816	2,230
Car Parking	1,048	907	885
Street Trees	74	53	36
Roads	6,658	7,732	5,444
Traffic Facilities	136	129	120
Bridges	0	(242)	353
Footpaths / Cycleways	288	229	127
Drainage	502	468	442
Other	812	547	291
Restricted Assets	17,691	16,670	13,353

3.3 GAIN / (LOSS) ON SALE OF ASSETS

Council's loss on sale of assets comprise the following items.

	2004 \$'000	2003 \$'000	2002 \$'000
Profit on sale of real estate assets held for resale	0	350	204
Profit on sale of plant and equipment	253	64	(144)
Loss on disposal of roads infrastructure	(1,182)	(371)	(2,379)
Loss on disposal of water and sewer infrastructure	(1,562)	(1,413)	(445)
Loss on sale of property	(35)	(100)	(4,027)
Total	(2,526)	(1,470)	(6,791)

3.4 WATER SUPPLIES

The result for the year ended 30th June 2004 can be effectively broken down as follows:

(i) Operating Result

Water supply activities can be summarised as follows:-

	Original Budget 2004 \$'000	Actual 2004 \$'000	Variance 2004 \$'000	Actual 2003 \$'000	Actual 2002 \$'000
Rates and service availability charges	2,773	2,644	(129)	2,681	5,451
User charges	5,074	4,643	(431)	4,161	2,737
Interest	1,948	2,482	534	2,126	1,947
Other	408	704	296	662	571
Grants – PWD	0	0	0	0	0
- Other	366	402	36	287	357
Capital Contributions	3,590	5,529	1,939	4,524	6,045
Total Revenue	14,159	16,404	2,245	14,441	17,108
Management Expenses	3,281	3,016	265	2,297	1,944
Operating Costs	3,116	2,960	156	3,175	2,976
Other	202	293	(91)	286	232
Depreciation	3,000	3,072	(72)	2,970	2,935
Loss/(Gain) on Disposal of Assets	0	1,236	(1,236)	871	391
Interest	39	31	8	66	95
Total Expenses	9,638	10,608	(970)	9,665	8,573
Operating Result	4,521	5,796	1,275	4,776	8,535

Results presented prior to internal elimination entries.

(ii) Key Indicators

	2004	2003	2002
Average rate / service availability charge per assessment	\$82	\$94	\$191
Management & Operating costs per assessment	\$203	\$191	\$173

(iii) Explanations for Significant Variances to Original Budget

Revenue

Interest income exceeded budget as a result of higher interest rates combined with additional funds being available for investment. Other income exceeded budget largely as a result of water connection fees which exceeded budget expectations by approximately \$230,000. Developer Contributions are difficult to budget for.

Expenditure

Council does not budget for loss on disposal of infrastructure.

3.5 SEWERAGE SERVICES

The result for the year ended 30th June 2004 can be effectively broken down as follows:

(i) Operating Result

Sewerage services activities can be summarised as follows:-

	Original Budget 2004 \$'000	Actual 2004 \$'000	Variance 2004 \$'000	Actual 2003 \$'000	Actual 2002 \$'000
Rates and service availability charges	11,012	11,136	124	10,335	10,044
User charges	1,090	1,056	(34)	768	1,066
Interest	1,853	2,559	706	1,901	1,814
Other	14	38	24	79	35
Grants – PWD	722	311	(411)	1,585	340
- Other	365	365	0	350	356
Capital Contributions	6,900	6,289	(611)	5,649	8,236
Total Revenue	21,956	21,754	(202)	20,667	21,891
Management Expenses	2,952	2,469	483	2,204	1,833
Operating Costs	4,896	4,795	101	3,988	4,042
Other	270	283	(13)	294	311
Depreciation	3,555	3,604	(49)	3,517	3,486
Loss/(Gain) on Disposal of Assets	0	397	(397)	556	52
Interest	784	724	60	830	896
Total Expenses	12,457	12,272	185	11,389	10,620
Operating Result	9,499	9,482	(17)	9,278	11,271

Results presented prior to internal elimination entries.

(ii) Key Indicators

	2004	2003	2002
Average rate / service availability charge per assessment	\$403	\$397	\$390
Management & Operating costs per assessment	\$263	\$236	\$230

(iii) Explanations for Significant Variances to Original Budget

Revenues

Interest income exceeded budget as a result of higher interest rates combined with additional funds being available for investment. Revenue from PWD grants is lower than original budget as a result of capital projects not proceeding. Developer Contributions are difficult to budget for.

Expenditure

Management expenses differed to budget largely as a result of contributions to salaries of approximately \$130,000, sewerage services salaries being contracted to general fund for approximately \$150,000 and consultancy fees being approximately \$130,000 less than expected. Council does not budget for loss on disposal of infrastructure.

3.6 NATIONAL COMPETITION POLICY REPORTING REQUIREMENTS

Under the National Competition guidelines Council is required to apply taxation equivalent principles to each business similar to those that would apply if they were operating in the commercial sector. Council declared business activities have been reported with operating details and assets disclosed on a gross basis in Council's special purpose financial report. Each activity has a required rate of return on its activities that is calculated as the operating result plus interest expense divided by the written down value of property, plant & equipment. Where the return on investment is below the required rate of return, the difference is disclosed as a subsidy. Dividends represent funds used from the relevant business activity for other functions of Council.

A summary of the financial performance of Council's declared business activities is :

Activity/Year	Revenue from Ordinary Activities \$'000	Expenses from Ordinary Activities \$'000	Result prior to capital amounts \$'000	Return on capital %	Subsidy \$'000	Dividends Paid \$'000
2004						
Water	10,904	10,664	240	0.2	-	89
Sewer	15,172	12,327	2,845	2.4	-	63
Holiday Parks Commercial	4,540	3,148	1,392	10.7	580	816*
Waste	1,348	778	570	60.6	-	-
2003						
Water	9,897	9,748	149	0.2	-	-
Sewer	13,339	11,401	1,938	1.9	-	-
Holiday Parks Commercial	4,014	2,769	1,245	9.7	685	793*
Waste	1,431	682	749	95.2	-	-

* Represents a contribution toward maintenance of Crown land managed by Council.

Commencing in the 2004 year, Council is permitted to pay an annual dividend from its water supply or sewerage business surplus. The dividend, calculated and approved in accordance with the Best Practice Management Guidelines, must not exceed 50% of this surplus in any one year, or the number of water supply or sewerage assessments at 30 June 2004 multiplied by \$30 (less the payment for tax equivalent charges, not exceeding \$3 per assessment).

In accordance with the guidelines for Best Practice Management of Water Supply and Sewerage, a Dividend Payment form, Statement of Compliance, unqualified independent Financial and Compliance Audit Reports must be submitted to the Department of Energy, Utilities and Sustainability for approval before a dividend from the surplus is paid.

During the 2004 financial year the Department of Energy, Utilities and Sustainability directed all Councils to declare and pay a dividend representing taxation equivalents calculated under National Competition Policy guidelines.

An unqualified audit report was issued for Council's special purpose financial report for the year ended 30 June 2004.



4. STATEMENT OF FINANCIAL POSITION

4.1 NET CURRENT ASSETS

4.1.1 CASH AND INVESTMENTS

Council has net current assets of \$64,591,000 as at 30 June 2004. Net current assets however contains \$52,523,000 of externally restricted cash in the form of special purpose grants, security deposits, developers contributions and restricted water, sewer, domestic waste management and Crown Reserve Caravan Park funds. Also included in Council's net current assets is \$3,595,000 of externally restricted receivables and other current assets relating to water, sewerage and domestic waste management activities.

In addition, Council has allocated \$17,128,000 to internally restricted cash to fund long term commitments.

After funding internal and external restrictions Council has unrestricted cash of \$2,200,000.

4.2 NON-CURRENT ASSETS AND LIABILITIES

Council has a net non-current asset position of \$819,206,000 which consists largely of externally restricted investments not budgeted for expenditure in 2005, property, plant and equipment, water, sewer and drainage infrastructure, Council controlled road infrastructure, loans, and provisions for employee entitlements.

4.2.1 PROPERTY, PLANT AND EQUIPMENT

During the year Council capitalised the following property, plant and equipment:

	2004	2003	2002
	\$'000	\$'000	\$'000
<i>Non-cash Developer Contributions</i>			
Open Space	296	658	1,852
Roads and Drainage Network	8,293	6,839	9,310
Water Supply Network	1,089	1,012	1,484
Sewerage Network	2,815	2,759	4,848
Land and Buildings	0	205	0
<i>Non-cash Grants/contributions</i>			
Bush Fire	207	210	175
PWD - Sewer	312	2,580	340
RTA - Tweed Valley Way	0	61,726	0



	2004	2003	2002
	\$'000	\$'000	\$'000
<i>Council Constructed / Purchased Assets</i>			
Land and Buildings	5,051	2,002	1,875
Plant and Equipment	5,149	2,427	2,518
Roads and Drainage	15,198	10,543	8,085
Water Supply Network	9,707	6,752	4,360
Sewerage Network	5,056	3,161	2,273
Other Structures	38	45	274
	<u>53,211</u>	<u>100,919</u>	<u>37,394</u>

The major elements of Council's constructed / purchased assets for the 2004 financial year were:

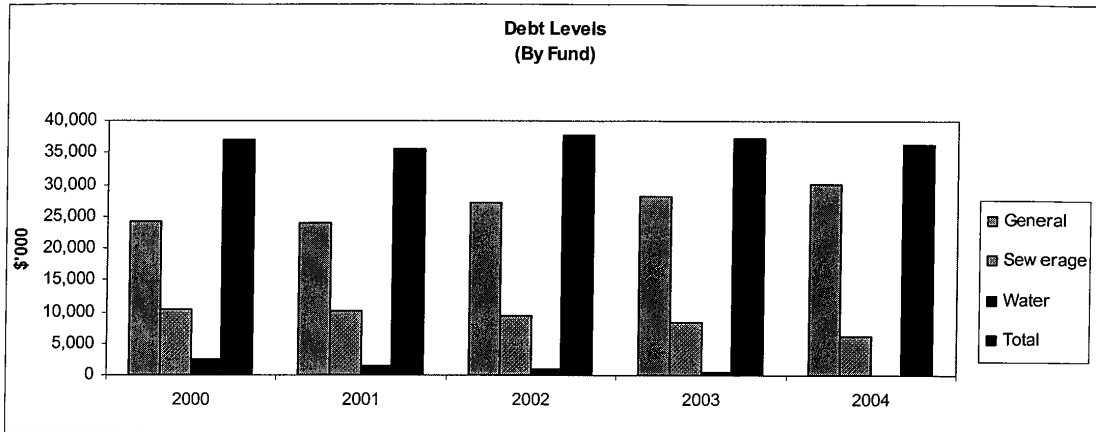
	\$'000
Local Roads Construction	8,543
Crabbes Creek Bridge Construction	1,265
Byangum Bridge Construction	1,667
Minjungbal Drive Stormwater Works	819
Sewerage Treatment Works	2,844
Sewer Rising Mains	1,091
Water Reticulation	4,841
Water Pumping Stations	1,004
Water Reservoirs	2,429
Tweed Regional Art Gallery	2,698
Bilambil Reservoir Land	551

4.2.2 INFRASTRUCTURE PLANNING

As at 30 June 2004 Council has estimated that it would cost approximately \$103,220,000 to rehabilitate its infrastructure assets and buildings to a "satisfactory standard". The majority of this cost relates to Council's roads infrastructure (\$96,320,000). Estimated annual costs to maintain infrastructure at this "satisfactory standard" is \$24,279,000. Council currently spends \$20,932,000 per annum on maintaining its infrastructure assets. These figures have been assessed by Council staff and are unaudited.

Asset management is an important part of Council's operations. Council's infrastructure assets represent the largest item on Council's balance sheet and in most cases, the depreciation expense attaching to Council's assets represents Council's largest expense item in the statement of financial performance. In addition to annual reassessment of the useful life of major infrastructure assets, Council's management is currently considering other asset management issues such as regular revaluations and better financial planning based on an improved understanding of the cost of maintaining each asset throughout its useful life.

4.2.3 LOANS LIABILITY



Council's overall debt position has decreased during the last twelve months by \$993,000 with external borrowings for General Fund increasing by \$1,991,000. During the financial year General Fund borrowed \$4,852,000 to fund the following projects:

	\$'000
Roads and Drainage	2,100
Bridges	1,000
Tweed Coast Holiday Parks	590
SES Depot	495
Respite Centre	495
Public Toilets	100
Boat Ramps	40
Air Fields	20
Sale Yards	12



5. PERFORMANCE INDICATORS

Council's performance can be measured using selected indicators. We provide an analysis of key performance indicators as disclosed at Note 13 to the general purpose financial report.

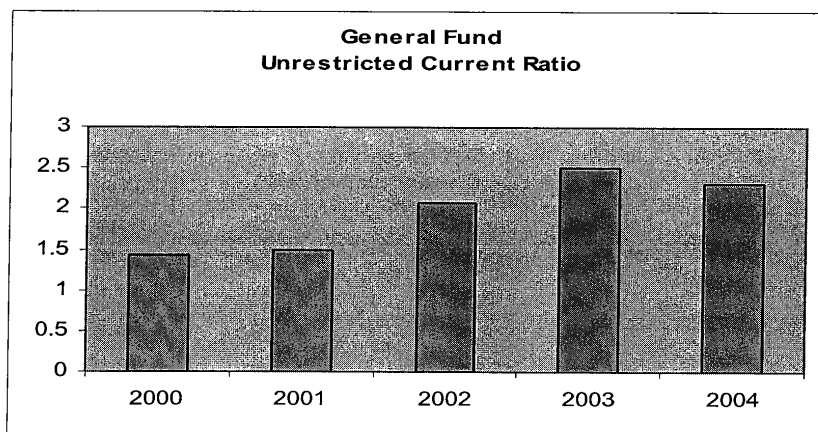
Unrestricted Current Ratio

The unrestricted current ratio represents Council's capacity to meet its commitments from current assets net of externally restricted cash, investments and receivables.

Factors influencing Council's unrestricted current assets ratio include:

- planning and budgetary controls
- cash management and the timing of cash flows
- the level of internally restricted assets
- credit management policies and economic circumstances

General Fund Unrestricted Current Ratio



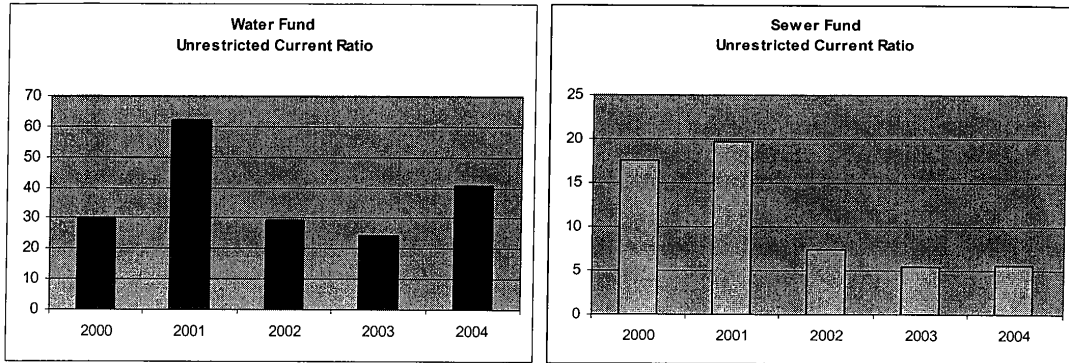
Council's general fund unrestricted current ratio remains at an acceptable level of 2.31 as at 30 June 2004. The above graph highlights the positive trending of the general fund unrestricted current ratio and illustrates Council's sound short-term financial position.

General Fund Long-Term Objectives

It is important to note that the unrestricted current ratio does not reflect Council's capacity to fund long term infrastructure needs nor the state of the infrastructure itself. Council needs to assess its infrastructure requirements and develop strategies to ensure the long-term viability (ability to provide services) of its assets. (Refer to 4.2.2 for further discussion)

Sewer and Water Fund Unrestricted Current Ratio

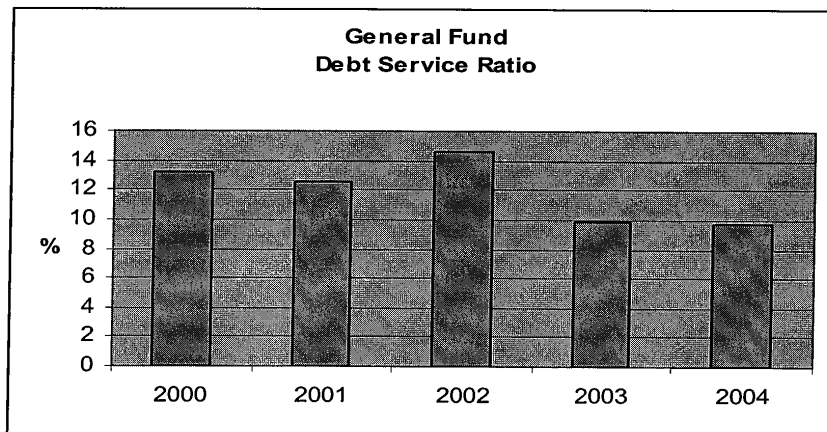
The unrestricted current ratio for water and sewer activities may fluctuate significantly. Yearly fluctuations may result from the build up of internal reserves and the impact of lower debt levels and will continue to fluctuate in the future as further funds are collected and expended on infrastructure improvements.



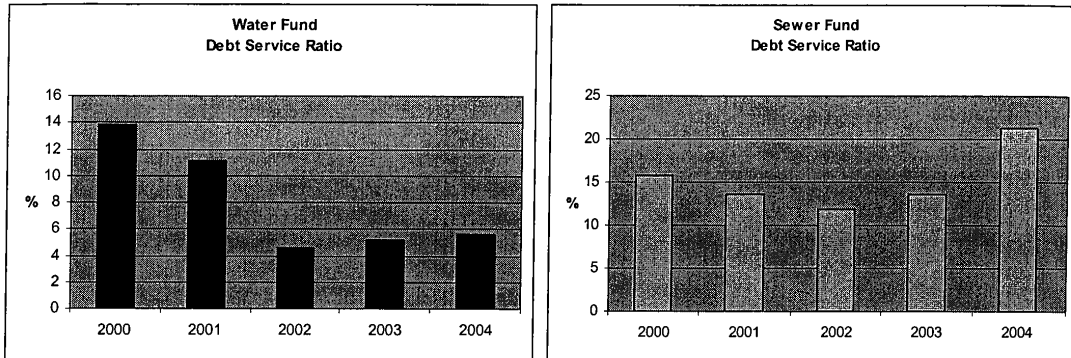
Debt Service Ratio

This indicator assesses the degree to which revenues from ordinary activities are committed to the repayment of debt. Factors influencing a council’s debt service ratio include:

- the rate of new development in the shire
- Council’s debt policy
- interest rate movements and loan terms
- capital investment strategies and capital contributions policies
- the level of cash reserves available to reduce the level of borrowings
- the state of Council’s infrastructure / age of assets.



Council's general fund debt service ratio has remained relatively static reducing from 9.87% in 2003 to 9.67% in 2004. This reduction is a function of Council maintaining approximately the same debt service commitments whilst revenue levels continue to increase. The above graph illustrates Council's management of debt service levels over the past five years.

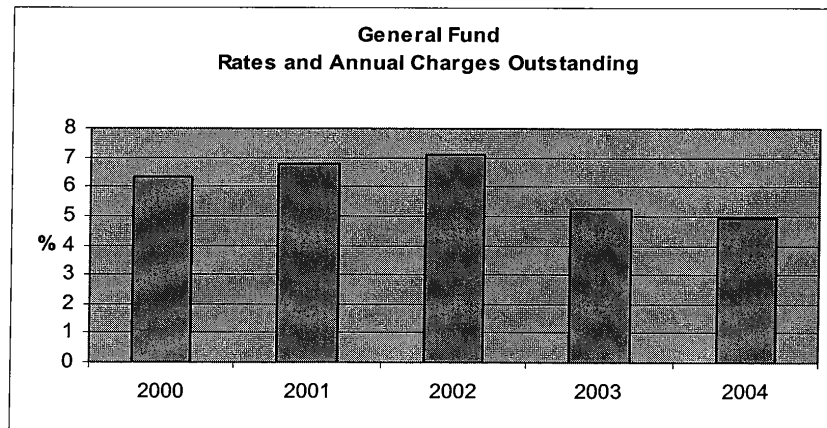


The above graphs illustrate the periodic borrowings to fund Council's capital works programmes for water and sewer funds. Sewer fund debt service ratio for 2004 has increased due to early retirement of \$1,798,000 of loans during the year.

Rates and Annual Charges Outstanding Percentage

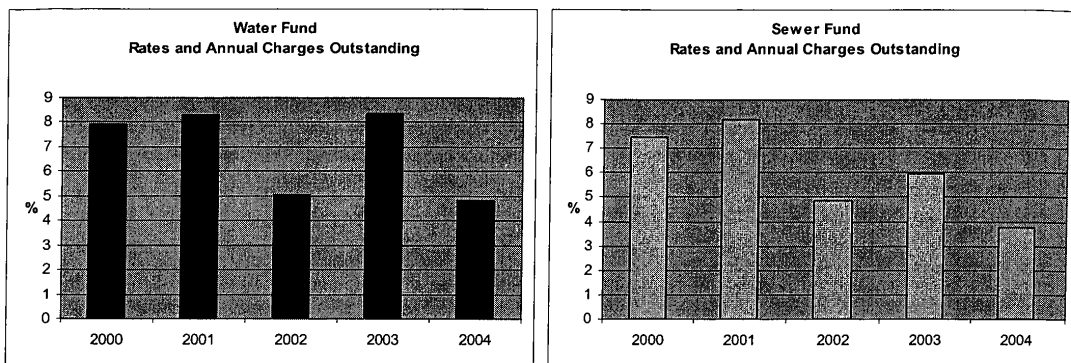
This indicator assesses the effectiveness of Council's revenue collection. Factors influencing Council's rates and annual charges outstanding ratio include:

- Council's rating policy
- credit management policies
- the socioeconomic characteristics of the area
- environmental factors influencing ratepayers ability to satisfy their obligations.



Council's general fund rates and annual charges outstanding percentage has decreased from 5.23% in 2003 to 4.94% in 2004. This ratio level illustrates sound debt collection management and is at the lower end of industry statistics for rates and annual charges outstanding.





The above graphs illustrate the rates and annual charges outstanding ratio for water and sewer funds and reflect sound debt collection management practices.

6. OTHER MATTERS

6.1 GOVERNANCE BEST PRACTICE

Recently Local Government Managers Australia and the New South Wales Independent Commission Against Corruption (ICAC) released a document titled "Governance Health Check" providing guidance on best practice for governance. This document allows each Council to self assess their level of compliance with good governance principles with a view to achieving standards of best practice.

Our knowledge of the local government sector has identified that most council's may need to assess the status of material governance issues such as risk management, internal audit, audit committees and review major governance policies and procedures such as the code of conduct, conflicts of interest and gifts and benefits. Tweed Shire Council management has been pro-active in this regard and is continuing to implement best practice governance.

6.2 INTERNAL CONTROL ENVIRONMENT

We have previously forwarded a report to the General Manager commenting on Council's systems of internal control and management procedures. No significant breakdowns of internal control were encountered during the course of our audit nor did we become aware of the existence of items comprising material error, sufficient to cause us to issue a qualified audit opinion.



Subject to the foregoing comments the books of account and records of the Council were maintained in good order and condition and the information and explanations required during the course of our work were readily supplied by the General Manager and his staff.

Yours faithfully
THOMAS NOBLE & RUSSELL
Per:

.....
K R FRANEY (Partner)
Registered Company Auditor

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6 [OGM] Corporate Quarterly Report - July to September 2004

ORIGIN:

Corporate Performance

SUMMARY OF REPORT:

The Corporate Quarterly Report for the period 1 July to 30 September 2004 is presented for Council's information.

RECOMMENDATION:

That this report be:

1. Received and noted.
2. Placed in the Tweed Heads, Kingscliff and Murwillumbah libraries for public information.

REPORT:

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 2004-2008 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 - 1 JULY TO 30 SEPTEMBER 2004

The following report details the progress for the period July to September on activities identified to be undertaken during 2004-2005 in the 2004-2008 Management Plan. These actions assist Council to work towards its vision of "a premier area in which to live, work and visit".

Activity 1 - Recreation Services

Objective:

To provide high quality open space and a range of recreation facilities, which meet the needs and expectations of the community in a safe, cost effective and efficient manner.

The following table specifically identifies key milestones to implement the above priorities identified for 2004/2005.

Progress towards Actions.

2004 / 2005 Projects and Initiatives	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Ensure adequate provision of resources to maintain open space in major urban release areas; Salt, Koala Beach, Casuarina, Black Rocks, & Seabreeze.	Provision of resources to achieve required work outputs.	June 2005	Currently working within budget funding allocation.			
Commence planning and construction of sports facilities at Kingscliff sports fields	Completed by due date	June 2005	Planning in progress. Consultation with user clubs underway.			
Upgrade power supply Cabarita Sports Fields	Construction completed in accordance with the program schedule	June 2005	No action to date. Currently waiting on electrician availability.			
Manage construction of sports fields and associated amenities at Seabreeze	Construction completed in accordance with the program schedule	June 2005	Construction underway and nearing completion. Negotiations currently underway with developers to complete the project.			
Establish recreation facilities West Murwillumbah	Provision of resources to achieve required work outputs	June 2005	Awaiting appointment of landscape architect.			
Continue implementation of Tweed Coast Bitou Strategy	Provision of resources to achieve required work outputs	June 2005	Ongoing implementation of Bitou Bush strategy.			
Responsible Division/Unit						
Recreation Services						

Activity 2 - Health & Community Services

Objective:

To identify community needs and increase well-being of members of the community.

Progress to Actions

2004 / 2005 Projects and Initiatives	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Document New Garbage Contract / Joint Disposal Initiative with Gold Coast City Council	Documentation completed and contract signed.	Nov 2004	Negotiations nearing completion.			
Design and preliminary plan New SES / Murwillumbah Rural Fire Service Headquarters	Provisions of resources to achieve required work outputs.	June 2005	DA approved. Purchase of site finalised.			
Build Murwillumbah civic centre office extension	Construction completed in accordance with program schedule.	June 2005	Construction program delayed by 3 months.			
Finalise concept/design plan Murwillumbah Pool and adjacent multi-level car park. Design Murwillumbah pool and adjacent multi-level car park	Provision of resources to achieve required work outputs.	June 2005	Concept design finalised. Council workshop 22 September 2004.			
Construct Banora Point Community Centre	Construction completed in accordance with program schedule.	Dec 2004	Building works commenced			
Preliminary plan Murwillumbah Community Centre	Provisions of resources to achieve required work outputs.	June 2005	Concept planning commenced			
Commence redevelopment of Murwillumbah / Tweed Heads Museums	Provision of resources to achieve required work outputs.	Dec 2004	Memo of Understanding 'MOU'. Adopted by Council. Official signing 20 September 2004.			
Implement the 5 th City of the Arts	Completed by target date.	June 2005	Seven Community Cultural Development Projects are currently underway.			
Upgrade Public Toilets	Construction completed in accordance with program schedule.	June 2005	Report being prepared for Council.			

2004 / 2005 Projects and Initiatives	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Implement Libraries Strategy	Meet or exceed the target set out in Libraries Strategy.	2 books per resident.	Book stock increasing.			
Develop Heritage Package	Provisions of resources to achieve required work outputs	June 2005	First stage of Community Heritage study completed. First stage to be exhibited along with the Community Heritage Package			
Social Planning including, Employ Youth and Aboriginal Workers	Provisions of resources to achieve required work outputs	June 2005	Brief deferred as monetary resources for the project need to be finalised before work may commence.			
Responsible Division/Unit						
Environment & Health Strategic Planning.						

Activity 3- Economic Development

Objective:

To encourage 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 to Actions

2004 / 2005 Projects and Initiatives	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Manage TEDC Contract Deliverables Quarterly	Percentage of contracted objectives completed to Councils satisfaction	100%	Performance objectives are being monitored to achieve target.			
Manage TACTIC Contract Deliverables Quarterly	Percentage of contracted objectives completed to Councils satisfaction	100%	Performance objectives are being monitored to achieve target.			
Tourism Industry Development Strategy	Provision of resources to achieve required work outputs	June 2005	Brief finalised with TATIC and TEDC.			
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%	Project commenced and running to schedule. The project is 25% completed at the end of the first quarter.			
Develop and Implement Economic Development Strategy	Provision of resources to achieve required work outputs	June 2005	Draft Economic Development Strategy prepared. Response from TEDC required before future work may commence.			
Complete Retail Development Strategy	Provision of resources to achieve required work outputs	June 2005	Brief extended. Resources for project need to be finalised before work may commence			
Responsible Division/Unit						
Office of the General Manager Business Undertakings Strategic Planning.						

Activity 4 - Natural and Built Environment

Objective:

Conserve the unique biodiversity and scenic quality whilst ensuring sustainable quality development

Progress to Actions:

2004 / 2005 Projects and Initiatives	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Review application processing eg. Application forms, engineering input, response to legislation amendments.	Ongoing review of individual tasks	Mid 2005	Review has commenced and is ongoing			
Review area teams terms of reference	Ongoing review of individual tasks	Mid 2005	Not commenced. Expected to commence in 2 nd quarter.			
Review Development Assessment Panel terms of reference	Ongoing review of individual tasks	Mid 2005	Not commenced. Expected to commence in 2 nd quarter			
Review of DA delegations	Ongoing review of individual tasks	Mid 2005	Review has commenced and will be ongoing.			
Review Internal Service Level Protocols	Ongoing review of individual tasks	Mid 2005	Not commenced as yet.			
Implement and adopt Tweed Local Environmental Plan Review Program	Percentage of LEP amendments completed within 18 months form Council section 54 resolution	100%	Ongoing implementation and review of the local environmental plan.			
Complete Kingscliff Local Plan	Provision of resources to achieve required work outputs	June 2005	Draft plan will be completed by November.			
Develop Rural Villages Development Strategy	Provision of resources to achieve required work outputs.	June 2005	No work undertaken at this point.			

Develop Residential Development Strategy	Provision of resources to achieve required work outputs.	June 2005	No work undertaken at this point.			
Develop Uki Development Control Plan	Provision of resources to achieve required work outputs.	June 2005	Work has commenced on development control plan. Consultants have been engaged.			
Construct flood mitigation systems	Provision of resources to achieve required work outputs.	June 2005	Not yet received advice from NSW Government in relation to grant monies for project.			
Rehabilitation of Fingal wetlands	Construction completed in accordance with Program schedule	June 2005	Work has commenced on site. 50% completed.			
Construct 18-berth marina at Southern Boatharbour	Construction completed in accordance with Program schedule.	June 2005	Contracts for land based activities and marina have been awarded. Construction to commence in 2 nd quarter.			
Construct new boat ramps	Construction completed in accordance with Program schedule.	June 2005	Work has commenced on Dry Dock and Chinderah boat ramps.			
Commence implementation of Coastline Management Plan	Provision of resources to achieve required work outputs.	June 2005	Final draft is on exhibition for public comment.			
Responsible Division/Unit						
Development Assessment Strategic Planning Water						

Activity 5- Infrastructure Planning

Objective:

To prepare strategic Plans, specifications and public polices 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 of long-term financing of key infrastructure with the release of land for urban development.

Progress towards Actions:

2004 / 2005 Projects and Initiatives	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Amend DCP5	Adopted by Council	July 2004	Council resolved (15/09/04) to defer decision on amended DCP5 until delivery of the consultant's Flood Study.			
Full review Tweed Road Contribution Plan	Adopted by Council	Feb 2005	Review of works program estimates 50% complete.			
Prepare Flood Plain Risk Management Plan	Draft adoption by Council	July 2005	Awaiting on completion of flood study by consultants			
Review Tweed Development Program	Adoption by Council	June 2005	No action to date.			
Responsible Division/Unit						
Infrastructure Planning						

Activity 6 - Roads and Transport

Objective:

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

Progress towards Actions

2004 / 2005 Projects and Initiatives	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Urban Works Program	Percentage completed.	June 2005	Commencement of work at Myrtle St. Work 5% completed.			
Complete construction of Piggabeen Road deviation	Construction completed in accordance with Program schedule.	June 2005	Clearing completed. GEOTEchnical work consultants approved.			
Complete construction of Hastings Street, Cabarita carpark	Construction completed in accordance with Program schedule.	June 2005	No work commenced at this date.			
Drainage Program	Percentage completed.	June 2005	Design work commenced on 50% of projects.			
Roads to Recovery Program	Percentage completed.	June 2005	100% work completed at Smarts Road.			
Federal Assistance Grant (FAG) Program	Percentage completed.	June 2005	Byangum bridge approaches 50% completed.			
Bridge Program. Complete construction of Byangum Bridge	Percentage completed	June 2005	Byangum bridge expected to be completed by June 2005			
Upgrade of Tweed Depot	Construction completed in accordance with Program schedule	June 2005	50% of design work completed at this point.			
Responsible Division/Unit						
Design Works						

Activity 7 - Water and Sewerage

Objective

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

Progress towards Actions:

2004 / 2005 Projects and Initiatives	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Award contract for the construction of Kingscliff Sewerage Treatment Plant (\$20M)	Provision of resources to achieve work outputs.	June 2005	Construction awarded for detailed design (\$800,000).			
Award contract for the construction of Bray Park Water Treatment Plant (\$30M)	Provision of resources to achieve work outputs.	June 2005	Tender assessment complete for supply of membranes (\$6M).			
Manage construction of Duranbah Water reservoir	Provision of resources to achieve work outputs.	June 2005	Concept design has commenced.			
Manage construction of major water distribution mains	Provision of resources to achieve work outputs.	June 2005	Coast Road trunk main complete, except for Cudgera Creek crossing.			
Finalise design of Clarrie Hall Dam spillway upgrade	Provision of resources to achieve work outputs.	June 2005	Investigation commenced for revised 'pmf'. (Probable max flood)			
Manage upgrades at sewerage treatment plants	Provision of resources to achieve work outputs.	June 2005	Hastings Point sewerage treatment plant 80% completed.			
Implementation of a sewerage and trade waste charging policy	Provision of resources to achieve work outputs.	Feb 2005	Not commenced.			
Supporting Plans and Strategies						
Design Water						

Activity 8 - Corporate Governance

Objective

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

Progress towards Actions:

2004 / 2005 Projects and Initiatives	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Implementation of international financial reporting standards	Requirements completed in accordance with program.	June 2005	Declaration incorporated into 30 June 2004 Financial statements, Note 1, No 17 as required by the AASB 1047 requirement. Conversion of last year accounts into IFRS format to be conducted in November.			
Review Long-term Financial Plan	Provision of resources to achieve required work outputs.	June 2005	Auditors expected to complete last financial year accounts mid Sept. Review of long-term financial plan to expected to commence in 2 nd quarter.			
Ensure compliance with Local Government Financial Management Regulation in relation to payroll, costing, taxation, accounts payable and receivable practices	100% compliance.	June 2005	Ongoing compliance required. Auditors conduct compliance checks on a regular basis.			
Ensure compliance with Local Government Financial Management Regulation in relation to receipting, banking and cash control	100% compliance.	June 2005	Ongoing compliance required. Auditors conduct compliance checks on a regular basis.			
Establish RTO registered training status for Tweed Shire Council	Completed by due date.	June 2005	In progress. Application to be conducted by end of current quarter.			

2004 / 2005 Projects and Initiatives	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Human Resource Policy Review	Completed by due date.	Dec 2004	Policy review deferred. Human Resource Systems Review has taken priority. Will need to extend target for completion of HR Policy Review.			
Improve Councils OHS Performance	Measure of OHS Risk Audit Results.	80%	Commenced around 60% completed.			
Reduce Number of Workers Compensation claims	Reduce number of claims by 5% (73)	69 claims	Claims for 1 st quarter are 16. On Target.			
Implement Freedom of Information Act & Privacy & Personal Protection Act	Number of complaints regarding personal details given out by Council.	Zero	Ongoing.			
Implement Strategic Asset and Risk Management Program	Reduce the number of Public Liability Claims by 100%	Zero	Partly implemented, progressing slowly.			
Establish centralised Records Management facility	Concept plans completed.	70 by December 2004	Awaiting lodgement of DA.			
State Records Act (1998) compliance	Requirements assessment completed.	Full compliance by 1/1/06	Commenced and on target.			
Rationalisation of GIS	Rationalise number of GIS currently supported and identify single offering that can provide suitable functionality.	December 2004	Investigations currently been undertaken. Target date will need to be extended.			
Implement Audit Plan for review of Council's activities - compliance and financial	Complete Audits.	15 by June 2005	4 audits completed.			
Undertake a review of Council Polices	Percentage complete.	75% by June 2005	Code of conduct completed. Code of Meeting Practice completed.			

2004 / 2005 Projects and Initiatives	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Develop a Performance Database reporting system using performance indicators for all Council activities	Percentage complete.	40% by June 2005	Development of database in progress. 5% completed.			
Responsible Division/Unit						
Office of the General Manager Business Undertakings Administration Services Occupational Health & Safety Human Resources Financial Services Information Technology Services						

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

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7 [OGM] Monthly Investment Report for Period Ending 30 September 2004

ORIGIN:

Financial Services

SUMMARY OF REPORT:

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

RECOMMENDATION:

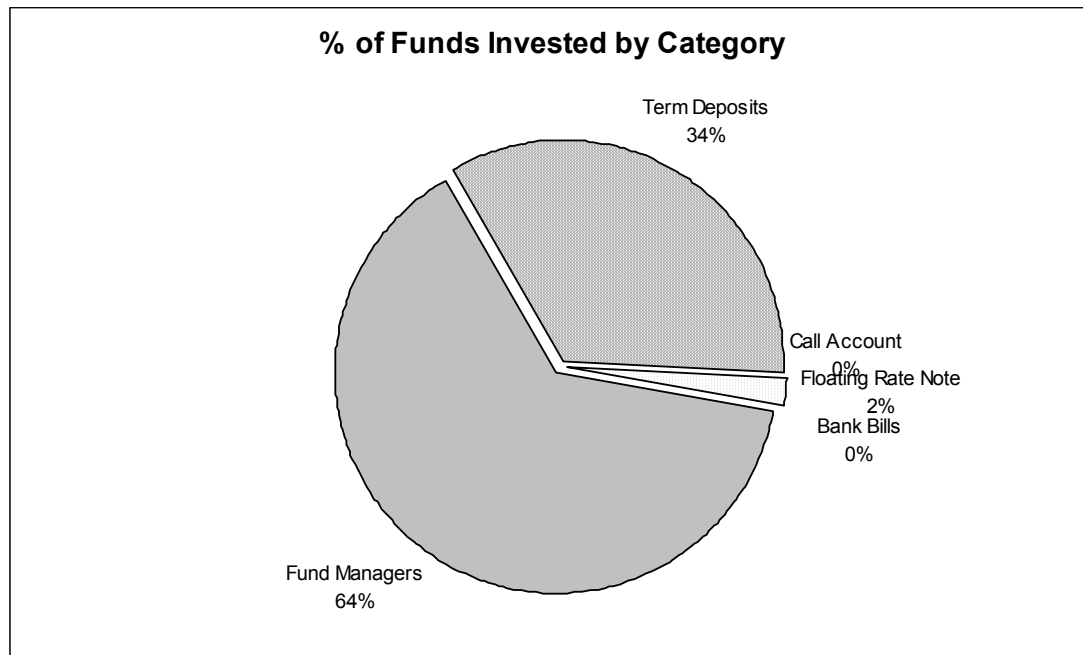
That this report be received and noted.

REPORT:

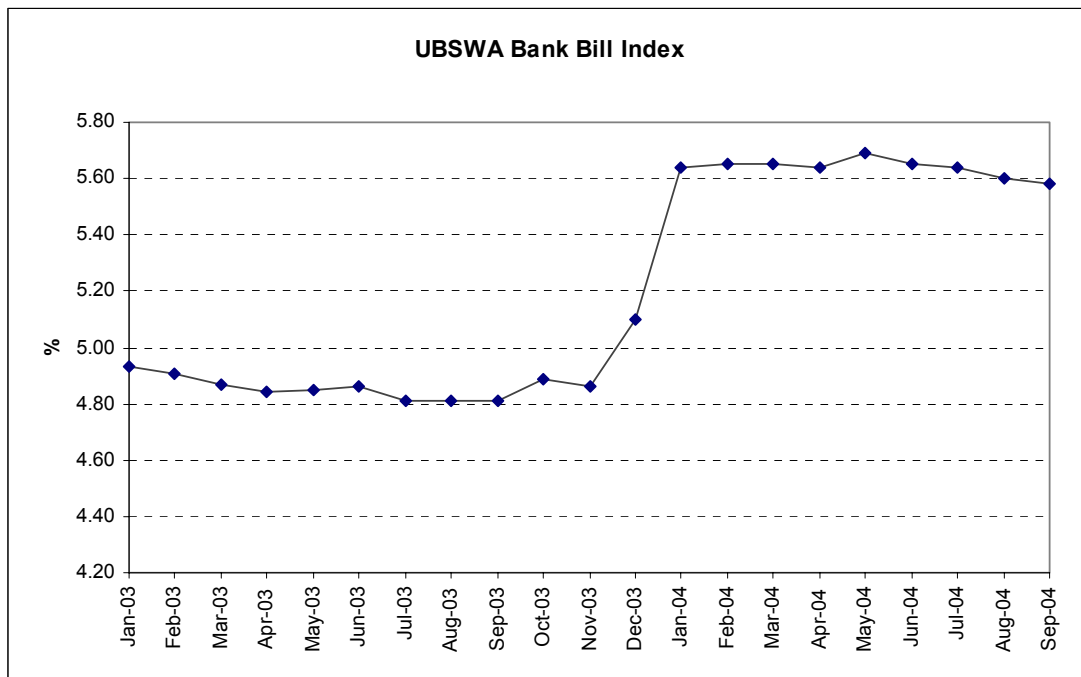
Report for Period Ending 30 September 2004

The "Chief Financial Officer" being the responsible accounting officer must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with the Local Government Act (1993), the Regulations and Council policies.

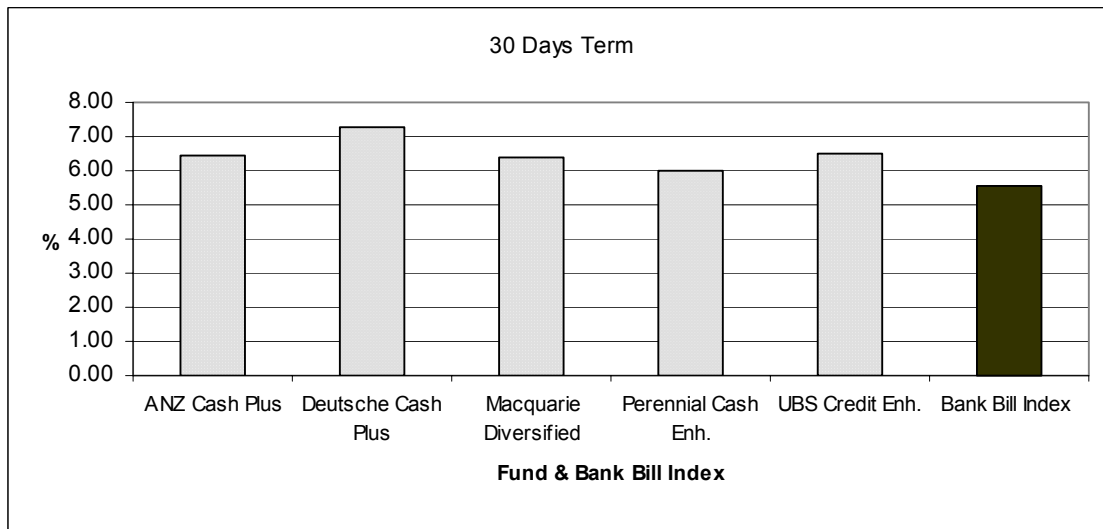
1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



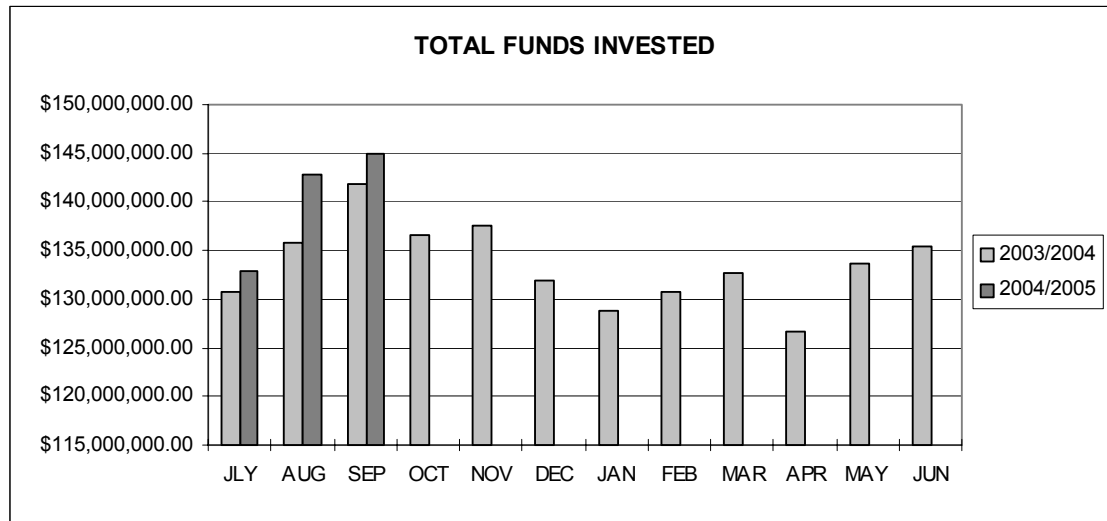
2. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)



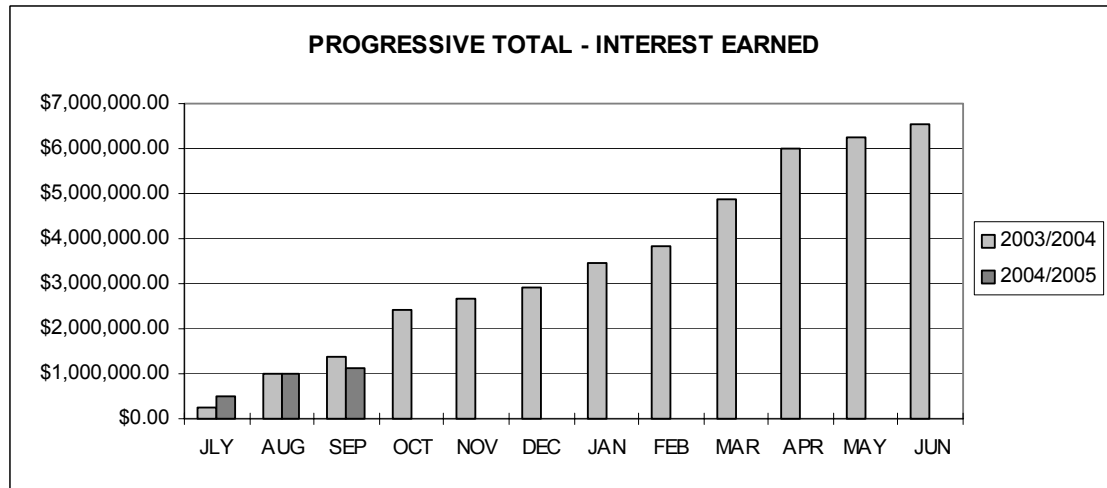
3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS - NET OF FEES



4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



6. MARKET COMMENTARY

Domestic Market

Australia's economy has continued to expand, bringing with it conducive conditions for corporate profitability and jobs growth. The financial reporting season has been very strong and the sharemarket has responded with record highs. The latest Consensus Economics forecasts indicate growth in the corporate sector of around 11% for calendar year 2004 and 6% growth in 2005.

According to the Reserve Bank of Australia's September Financial Stability Review, the turnaround in the housing market and a reduction in household credit growth, are welcome developments. Importantly, the slowdown has occurred at a controlled pace that is unlikely to have an immediate and adverse effect on consumer spending. The Reserve Bank has been watching this closely as there remains the risk that if house prices fall sharply or economic conditions deteriorate, credit growth would fall suddenly, leading to unusually weak consumption.

The International Monetary Fund (IMF) predicts Australian economic growth will average 3.6% this year, falling to 3.4% in 2005. This projected slowdown is consistent with the IMF's expectations that US and world growth will moderate in the year ahead.

International

The big economic news over the quarter was the US Federal Reserve's decision to raise official cash rates by a cumulative 0.50%. Interest rates currently stand at 1.75%. The committee responsible for setting interest rates cited that output growth appears to have regained some traction after a soft patch earlier this year caused by substantial rises in energy prices. Interest rates are likely to continue their ascent gradually as circumstances allow.

Other countries have followed the US' lead on interest rates, including the Reserve Bank of New Zealand (up 0.25% to 6.25%) and the Bank of Canada (up 0.25% to 2.25%) in an attempt to avoid future inflation pressures influenced by rampant housing activity.

Financial Markets

Australian shares returned 5.29% for the three months ending 30 September. Industrial stocks have been overshadowed by a booming resource sector. The ASX 300 Resources Accumulation Index posted a return of 13.62% for the quarter versus 3.65% for the Industrials. This solid result is a function of growing global demand for commodities and higher world prices for coal, crude oil and base metals. The oil price for example has tripled over the past three years and is now over \$US50 a barrel, its highest level ever.

International shares fell -4.79% in Australian dollar terms for the quarter. Most of the weakness came from the contribution of the US and Japanese share markets which fell -2.30% and -8.73% respectively.

The yield spread (difference) between cash and the 10-year bond rate has now fallen to just 0.22%. The official cash rate was left unchanged at 5.25%.

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REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

8 [EC] Administrative Matters - Food Act 2003

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Following the commencement of the NSW Food Act 2003 a number of administrative matters are required to ensure the appropriate appointment of qualified officers and delegation of functions to the General Manager.

RECOMMENDATION:

That Council:

1. Appoints Environmental Health Officers Jacqui Cord and Mark Longbottom as authorised officers for the purposes of the Food Act 2003 and undertake the functions of an authorised officer as provided by the said Act.
2. Delegates its functions as an enforcement agency, conferred on it by the Food Act 2003, to the General Manager.
3. Approves the delegation of functions in respect as to the appropriate enforcement agency in relation to Food Safety Standards 3.2.2 (Clauses 15 and 17) and 3.2.3 (Clauses 10 and 14) of the Food Standards Code and provide consent in writing to the NSW Food Authority accepting said delegations.
4. Approves the delegations of (3) above to the General Manager.
5. Requests, in writing, to the NSW Food Authority to permit the sub-delegation of (3) above, by the General Manager, to the Director of Environment and Community Services and the Manager of Environment and Health Services.

REPORT:

Local Councils are prescribed as “**enforcement agencies**” under the provisions of the Food Act 2003. **Enforcement agencies** may appoint a person to be an “**authorised officer**” for the purposes of the Act, but only if the enforcement agency considers the person has appropriate qualifications or experience to exercise the functions of an **authorised officer** (Section 114).

The recent employment of two replacement Environmental Health Officers requires each officer to be appointed as **authorised officers** to undertake the duties of their positions. Each officer has been assessed as being appropriately qualified.

It is therefore recommended that Council resolves to appoint Environmental Health Officers Jacqui Cord and Mark Longbottom as authorised officers for the purposes of the Food Act 2003 and the power to undertake specified functions.

Further to the above, the NSW Food Authority has recently advised that Local Councils may resolve to delegate functions conferred on it, as an **enforcement agency**, by the new Food Act 2003 to the General Manager through the provisions of Section 377 (1) of the Local Government Act 1993. Section 378(2) of the same Act allows the General Manager to sub-delegate such functions to another employee of the Council.

However the NSW Food Authority, whilst supporting the delegation of functions to General Managers of Local Councils, has not yet finalised its position on the potential extent of sub-delegation by the General Manager. Section 111 of the Food Act 2003 permits the NSW Food Authority to impose conditions or limitations on the exercise of functions under the Food Act 2003 by enforcement agencies, after consultation with those agencies. Consultations are still being held with the Department of Local Government and Local Councils.

It is therefore further recommended that Council resolves to delegate its functions as an enforcement agency, conferred on it by the Food Act 2003, to the General Manager whilst awaiting the outcome of further consultation for sub-delegation of functions.

In addition the Food Authority has exercised its powers of delegation with respect to Clause 4(1)(c) of the Food Regulation 2004 that prescribes the Director-General as the “**appropriate enforcement agency**” for the purposes of the Food Standards Code. The Code refers to the **appropriate enforcement agency** in Standard 3.2.2 (Clauses 15 & 17) and Standard 3.2.3 (Clauses 10 & 14), which relate to alternate hand washing requirements and construction of floors of food premises. As a prescribed office, the General Manager of a Local Council, may be delegated certain functions. The Food Authority therefore wishes to extend these functions to the General Manager. The delegation therefore requires approval and written consent of the Council.

As these functions may be sub-delegated, with the written permission of the Food Authority, so as to maintain work flow and efficiency it is considered a request be made to the Authority seeking permission to sub-delegate the specified functions to Council's Director of Environment and Community Services and Manager of Environment and Health Services.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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9 [EC] Knox Park Markets

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

The current approval for the operation of the Knox Park Market has been relinquished. A number of organisations have expressed an interest in continuing the operation of the Market. It is considered appropriate that Council advertise for expressions of interest to allow the continued operation of the Market thereby ensuring fairness of the process.

RECOMMENDATION:

That Council calls for expressions of interest from persons wishing to operate the Knox Park Markets until 30 June 2006.

REPORT:

The current approved operator of the Knox Park Markets has notified Council that he no longer wishes to operate the Market and has relinquished his approval. The approval granted to the operator should have expired in June 2006.

A number of organisations have written to Council expressing a willingness to reopen the Market.

Previously Council has called for public expressions of interest to determine the most suitable applicant.

To ensure an open and fair process it is therefore recommended to again call for public expressions of interest.

For ease of administration all markets approved on Council/Trust land are approved for the same term. It is considered appropriate to ensure that the expiration dates correspond to current market approvals.

The outcome of this process will be reported to Council.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

10 [EC] Naming of Community Centre being Constructed in Banora Point

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council has resolved to proceed with the construction of a community centre in Banora Point. The proposal was referred to as the Banora Point Community Centre during the community consultation process and therefore it is recommended that Council adopts this name.

RECOMMENDATION:

That Council adopts the name "Banora Point Community Centre" for the community centre currently being constructed on the corner of Leisure Drive and Woodlands Drive, Banora Point.

REPORT:

Council has resolved to proceed with the construction of a community building located at the corner of Leisure and Woodlands Drives, Banora Point.

Building work has commenced and are now up to frame stage. Therefore it is now considered appropriate that Council determines the name for the centre so that planning for signage may proceed.

As the building is located in Banora Point and as it has been referred to during community consultation as the Banora Point Community Centre, it is considered that this name be formalised.

It is therefore recommended that the name for this community centre currently being constructed in Banora Point be the Banora Point Community Centre.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

11 [EC] Relocation of Unregistrable Moveable Dwellings

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

At the Council meeting of 15 September Council considered a request from a resident of Banora Point Caravan Park to relocate their unregistrable moveable dwelling (UMD) to the Drifters Van Village at Chinderah.

For reasons of flood exposure, that request was refused.

In considering that report Council resolved that:

“Council officers prepare a report on the potential of moving unregistrable moveable dwellings to other Parks in the Shire.”

RECOMMENDATION:

That Council notes that a review has been conducted of caravan parks and manufactured home estates within Tweed Shire to determine the availability of sites suitable for the relocation of unregistrable moveable dwellings from within the Banora Point Caravan Park. Due to various limitations only four sites are available at the date of this report.

REPORT:

At the Council meeting of 15 September Council considered a request from a resident of Banora Point Caravan Park to relocate their unregistrable moveable dwelling (UMD) to the Drifters Van Village at Chinderah.

For reasons of flood exposure, that request was refused.

In considering that report Council resolved that:

“Council officers prepare a report on the potential of moving unregistrable moveable dwellings to other Parks in the Shire.”

It is understood that there are 27 owner occupied long term sites currently within the Banora Point Caravan Park. There are other long term sites also however the structures are owned by the Park.

The full list of parks within the Shire is listed in the following table, along with an indication of the availability of suitable sites. **Note that for a site to be ‘suitable’ for installation of a UMD, it must be designated a long term site, within a flood free or ‘low hazard’ flood prone park, vacant and the park owner willing to consent to the proposed installation.**

Table 1 : AVAILABILITY OF SUITABLE SITES WITHIN CARAVAN PARKS IN TWEED SHIRE*

List of Parks	Comments			
	High Hazard Flood Prone Parks	Dept. Lands Limits	Other Limits - specify	Sites Available / Relocation Possible
Banora Point Caravan Park				Relocation from this park required
Bilambil Village Caravan Park			Owner advises no vacant sites available	
Boyds Bay Caravan Park		✓		
Cabarita Beach Caravan Park			Owner advises no vacant sites available	
Chinderah Lake Caravan Park	✓			
Chinderah Village Caravan Park	✓ partially		Owner advises no vacant sites available	
Colonial Caravan Park	✓			
Drifters Van Park	✓			
Fingal Caravan Park		✓		
Greenhills Caravan Park	✓			
Hastings Point Caravan Park			Owner advises no vacant sites available	
Hastings Point Headland Camping Area		✓		
Hastings Point		✓		

Holiday Village				
Homestead Caravan Park	✓			
Kingscliff Beach Caravan Park		✓		
Kingscliff North Caravan Park		✓		
Midginbil Hill Holiday Farm			No long term sites	
Mount Burrell Caravan Park			Owner advises no vacant sites available	
North Star Caravan Resort			Owner advises no vacant sites available	
Pottsville Beach Caravan Park North		✓ partially		Refer to comments below from Park management
Pottsville Beach Caravan Park South		✓		
Pyramid Caravan Park			Owner advises no vacant sites available	
River Retreat Caravan Park	✓ partially			Owner advises three sites available currently in flood free section**
Royal Pacific Tourist Retreat	✓			
Tweed Billabong Caravan Park			Owner advises no vacant sites available	

Tweed Broadwater Village			Owner advises no vacant sites available	
Tweed Heritage Caravan Park	✓ partially		Owner advises no vacant sites available in flood free area	
Tweed River Hacienda Caravan Village	✓			
Tweed Ski Lodge Caravan Park	✓			
The Palms Caravan Park				Owner advises one site available
Mount Warning Caravan Park			Advice from owner unavailable	
Wooyung Caravan Park			No long term sites approved	
The Grove Manufactured Home Estate			Owner advises no vacant sites available	
Noble Park Lakeside Village			No vacant sites available	
Cobaki Broadwater Village			Owner advises no vacant sites available	

**Owner of River Retreat Caravan Park advises that a development application has also been submitted which proposes to create an additional 5 flood free long term sites. These will be available when this application is determined.

Certain Parks can be removed from the potential list of Parks in this report due to restrictions on the installation of structures in 'high hazard flood prone parks' under Policy P1.29 (refer to those Parks listed in Column 2 of Table 1).

Therefore Parks which may be considered further are either flood free or 'low hazard flood prone parks'.

The owners of the majority of relevant parks have advised that they have no sites available

With respect to Council owned Holiday Parks the only park available is that part of Pottsville North Holiday Park which is constructed on Council owned land. This is due to limitations imposed by the Department of Lands on their Concurrence to Operate a Caravan Park on crown land – refer Column 3 of Table 1.

With respect to available sites in Council's park, the Manager Business Undertakings, Richard Adams, has commented as follows:

“With respect to site availability in our (TCHP) parks to accommodate long term sites the Crown Land policy requiring no new and/or assignment of existing tenancies effectively rules-out all parks other than the small portion owned by Council at Pottsville North. This area however is being reviewed to rationalise site layouts with the objective of amalgamating adjoining small sites into larger sites that can accommodate modern relocatable homes.

Please note that we currently have a waiting list for these sites should amalgamation proceed. Unfortunately this means that we are not currently, or in the near future, in a position of being able to offer long-term sites.

Conclusion

A review has been conducted of caravan parks and manufactured home estates within Tweed Shire to determine the availability of sites suitable for the relocation of structures (UMDs) from within the Banora Point Caravan Park. Due to various Policy or legislative limitations, or to restrictions imposed by the Park owners, only four sites are understood to currently be available, one at The Palms Caravan Park and three at the River Retreat Caravan Park.

The report has been prepared in line with Council's policy which has been supported by a number of recent resolutions of Council and it is recommended that the policy continues to be adhered to by Council. This is essential for protection of tenants, their property and to minimise Council liability.

P1.29 Unregistrable Moveable Dwellings and Annexes on Flood Liable Land

Objective

To control the placement of unregistrable moveable dwellings and rigid annexes upon flood liable land to minimise damage from flooding in caravan parks while providing tenants of long term sites with the opportunity to have adequate levels of convenience and security.

Policy

- a. Unregistrable moveable dwellings and rigid annexes will not be permitted in any caravan park or addition to caravan park on flood liable land constructed after 1 December 1986.
- b. Unregistered moveable dwellings and rigid annexes may be permitted in caravan parks that are located on flood liable land within flood fringe and non-critical flood storage areas where the park is filled above Council's design flood level for the locality and where Council's investigations have shown that filling will not have any significant adverse impact on the flood pattern.
- c. In caravan parks not excluded by Clause (a), unregistrable moveable dwellings and rigid annexes may be permitted in caravan parks designated as being of a low hazard category. The floor level of the unregistrable moveable dwelling or annexe shall be at least 300 millimetres above the designed flood level. When the annexe is attached to a registrable moveable dwelling the floor level of the registrable moveable dwelling whilst maintained in a mobile state shall be at least 300 millimetres above the design flood level.
- d. In no instances shall the floor level be more than 1200 millimetres above the ground level.
- e. Low hazard for the purpose of this policy shall mean that the site and normal surrounding ground and road levels shall be not more than 800 millimetres below the design flood level and that there shall be access which will be not more than 800 millimetres below the design flood level from the moveable dwelling site to flood free land considered by Council to be a suitable refuge.
- f. In high hazard caravan parks, except Greenhills Caravan Park, Tweed Ski Lodge Caravan Park and any park excluded under clause (a) rigid annexes may, with the approval of Council, be attached to registrable moveable dwellings on long term sites provided:-
 - E1. Where levels permit, the annexe floor level shall be in accordance with clauses (c) and (d) of this policy.
 - E2. Where Item 1 cannot be complied with, the floor level of the annexe is not below the floor level of the registrable moveable dwelling to which it is attached.
 - E3. Any flooring fitted less than 300 millimetres above the designed flood level for the site shall be of hardwood or water resistant grade material.
 - E4. The method of attachment to the registered moveable dwelling shall be such as to allow disconnection within one hour.

- g. Short term sites will not be allowed to be converted to long term sites on flood liable land except as a reorganising of sites in accordance with Council's approval of an upgrading program.
- h. The base to the unregistrable moveable dwelling or annexe is to be structurally designed to withstand flood water and wind loadings and adequate design and documentation is to be submitted to Council to allow it to determine compliance with this clause.
- i. No unregistrable moveable dwelling or annexe is to be placed upon flood liable land without prior approval of Council.
- j. Each application for approval under this policy is to be made upon the approved form and be accompanied by a fee to be as determined by Council.
- k. In a high hazard park unregistrable moveable dwellings may be installed on short term sites with the approval of Council provided that:-
 - E1. The floor level of the unregistrable moveable dwelling shall be at least 300mm above the designed flood level but not more than 1200mm above ground level.
 - E2. The unregistrable moveable dwelling is only to be used as a park van and the base is to comply with clause (h) of this Policy.
- l. A fee of \$50.00 will apply for applications to place unregistrable moveable dwellings or rigid annexes on flood liable land will apply from 4 June 1992 for the remainder of 1992.
- m. Council's Environment and Community Services Division will ensure that each park has an approved evacuation plan and means of communication to all tenants.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

[SUB] Minutes Circulated to Councillors with this Agenda Not Requiring a Council Decision

FOR THE CONSIDERATION OF COUNCIL:

UNDER SEPARATE COVER:

Nil.

1. Minutes of the Communication Committee Meeting held Thursday 16 September 2004
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ORDERS OF THE DAY

1 [NOM] Traffic Study - 2(b) Zoning, Flagstaff Hill

NOTICE OF MOTION:

Councillor M R Boyd moves:

That a comprehensive traffic study be undertaken to ascertain what impact can or will occur on those streets affected by Council's 2(b) zoning in the Flagstaff Hill area, should Council receive a number of Development Applications similar to that approved for No 40 Charles Street, Tweed Heads

2 [NOM] Hospitality Courses at Kingscliff TAFE

NOTICE OF MOTION:

Councillor J F Murray moves:

That Tweed Shire Council writes to the NSW Government to ask that they reverse plans to reduce funding of Hospitality Courses at Kingscliff TAFE.

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CONFIDENTIAL MATTERS

ITEMS DEFERRED IN COMMITTEE

[ID][DS] Application to Modify Development Consent 98/79 Involving Unauthorised Enclosed of Ground Floor of Dwelling in a Flood Prone Area

REASON FOR CONFIDENTIALITY:

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
-

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT IN COMMITTEE

- 1 [PE] Draft Tweed Local Environmental Plan 2000, Amendment No. 57 - Koala Beach Stage 7

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
-

2 [PE] Draft Tweed Local Environmental Plan 2000, Amendment No 37

REASON FOR CONFIDENTIALITY:

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

- (b) the personal hardship of any resident or ratepayer
-

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

3 [EO] Bray Park WTP Augmentation Design and Project Management

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 [EO] EC2004-013 Supply & Installation of Grit and Screening Handling Equipment, Banora Point STP - Variation

REASON FOR CONFIDENTIALITY:

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- (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
-

ORDERS OF THE DAY IN COMMITTEE

[NOM] Unauthorised Clearing of Land - Hastings Point

REASON FOR CONFIDENTIALITY:

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
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