

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

9 [TSC-CM] 2009/2012 Draft Management Plan Incorporating Council's Seven Year Infrastructure and Services Plan; 2009/2010 Draft Budget, Revenue Policy and Fees and Charges

ORIGIN:

Director Technology and Corporate Services

SUMMARY OF REPORT:

Council's 2009/2012 Draft Management Plan was placed on exhibition for public comment, from Thursday 23 April 2009 to Friday 22 May 2009, in accordance with section 405 of the Local Government Act 1993. The Draft Management Plan includes Council's Strategic and Operating Objectives for 2009/2012 and contains Council's 2009/2010 Draft Budget including year-four of the 7 Year Infrastructure and Services Plan together with the Draft Revenue Policy and Draft Fees and Charges.

The Minister for Local Government under section 508A of the Local Government Act 1993, determined in August 2007 that the percentage by which Tweed Shire Council may increase its General Purpose income for 2009/2010 is 9.5% above that for 2008/2009, which includes year-four of Council's 7 Year Infrastructure and Services Plan.

Council invited submissions from the public on the Draft Management Plan and associated documents by placing advertisements in the Tweed Link and local news paper.

Twenty-three organisations within the Shire representing chambers of commerce, ratepayers, community groups and residents associations were invited to attend a Community Consultation Meeting on 5 May 2009 with twenty of these organisations attending. Each organisation was required to provide a written submission on the Draft Management Plan documents.

The Draft Management Plan documents were also placed on public exhibition at the Murwillumbah and Tweed Heads Civic Centres as well as libraries at Murwillumbah, Tweed Heads and Kingscliff. The documents were also accessible from Council's webpage.

All submissions received by Council during the public exhibition period are summarised in the body of this report.

RECOMMENDATION:

That:-

- 1. Council's 2009/2012 Draft Management Plan incorporating the 2009/2010 Draft Budget based on a 9.5% increase in general income above that for 2008/2009 be adopted.**
- 2. The 2009/2010 Draft Revenue Policy and the 2009/2010 Draft Fees and Charges be adopted with amendment to:**
 - a. The amount of interest chargeable on overdue rates, charges and sundry debts being 9% as opposed to the advertised 10%;**
 - b. The sewerage rate charge (\$501) – Business Assessments. Add to dot point 3, end of first paragraph, the wording *“by the discharge factor and calculated on an individual water meter basis”***
- 3. Council reports to the Department of Local Government on any significant variations from its 7 Year Infrastructure and Services Plan as contained in the instrument under section 508A(1) and 548(3)(a) of the Local Government Act 1993 dated 15 August 2007.**
- 4. A review of the fee structure of Construction Certificate and Building Inspection fees be undertaken in conjunction with the quarterly budget review as at September 2009, and a report on the fee structure be presented to Council.**

REPORT:

MANAGEMENT PLAN

The Draft Management Plan details Council's vision, mission and core values. The Operating component of the plan identifies a limited number of key principal projects that Council will undertake over the next three-years to benefit the community and progress Council towards meeting its long-term strategic goals.

The Draft Budget, Draft Revenue Policy and Draft Fees and Charges documents detail the means in which Council intends to resource its operational plans for the next year.

The Draft Management Plan contains the means by which Council intends to performance monitor its progress in achieving outcomes detailed in the Draft Management Plan. Outcomes achieved against performance targets are reported quarterly to Council by the General Manager. Council must also report annually to the community in the Annual Report.

Meeting community needs is a major challenge facing Council. This year's Draft Management Plan has a focus on delivering year four of the 7 Year Infrastructure and Services Plan plus suitable provisions of funding to ensure essential services and assets are maintained at increased levels.

Council's 2009/2012 Draft Management Plan was placed on exhibition for public comment for 28 days from Thursday 23 April 2009 to Friday 22 May 2009. The Minister for Local Government under section 508A of the Local Government Act 1993 determined in August 2007 that the percentage by which Tweed Shire Council may increase its General Purpose income for 2009/2010 is 9.5% above that for 2008/2009.

VARIATION TO GENERAL INCOME FOR 2009/2010 TO 2012/2013

Council, as part of the special variation application, is required to report to the Department of Local Government on all variations from the original 7 Year Infrastructure and Services Plan as contained in the instrument under section 508A(1) and 548(3)(a) of the Local Government Act 1993 dated 15 August 2007. The information to be provided to the Department will be based on variations to the 7 Year Infrastructure and Services Plan which have been reported through the normal quarterly budget and management plan review process.

PUBLIC CONSULTATION

In accordance with section 405 of the Local Government Act 1993, the Draft Management Plan was placed on exhibition for public display from Thursday 23 April 2009 to Friday 22 May 2009.

The public consultation process sought submissions from ratepayers and the community in general. Copies of the Draft Management Plan documents were placed on public exhibition and accessible at the Tweed and Murwillumbah Civic Centres, libraries and available from Council's internet site. The Draft Management Plan was advertised in the *Tweed Daily* newspaper and the *Tweed Link* edition 611, 5 May 2009.

Twenty-three organisations within the Shire representing chambers of commerce, ratepayers, community groups and residents associations were invited to attend a Community Consultation Meeting on 5 May 2009. The following twenty organisations attended with three providing an apology:

- Tweed Chamber of Commerce,
- Murwillumbah & District Chamber of Commerce,
- Tweed District Residents & Ratepayers Association,
- Banora Point & District Residents Association,
- Kingscliff Ratepayers & Progress Association,
- Murwillumbah Ratepayers & Residents Association,
- Cabarita Beach / Bogangar Residents Association,
- Uki Village & District Residents Association,
- Cudgen Progress Association,
- Tyalgum District Community Association,
- Chinderah & District Residents Association,
- Tweed Landcare Incorporated,
- Terranora Residents Committee / Friends of Terranora,
- Fingal Heads Community Association,
- Caldera Environmental Centre Inc.,
- Mooball & District Moovers,
- Pottsville Community Association Inc.,
- Hastings Point Residents Group & Progress Association,
- Pottsville Beach Business Association Chamber of Commerce and
- Kingscliff & District Chamber of Commerce.

Apologies were provided by

- Casuarina Residents,
- Tweed Economic Development Corporation and
- Tweed Tourism.

All organisations invited to attend the community consultation session were encouraged to provide a written submission on the Draft Management Plan documents.

Council also initiated two workshops with Tweed Tourism on 14 April and 12 May 2009 to gather comment on the Draft Management Plan documents.

PUBLIC COMMENTS RECEIVED

Submissions received from the public consultation process totalled 168, 12 from community groups and 15 from individuals and businesses as well as 141 form letters relating to koala management.

Submissions related to the Draft Management Plan documents are summarised as follows:

Draft Management Plan Submissions Received

Following is a summary of discussion from the May 5 Consultation Sessions.

The Director Technology and Corporate Services provided the following notes:-

1 Tweed Chamber of Commerce

Community Consultation representation by Mr Michael Tree with the following issues raised:

- Questions relating to Banora Sewerage Treatment Plant.
- Road network - Kirkwood Road issue with timeframe being 2015 and not sooner.
- S94 contribution questions about the State imposed cap.
- Request additional funds for Tweed Tourism. Currently advertising with a budget less than Centro Nerang.
- Supports differential rate levy in Tweed to support tourism - Murwillumbah Chamber also indicated they would also support levy for tourism.

Supplementary comments provided by Council on support for Tweed Tourism.

"Tweed Tourism – Funding and Lease Arrangement" Item 04; Business Paper item agenda, Operations Committee Meeting 28 May 2009 the report recommends an additional \$100,000 in funding matched dollar for dollar by the tourism industry.

2 Murwillumbah & District Chamber of Commerce

Community Consultation representation by Toni Zuschke with the following issues raised:

- Funds for river wall into town.
- Aesthetic beautification for entry into town (Request \$100,000 to be allocated for planning).
- Parking - offsite - shuttle - infrastructure planning for sudden increase in population.

3 Tweed District Residents & Ratepayers Association

Community Consultation representation by Ronni Hoskisson with the following issues raised:

- Playground equipment upgrade - question as to where spent - works program. Fencing of playground - Kennedy Drive.
- Disappointment LEP Stage 2 not until 2011.
- Question about asset maintenance in the 7 Year Infrastructure and Services Plan.
- Generally happy with what Council is proposing.
- Would like more footpaths in Tweed Shire.

Supplementary comments provided by Council on footpath works.

2009/2010 budget for footpaths was reduced due to increased costs elsewhere in budget.

4 Banora Point & District Residents Association Pat Tate

Community Consultation representation by Pat Tate with the following issues raised:

- Community Transport - Use of community bus - how to organise? Council's Aged and Disability Officer will provide details. (Note: Council only garages the bus)
- Seeking ability to utilise the bus for Community Drug Action Team.

5 Kingscliff Ratepayers & Progress Association

Community Consultation representation by Don McAllister with the following issues raised:

- Seawall.
- Climate Change impact to Planning Policy - budget allocations.
- Questions about quantity invested to Speed on Tweed and Rally Australia.

6 Murwillumbah Ratepayers & Residents Association

Community Consultation representation by Diane Eriksen and Pamela Margieson with the following issues raised:

- Jack Evans Boat Harbour expenditure - not happy with the amount of money being spent in one locality. Like money saved there and spent on toilet facilities.
- Concern with library accommodation - seeks larger building size out of threat of flood level e.g. larger library on top of car park.
- Against BMX bike track being closed down.
- Seeks long term planning for second bridge at Murwillumbah to deal with traffic.
- Coastline Management Plan priority.

7 Cabarita Beach / Bogangar Residents Association

Community Consultation representation by Cath Lynch with the following issues raised:

- Found Management Plan document difficult in identifying what was to be spent on Cabarita. (Staff explained Works Program to follow in July if budget adopted).
- Proposed use of Kingscliff Foreshore land for use of Rally believes there are more appropriate locations.
- Need for more affordable aged care facilities in the Shire.
- Wants footpath on Cabarita Road.

Supplementary comments provided by Council on footpath works.

Some footpath work is scheduled for Cabarita Road.

8 Uki Village & District Residents Association

Community Consultation representation by Phillip Carr with the following issues raised:

- Greater focus on construction of footpaths and cycleways.
- Rural Village Development Program - would like to see it re-instituted.
- Cycleways which are accessible by people with disabilities.
- Greater expenditure for people with disabilities when compared to Group 5 and state average.
- W3C validation compliant website for people with disabilities.
- Seeking re-instatement of Access Committee.

9 Cudgen Progress Association

Community Consultation representation by Carl Redmond with the following issues raised:

- Traffic volume - believes movements are approximately 500/day Crescent Street. Concerned with speed through Crescent Street. Seeks traffic calming devices such as in New Brighton on Crescent Street.
- Urban development - seeks buffers / barriers to be provided within the footprint of the urban development area not by the farmers.
- Council look to provide trail bike track - solve problem of riding in unauthorised areas.
- Call for additional 'beach access permits' and call for additional hours of 4pm-8pm.
- Greater Ranger presence to patrol off beach area of beaches after hours.

10 Tyalgum District Community Association

Community Consultation representation by Bob McDonald with the following issues raised:

- Tyalgum Creek Road - sealing of bus route.
- P32 - Questions about riparian rehabilitation and need for upgraded Treatment Plant.
- Request meeting with Deputy Mayor and Director Technology & Corporate Services to consider change format of reporting of the Draft Management Plan back to community.
- Bat colony in Tyalgum - quality of water.
- Tennis court upgraded at Tyalgum village.
- Believes documents difficult to read/follow.

11 Chinderah & District Residents Association

Community Consultation representation by Felicia Cecil with the following issues raised:

- Chinderah roundabout.
- Riparian Zones - flood plains. Council cyclical drainage program - clean out mosquitoes.

12 Tweed Landcare Incorporated

Community Consultation representation by Clare Masters with the following issues raised:

- Would like more money directed from land infrastructure to soft infrastructure - the natural environment.
- Consider implementation of an Environmental Levy.
- Budget for implementation of Recreational Boating Strategy - what will money be spent on? S94 funded - Plan doesn't exist.

Supplementary comments provided by Council on the Recreational Boating Strategy.

In drafting the 7 Year Infrastructure Services Plan it was proposed to prepare a Recreational Boating Strategy (RBS) that would detail future requirements for public boating facilities. The funding for this work was to be derived from a section 94 plan. The RBS has not been adopted by Council and the Section 94 Plan has not been prepared due to ongoing changes in Section 94 developer charges legislation and in particular the \$20,000 cap. This item will therefore be removed from the budget at the September 2009 Quarterly Budget Review.

13 Terranora Residents Committee / Friends of Terranora

Community Consultation representation by Greg Burgis with the following issues raised

- Believes the Management Plan is clear and easy to follow.
- Tourist routes, scenic drives and lookouts. Seeks visual assessment of all development applications on scenic routes (Terranora Road). Commercial potential at lookouts (cafes).
- Visual impact net positive on any development on scenic routes.
- Suggested phased conditions for cottage/farm gate industries to facilitate tourism and small business potential.
- Criteria around scenic drive - Terranora Road.
- Lookout (East Mahers Lane, West Fraser Drive).
- Terranora Hall site (sell and fund lookout site).
- Blocks opposite Norfolk Pines in Azura Estate, adjacent to Terranora Road - requested investigation into its feasibility as a lookout site comprising a café and restaurant to become a tourist destination.
- Walkways - linked. Mahers Lane to park in Azure through Norfolk Pines back to Sunnycrest Avenue.
- Rock retaining wall - beautification for tourism.
- Shire streetscapes - more money should be put to this in budget.
- Garden - Area E consideration - 10 hectare wild park - must see destination. Very large trees.

14 Fingal Heads Community Association

Community Consultation representation by Evan Matthews with the following issues raised

- Thought documents easy to read and follow, particularly disclosure of cost centres.
- Concern with cost of rates of some residents who inherited property and their ability to stay there and continue to pay rates.
- Fingal Head Community Association willing to assist with tree planting, landscaping, etc.
- Suggestion to consider toilets like Burleigh Heads.

15 Caldera Environmental Centre Inc

Community Consultation representation by Eric Batton and Sam Dawson with the following issues raised:

- Congratulated Council on this process (refer attached submission).

16 Mooball & District Moovers

Community Consultation representation by Sue Pirlo with the following issues raised:

- Questions relating to Sewerage (size & capacity) and footpath extension to Gumnuts.

17 Pottsville Community Association

Community Consultation representation by Terry O'Toole with the following issues raised:

- Cudgera Creek - Hastings Point/Pottsville (refer p29 Draft Management Plan).
- Mapping of Riparian Zones, p29, \$5 million.
- Pottsville locality - not happy with architects plan - prefers Council to allocate \$176,000 to Mapping of Riparian Zones.
- Pottsville Dunloe Sands - seeks something in the Budget - Mooball Road/Cudgera Creek Road to freeway.

18 Hastings Point Residents Group & Progress Association

Community Consultation representation by Julie Boyd with the following issues raised:

- Council develop a policy of 100m Riparian Zone around creeks.
- Would like to see more Rangers on after hours and weekends - peak times.

19 Pottsville Beach Business Assoc. Chamber of Commerce

Community Consultation representation by Tania Murdock with the following issues raised:

- Sewerage at Hastings - capacity.
- Street lights upgrade - Pottsville.
- Questions relating to Link Road, Koala Beach link road.
- Annual Festival or Event for Pottsville - seeking direction/assistance to facilitate/establish.
- SES - what is / was planned?

Responsible Officer Comment

Update on Pottsville SES shed reported to 28 May 2009 Operations Committee Meeting.

20 Kingscliff & District Chamber of Commerce

Community Consultation representation by Allan McIntosh with the following issues raised:

- Seeks Developer consultation / forums.
- Parking in Kingscliff.
- Road access to Kingscliff & Salt from Tweed Coast Road. Seeking re-establishment of 1927 proposed road to Seaside City.

Summary of Written Submissions Received from Community Organisation Groups

1 Caldera Environmental Centre Inc

Two written submission were received from the Caldera Environmental Centre. Following is a summary of issues raised and Council's Responsible Officer's reply:

- The submission expressed that Council's actions should work to achieve Ecological Sustainable Development objectives established in the Draft Management Plan documents.

Responsible Officer Comments

Council continues to work to improve its performance under the principles of Ecological Sustainable Development as evidenced by the establishment of the Natural Resource Management Section and its continued commitment to these programs. Council looks for opportunities to improve its day-to-day activities in pursuit of long term sustainability.

- That a post-environmental audit of major developments is needed to assess the full impacts of developments.

Responsible Officer Comments

Council already imposes detailed conditions of development consent for most major developments which necessitate the reporting, and, in some cases, ongoing monitoring of environmental impacts such as noise, air quality, stormwater quality, and waste treatment. The State Government's BASIX certification also requires pre and post DA assessment of compliance with energy, landscaping and water efficiency targets for new residential and shop-top housing developments.

- Beautification funding of \$6m with the main proportion on the Jack Evans project, the submission asks if this money could be better spent elsewhere.

Responsible Officer Comments

The concept plan for this project was exhibited in April - June 2006. The response from the public was generally favourable and Council formally adopted the concept in August 2006. Since then Council has engaged consultants to prepare final design plans. The provision of funds in the 09/10 budget will enable this important project, which has had a long term commitment by Council to proceed.

- The submission requests more funding for sustainable and environmental activities. Current funding for these activities is similar to that for parks.

Responsible Officer Comments

Council's proposed 09/10 budget excluding grants totals \$ 2,027,000 for Environmental and Sustainability programs. In the past several years this program has increased significantly demonstrating Council's ongoing and increasing commitment to environmental management.

- The submission includes a perception that Council is not adhering to certain aspects of its strategic Vision stating that development such as Nightcap Village and Repco Rally erodes Tweeds unique character. The submission includes the desire that contracts be awarded locally. The submission calls for greater transparency in decision making processes.

Responsible Officer Comments

The Corporate Relations Strategy addresses community consultation. The ability to award contracts selectively is not possible under the Local Government Tendering Regulations

- There was a general objection to the Repco Rally and the cumulative affects of the Koala Beach and the Rally.

Responsible Officer Comments

A development application is soon to be submitted for the Repco World Rally proposal. Council is obliged to assess these issues prior to determining the DA. The Rally and objections do not form part of the Management Plan process.

- Seeking a population growth cap on the Tweed and control of urbanisation.

Responsible Officer Comments

The Federal Government's immigration policies and the State Government's planning requirements for accommodating increased population in regional areas, necessitate that Tweed Council provides for well planned, sustainable development in its area. Such development has been responsibly planned through the adoption of Council's Tweed Futures Strategic Plan and Tweed Urban and Employment Lands Release Strategy 2009.

- The submission stated that existing residents should not financially subsidise new developments.

Responsible Officer Comments

New developments are funded through developer section 94 contributions and not funded by existing residents. The State Governments \$20,000 cap may place pressure upon future funding.

- Concerns on the sustainability of urban development's including weed issues and climate change.

Responsible Officer Comments

Tweed Council adopted the Tweed Shire Coastline Management Plan to address coastal erosion hazards including impact from sea level rise. Hazard lines are to be updated with new information within the next 2-years.

Council works in partnership with other stakeholders to address weed management control and eradication.

Council has a number of projects funded for environmental education and awareness; refer to Council's State of the Environment Report. Council has employed a Sustainability and Climate Change Officer to work on these issues.

Council funds a sustainable agricultural program and is proposing to develop a sustainable agricultural strategy as part of the current Draft Management Plan.

2 Banora Point & District Residents Association

A written submission was received from the Banora Point & District Residents Association. The submission questioned the activity to develop a regional car pooling program at a cost of \$80,000 and requested details and the anticipated long-term benefits of this program.

Responsible Officer Comments

The regional car pooling initiative is a grant funded project that aims to reduce the numbers of cars on the road and therefore carbon emissions. The key to the project is a web based online booking system whereby car owners and commuters can be linked. This initiative is supported by numerous councils and organisations on the north coast.

- The Association submitted that new employment positions were created and questioned why these positions were not sourced from existing Council staff.

Responsible Officer Comments

The above positions are additional resources required to support the implementation of projects in the 7 Year Infrastructure and Services Plan.

- The submission questioned the Recreation Boating Strategy implementation activity and requested what this activity involves.

Responsible Officer Comments

In drafting the 7 Year Infrastructure Services Plan it was proposed to prepare a Recreational Boating Strategy (RBS) that would detail future requirements for public boating facilities. The funding for this work was to be derived from a section 94 plan. The RBS has not been adopted by Council and the Section 94 Plan has not been prepared due to ongoing changes in Section 94 developer charges legislation and in particular the \$20,000 cap. This item will therefore be removed from the budget at the September 2009 Quarterly Budget Review.

- The submission lodged an objection to the 9.5% rates increase and viewed the increase along with increases in statutory and ancillary charges would imposed further hardship to the already stretched family budgets.

Responsible Officer Comments

Objections such as these have been previously considered by Council, most recently at the March 2009 meeting.

- The submission asks what is the hire fee for the Banora Point Community Centre for permanent occupiers of rooms and if no fee why?

Responsible Officer Comments

Draft fees and charges 2009 -2010. Item 101 Hall Hire – Banora Point Community Centre. Council has an agreement in perpetuity to provide free office space to North Coast Area Health. Therefore these fees are not applicable.

3 Terranora Residents Committee / Friends of Terranora,

A written submission was received from the Terranora Residents Committee, Friends of Terranora. Following is a summary of issues raised and Council's Responsible Officer's reply:

The Committee expressed a view that Council should undertake an investigation into a larger network of Tourist / Scenic routes. The submission viewed it desirable that any future development along these Tourist / Scenic routes should be subject to visual impacts conditions and suggested small cottage/farm gate industries are established to facilitate tourism and small business potential along these routes. Terranora Road would be viewed as a scenic route.

- To facilitate the Tourist /Scenic routes the submission requested a new lookout in Terranora and provided two possible locations - (i) East Maher's Lane and West Fraser Drive, (ii) blocks opposite the Norfolk Pines in Azura Estate advance to Terranora Road. It was suggested that attached enterprises are created to create a sense of destination. Furthermore, to fund the lookouts they suggested the two current lookouts at the south end of Fraser Drive and also opposite the reservoir should be closed as they have no views and little attractiveness.

Responsible Officer Comments

Council considered a report on lookouts and Scenic Routes at the meeting held 8 May 2007. No action to extend Scenic Routes or establishment of additional lookouts was taken.

- A Memorial walk through Norfolk pines along Nassau Avenue with the possibility of the Committee funding name plaques on each Norfolk pine tree.
- Protection of the Norfolk pines via a scenic walking path from Mathers Lane to the park in Azure estate, link from Terranora Road to Sunnycrest Avenue.

Responsible Officer Comments

1. The Norfolk Pines in Nassau Avenue already have a path through them. There are no objections to the proposal for the Association to place plaques on trees along the path.
2. A pathway along Terranora Road to Sunnycrest Ave is not supported. Pathways are normally provided in urban areas. The suggested pathway is to service the Azure Estate a "rural residential zone". Full urban facilities are not normally provided for rural residential zones as these areas are characterised by large lots where residents have the trade off of a semi rural lifestyle that is not accompanied by full urban services.

- The Committee expressed the need for Council to fund a 1 metre rock wall opposite the Terranora General Store for beautification.

Responsible Officer Comments

Extension of rock retaining wall at Country Energy site with Council funds cannot be justified as it will not enhance Council's adjacent asset.

- The Committee expressed the view that Council could sell the old hall site to fund new lookout site.

Responsible Officer Comments

The subject site is Lot/DP - 1//719950 Address - 602 Terranora Road was originally planned to be sold. However Council subsequently negotiated with Country Energy to lay power underground across the site - at community request. The purchaser interested in the site subsequently withdrew because of the underground lines. The underground line across the site has therefore limited the sites suitability for sale. Any proposal to sell the site will require a feasibility study to determine its suitability for proposed use.

- The Committee expressed that an Arboreal Wild Garden, minimum of 10 ha and walking trail focusing on large or rare trees from around the world at Area E.

Responsible Officer Comments

This concept would need to be taken up with Area E Landholders Group.

- The Committee expressed the view that most streetscaping has low visual appeal with a need to enhance planning as well as education on how to care for street trees.

Responsible Officer Comments

Council's Landscape Architect in currently enhancing Council's Subdivision landscaping specification.

- The Committee requests greater regular roadside mowing and removal of street rubbish along with education programmes to reduce litter and increase pride.
- The Committee is suggesting a fee to be introduced to owners who do not clean up graffiti within 3 days with profits of this fee to go into education. The submission also asks why Tweed Shire does not have a graffiti hot-line like the Gold Coast City Council.

Responsible Officer Comments

1. Funds are limited for roadside maintenance including mowing.
2. Funds are not available in the budget for the provision of a graffiti hot-line like the Gold Coast City Council.

4 Fingal Heads Community Association

A written submission was received from the Fingal Heads Community Association. Following is a summary of issues raised and Council's Responsible Officer's reply:

- The Association expressed the need to upgrade park land and facilities on the northern side of the old boat harbour. The Association submitted the need to:
 - Renew picnic shelter and barbecues,
 - Renovate public toilets with aboriginal art works on the outside,
 - Natural barriers to park lands to prevent car hooning,
 - Bollards to prevent boat launching in the old boat harbour and
 - Overnight camping in parklands to be policed.

Responsible Officer Comments

Funds are available in the 2009/2010 budget for replacement of picnic shelters, barbeques, bins and bollards at Fingal Boat Harbour and Fingal foreshore.

- The Association expressed the need to upgrade the old quarry entrance and parking area to reduce unwanted and dangerous behaviours.

Responsible Officer Comments

No funding is available in the current budget.

- The Association expressed the need for new picnic facilities and a viewing platform at the southern end of the beach area park.

Responsible Officer Comments

No funding is available in the current budget.

- The Association expressed that construction of the last small section of Fingal Road near Lagoon Road with traffic calming provisions and a 40/50 km speed limit is needed.

Responsible Officer Comments

This section of road has been included in a forward budget.

- The Association expressed the need for a future boat launching facility closer to the existing main road.

Responsible Officer Comments

Possible future boat launching facilities in Fingal Head – There are currently no adopted plans of Council to provide additional boat launching facilities at Fingal. Your comments on the status quo remaining are noted.

- The Association expressed the Jack Evans Boat Harbour project is costly to rate payers and too 'hard edged'. The Association expressed the view that the current grassed water edge is an asset and should be kept with cycles kept from the edge with background paths.

Responsible Officer Comments

The new design of Jack Evans Boat Harbour has a softer and more accessible edge than the current ceramic "sea bee" revetment.

5 Pottsville Community Association Inc.

A written submission was received from the Pottsville Community Association. Following is a summary of issues raised and Council's Responsible Officer's reply:

- The Association question the Ambrose Brown Park activity funding of \$500,000 and target date of June 2010 does this expenditure include the new shelter shed item?
- Previously Council stated the completion target was this project was September 2009. The Association questions which is correct?

Responsible Officer Comments

1. *The new shed is not part of the current contract, however, a new shed will be constructed prior to the old kiosk being demolished.*
2. *Tenders are currently out for construction of the park. Anticipated completion is September 2009.*

- The Association questioned the Riparian Rehabilitation Projects funding of \$300,000. The Association expressed \$1,000,000 is needed to stop pollution from the Seabreeze estate alone?
- The Association expressed concern for the water quality of Cudgera Creek with expressed views that land zoning through which this creek flows is of major concern to water quality. The Association express that no funding for a riparian zone study for this area is present?

Responsible Officer Comments

It is not current Council policy to acquire riparian zones by purchase from landowners. Council requires dedication of riparian zones if they constitute part of an urban subdivision. This is set out in DCP Part A5 and is consistent with Council's estuary policies, for a 50m riparian zone. In the Cudgera Creek Catchment, a 1.5km long 50m wide riparian zone has been dedicated and revegetated by Metricon, the developers of the Seabreeze Estate. This is by far the largest stretch of riparian zone that has been dedicated by a developer in Tweed Shire.

- The Association expressed concerned over extra truck traffic on Mooball Road and Cudgera Creek Road as a result of the Dunloe Sands Project. The Association asks how much funding is set aside for road repairs and future allowance for the 26 year project.

Responsible Officer Comments

This is a 3A application to be determined by the Minister for Planning. The Minister should levy the proponent for any damages to Council roads arising from the development, and this will form part of the conditions of development.

6 Hastings Point Residents Group & Progress Association

A written submission was received Hastings Point Residents Group & Progress Association. Following is a summary of issues raised and Council's Responsible Officer's reply:

- The Association expressed \$300,000 is insufficient funding for restoration and repurchase of riparian zones around Cudgera and Christie's Creeks.

Responsible Officer Comments

A nominal allocation of \$300,000 is provided for Riparian Rehabilitation Under the budget for the Lower Tweed Management Plan which is overseen by the Tweed River Committee. In the 7 Year Infrastructure and Services Plan the Tweed Coastal Committee has received an increased annual allocation from \$50,000 per year to \$180,000 per year. This amount does not include State government grants. Council has not in the past purchased riparian zones. Riparian zones can be dedicated to Council though the subdivision process.

- The Association supports the continued immediate development of the Hastings Point DCP and Locality Plan.

Responsible Officer Comments

Following an earlier expression of interest process, the firm Ruker and Associates was recently engaged to prepare a new Locality Plan and DCP for the entire Hastings Point area. Following an initial briefing of Councillors in upcoming weeks, it is expected that the consultant will commence initial community consultation to inform the preparation of the new draft plans for public exhibition, and subsequent consideration by Council.

- The Association called for council to take a proactive and preventative approach in decision-making and to adopt ESD Principles in preference to enabling short term individual economic gain.

Responsible Officer Comments

ESD is an important objective of the Local Government Act and Environmental Planning and Assessment Act, which provides the framework and guidance for all major strategic planning and development assessment for Tweed Council.

- The Association viewed damage to the estuaries and impact of over-development as a negative cost to Hastings Point. The Association viewed a blanket strategy of 100 metre riparian zones for most residential development is needed to mitigate any impending climate threats around waterways.

Responsible Officer Comments

The Tweed Coast Estuary Plan nominates a suitable riparian buffer of 50 metres. This plan was developed following extensive consultation with the community. As a result of extensive community input, legal judgements, and Council consideration of new interim planning controls and development applications in the Hastings Point area, Council and its staff are now more aware of the sensitive environment in this area, and is in a better position to closely analyse and assess the impacts of emerging developments.

- The Association supported a food and visual based tourism industry modelled from world's best practices to create economic benefit for the shire. The Association viewed subgroups could be created from the broader community to develop creative proposals.

Responsible Officer Comments

The North Coast Council's led by Lismore and including Tweed received a funding grant under the Environmental Trust program for the Northern Rivers Food Connect project. This project will aim to enhance the capacity of local government to support regional food production and distribution by:

1. Improving connections between the regions growers, retailers, consumers and waste managers.

2. *Supporting the development of urban agriculture.*
3. *Promoting food literacy and healthy lifestyles within the community.*

- The Association expressed Council's compliance staff are doing a good job but felt productivity gains could be achieved. The Association suggested all developments submit notice of major construction traffic movements to Council, police and RTA enabling close monitoring, and reducing major noise and other inconvenience such as public safety. Right now, construction traffic is a major source of noise and speed pollution in the community.

Responsible Officer Comments

Council currently requires the assessment of potential traffic impacts for new developments, including the frequency of trips and means of access during construction, and applies appropriate conditions of development consent. The monitoring of illegal traffic activity is primarily the responsibility of NSW Police and the RTA. Council is primarily responsible to ensure that construction activity is being carried out in accordance with conditions of development consent. These current arrangements are considered to be the most practical way of managing the impacts of traffic movement of a construction site. The development proponent may choose to be more pro-active and develop a communications protocol with surrounding residents during construction, to keep them informed of the main traffic movements relating to the site.

- The Association expressed flexibility of ranger's hours to accommodate holiday 'hotspots' times and weekends. Possible creations of a community watch system to support ranger activities.

Responsible Officer Comments

Council currently has a limited budget allocated to Ranger activities on weekends and public holidays. The Rangers already target areas of expected unlawful activity during these periods.

- The Association expressed Hastings Point supported the creation of Tourism Scenic Routes between Cabarita Beach and Pottsville down to Wooyung to be considered as such for a 'Villages Trail' and that the Terranora concept of wild gardens be integrated into a family friendly tourism strategy along this route.

Responsible Officer Comments

Council takes note of the suggestion but unfortunately this program is not a current priority. The suggestion has been provided to Tweed Tourism for their consideration.

- The Association asked whether resources are available to source and prepare, or assist preparation of grants for both Council and Community organisations.

Responsible Officer Comments

Council have some staff which can assist and guide in the preparation of grant applications however their resources are limited to programmes and projects that fit within Council's priorities.

7 Hastings Point Residents Association and Pottsville Community Association Joint Response

A joint written submission was received for the Hastings Point and Pottsville Community Associations. Following is a summary of issues raised and Council's Responsible Officer replies:

- The joint submission requests \$300,000 for Riparian Rehabilitation Projects is insufficient and at least \$1,000,000 is estimated to be needed.

Responsible Officer Comments

Council and the Tweed Coastal Committee are not aware of "riparian rehabilitation projects" that would warrant the expenditure of \$1,000,000 on Cudgera Creek in the next financial year.

- The joint submission requests a new funding item be added for "Purchase of Riparian Zones along the banks of Cudgera Creek. Professional Mapping of the actual Riparian Zones and the associated Floodplains. Repairing and rectifying damage to these Riparian Zones", the joint submission estimates \$5,000,000 is required.

Responsible Officer Comments

In the 7 Year Infrastructure and Services Plan the Tweed Coastal Committee has received an increased annual allocation from \$50,000 per year to \$180,000 per year. This amount does not include State government grants. Council has not in the past purchased riparian zones. Riparian zones can be dedicated to Council though the subdivision process. The Tweed Coastal Committee has prepared a comprehensive Estuary Management Plan which drives investment in maintaining and enhancing the coastal creeks. Council has provided funds through the current budget to meet the requirements of this plan.

- That Priority Projects of Pottsville Locality Plan and Hastings Point Locality Plan to remove elements of the Urban Release Strategy, The Employment Lands Strategy and the Retail Strategy from both plans as these apply anyway.
- These two Priority Projects are removed from the Draft Management Plan as it is unlikely they will be completed in the budget term.
- The Hastings Point residents are deeply concerned on the impacts of the Employment Lands Strategy and possible pollution to the Cudgera Creek headwaters.

Additional Response Provided by Responsible Officer of Council

It is considered that the allocated amounts in the Draft Management Plan to the Pottsville and Hastings Point Locality Plans/DCPs, needs to be clarified that the sum of \$110,000 for the Pottsville Locality Plan/DCP is actually the original allocated budget from Council's 7 Year Plan, and \$100,000 of this allocation has already been expended for the services of an external planning consultancy firm who prepared earlier draft documents. Council officers have since undertaken further strategic investigations, and will soon submit a report to Council recommending the public exhibition of a revised Draft Locality Plan and DCP, based on the consultant's earlier investigations. Therefore, the reference to the available budget in 2009/10 for this project should have read \$10,000, not \$110,000. The officers apologise for any confusion created by this error.

In terms of the Hastings Point Locality Plan/DCP, following an earlier expression of interest process, the firm Ruker and Associates was recently engaged to prepare these new documents. Following an initial briefing of Councillors in upcoming weeks, it is expected that the consultant will commence initial community consultation to inform the preparation of the new draft plans for public exhibition, and subsequent adoption by Council. The allocated sum of \$66,000 in the Draft Management Plan will be expended on the consultant's fees for this project.

In regard to the other comments, Council has previously adopted the Tweed Retail Strategy and Tweed Urban and Employment Lands Release Strategy 2009, which provides broad strategic direction to both the preparation of the revised draft Pottsville and Hastings Point plans.

8 Uki Village & District Residents Association

A written submission was received from the Uki Village & District Residents Association. Following is a summary of issues raised and Council's Responsible Officer's reply:

- Seeking re-instatement of Access Committee and more funding to be provided for the Disability Action Plan. The submission stresses that Tweed has one of the highest rates of disabilities in NSW yet with the lowest dollars per capita spent.

Responsible Officer Comments

Terms of Reference for the Disability Access Advisory Committee are currently being prepared and positions will be advertised in the near future.

9 Chinderah & District Residents Association

A written submission was received from the Chinderah and District Residents Association. Following is a summary of issues raised and Council's Responsible Officer reply:

- Funding set aside for second dam at Byrill Creek

Responsible Officer Comments

Council is currently undertaking a study to determine the best option for long term water supply for the Tweed. This study is due for completion in late 2009. Council has a 30 year financial plan which includes an allowance for the provision of some form of water supply augmentation.

- \$300,000 for riparian rehabilitation is inadequate

Responsible Officer Comments

Council allocates over \$2,000,000 from its budget towards environmental management. Of this money over \$400,000 is allocated to specific improvements for the Tweed River. Council is aware of the condition of the river bank at Chinderah and the Tweed River Committee has listed this area as a proposed project.

- Drainage works no allocation for Chinderah where the drains are continually filled with weeds, reeds, rubbish which is unsightly, non productive for flood mitigation and an infested with mosquitoes and cane toads.

Responsible Officer Comments

Funding is only available for drain cleaning on a need basis. Between cleaning cycles ponding can increase. Drains to north of Wommin Bay Road discharge into Roads and Transport Authority lands which can become partially blocked over time.

- Rates, Council obligation should be to provide for basic necessities first.
Chinderah is yet to have its street kerb and guttered.

Responsible Officer Comments

It is not generally effective to retro fit kerb and gutter to unfilled, flat floodplain areas such as Chinderah. In such areas it is difficult to achieve the minimum gradients necessary to make kerb and gutter flow without substantial ponding. Also kerb and gutter will not be effective in the absence of underground drainage. Underground drainage is very difficult to install in Chinderah as there is very little natural gradient (which means stormwater only flows at low velocities and larger than normal pipes are necessary to achieve appropriate conveyance capacity), ground water levels are high and soils are very sandy. This requires expensive spear point dewatering and trench support systems to excavate trenches to place underground stormwater pipes. Nevertheless, Council has in the last financial year, provided a backbone underground stormwater drainage system in Wommin Bay Road, Chinderah. This underground drainage system supports an above ground network of grassed surface swale drains. This combination of underground pipe drainage and above ground swale drains provides the most appropriate stormwater drainage system for areas such as Chinderah.

- Youth programs, insufficient funding has been directed towards youth programs.

Responsible Officer Comments

The 7 Year Infrastructure and Services Plan provides for the employment of a full time youth development officer within Council. This position has been in place for 3 years and has engaged with our young community and directed many projects that work with youth to indentify, understand and manage their issues.

In addition Council has recently provided facilities for the young including the South Tweed Skate park and Tweed Regional Aquatic Centre both of which are actively used by the community.

10 Murwillumbah Ratepayers and Residents Association

A written submission was received from the Murwillumbah Ratepayers and Residents Association. Following is a summary of issues raised and Council's Responsible Officer reply:

- Considered the Jack Evans Boat Harbour proposed expenditure to be extraordinarily large for a small recreational area.

Responsible Officer Comments

The concept plan for this project was exhibited in April - June 2006. The response from the public was generally favourable and Council formally adopted the concept in August 2006. Since then Council has engaged consultants to prepare final design plans. The provision of funds in the 09/10 budget will enable this important project that has had a long term commitment by Council to proceed.

- Park maintenance and the Murwillumbah BMX track

Responsible Officer Comments

1. Maintenance for the park land is desirable, but currently there is insufficient income for more parks maintenance.

2. Public submission and comment on the BMX track in Murwillumbah closed on Friday May 22. Council will review all submissions received before making a determination on the future of the site.

- Repco Rally Australia

Responsible Officer Comments

A development application is soon to be submitted for the Repco World Rally proposal. Council is obliged to assess all issues prior to determining the development.

- Clarrie Hall Dam upgrade

Responsible Officer Comments

Upgrade of Clarrie Hall Dam: Council has undertaken detailed risk assessments to determine the extent of the risk associated with the potential for Clarrie Hall Dam to overtop in an extreme wet weather event. This assessment has shown that the risk is extremely unlikely and if the Dam is to be raised to increase capacity in the next 10 years then the spillway upgrade could be undertaken at the same time. Council will determine its position in this regard towards the end of 2009.

- Support for Team Koala urging Council to provide funding and technical support.

Responsible Officer Comments

Council is applying for a grant through the NSW Environmental Trust to develop the Koala Management Plan as identified in the Tweed Vegetation Management Strategy, 2004. The application is supported by in-kind and cash contributions through the Biodiversity Program of Council and is being developed in partnership with Team Koala, Friends of the Koala and other stakeholders. Should this application be unsuccessful, Council will pursue other funding options.

- Joshua Street, Queensland Road Link, disgusted that this important part of the strategic traffic plan is not being progressed to remove vehicles from Byangum Road and Wollumbin Street.

Responsible Officer Comments

This road link is being progressed, by works being carried out by Metricon (the Barnby St Developer) and Council is proceeding with preliminary designs and preliminary property issues associated with other sections of this link.

11 Cabarita Beach/Bogangar Residents Association Inc

A written submission was received from the Cabarita Beach/Bogangar Association.

Following is a summary of issues raised and Council's Responsible Officer reply:

- The submission expressed a difficulty in understanding the presentation of Council's Draft Management Plan documents in that the information presented is obscure in wording and sparse in detail and lacked specific detail about localities.

Responsible Officer Comments

Tweed Shire Council will be reviewing the presentation and content of its community reporting documents during the implementation of the NSW Local Government mandatory Planning and Reporting Framework.

12 Tweed Economic Development Corporation

A written submission was received from the Tweed Economic Development Corporation.

Following is a summary of issues raised and Council's Responsible Officer reply:

- Critical of the presentation of the Draft Management Plan documents lacking facts on economic and social challenges faced by Council,
- Critical of Council's Vision statement making no reference to economic stability.

Responsible Officer Comments

Council will review all community reporting during the implementation of the mandatory NSW Local Government Planning and Reporting Framework. As part of this process Council is obligated to undertake comprehensive community consultation in the development of a 10 year long term strategic plan which will include a Vision Statement.

- Critical that the Economic Action Plan fails to put forward economic fact to justify the significance of planning for future economic stability.

Responsible Officer Comments

Raising the awareness and promoting the Tweed economy is a function that is allocated to TEDC by Council in the form of a funding and performance agreement, which is current to July 2010.

- Funding of \$400,000 to support Economic Development and Tourism Economic Marketing and Promotion in the 7 Year Infrastructure and Services Plan.

Responsible Officer Comments

The 7 year plan amount for economic development of \$400,000 is principally allocated to maintaining existing commitment to TEDC and Tweed Tourism. These allocations are specifically identified in Council's draft Budget and based on the level of income raised from the business rate.

- Implications for Strategic Planning with traditional planning lacking a focus on economic and associated shire-wide economic stability.

Responsible Officer Comments

Over the last five years, Tweed Council has invested substantial financial and staff resources into both broader strategic investigations (including the recently adopted Tweed Urban and Employment Land Release Strategy 2009) and a program of review of its development approvals processes, in an effort to provide Tweed residents and business proprietors with a clear and well reasoned planning policy platform and more streamlined improved assessment systems, which will guide investment and development decisions over the next 25 years, and facilitate the housing and employment generation needed to sustain the Tweed's expected population increase.

Council officers have also worked closely with the TEDC in the preparation of these investigations and new processes. Council will continue this partnership with the TEDC through the upcoming projects, new Draft DCPs for Rural Tourism and Telecommunications Infrastructure in Master Planned Estates, which were identified in the Planning Reform Unit's 2009/2010 Work Program, which was reported to Council's Planning Committee Meeting of 21 April 2009.

In response to that part of the TEDC's submission, "TEDC would like to recommend that the 2010 budget give serious consideration to including funding to accommodate resources (man power) for the specific purposes of developing planning policies to encourage job generating investment attraction through the specific master planned approach and other planning initiatives highlighted above", Council will continue to seek improvements into the efficiency of its rezoning and development assessment

processes. However, it should be noted that Council also needs to balance its planning resources against the increasing demands of the NSW State Government's Planning Reforms, which requires councils to adapt their planning systems to a much broader range of requirements, beyond just economic development matters. Furthermore, Council's planning actions are restricted by the current legislative requirements of the State Government, and local government probity procedures relating to Council's relationship with development proponents. Planning actions are also only one component of a range of measures needed to promote economic development initiatives.

Nonetheless, Councillors and Council staff have repeatedly expressed their interest and general support for the concept of master planned estates, and they will continue to work closely with the TEDC in the advancement of this project.

Draft Management Plan General Submissions Received

Submission 1

- The need to provide for provisions in the 2009/2010 budget for safety fences to be erected for children's playgrounds.

Responsible Officer Comments

Council resolved to undertake an audit of all the Shire's playgrounds in December 2006. An independent risk management company has been instructed to commence the audit. The 2009/2010 Draft Budget has no allocation for the provision of safety fences for children's playgrounds. Council intends to make a decision on this matter following the results of the independent audit.

Submission 2

- The submission expressed a difficulty in understanding the Draft Management Plan and that the plan lack details on how Council proposes to accomplish the principle activities.

Responsible Officer Comments

Council will review the format and presentation of its community reporting during the implementation of the mandatory NSW Local Government Planning and Reporting Framework.

- The submission requested more funding for park maintenance and upgrading of
 - BMX track and repairs in Murwillumbah,
 - Fence the playground in Knox Park Murwillumbah,
 - Upgrade of the Clarrie Hall Dam,
 - Roundabouts on Byangum Road at William and Wollumbin Streets,
 - A quick and efficient outcome for Jack Evans Boat Harbour,
 - River and Coastal monitoring to continue,
 - A DCP for residential areas of Murwillumbah,
 - Ecologically sustainable developments to be approved.

Responsible Officer Comments

- *BMX track repairs: Public submission and comment on the BMX track in Murwillumbah closed on Friday May 22. Council will review all submissions received before making a determination on the future of the site. Maintenance for the park land is desirable, but currently there is insufficient income for more parks maintenance.*

- *Playground Fencing: Council resolved to undertake an audit of all the Shire's playgrounds in December 2006 and an independent audit has commenced. Council will make a decision following the audit outcomes.*
- *Upgrade of Clarrie Hall Dam: Council has undertaken detailed risk assessments to determine the extent of the risk associated with the potential for Clarrie Hall Dam to overtop in an extreme wet weather event. This assessment has shown that the risk is extremely unlikely and if the Dam is to be raised to increase capacity in the next 10 years then the spillway upgrade could be undertaken at the same time. Council will determine its position in this regard towards the end of 2009.*
- *Roundabouts on Byangum Road: These works are in a current forward program.*
- *Quick and efficient outcomes for Jack Evans Boat Harbour: The project is expected to commence works in August/ September 2009.*
- *River and Coastal Monitoring: Council has been continually monitoring water quality in the Tweed River and catchment since 1988 and in the Coastal Creeks since 1999. Better methods of assessing ecological health of the waterways has been trialled in Terranora and Cobaki Broadwater systems and if successful, will be expanded to all waterways in the Tweed Catchment.*
- *DCP for residential Murwillumbah: The Murwillumbah Town Centre DCP was adopted by Council in 2008, however components of the plan were deferred pending further investigations in relation to flooding. Upon completion of Council's Floodplain Risk Management Study, the deferred areas of the Plan will be reviewed.*
- *Approval of Ecologically sustainable developments: Council continues to work to improve its performance under the principles of Ecological Sustainable Development as evidenced by the establishment of the Natural Resource Management Section and its continued commitment to these programs. Council looks for opportunities to improve its day to day activities in pursuit of long term sustainability.*

Submission 3

- *Objection to cemetery fees increase, specifically for child burials.*
- *Suggestion that "vases" offered at cemetery could be made more attractive with gold/ silver paints.*

Responsible Officer Comments

1. Fees represent actual costs and aim to cover maintenance in perpetuity. If the fees do not reflect these costs, the cost to undertake burials and maintain the cemeteries will continue to be an increasing burden on general rates.

2. Cemetery customers have the option to purchase more attractive vases.

Submission 4

- *That the 2009/2010 Draft Budget provides funding provisions for a Koala Plan of Management for the Tweed Shire for the Tweed Shire.*

Submission 5 was received as a 'form letter' supported by 141 signatures

- That the 2009/2010 Draft Budget make funding provisions for
 - A Koala Management Plan for the Tweed Coast,
 - A Koala Habitat Study for the Tweed Coast to monitor and inform the community on Koala management issues and recovery progress and
 - The submission noted Council's responsibility to protect Koala populations under SEPP 44 Koala Habitat Protection and Threatened Species Conservation Act 1995.

Responsible Officer Comments to Submissions 4 and 5

Council is applying for a grant through the NSW Environmental Trust to develop the Koala Management Plan as identified in the Tweed Vegetation Management Strategy, 2004. The application is supported by in-kind and cash contributions through the Biodiversity Program of Council and is being developed in partnership with Team Koala, Friends of the Koala and other stakeholders. Should this application be unsuccessful, Council will pursue other funding options.

Council is currently near completion of a model Biodiversity Development Control Plan which contains specific development control measures to maintain koala habitat within specified areas.

Submission 6

- Consideration is given for a special flat rate that is borne equally by all ratepayers as opposed to the current system of levying special rate increases.

Responsible Officer Comments

Tweed Shire Council is bound by Legislation which establishes the parameters for the levying of rates in the Shire. A request for a flat rate payable by all ratepayers is not possible under Council's current rating structure.

Submission 7

- Funding for a Koala Recovery Plan.

Responsible Officer Comments

Specifically, Council is applying for a grant through the NSW Environmental Trust to develop the Koala Management Plan as identified in the Tweed Vegetation Management Strategy, 2004. The application is supported by in-kind and cash contributions through the Biodiversity Program of Council and is being developed in partnership with Team Koala, Friends of the Koala and other stakeholders.

- Biodiversity loss through development on forested land and housing estates in already built-up area.

Responsible Officer Comments

Council's recently adopted Tweed Urban and Employment Lands Release Strategy 2009 supports a responsible and sustainable approach to accommodate the expected population increase in the Tweed Shire over the next 25 years, by consolidating the bulk of the necessary housing and employment generating development in existing zoned areas and established centres, and only permitting future land releases in those sites identified with least environmental impact.

- Preservation of trees and habitat protection.

Responsible Officer Comments

Enforcing such a law is impractical in terms of the community's general expectations for new development, and the need in appropriate circumstances, outside of protected areas of national parks and environmental conservation zones, to remove vegetation to provide for additional housing and employment demands.

- Measures on roads such as signage and road speed reductions to protect native animals.

Responsible Officer Comments

A report to Council 28 May 2009 is reporting on wildlife signage. There are currently no plans to retro fit road culverts, overpasses, exclusion fences areas where road kill occurs. In new development areas environmental assessments of individual Council works establish whether road culverts, overpasses, exclusion fencing is required. Road speed is the subject of the report to Council 28 May 2009.

- Water quality of streams and enforcement fines for polluters whether residential or industrial.

Responsible Officer Comments

There is currently extensive development standards required to be addressed and assessed in most major redevelopment proposals, as well as compliance mechanisms for polluters of Council's waterways.

- Stop road side spraying and invest in a steam machine to kill weeds.

Responsible Officer Comments

The control of weeds by steam has not yet developed to a degree that would allow replacement of weedicide spraying in the majority of Council applications. Once the technology has advanced to be a proven alternative then it will be evaluated.

- Land zoning and habitat protection in areas like Kings Forest, Cobaki Lakes Extinction of Koala's and other endangered species is ensured.

Responsible Officer Comments

Current planning legislation provides for an extensive assessment of fauna and flora impact issues. Council staff have contributed extensively to the assessment of these issues and submissions to the Department of Planning for both the Kings Forest and Cobaki Lakes Major Projects Concept Plans.

- Biodiversity area in council to study and monitor endangered species with funding at least 10% of the overall budget.

Responsible Officer Comments

A Council restructure in early 2007 saw the creation of the Natural Resources Management section which encompasses the program areas of Waterways, Biodiversity, Coastline, Sustainable Agriculture, Sustainability and Climate Change. These programs are progressing many of the opportunities mentioned in the submission and demonstrate Council's commitment to moving towards sustainable management.

- More bike paths, green initiatives and sustainable options.

Responsible Officer Comments

Council's current planning controls and a mode of assessment requires detailed consideration and provision for sustainable development options.

- Reject environmentally destructive events.

Responsible Officer Comments

A development application is soon to be submitted for the Repco World Rally proposal. Council is obliged to assess these issues prior to determining the DA.

- Population growth strategies.

Responsible Officer Comments

The Federal Government's immigration policies and the State Government's planning requirements for accommodating increased population in regional areas, necessitate that Tweed Council provides for well planned, sustainable development in its area. Such development has been responsibly planned through the adoption of Council's Tweed Futures Strategic Plan and Tweed Urban and Employment Lands Release Strategy 2009.

- Noise pollution and destruction of flora and soil ecosystems from trail bikes and vehicles in rural areas.

Responsible Officer Comments

The use of motorbikes in rural areas, such as farms, for working purposes would cause minimal noise disturbance and the likelihood of banning this type of work related machinery have numerous ramifications. Noise associated problems through the use of motorbikes in rural areas for recreational activities can be dealt with under the Protection of the Environment Operations Act. This Act provides guidelines associated with acceptable noise levels and provides details on how the matter can be regulated.

Simply banning trail bikes is not a solution and has many economic impacts. The use of trail bikes as a commercial venture would be regulated through a DA where the impact of surrounding localities would be taken into account.

- Council needs to permit more than one occupancy per 100 acres in rural areas. Self-sustaining communities with people living simply in affordable dwellings with composting toilets, rainwater tanks, solar and off-the-grid power, organic vegetable gardens, composting, recycling. To solve the accommodation and social problems and also in implementing sustainability of this area instead of more developments contributing to less biodiversity.

Responsible Officer Comments

Both Council and the State Government have long standing and a consistent implementation record of supporting the sustainable objectives of maintaining the minimum size and restrictions on residential development on rural lots, as a means of discouraging the loss of valuable agricultural and food producing land, as well as promoting the urban consolidation practices of major redevelopment in established centres, thereby discouraging the reliance on the use of private motor vehicles.

Submission 8

- That Council consider a Community Development Museum to provide opportunities for individuals to offer their services and volunteer.

Responsible Officer Comments

The direction of Tweed River Regional Museum is explicit in the Museum Strategic Plan, 2004 and associated Memorandum of Understanding – the submission makes a range of suggestions which can be appraised during future museum planning phases.

Submission 9

- That Tweed Shire Council develops a shire-wide Koala Management Plan.
- To protect and secure the long-term future of Koala on the Tweed Coast.
- Formation of a Koala advisory group.

Responsible Officer Comments

Council is applying for a grant through the NSW Environmental Trust to develop the Koala Management Plan as identified in the Tweed Vegetation Management Strategy, 2004. The application is supported by in-kind and cash contributions through the Biodiversity Program of Council and is being developed in partnership with Team Koala, Friends of the Koala and other stakeholders. Should this application be unsuccessful, Council will pursue other funding options.

Council is currently near completion of a model Biodiversity Development Control Plan which contains specific development control measures to maintain koala habitat within specified areas.

Media

Twelve newspaper articles and letters to the editor were published in local print media regarding the 2009/2012 Draft Management Plan.

Conclusion

Considering the Responsible Officers comments it is recommended that Council resolves to adopt the 2009/2012 Draft Management Plan, 2009/2010 Draft Budget and the 2009/2010 Draft Revenue Policy and Draft Fees and Charges, with an amendment to the rate of interest charged on overdue rates and charges.

BUDGET / REVENUE POLICY

Council has the option at this meeting to amend the Draft Management Plan and Budget as well as vary the Fees and Charges.

COUNCIL'S FINANCIAL POSITION (2009/2010) - BUDGET

The 2009/10 Budget as presented is balanced in each fund. If any surplus funds become available from operations during the year, these are applied to increase the level of accumulated funds.

Program Budgeting used in the Plan provides both a financial and management analysis of the individual programs and services offered by Council and in conjunction with the various program objectives and performance measures allows an ongoing review of services related back to the individual program objective. Extensive use of activity based costing is used to support this process.

As part of the analysis of the purpose of the plan a number of objectives were identified in an attempt to determine if, on present trends, there is sufficient revenue to:

- Maintain or expand existing services;
- Replace infrastructure, both existing and future;
- Undertake new projects, in line with Council's strategic direction; and
- Ensure long-term financial sustainability.

The objectives of the 2009/2010 Budget are:-

- To maintain a balanced budget;
- To maximise income from all sources, subject to the stated policies of Council;
- To provide works and services at levels commensurate with budget allocation;
- To restrain expenditure, wherever possible;
- To achieve economy of operation; and
- To optimise the return on funds and investments.

DRAFT BUDGET FOR 2009/2010

General Fund	\$95 million
Water Fund	\$45 million
Sewerage Fund	\$26 million
TOTAL	\$166 million

NEW FEES AND CHARGES FOR 2009/2010

The following new fees and charges were advertised in the Draft Management Plan and/or 2009-2010 Draft Revenue Policy, Fees and Charges.

- Private water suppliers.
 - Annual Registration and inspection is \$155.00.
 - Change of ownership/operator is \$60.00.
- Food Premises Inspection Fee.
 - Annual Administration Fee - small home business is \$60.00.
- Laboratory Testing Fees.
 - Heavy Metals new various charges and Toxin Test is \$65.00.
- Parks & Reserves.
 - Temporary Crown or Community Land Licence is \$145.00 first day and \$80.00 subsequent days.
- Cemetery Fees a new fee structure applies.
- Tweed Regional Aquatic Centre.
 - New Fees including Dive-in Movies and Fitness/Lifestyle Programs.
- Rezoning applications new set of Fees and Charges apply.

- Development Control Plan Preparation of Amendment new set of Fees and Charges apply.

It is proposed that they be adopted with the remainder of the fees and charges:

Public submission received on Fees and Charges

1 Tweed Broadwater Village Pty Ltd

A written submission was received from the Tweed Broadwater Village Pty Ltd regarding Council's New Non-Residential Sewer Access Charge.

- Objection to the proposed increase in sewer charges as the Village is a residential home park for over 50's and consequently the sewer charge is residential not business.

2 Gary Thorpe

A written submission was received from Mr Gary Thorpe.

- Objection to increase in sewer charge and requested a review of previous charges. The new charge is unacceptable at a time when small business is hurting.

3 Seagull Club, Wayne Kendrigan General Manager

- Objection to the new Non-Residential Sewer Charge.

Responsible Officer Response to the new Non-Residential Sewer Charge

This new charge is proposed in accordance with the NSW governments pricing guidelines. The charge is to differentiate between residential and non residential users of the Sewerage System. Historically the sewerage Access charge has been the same for both types of connections. The pricing guidelines require those non residential users with higher water usage patterns to pay a greater contribution to the cost of maintaining sewerage assets. It is proposed to implement this charge progressively over a period of 3 years.

Council notified its intention to implement this charge in the 2008/2009 Management Plan. A specific report was considered at the Council Meeting of 17 March 2009 and these charges have been subsequently advertised to be effective in the 2009/2010 Management Plan (Revenue Policy).

Following representations from the business community and submissions to the Draft Management Plan, it is now recommended that the calculation methodology of the business assessment for sewer access charge under Section 501 be undertaken to more accurately reflect the quantity of water discharge to sewer and therefore the potential for each business to consume capacity. This is done by including a discharge factor in the process and calculation on an individual water meter basis.

The amendments to what was proposed will now mean that of the 1647 business properties subject to the sewer access charge, approximately 1200 will pay the same as the residential sewer access charge. The majority of the remaining businesses will pay less than what was proposed, with only a small number being charged more. This results in a more fair and equitable outcome for all business properties.

3 Murwillumbah Theatre Company

A written submission was received from the Murwillumbah Theatre Company.

- Amendment of the fees and charges for use of the Auditorium for performances and rehearsals and other uses of the Auditorium.

Responsible Officer Response to the Auditorium Fee Changes

There is no fundamental change in the fees and charges from 08/09 to 09/10 apart from a small percentage increase. The MTC inc has a long term arrangement outside of these fees and charges which will at some stage require review as a separate process.

4 Coastline Building Certification Group Pty Limited

Submission regarding proposed charges for construction certification and building inspection fees, advising that these fees are inadequate, especially when compared to the fees levied by other north coast councils for the same service.

Responsible Officer Response to the Construction Certification and Building Inspection Fees

The fees and charges relating to Construction Certificates and inspection fees is an issue that has been raised previously by the writer in 2001, 2003, 2004, 2005 and 2006.

It should also be noted that a complaint was made by the writer in 1999 to the Australian Competition and Consumer Commission whereby Council's fees and charges were considered and its findings were supportive in favour of Council.

On each occasion the perceived inadequacies were reviewed against Council's statutory obligation to provide an assessment and inspection service as well as exercising a regulatory role. Impacts on local consumers were also considered together with Council's ability to provide a process which allows for a Development Approval, Construction Certificate approval and sewer approval to be dealt with concurrently by the one assessing officer and thereby improving and simplifying its process.

The reduction of income within the Building Services section is directly the result of the current economic downturn with local building approvals, on average, down by approximately 50% which has affected both Council and the private sector.

The fees are set based on the economies of scale in Council's officers being utilised as the Principal Certifying Authority. It is considered that the fees proposed represent the cost for providing the services, however, since the last review to Council was in 2004 it is considered timely that a further review be undertaken. Given Council's requirement to advertise any changes to the Fees and Charges for a period of 28 days to allow for community and industry feedback, it is recommended that no change to the proposed Fees and Charges be made at this time. Council officers will provide a report to Council after reviewing the fee for service structure in detail at the September quarterly budget review.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

In accordance with Section 405 of the Local Government Act 1993, the Draft Management Plan was placed on exhibition for public display from Thursday 23 April 2009 to Friday 22 May 2009.

The Minister for Local Government under Section 508A of the Local Government Act 1993, determined in August 2007 that the percentage by which Tweed Shire Council may increase its General Purpose income for 2009/2010 is 9.5% above that for 2008/2009, which includes year three of Council's 7 Year Infrastructure and Services Plan.

Council, as part of the special variation approval, is required to report to the Department of Local Government on any significant variations from its 7 Year Infrastructure and Services Financial Plan as contained in the instrument under Section 508A(1) and 548(3)(a) of the Local Government Act 1993 dated 15 August 2007.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. Draft 2009/2012 Management Plan (refer to Attachment to meeting held 21 April 2009, DW 2035718 and available on Council's website)
 2. Draft 2009/2010 Budget (refer to Attachment to meeting held 21 April 2009, DW 2027978 and available on Council's website).
 3. Draft 2009/2010 Fees and Charges (refer to Attachment to meeting held 21 April 2009, DW 2035924 and available on Council's website).
 4. Draft 2009/2010 Revenue Policy and Statement (refer to Attachment to meeting held 21 April 2009, DW 2035717 and available on Council's website).
 5. Submissions received from the public consultation process.
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