

Mayor: Cr Warren Polglase Councillors: P Youngblutt (Deputy Mayor) D Holdom B Longland K Milne K Skinner J van Lieshout

# Addendum Agenda

# Ordinary Council Meeting Tuesday 19 January 2010

held at Murwillumbah Cultural & Civic Centre commencing at 4.30pm

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## Addendum Items for Consideration of Council:

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## **REPORTS THROUGH THE GENERAL MANAGER**

### **REPORTS FROM DIRECTOR PLANNING AND REGULATION**

#### a5 [PR-CM] Cobaki Lakes Concept Plan – Residential Community Development - Council Submission to the Department of Planning

#### ORIGIN:

**Development Assessment** 

FILE NO: GT1/52 Pt11

#### **SUMMARY OF REPORT:**

The Department of Planning is currently assessing a Part 3A Major Project application for a Concept Plan for residential subdivision at Cobaki Lakes (MP06\_0316). The Concept Plan includes residential subdivision, town centre, neighbourhood centre, schools, lakes, environmental protection and open space areas. The development will result in creating a maximum of 5,500 new residential dwellings, comprising varied housing forms with an expected future population of approximately 12,000 people. In February 2009, Council reviewed the Concept Plan and supporting Environmental Assessment and provided a detailed submission to the Department of Planning.

The Department of Planning has now provided Council with a copy of the Preferred Project Report (PPR) for the Cobaki Lakes Concept Plan. The PPR is to be read in conjunction with the Concept Plan and is comprised of a response to the issues raised in public and agency submissions. The Department of Planning has requested that Council review the PPR and advise whether it satisfactorily addresses Council's concerns.

At the time of finalising this report, the applicant submitted copies of a Draft Cobaki Lakes Development Code, and also the Department of Planning advised of the receipt of a Project Application for the central lakes and open space area of the Cobaki Lakes development, both of which have been placed on public exhibition. The details of these plans will be reviewed by Council officers and a further report submitted to Council.

Council Officers have undertaken the review of the PPR and compiled a detailed response to the Department of Planning (refer Draft letter attached). The purpose of this report is to provide a summary of comments following the review, as well as to seek Council's endorsement of the attached draft comments to the Department of Planning. The officers have also further recommended Council's endorsement of investigations into the removal of Scribbly Gum trees on the site. As previously identified to Council, both the Cobaki Lakes and Kings Forest developments are an important component of Council's broader strategic plans to provide a significant proportion of new housing and employment opportunities over the next 10 to 20 years. The Council officers have been working closely with the applicant and the Department of Planning to achieve a high quality and sustainable form of development on both sites.

The Cobaki Lakes Preferred Project Report has addressed a number of Council's previous concerns for the initial Concept Plan through deletion of the southern most lake and incorporation of environmentally sensitive areas (Saltmarsh) into proposed Environmental Protection zones. It also includes a preliminary Development Code containing design controls for future development as well as exempt and complying development. An updated Development Code has since been produced and will be the subject of future assessment. Notwithstanding the progress made in addressing these issues, the Council officers have identified further issues which need to be addressed prior to the DoP's final determination of this Part 3A matter.

## **RECOMMENDATION:**

That: -

- 1. Council endorses the attached draft submission to the Department of Planning on the Preferred Project Report for Cobaki Lakes.
- 2. The applicant provides further evidence to demonstrate that removal of Scribbly Gums on the Cobaki Lakes development site has been carried out lawfully. The details of any response from the applicant will be reported back to Council to determine whether any compliance action is necessary.

#### **REPORT:**

Applicant:	Leda Manorstead Pty Ltd
Owner:	Leda Manorstead Pty Ltd
Location:	Lot 1 DP570076, Lot 2 DP566529, Lot 1 DP562222, Lot 1 DP570077, Lot 1
	DP823679, Lot 46, 54, 55, 199, 200, 201, 202, 205, 206, 209, 228 & 305
	DP755740 at Cobaki lakes Estate, Tweed Heads
Zoning:	2(c) Urban Expansion, 2(e) Residential Tourist, 6(b) Recreation, 7(d)
•	Environmental Protection (Scenic Escarpments) and 7(I) Environmental
	Protection (Habitat)
Cost:	N/A

#### BACKGROUND:

The Cobaki Lakes Concept Plan and the Environmental Assessment (EA) were placed on public exhibition by the Department of Planning between 7 December 2008 and 16 February 2009. Council provided a submission to the Department of Planning in February 2009.

The applicant subsequently prepared a Preferred Project Report (PPR) responding to the matters raised in the submissions. The PPR sets out the final amendments to Concept Plan, the Statement of Commitments and the EA.

On 9 November 2009, Council received a copy of the PPR from the Department of Planning, who requested that Council advises whether the PPR satisfactorily addresses concerns raised in the Council submission.

#### PREFERRED PROJECT REPORT

#### Summary of Concept Plan Changes

#### Site Details – Inclusion of Road Reserves

The PPR has identified that the site description has been revised to include road reserves across the site, including the Sandy Lane road reserve owned by Tweed Shire Council and approximately 5.92 ha of Crown road reserves.

#### Amendments to the Tweed Local Environmental Plan (LEP)

Additional amendments to the proposed rezoning has been made as numbered 28 to 39 on the plan below.

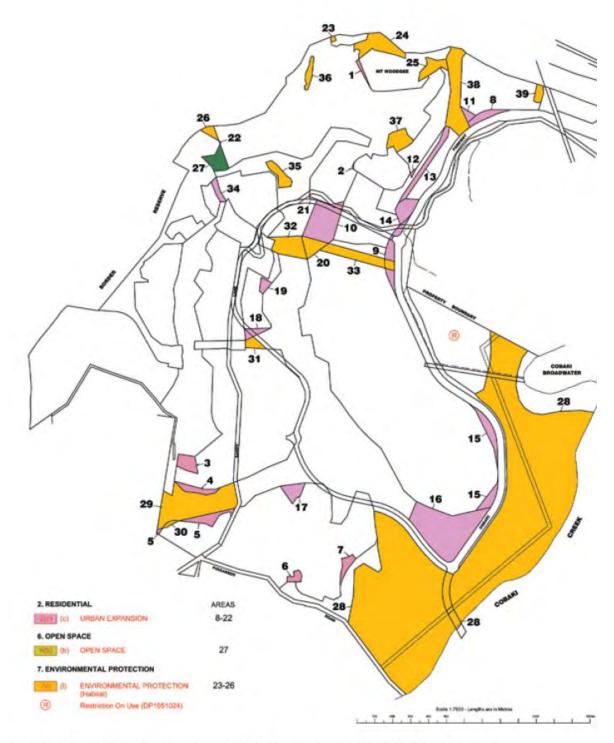


Figure 1 - Proposed Amendments to Tweed LEP Zoning Map (prepared by Michel Group Services)

It is also proposed to include site office and sales office as permissible in the 6(b) Recreation zone. Along with abovementioned rezoning changes, this will result in an amendment to the Tweed Local Environmental Plan 2000 (LEP).

#### Land Use Matrix

As requested by Council's previous submission, the land use matrix has been revised to accord with the latest definitions in the Standard Local Environmental Plan (LEP) and to include emergency services as a use in the town centre and community and education centres.

#### Development Code

The PPR includes a Development Code described and reviewed below.

#### Concept Plan

Additional detail is provided in the open space network plan, depicting the proposed location of structured open space.

Open space and environmental protection areas are delineated on the Concept Plan.

The Ridgetop Road has been removed from the northern part of the plan.

#### Public Transport / Bus Routes

Bus route distances have been prepared and included in the Access Network plan.

#### Lake System

The southern lake in the central open space area has been deleted from the Concept Plan.

#### **Future Development Applications**

It is proposed that subdivision of the first three precincts will be subject of future Part 3A Project Applications to the Minister for Planning instead of development applications to Council.

#### <u>Ecology</u>

Revised flora and fauna management plans are included in the PPR.

#### <u>Heritage</u>

A revised preliminary aboriginal cultural heritage assessment, draft cultural heritage management plan and historical cultural heritage assessment are included in the Concept Plan.

#### Statement of Commitments

The statement of commitments has been revised (discussed in greater detail below).

#### **PPR - Overview**

#### Residential Neighbourhoods

The PPR indicates that the Concept Plan will include 17 neighbourhoods, each containing a diverse range of housing types and densities. Residential housing choices will include: traditional detached dwellings (average lot size of 550m<sup>2</sup>); zero lot housing (lots 250-450m<sup>2</sup>); terrace housing (average lots on 120-250m<sup>2</sup>); attached dwellings on corner allotments (400-1200m<sup>2</sup>) and unit development throughout the site.

The PPR confirms that the Concept Plan will result in a maximum of 5,500 dwellings on the site and that detailed precinct dwelling yields will be provided in subsequent project / development applications.

It states that areas of medium density housing will be located close to areas of greater amenity such as the town and village centres, central open space areas, lake, local parkland and areas with scenic views and major roads.

Components of the PPR are included below.

#### **Development matrix**

The development matrix has been amended as follows:
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Figure 3 - Precinct Development Matrix (prepared by The Design Forum Pty Ltd)

#### Development Code

The Concept Plan and EA outlined that residential development proposed included small lot housing (minimum of 120m<sup>2</sup>) and a range of medium density housing types previously not seen in the Tweed Shire. The Concept Plan and EA made reference to a Development Code (the Code) which would provide design details and development (particularly small lot housing). The EA also identified that the Code would allow for exempt and complying development.

Various submissions requested that the Code be made available as it was a critical component for assessment. The Code has been included in the PPR.

As identified earlier, a revised Draft Cobaki Lakes Development Code has since been submitted to Council and will be placed on public exhibition over upcoming weeks. Council officers will further review this document and report back to Council on any additional planning issues.

In terms of the details of the earlier draft Code, Part A of outlines exempt and complying development. Part B provides development controls for all other assessable development including residential development, town centre and neighbourhood centre development and subdivision. Exempt development in Part A of the Code includes minor development, minor development ancillary to dwellings and commercial development. Complying development in Part A includes traditional detached dwellings, terrace dwellings, zero-lot dwellings, soho dwellings, plex dwellings, mews dwellings on a nominated lot. Complying development also includes commercial and industrial development similar to that identified in the State SEPP (Exempt and Complying Development). Part A (complying development) requires that development is consistent with the Concept Plan, the Plan of Development.

Complying development also requires a Complying Development Certificate and where specified, a Design Review Panel Pre-Approval Certificate.

Dwelling types are defined as follows:

Tourist Accommodation:	(other than hotel or motel accommodation) in which self-contained short-term accommodation units are located on a single lot along with communal facilities and a building manager. These dwellings may be strata-titled upon completion, as outlined in Part Sections 5.8 and 5.9 regarding subdivision.
Development Lot:	in which a large parcel of land is identified for future development subject to separate planning approval either compliant with the Development Code or within criteria set in a Plan of Development.
Traditional Detached Dwelling:	in which only a garage wall may be built-to-boundary and which may also referred to as a Traditional Detached Home in this document.
Zero-lot Dwelling:	in which all or at least part of one side wall is built-to- boundary and which may also referred to as a Zero- Lot Home in this document.
Terrace Dwelling:	in which all or at least part of both side walls are built- to-boundary and which may also referred to a Terrace Home in this document.
Soho Dwelling:	in which limited commercial uses are combined with residential uses on the title.
Mews Dwellings:	in which a group of more than three and up to six dwellings are located on a single lot that share a common driveway and often have frontages to two streets or a street and a park.

These dwellings may be strata-titled/re-subdivided upon completion, often providing freehold title lots with reciprocal easements for access to the lots not located on the access street frontage, as outlined in Sections 5.8 and 5.9 regarding subdivision.

- Shop-top Dwelling/s: in which one or more dwelling/s is/are located on a single lot in association with a ground floor business use that fronts a street containing other commercial uses. If constructed appropriately, it is optional for the business use/s and the dwelling/s to be strata titled/ resubdivided separately from the residential uses upon completion, and the individual dwellings may also be strate-titled/re-subdivided upon completion, as outlined in Sections 5.8 and 5.9 regarding subdivision.
- **Townhouse Dwellings:** in which six or more dwellings in an attached format (maximum number of attached dwellings to be four) are located on a single lot and have direct access to the ground, share a common driveway, share common property, and share communal facilities. These dwellings must be strata-titled upon completion, as outlined in Sections 5.8 and 5.9 regarding subdivision.

Villa Dwellings: in which six or more dwellings in a detached format are located on a single lot and have direct access to the ground, share a common driveway, share common property, and share communal facilities. These dwellings must be strata-titled upon completion, as outlined in Sections 5.8 and 5.9 regarding subdivision.

- Apartments: in which two or more dwellings are located vertically in storeys and share car parking and common property. These dwellings must be strata-titled upon completion, as outlined in Sections 5.8 and 5.9 regarding subdivision.
- Retirement Communities: in which numerous attached and/or detached dwellings, club and recreational communal facilities and an administration component are located on a single lot. These dwellings must be strata-titled upon completion, as outlined in Sections 5.8 and 5.9 regarding subdivision.

The development controls for subdivision in Part B, identify that a Plan of Development (POD) is required showing the location and detailed characteristics of nominated lots (to allow for complying development). A POD must also identify other elements and must include the provision of a set of Design Guidelines to maximise the extent of complying development by including merit based items with guidelines for residential amenity.

Council officers have reviewed the code and provided detailed comments herein.

#### Future Stage Applications for Development Approval

The PPR identifies that future roll out and development of Cobaki Lakes will occur as follows:

#### Part 3A Projects

The first three residential precincts and associated civil works will be subject to Part 3A Project applications, including subdivision, rehabilitation and construction of the central open space area.

#### Complying Development

Dwellings that meet Part A of the development code will be able to proceed upon issue of a complying development certificate and in where specified, a Design Review Panel Pre Approval Certificate.

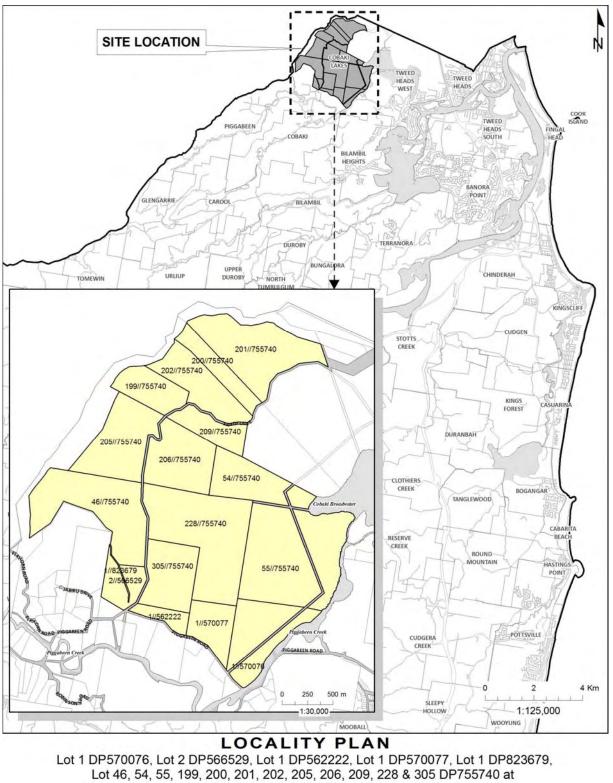
#### **Development Applications**

The fourth and subsequent precincts of the development will be assessed by Tweed Shire Council through lodgement of an application. Development Applications will also be required for any apartments and dwellings that do not meet Part A of the Development Code (the Code). Development in the town and village centre, community and education precinct development will also fall within this category.

Lots which satisfy the minimum controls for either traditional detached dwelling, zero lot dwelling, terrace dwelling, soho dwelling, plex dwellings, mews dwellings and shop top dwellings are to be marked on a plan of development as a nominated lot. This type of development can be undertaken as complying development.

Lots to be developed for townhouses, villas, apartments or retirement communities are to be nominated as development lots at the subdivision stage.

#### SITE DIAGRAM:



Cobaki lakes Estate, Tweed Heads Author: J.Batchelor - Planning Reforms Unit





Cadastre: 13 January, 2010 © Dept. of Lands & Tweed Shire Council

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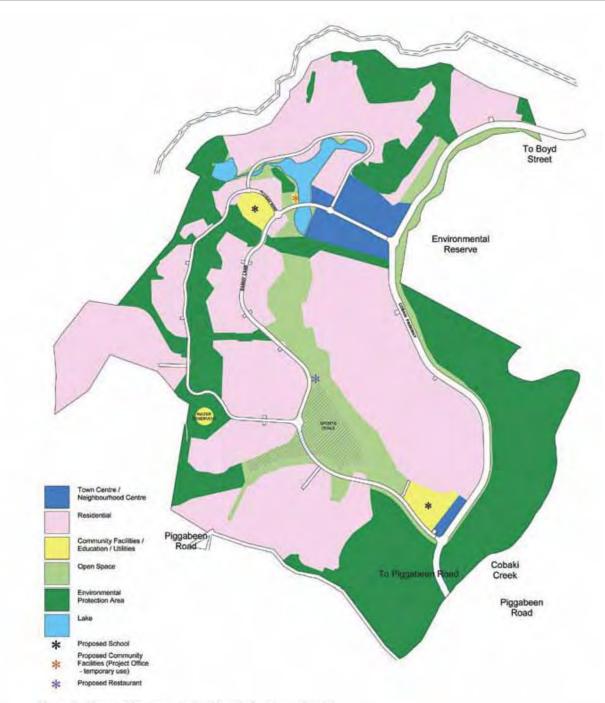
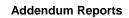


Figure 2 - Concept Plan (prepared by The Design Forum Pty Ltd)



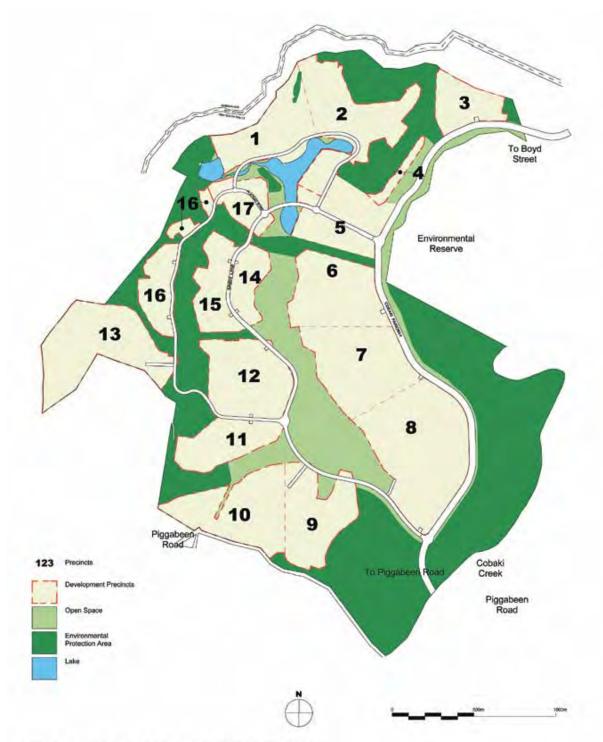


Figure 4 - Precinct Plan (prepared by The Design Forum Pty Ltd)



Addendum Reports

Figure 5 - Proposed Height of Buildings (prepared by The Design Forum Pty Ltd)

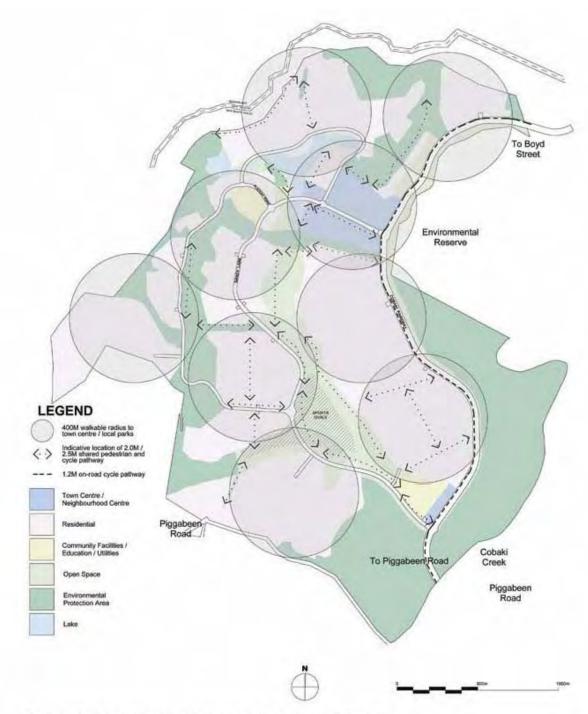
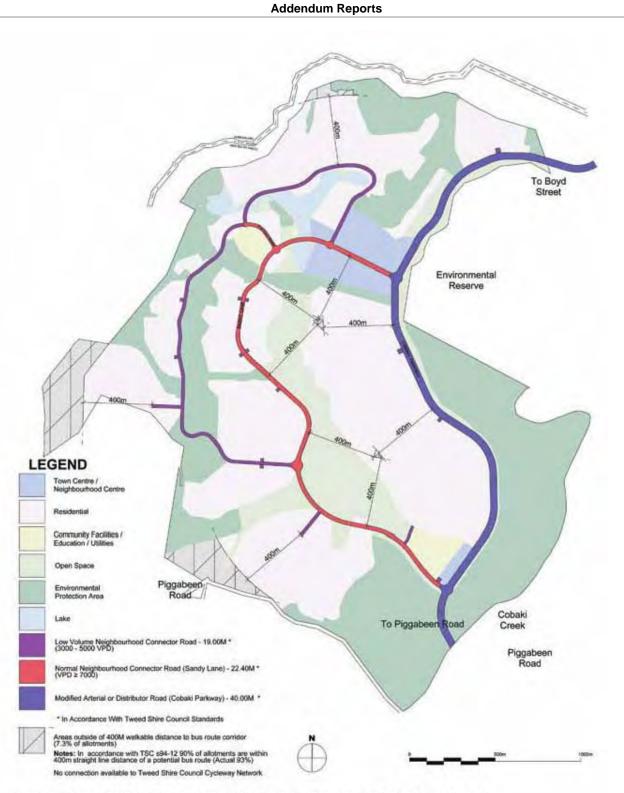


Figure 6 - Open Space Network Plan (prepared by The Design Forum Pty Ltd)





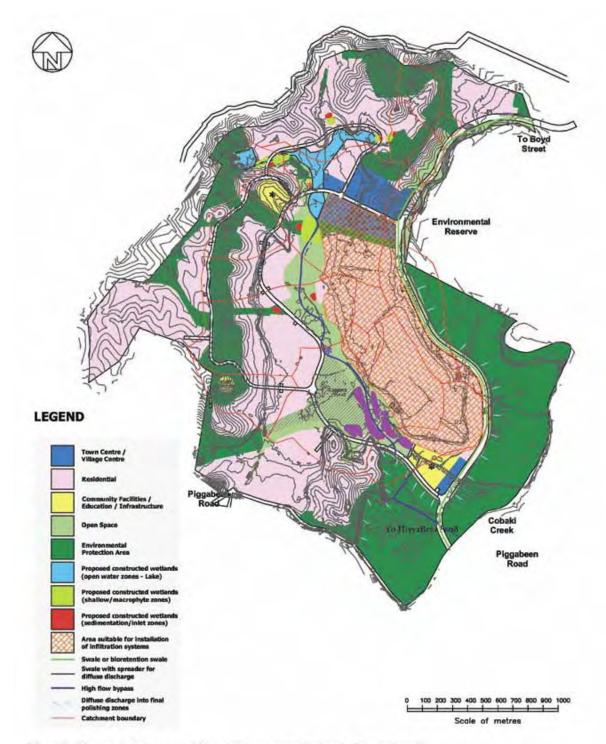


Figure 8 - Stormvvater Management Concept (prepared by The Design Forum Pty Ltd)

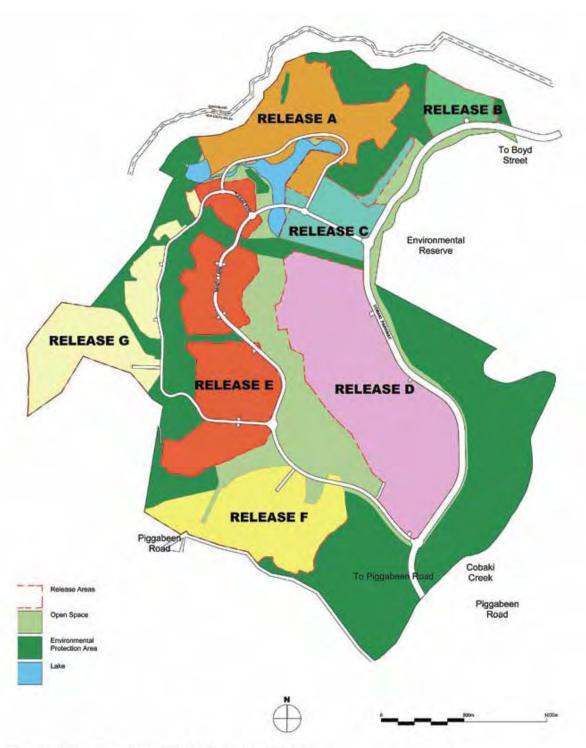


Figure 9 - Release Areas (prepared by The Design Forum Pty Ltd)

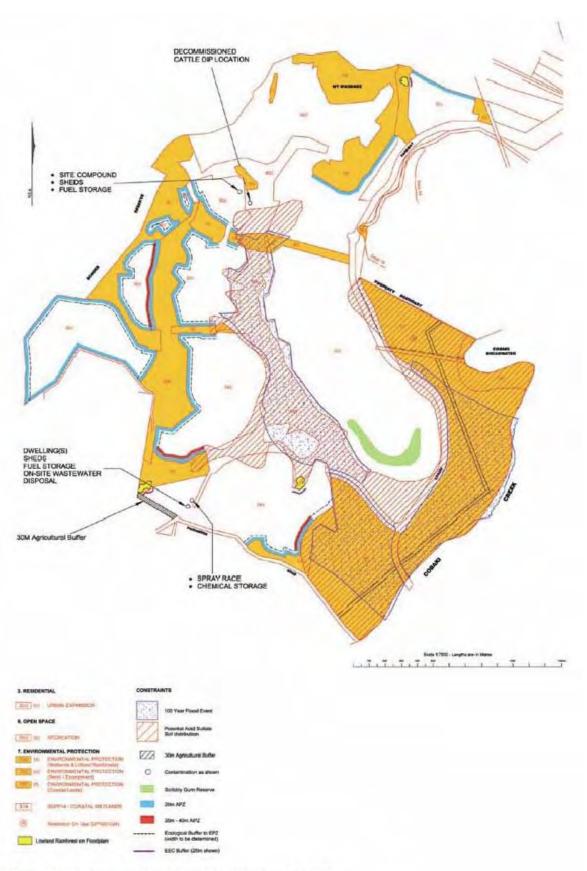


Figure 10 – Site Constraints Map (prepared by Michel Group Services)

## COMMENTS ON THE PPR

The PPR was circulated to Council Officers with expertise in the following fields:

- Ecology
- Strategic and Social Planning
- Infrastructure Engineering
- Subdivision Engineering
- Building
- Environmental Health
- Traffic
- Entomology
- Water Services
- Natural Resource Management
- Water and Sewer Engineers
- Flooding Climate Change

Comments from Council Officers have been collated into the attached draft submission. Given the extensive detail provided in the attachment, key issues have been summarised below.

- <u>Water and Sewer</u>: Comments on sewer and water have been partially addressed, although new issues have arisen. A water supply strategy and sewer strategy is required to be approved by Council prior to approval of the project application.
- <u>Saltmarsh:</u> The PPR proposes to zone the saltmarsh Environmental Protection as recommended, however the Saltmarsh Rehabilitation Plan is inadequate. Concerns in relation to the following matters have not been addressed and remain valid:
  - o on-going maintenance costs and developer maintenance period;
  - o potential impacts of stormwater on the saltmarsh;
  - o Rehabilitation of the eroded part of Cobaki Creek bank;
  - Wetland dynamics and boundaries between saltwater and freshwater;
  - o Concerns with proposed species selection for replanting;
  - Impacts of climate change on the saltmarsh as landward movement is not possible due to proposed roads and residential development;
  - Concerns with impacts from adjoining construction and development;
  - Additional issues relating to proposed revegetation of Swamp Oak and mixed species which may result in increased movement of mosquito into urban areas in Cobaki Lakes.
- Concerns in relation to <u>water quality and acid sulphate soils</u> in association with the proposed lake system have been partially addressed though removal of the southern most lake. Additional acid sulphate soil management plans may be required to support any future project applications and development applications.

- <u>Water quality of the Cobaki Broadwater</u> is still a concern and should be managed in accordance with the "Draft Catchment and Estuary Management Plan for Cobaki and Terranora Broadwater" (August 2009 CEMP). This can be achieved through best practice stormwater management currently being implemented in South East Queensland through as 'Water by Design'. The Water by Design program includes best practice Water Sensitive Urban Design (SWUD). Stormwater management should reflect strategies identified in Water by Design.
- <u>Scribbly Gums:</u> An off-set area is proposed for eventual removal of the Scribbly Gums. This is not acceptable as it will not result in a net biodiversity gain in the medium term. The Scribbly Gum is a very rare community in the Tweed and off-set planting would take at least 100 years to achieve age related features of the existing stand of trees. The Scribbly Gums should be maintained, enhanced and included in environmental protection zoning. Bushfire management considerations should be included in the Scribbly Gums Management Plan.
- <u>Clearing of Scribbly Gums:</u> Aerial imagery would suggest that a large proportion of Scribbly Gums have been removed between May 2007 and April 2008. Council Officers are not aware of any previous consents that have allowed for removal of these trees, in fact conditions have been imposed to ensure that they are protected during surrounding site works. It is recommended that the developer provide further evidence to demonstrate that the tree removal has been carried out lawfully. If no relevant clearing permit or consent is in place, compliance action should be undertaken.
- Council raised concern with <u>future maintenance and tenure of environmental protection</u> <u>and open space areas</u>. The PPR proposes that the majority of the environmental protection and open space areas are to be managed by Council after a two year rehabilitation period (except for the environmental protection zone on the eastern side of Cobaki Parkway adjacent to Cobaki Creek which is proposed to be dedicated to DECCW). Given the on-going cost implications for Council, it is critical that agreement is sought on the ongoing management of environmental areas. This has not occurred through the PPR and the following recommendations are made:
  - all management plans are reviewed in light of detailed comments provided in the attachment;
  - the developer remain responsible for management and rehabilitation of dedication areas until agreed performance standards are achieved;
  - Transfer of lands to Council is carried out as soon as practical after commencement of the development;
  - Arrangements are made to ensure that sufficient funds are generated from the development to allow Council to manage areas set aside for environmental purposes in perpetuity (precise mechanism to be defined eg. Lump sum payments, special rate etc.).
- Some of the <u>rezoning</u> is not supported due to ecological impacts. Previously discussed plans for compensatory off-sets have not been implemented.

- <u>Landforming</u>: The PPR fails to provide a single coherent landforming or stormwater management plan. This is considered critical at the concept plan stage as it influences the viability of the development, achievable density and ultimate urban form. The landform and its constraints should inform the design of the urban form and proposed infrastructure.
- <u>Stormwater:</u> The PPR does not provide an amended stormwater plan demonstrating that adequate drainage infrastructure can cater for external and internal runoff catchments. Whilst it is agreed that detailed design, configuration and sizing of the stormwater quality control system can be undertaken at a later stage, the stormwater management plan does not define how all of the elements in the stormwater management system will work together in an effective manner and reflect the final landform.
- <u>Water Sensitive Urban Design (WSUD)</u> measures recommended in the stormwater concept plan should be reflected throughout the EA, PPR and Development Code. The Development Code and Statement of Commitments needs to adopt Council's specifications on stormwater quality (D7) and subdivision design (A5) so that SWUD can be implemented for the subdivision appropriately.
- <u>Proposed Lakes Maintenance</u>: The PPR has removed the southern most lake and states that Council will remain the authority responsible for ongoing maintenance. Despite the reduction in lake area, dedication and on-going maintenance by Council is not supported due to unresolved issues associated with maintenance costs and efficient water quality management systems that would have limited impacts on downstream fauna and flora.
- The PPR has not addressed <u>traffic concerns</u> and they remain as previously specified. In particular, the need for a road link to Piggabeen Road via the Sandy Lane alignment is not incorporated. Proposed road hiearachy is not in accordance with Council's standards. Access to Cobaki Parkway (for schools, community facilities, retail and commercial development) should not be permitted. The PPR provides conflicting advice about this issue. The Council's Development Design Specifications must be adopted as the basis for road infrastructure design in the Development Code.
- <u>Bushfire management</u> concerns remain. Ecological buffers appear to be included in the APZs.
- <u>Open space</u> is constrained by Sandy Lane and is indicated as Freshwater Wetland. The proposed shape of the sportsfields is not acceptable as it does not provide for efficient and maximum use for structured open space. Sportsfields should not be located where they will be restricted by conflicts with conservation objectives.
- <u>Climate Change and Sea Level Rise</u>: The applicant should consider the implication of new sea level rising policies on the development. Updated fill and floor levels should be incorporated into the development.
- The <u>Vegetation Management Plan</u> is inadequate and detailed comments are provided in the attachment.

- The site is considered to be potential <u>Koala Habitat</u> under SEPP 44 and the PPR should address this policy.
- A detailed <u>site restoration plan</u> for the whole site is required to enable a proper assessment as to whether offset targets are feasible. The offset targets include rehabilitation and revegetation of a number of vegetation communities on the site (including Coastal Freshwater Wetland EEC, Lowland Rainforest EEC, Swamp Sclerophyll EEC, Swamp Oak EEC, saltmarsh EEC and other vegetation) It should commit the proponent to agreed restoration actions. An amended site regeneration and revegetation plan is required (or alternatively prepare detailed restoration plans for each management precinct) including the information outlined in the attached letter.
- The <u>Freshwater Wetland Rehabilitation Plan</u> should be amended as outlined in the attachment.
- <u>Fauna:</u> The Concept Plan and PPR do not address potential impacts of construction of Cobaki Parkway on the Endangered Cobaki Longnosed Potoroo population. Given that this population is a Vulnerable species under the Environment Protection and Biodiversity Conservation Act 1999, the Concept Plan had been referred to the Commonwealth at the time of writing.
- The <u>Development Code</u> includes variations to adopted policies and controls. It also allows for design controls for small lot housing. Council was advised at the time of writing that the Code will be placed on public exhibition from the 13 January 2010.
- The <u>Development Code</u> is not supported (in its current form) by Council as the authority that will ultimately inherit the subdivision assets. It is imperative that these assets meet the engineering and design standards set out in Council's subdivision manual and associated design and construction specifications to ensure their effective and efficient operation and maintenance for their full life cycle, to avoid unduly burdening ratepayers.
- Additional concerns with the Code are summarised below, however Council officers require additional time to review the Code in greater detail.
  - The Development Code does not adopt Council's landforming controls which has implications on implementation and regulation of future bulk earthworks as well as long term sustainability, serviceability, safety and amenity of the development.
  - The Code should be limited to complying and exempt development NOT covered by the State Code (SEPP (Exempt and Complying Development)), to avoid duplication. Duplication will result in future inconsistencies as the State Code is updated.
  - The Code should be limited to proposed variations to Council's standard controls (particularly the Development Control Plan and associated Design Specifications) and otherwise default to Council's standards, not other documents not currently used in assessment in Tweed. Variations should be justified.
  - The Code should be limited to address design controls for small lot housing or housing types not contemplated by Council's Development Control Plan (A1), including dual occupancies, detached dwellings requiring consent, townhouses, residential flat buildings and tourist development defined in A1.

- The Code should encourage connectivity between neighbourhoods and vehicle permeability in accordance with best practice urban design.
- Payment of contributions for complying development is only possible at maximum bedroom rates. Bedroom rates should not be averaged out.
- Some <u>planning</u> concerns have been adequately addressed in the PPR, however the following matters remain outstanding:
  - An employment node is not provided other than that within the town and neighbourhood centre;
  - A public transport plan is not provided, although additional information is provided on bus routes;
  - Greater detail on urban structure was not identified, including high, medium and low density areas to enable coordinated and integrated planning for infrastructure, public transport, parks and community facilities. This should have been informed by comprehensive landforming and stormwater constraints analysis.
  - All existing consents should be relinquished upon approval of the Concept Plan;
  - Greater commitments are required to control sequencing and future development application process relating to plan of development and development lots.

## **OPTIONS**:

- 1. That Council endorses the key themes in the attached draft submission to the Department of Planning on the Concept Plan for Cobaki Lakes.
- 2. That the Council proposes an alternative draft submission to the Department of Planning on the Concept Plan for Cobaki Lakes.

## LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

## POLICY IMPLICATIONS:

Nil.

## CONCLUSION:

The Department of Planning has requested that Council review the PPR and advise if it addresses concerns outlined in the submission.

Various internal experts have assessed the PPR and comments have been collated into the attached draft correspondence.

The purpose of this report is to summarise outstanding issues as well as seek Council endorsement of the attached draft correspondence.

#### UNDER SEPARATE COVER/FURTHER INFORMATION:

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

1. Draft submission to the Department of Planning on the Preferred Project Report for Cobaki Lakes (ECM 11375908)

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## **REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS**

a14 [EO-CM] EC2009-092 Manufacture, Supply and Delivery of Gross Pollutant Traps to Jack Evans Boat Harbour, Tweed Heads - Variation

#### **ORIGIN:**

Contracts

#### FILE NO: EC2009-092

#### **SUMMARY OF REPORT:**

At the Council meeting of 15 September 2009, Council awarded Contract EC2009-092 for the Manufacture, Supply and Delivery of Gross Pollutant Traps to Jack Evans Boat Harbour, Tweed Heads, to Cemex Australia Pty Ltd Trading as Humes. The contract was for three gross pollutant traps. Due to changed design for an increased scope of works, an additional gross pollutant trap is required. The original three GPTs were for drainage works to be carried by Council's Works Unit north of Twin Towns Services Club. These works are now being extended to include works adjacent to the Club which require an additional GPT. A quotation has been requested for the additional gross pollutant trap as a variation to the above contract. This report recommends the course of action for the variation.

#### **RECOMMENDATION:**

That an additional gross pollutant trap be supplied as a variation to Contract EC2009-092, from Cemex Australia Pty Ltd Trading as Humes, at a cost of \$61,545.00 inclusive of GST.

### **REPORT:**

At the Council meeting of 15 September 2009, Council awarded Contract EC2009-092 for the Manufacture, Supply and Delivery of Gross Pollutant Traps to Jack Evans Boat Harbour, Tweed Heads, to Cemex Australia Pty Ltd Trading as Humes. The contract was for three gross pollutant traps. Due to changed design for an increased scope of works, an additional gross pollutant trap is required. The original three GPTs were for drainage works to be carried by Council's Works Unit north of Twin Towns Services Club. These works are now being extended to include works adjacent to the Club which require an additional GPT. A quotation has been received for the additional gross pollutant trap as a variation to the original contract.

The price of \$61,545.00, inclusive of GST, is considered fair and reasonable. The previous GPTs were tendered at \$77,335.00 per unit, inclusive of GST. This unit is slightly smaller hence the reduced cost.

It is recommended that the additional gross pollutant trap be supplied as a variation to Contract EC2009-092, from Cemex Australia Pty Ltd Trading as Humes, at the quoted price of \$61,545.00 inclusive of GST.

#### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funding is provided within the 2009/2010 Budget for the Jack Evans Boat Harbour Revitalisation Project.

#### POLICY IMPLICATIONS:

Nil.

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Nil.

### REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

### a16 [TCS-CM] Monthly Investment Report for Period Ending 31 December 2009

#### ORIGIN:

**Financial Services** 

#### SUMMARY OF REPORT:

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

Council had \$120,136,160 invested as at 31 December 2009 and the accrued net return on these funds was \$539,305 or 4.49% annualised for the month.

#### **RECOMMENDATION:**

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 December 2009 totalling \$120,136,160 be received and noted.

#### **REPORT:**

#### **Report for Period Ending 31 December 2009**

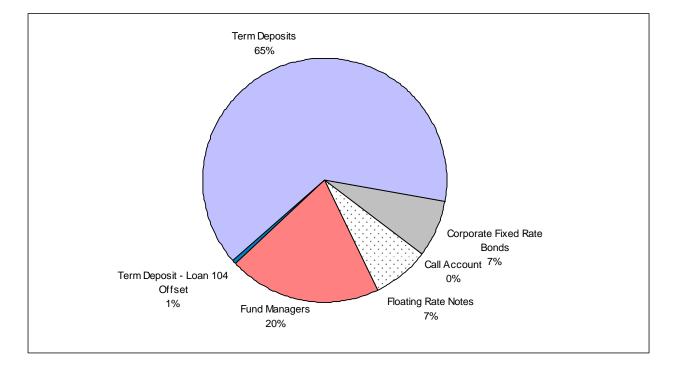
The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies.

#### 1. RESTRICTED FUNDS AS AT 1 JULY 2009

	(\$'000)				
	General	Water	Sewer		
Description	Fund	Fund	Fund	Total	
Externally Restricted	15,427	13,980	14,908	44,315	
Crown Caravan Parks	10,145			10,145	
Developer Contributions	29,762	19,327		49,089	
Domestic Waste Management	8,035			8,035	
Grants	3,794			3,794	
Internally Restricted	13,816			13,816	
Employee Leave Entitlements	1,685			1,685	
Grants	2,535			2,535	
Unexpended Loans	5,889			5,889	
Total	91,088	33,307	14,908	139,303	

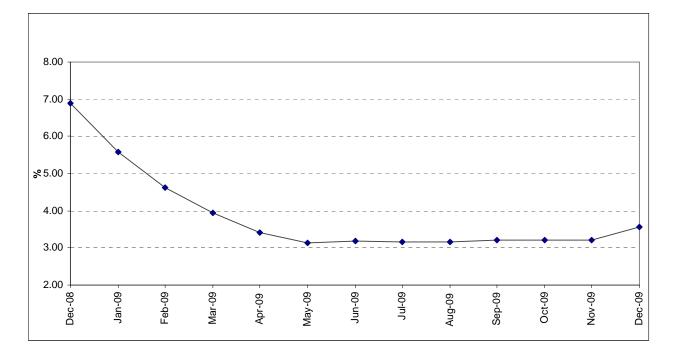
Note: Restricted Funds Summary next update September 2010

#### 2. CURRENT INVESTMENT PORTFOLIO BY CATEGORY

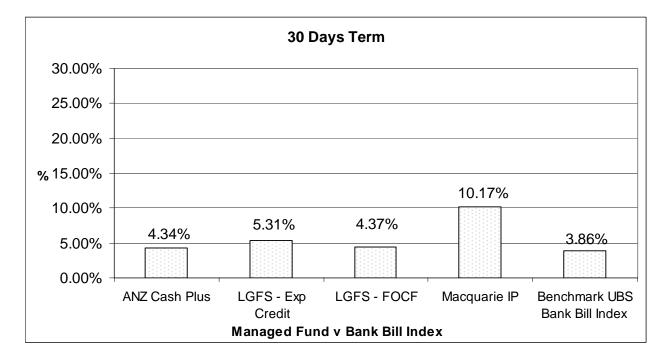




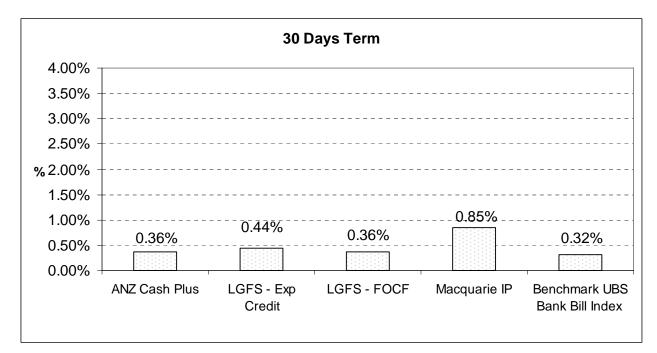
#### 3. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)



#### 4. FUNDS MANAGERS PERFORMANCE FOR MONTH - NET OF FEES (ANNUALISED)







#### 6. FUND MANAGERS - DETAILED INFORMATION

			Fund	Fund		
		Percentage of	Managers	Managers		
		Total Fund	Balance end	Balance end		
		Managers	of Previous	of Current	Distribution for	Coupon
Fund	Credit Rating	Current Month	month	month	Month/Quarter	Paid
ANZ Cash Plus	AA	3.70%	\$898,834	\$902,081	\$3,246	Monthly
LGFS -						-
Enhanced						
Cash	n/a	23.25%	\$5,647,070	\$5,671,949	\$24,879	Monthly
LGFS - FOCF	AA-	26.58%	\$6,460,226	\$6,483,711	\$23,486	Monthly
Macquarie IP	А	46.48%	\$11,245,606	\$11,338,508	\$92,902	Quarterly
Total		100%	\$24,251,736	\$24,396,248	\$144,513	

## 7. DIRECT SECURITIES

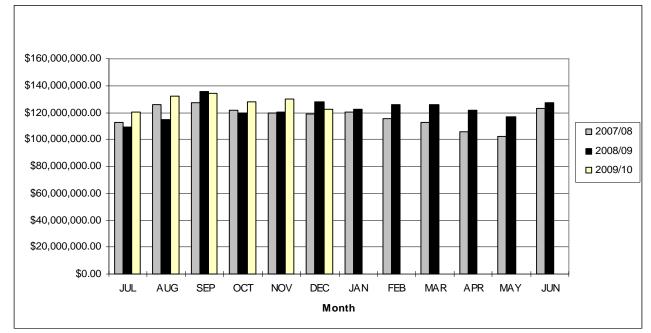
1						
Investment		Counterparty/			% Return on	Credit
Туре	Final Maturity	Product Name	Face Value	Market Value	Face Value	Rating
Bond	08/11/2011	ANZ	1,000,000.00	1,025,390.00	5.15	AA
Bond	22/04/2013	ANZ	1,000,000.00	1,080,840.00	8.65	AA
FRN	17/08/2010	ANZ	1,000,000.00	989,625.00	4.26	AA
		Bank of				
Bond	02/12/2010	Queensland	1,500,000.00	1,502,190.00	5.55	BBB+
		Bank of				
Bond	02/12/2010	Queensland	1,000,000.00	1,001,460.00	6.00	BBB+
FRN	20/07/2010	CBA	1,000,000.00	1,006,305.60	4.15	AA
FRN	21/01/2011	CBA	1,000,000.00	1,009,148.75	4.80	AA
FRN	21/01/2011	CBA	2,000,000.00	0.00	4.80	AA
FRN	17/04/2012	CBA	1,000,000.00	1,021,026.94	4.41	AA
FRN	23/11/2012	Deutsche Bank	1,000,000.00	860,332.00	4.92	A+
FRN	24/01/2011	Macquarie/HSBC	2,000,000.00	1,977,238.56	4.43	А
FRN	08/03/2012	Members Equity	2,000,000.00	1,899,600.00	5.14	BBB-
		CBA Zero				
Bond	22/01/2018	Coupon Bond	2,000,000.00	2,200,000.00	7.28	AA
Bond	24/09/2012	Westpac	1,000,000.00	1,048,940.00	4.90	AA
Bond	24/09/2012	Westpac	1,000,000.00	1,048,940.00	5.15	AA
ABS = Asset Bac	ABS = Asset Backed Security		19,500,000.00	17,671,036.85	5.68	
Bond = Fixed Ra	te Bond					
CDO = Collateris	ed Debt Obligation					
EDN - Electing E	•	1				

FRN = Floating Rate Note

#### 8. TERM DEPOSITS

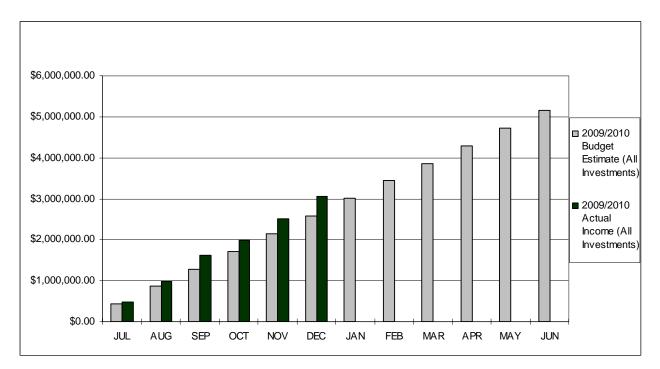
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield	INCOME RECEIVABLE
07-Jul-09	05-Jan-10	Members Equity Bank	1,000,000.00	182	4.600	22,936.99
13-Oct-09	11-Jan-10	Westpac Bank	4,000,000.00	90	4.660	45,961.64
12-Oct-09	12-Jan-10	LGFS	2,000,000.00	92	4.500	22,684.93
10-Sep-09	12-Jan-10	Suncorp Metway	2,000,000.00	124	4.700	31,934.25
15-Oct-09	19-Jan-10	Bankwest	2,000,000.00	96	5.050	26,564.38
29-Jul-09	19-Jan-10	Westpac Bank	4,000,000.00	174	4.600	87,715.07
11-Nov-09	03-Feb-10	Suncorp Metway Newcastle	1,000,000.00	84	5.450	12,542.47
13-Aug-09	09-Feb-10	Permanent Building Society	1,000,000.00	180	4.910	24,213.70
10-Sep-09	09-Feb-10	Westpac Bank	2,000,000.00	152	4.860	40,477.81
11-Nov-09	16-Feb-10	Westpac Bank	1,000,000.00	97	5.230	13,898.90
21-Aug-09	17-Feb-10	Westpac Bank	4,000,000.00	180	4.800	94,684.93
18-Nov-09	18-Feb-10	IMB	1,000,000.00	92	5.200	13,106.85
25-Nov-09	23-Feb-10	Aust Defence Credit Union	1,000,000.00	90	5.320	13,117.81
25-Aug-09	23-Feb-10	National Australia Bank	3,000,000.00	182	5.440	81,376.44
30-Nov-09	01-Mar-10	LGFS	5,000,000.00	730	5.030	503,000.00
02-Dec-09	02-Mar-10	IMB National Australia	1,000,000.00	90	5.400	13,315.07
01-Sep-09	03-Mar-10	Bank	4,000,000.00	183	4.930	197,740.27
10-Sep-09	09-Mar-10	National Australia Bank	2,000,000.00	180	4.910	48,427.40
17-Nov-09	16-Mar-10	Adelaide/Bendigo Bank	2,000,000.00	119	5.400	35,210.96
21-Dec-09	22-Mar-10	LGFS	1,000,000.00	24	4.820	3,254.79
25-Nov-09	23-Mar-10	Police Credit Union SA	1,000,000.00	118	5.400	17,457.53
28-Oct-09	28-Apr-10	CBA	868,875.00	182	4.505	19,517.79
27-May-09	27-May-10	ANZ	2,000,000.00	365	4.450	89,000.00

Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield	INCOME RECEIVABLE
	_					
16-Sep-09	20-Jul-10	Suncorp Metway Bank of	2,000,000.00	300	5.200	85,479.45
21-Aug-09	24-Aug-10	Queensland	2,000,000.00	368	5.300	106,871.23
01-Sep-09	01-Sep-10	National Australia Bank	4,000,000.00	365	5.530	221,200.00
10-Dec-09	14-Sep-10	Westpac Bank	1,000,000.00	278	6.750	51,410.96
07-Oct-09	05-Oct-10	Suncorp Metway	1,000,000.00	363	6.010	59,770.68
05-Nov-09	05-Oct-10	Westpac Bank	2,000,000.00	334	6.260	114,566.58
20-Oct-09	19-Oct-10	Bank of Queensland	1,000,000.00	364	6.050	60,334.25
20-Oct-09	19-Oct-10	Bankwest	1,000,000.00	364	6.000	59,835.62
02-Dec-09	07-Dec-10	Westpac Bank	2,000,000.00	370	6.800	137,863.01
03-Dec-09	14-Dec-10	Westpac Bank	1,000,000.00	376	7.050	72,624.66
10-Dec-09	14-Dec-10	National Australia Bank	1,000,000.00	369	6.650	72,624.66
16-Dec-09	21-Dec-10	Westpac Bank	1,000,000.00	370	7.000	70,958.90
17-Feb-09	16-Feb-11	Elders Rural Bank	1,000,000.00	729	4.620	92,273.42
17-Feb-09	17-Feb-11	Adelaide Bendigo Bank	2,000,000.00	730	4.700	188,000.00
02-Apr-08	01-Apr-11	Suncorp Metway	3,000,000.00	1095	8.300	747,000.00
12-Nov-08	11-Nov-11	Suncorp Metway	4,000,000.00	1094	6.880	824,846.03
12-Nov-08	16-Nov-11	Investec Bank	1,000,000.00	1099	6.880	207,153.97
			77,868,875.00		5.504	Average Yield



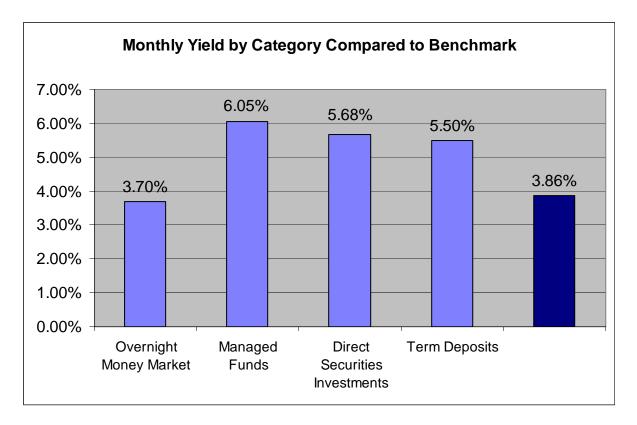
### 9. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED





#### 11. PERFORMANCE BY CATEGORY

Category	Face Value	Market Value	Average Yield	Above/(Below) 30 day BBSW Benchmark
Overnight Money Market	\$200,000.00	\$200,000.00	3.70%	-0.16%
Managed				
Funds	\$24,396,248.40	\$24,396,248.40	6.05%	2.19%
Direct Securities Investments	\$19,500,000.00	\$17,671,036.86	5.68%	1.82%
Term				
Deposits	\$77,868,875.00	\$77,868,875.00	5.50%	1.64%
				Benchmark
				30 Day UBS
				Bank Bill
	\$121,965,123.40	\$120,136,160.26	3.86%	Index



#### 12. Section 94 Developer Contributions - Monthly Balances Report - Period Ending 31 December 2009

Contribution Plan	Plan Description	End of month balance	Contributions received this month
01	DCP3 Open Space	3,674,243	0
02	Western Drainage	454,648	0
03	DCP3 Community Facilities	33,037	0
04	Tweed Road Contribution Plan	11,191,057	25,510
05	Open Space	1,396,935	10,373
06	Contribution Street Trees	188,183	0
07	West Kingscliff	814,317	0
10	Cobaki Lakes	-161	0
11	Libraries	1,507,619	4,474
12	Bus Shelters	38,323	118

31 December 2009					
Contribution	Plan Description	End of month	Contributions		
Plan	-	balance	received this month		
13	Cemeteries	2,517	908		
14	Mebbin Springs	68,391	0		
15	Community Facilities	1,226,536	4,152		
16	Surf Lifesaving	420,548	2,158		
18	Council Admin - Tech	1,612,493	20,827		
	Support				
19	Kings Beach	1,043,015	0		
20	Seabreeze Estate	571	0		
22	Shirewide Cycleways	448,268	3,130		
23	Shirewide Carparking	1,529,517	0		
25	Salt Development	772,797	0		
26	Plan 26 Shirewide Open	4,088,493	22,687		
	Space	.,,			
27	Tweed Heads Masterplan &	76,271	0		
	Streetscaping	- )	-		
28	Seaside City	-640	0		
91	DCP14	81,846	0		
92	Public Reserve	102,896	0		
	Contributions	,	-		
95	Bilambil Heights	490,121	0		
96	Community Facilities Shire	68,156	0		
	Wide	00,100	Ŭ		
Total		31,329,998	94,337		

#### 12. Section 94 Developer Contributions - Monthly Balances Report - Period Ending 31 December 2009

#### 13. ECONOMIC COMMENTARY

#### Global Economy

Global economic data released in December continued to show signs of improving conditions at a modest pace. An unknown factor is how the world's leading economies will perform when government stimulus packages are wound back.

Credit markets received a shock during the month as Dubai World's debt problems became apparent. Dubai World is a semi-government property development company based in Dubai. Many of Europe's and Asia's largest banks have significant exposure to the Middle East conglomerate. Neighbouring Abu Dhabi came to the rescue with funding to bail out Dubai World. It is clear that highly leveraged institutions will continue to be under severe pressure during 2010.

The US economy expanded less than initially estimated in the December quarter. Household spending appears to be expanding but remains constrained by ongoing job losses, sluggish income growth, lower housing wealth and tight credit.

The Chinese economy is showing signs of a strengthening recovery. The Central bank aims to maintain a "moderately loose" stance so that the economy can maintain stable and relatively fast growth.

#### **Domestic Economy**

Following the reserve bank of Australia's (RBA) cash rate increase to 3.75% during December, the RBA Deputy Governor Battelino attracted headlines with his comments to the effect that the wide margins between lending rates and the official cash rate are essentially helping the RBA do its job in regards to monetary policy.

It is widely anticipated that the RBA will raise rates by another 25 basis points at its February meeting and another 50 basis points within the next six months.

Total job advertisements in Australia have increased 19% since August, 2009 to be down 22.6% from one year ago or down 46% below their peak in April, 2008. Unemployment is forecast to rise as higher labour market growth outstrips jobs growth.

#### **Council's Investment Portfolio Performance**

The ANZ Cash Plus Fund has been closed to new deposits and redemptions since November 2008 and is in the processing of being wound up. The current exit fee of approximately 2.5% of the amount redeemed is viewed as favourable compared with exit fees during the past year ranging between 5% and 12%. During December Council closed the ANZ Cash Plus Fund. The funds will be diverted to higher yielding term deposits. For example Westpac Bank 90 day term deposits are returning 5.65% at the moment, or 2.2% above the 90 day BBSW benchmark.

All investment categories out-performed the UBS 30 day bank bill benchmark this month. Most managed funds in the Portfolio performed well, returning on average 6.05% annualised for the month or 2.19% above benchmark, compared with bonds 5.68% and term deposits 5.50%.

An indication of Portfolio performance is provided by totalling investment income for the month and disregarding changes in capital values. Council had \$120,136,160 invested as at 31 December, 2009 and the accrued net return on these funds was \$539,305 or 4.49% annualised for the month.

Source: Oakvale Capital Limited

#### 14. INVESTMENT SUMMARY AS AT 31 DECEMBER 2009

#### GENERAL FUND

CORPORATE FIXED RATE		
BONDS	\$8,907,760.00	
FLOATING	•	
RATE NOTES	\$8,763,276.85	
ASSET BACKED		
SECURITIES	0.00	
FUND		
MANAGERS	4,136,102.07	
TERM DEPOSIT - LOAN 104		
OFFSET	868.875.00	
TERM	,	
DEPOSITS	40,000,000.00	
CALL ACCOUNT	200,000.00	62,876,013.92

Addendum Reports				
SITS 30.000.000.0	00			
	7 47 557 000 57			
JERS 17,557,809.	57 <b>47,357,809.57</b>	_		
	n			
<i>i</i> ,000,000.	00			
GERS 2,702,336. <sup>-</sup>	77 <b>9,702,336.77</b>			
TOTAL INVE	STMENTS	120,136,160.26		
5	SITS 30,000,000.0 SERS <u>17,557,809.9</u> SITS 7,000,000.0 SERS <u>2,702,336.7</u>	SITS 30,000,000.00 SERS <u>17,557,809.57</u> <b>47,557,809.57</b> SITS 7,000,000.00		

It should be noted that the General Funds investments of \$62 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

All Water and Sewerage Fund investments can only be expended in accordance with Government regulation and Council resolution.

Statutory Statement - Local Government (General) Regulation 2005 Clause 212 I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulations and Council's investment policies.

Atta 17.

Chief Financial Officer (Responsible Accounting Officer)

## LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil. POLICY IMPLICATIONS:

Nil.

## UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.