



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland

Councillors: M Armstrong (Deputy Mayor)
G Bagnall
C Byrne
K Milne
W Polglase
P Youngblutt

Agenda - Addendum Reports

Ordinary Council Meeting
Thursday 12 December 2013

held at Murwillumbah Cultural and Civic Centre
commencing at 4.45pm

COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

Items for Consideration of Council:

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REPORTS THROUGH THE ACTING GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

b33 [PR-CM] Strategic Planning - Murwillumbah Bowls and Sports Club site - Lot 1 DP 524512, Lot 1 DP 523131, Lot A DP 390347, and Lot 1 DP 250164 Condong Street, Brisbane Street and Commercial Road, Murwillumbah

SUBMITTED BY: Planning Reforms

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Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land
- 1.5.3 The Tweed Local Environmental Plan will be reviewed and updated as required to ensure it provides an effective statutory framework to meet the needs of the Tweed community

SUMMARY OF REPORT:

Council at its meeting held 21 November 2013 resolved:

"that this item be deferred to a Workshop"

This Workshop was held on Thursday 5 December 2013 and the following report is now resubmitted for Council's consideration.

The Planning Reform Unit has been approached by representatives of the landowners of the former Murwillumbah Bowls Club. The Club became financially unviable and ceased trading in June 2012, with the Club's bowler's accommodated at Condong Bowls Club, as well as others in the district.

This report has been prepared in response to the Club's representations and seeks to provide guidance on how the Club and Council can capitalise on a suitable planning outcome for the site. It is arguably one of the Township's most significant remaining redevelopment opportunities with the land capacity to accommodate a new major supermarket retailer. Strategic investigations therefore present the opportunity to resolve outstanding disconnections between community demand for increased chore-based retail competition and services and the market's ability to meet those needs.

Strategic investigations through a planning proposal will provide the best means for assessing opportunity and suitability in consultation with the Tweed community. This is particularly important as any policy change will be required to both the Tweed Local

Environmental Plan and the Tweed Development Control Plan (Section B22 -Murwillumbah Town Centre).

The redevelopment of this site could act as a local catalyst for further consolidation and continued economic and social sustainability of the Murwillumbah Town Centre. It is recommended that a planning proposal should be prepared as a priority and the Murwillumbah Services Memorial Club Limited be advised to submit a formal planning proposal request.

RECOMMENDATION:

That Council, in respect of Murwillumbah Bowls and Sports Club site - Lot 1 DP 524512, Lot 1 DP 523131, Lot A DP 390347, and Lot 1 DP 250164 Condong Street, Brisbane Street and Commercial Road, Murwillumbah, endorse the following:

1. The preparation of a planning proposal:
2. The landowner be advised of the need to prepare and submit a formal request for a planning proposal; and
3. That any amendments needing to be made to the Tweed Development Control Plan, Section B22 - Murwillumbah Town Centre, are to be carried out concurrently with the planning proposal and community consultation undertaken.
4. **ATTACHMENT 1 is Confidential in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:**
 - (d) *commercial information of a confidential nature that would, if disclosed:*
 - (i) *prejudice the commercial position of the person who supplied it, or*
 - (ii) *confer a commercial advantage on a competitor of the council, or*
 - (iii) *reveal a trade secret*

REPORT:

Investigations have been undertaken in the pursuit of establishing additional retail services for Murwillumbah Town Centre and in particular a second 'full-line' supermarket, over many years. The major supermarket retailers have made regular contact with Council staff during this period, seeking advice on a wide range of sites and localities, but none that have materialised with a development.

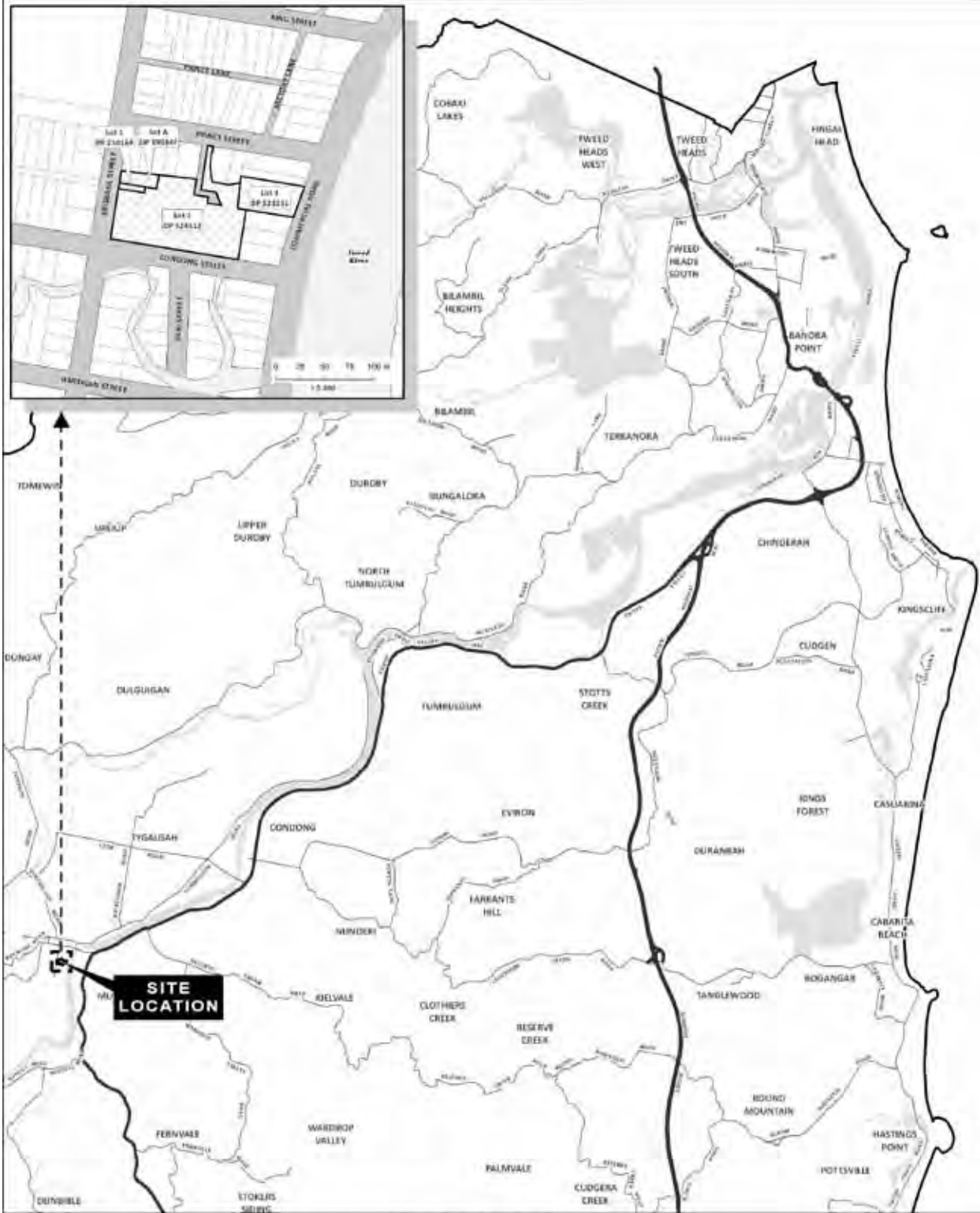
Following the adoption of the Tweed Development Control Plan 2008 - Section B22 - Murwillumbah Town Centre (the DCP) in 2008, the search for a suitable site intensified and many 'potential' opportunities were assessed. Importantly, the DCP was very clear about the need to consolidate retail activities within the Town Centre. Despite best endeavours for the DCP to identify potential sites none of those listed have yielded a realistic opportunity.

The predominate constraints which have to-date delayed the provision of a new major retailer include fragmented land tenure and the need for lot amalgamation, and those few sites that have been looked at in detail have presented other barriers such as inadequate site area, flooding and access issues.

When considering these primary factors, the number of opportunities within the Town Centre is limited to only a few select sites. The difficulty in locating within the Town Centre is evidenced by the recent approval for an IGA Supermarket on Tweed Valley Way.

One of the few sites that could potentially fulfil the site requirements for a 'full-line' supermarket is the Murwillumbah Bowls Club (the Site). The Site is located on the Southern fringe of the Murwillumbah CBD with frontage to the South-western corner of Knox Park, comprises 4 lots, combining to total 11,406m² of site area, which is zoned a mix of 6(b) Recreation and 2(a) Low Density Residential. The Site is displayed within Figure 1.

Figure 1 - Locality Plan



Locality Plan

Lot 1 DP 524512; Lot A DP 390347; Lot 1 DP 250164; Lot 1 DP 523131;
No.38 Brisbane Street, Murwillumbah

<p>Disclaimer: This map is provided for information purposes only. It is not intended to be used as a substitute for a professional survey or other documents. The Council is not responsible for any errors or omissions in this map. The Council is not responsible for any loss or damage arising from the use of this map. The Council is not responsible for any loss or damage arising from the use of this map.</p>	<p>Created: 05 November 2013 © Land and Property Management Authority (LPMA) & Tweed Shire Council Boundaries shown should be interpreted as approximate only.</p>	<p>Scale: 1:100,000 @ A4 Format 20 40 60 80 100 120 140 160 180 2000</p> <p>SDA State Development Australia Local Government, Greater Sydney Region www.sda.gov.au</p>	<p>Civic and Cultural Centre 1 Tumbalong Road Murwillumbah NSW 2484 PO Box 816 Murwillumbah NSW 2484 T (02) 4479-2480 1300 292 812 F (02) 4479-2479 W www.tweedshire.gov.au E planning@tweedshire.nsw.gov.au</p> <p>TWEED SHIRE COUNCIL</p>
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In August 2013, Council's Planning Reform Unit (PRU) was approached by representatives of the landowner to discuss strategic options for the site. As discussed above it ceased trading as a bowls club in June 2012 and has since been vacant, with only limited and sporadic leased occupation.

Any strategic investigations into the Site would be an addition to the tasks currently tabled within the PRUs adopted Work Program, which is currently at resource capacity. Despite the resource implications upon the PRU, these strategic investigations hold the potential to achieve a significant net community benefit: this Site and the potential opportunity to consolidate a further major supermarket retailer could be significant for the Town and the surrounding local communities, and as such the risk of delaying other current projects as resources are readjusted far outweighs the risk of the development opportunities being lost to a less beneficial albeit permitted form of development.

A formal strategic process presents a significant opportunity to provide for and guide the redevelopment of the Site, as well as harness the numerous positive spin-offs for the Town Centre and the wider public. Accordingly, it considered appropriate to enable the collaborative investigation of the Site.

It is important to acknowledge that any strategic investigations into the Site may result in a variety of potential outcomes, not confined just to the suitability of supermarkets or retail based outcomes. Likewise, the strategic processes could also require the reconsideration of the Murwillumbah DCP to provide a coordinated suite of visions and development controls.

OPTIONS:

That Council:

1. Proceed in accordance with the recommendations in this report; or
2. Inform the landowner that any Request for a Planning Proposal will need to be submitted and considered within future Council reporting of the Planning Reform Unit Work Program.

Council officers recommend option 1.

CONCLUSION:

Despite repeated investigations seeking to provide a second 'full-line' supermarket within Murwillumbah Town Centre, to-date a suitable site to facilitate the short-term provision of these services has not been identified.

Council's established planning framework identifies the significant benefits towards Murwillumbah's place-making and sustainability by continuing to consolidate the Town Centre as the core activity space. Potentially the most significant short-term development site to contribute to the established vision is the 'Murwillumbah Bowls Club' site, which is currently vacant.

An opportunity exists to collaborate with the landowner and undertake a strategic planning process to unlock development potential of the site, provide a catalyst for the consolidation

and continued economic sustainability of the Murwillumbah Town Centre as well as meet the needs of the wider community.

It is recommended that the landowner be advised to lodge a Request for a Planning Proposal to commence these investigations with Council.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not applicable

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Letter from the Murwillumbah Services Club (ECM 3212711)

c33 [PR-CM] Combined Planning Proposal (PP13/0003) and Development Application (DA13/0469) for a Highway Service Centre, Chinderah

SUBMITTED BY: Planning Reform

FILE REFERENCE: PP13/0003

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land
- 1.5.3 The Tweed Local Environmental Plan will be reviewed and updated as required to ensure it provides an effective statutory framework to meet the needs of the Tweed community

SUMMARY OF REPORT:

Council at its meeting held 21 November 2013 resolved:

"that this item be deferred to a Workshop"

This Workshop was held on Thursday 5 December 2013 and the following report is now resubmitted for Council's consideration.

Council received a combined Planning Proposal and Development Application on 28 August 2013 for a Highway Service Centre. This report deals exclusively with the planning proposal.

This report has been prepared following a preliminary review of the planning proposal request and is responding to the 90 day administrative review process established and managed by the Department of Planning and Infrastructure and the Joint Regional Planning Panel. The review procedure is enlivened for an applicant when the consent authority either fails to make a determination within 90 days or resolves not to proceed with making a planning proposal.

The land on which the service centre and associated facilities is to be located is presently zoned 1(b2) Agricultural Protection, a zoning that prohibits the proposed use. The planning proposal request seeks an amendment to the Tweed Local Environmental Plan 2000 by way of inclusion within Schedule 3 "Additional Permitted Uses" the land-use definition for a *Highway Service Station* as prescribed by the *Standard-Instrument - Principle Local Environmental Plan* for the purposes of the *Standard Instrument (Local Environmental Plans) Order 2006*.

The **detailed** assessment of and any additional studies relating to the preparation of the planning proposal will commence should Council resolve to prepare one. This report **does**

not relate to the assessment or determination of the Development Application (DA) and cannot be construed in any way as approving or implying an approval, acceptance or support for any aspect of it; the DA will be assessed and reported under a separate process.

On the limited assessment of the planning proposal request to-date this report recommends that Council should proceed with preparing a planning proposal, conditional on additional studies and work being undertaken post Gateway and prior to public exhibition.

It is intended that an external consultant will be engaged to assist in the process and procurement has been commenced to establish a shortlist of available / suitable consultancies in anticipation of Council resolving to proceed. This will assist in minimising delay.

A Costs Agreement has been executed between Council and the Applicant. This ensures all costs arising in association with preparing the planning proposal and making of the amended LEP are those of the Applicant. Demonstrating their genuineness and commitment to the proposal the first funding instalment under the Agreement has been paid.

This report concludes that while there are several significant engineering and planning issues to be overcome there is presently no evidence suggesting that an appropriate solution cannot be found for each. On that basis, and given the need for a northbound service station on the Pacific Highway within the Tweed region, it is recommended that a planning proposal be prepared.

RECOMMENDATION:

That

- 1. A Planning Proposal to facilitate a "Highway Service Centre" on Lot 11 DP 1134229, Lot 1 DP 116567 and Lot 1 DP 210674 be prepared and submitted to the 'Gateway', as administered by the NSW Department of Planning and Infrastructure, for a determination.**
- 2. The Minister for Planning and Infrastructure or his Delegate be advised that Tweed Council is NOT seeking plan making delegations for this planning proposal.**
- 3. The Minister for Planning and Infrastructure or his Delegate be advised that the minimum exhibition period for joint exhibition of the Planning Proposal and Corresponding Development Application (DA13/0469) should be for a period not less than 28 days and should be concurrent.**
- 4. Upon receiving an affirmative Determination Notice from the NSW Department of Planning and Infrastructure any additional studies or work required in satisfaction of demonstrating the suitability of the proposed Highway Service Centre is to be completed.**
- 5. On satisfactory completion of the Planning Proposal it is to be publicly exhibited in accordance with the Determination Notice or where there is no such condition or the condition prescribes a period less than 28 days, for a period not less than 28 days.**

- 6. Following public exhibition of the Planning Proposal a report is to be submitted to Council at the earliest time detailing the content of submissions received and how those, if any, issues have been addressed.**

REPORT:

The Applicant's proposal is being managed and assessed by the Planning Reform Unit (Planning Proposal) and the Development Assessment Unit (Development Application) concurrently. Documentation for both aspects is to be publicly exhibited concurrently and is subject to both a resolution of the Council to proceed with preparing a Planning Proposal as well as receiving an affirmative Gateway Determination from the Department of Planning and Infrastructure (DP&I).

The proposal, as a whole, comprises:

A boundary adjustment is proposed between three existing allotments (Lot 11 DP1134229, Lot 1 DP 1165676 and Lot 1 DP 210674 Tweed Valley Way, Chinderah) into three new allotments and the dedication of two areas of land as road widening to enable the construction of a roundabout on Tweed Valley Way.

- LEP amendment to include the land-use definition of "Highway Service Station" within the "Additional Permitted Uses" Schedule of the Tweed LEP.

- Stage 1

- Stage 2

A highway service centre (Shell is described as the main tenant). The centre comprises of the following;

§ Service centre single story building with a GFA (Gross Floor Area) of approximately 1270m². The building also contains the service centre control centre and five other tenancies to provide food outlets and a dining area. Two of the food outlets are proposed to have drive through facilities.

§ 97 public car spaces, 20 staff car spaces, 5 caravan / bus spaces and 25 truck parking spaces

§ Outdoor dining area and playground

§ Truckers lounge and public amenities

§ Landscaped area of 12,334m²

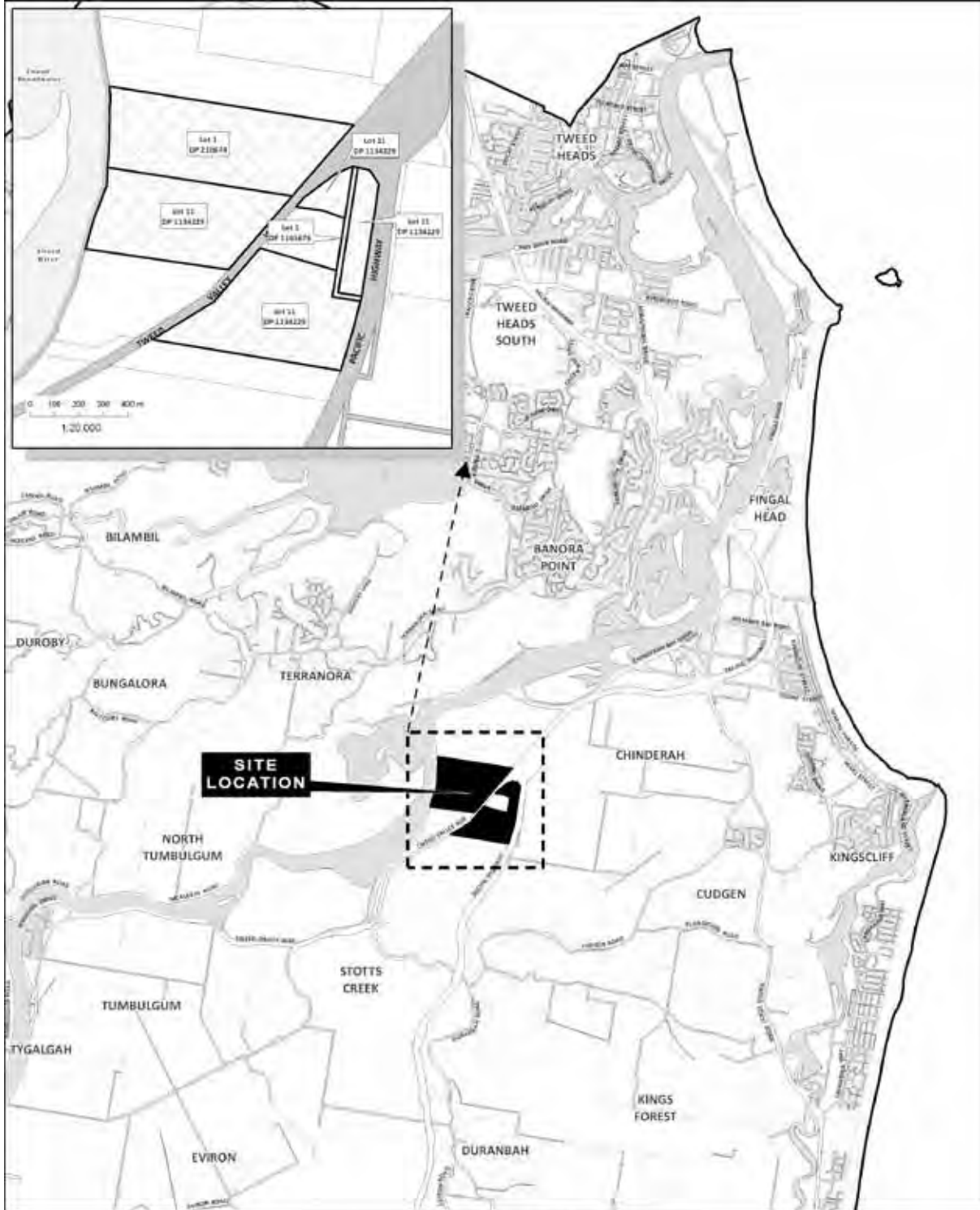
§ Two lane arterial roundabout at Tweed Valley Way to provide ingress and egress into and out of the service centre.

§ Construction of an off ramp from the Pacific Highway to provide ingress to the proposed service centre for northbound traffic

§ Filling of the site to RL3.5m AHD to enable the building and refuelling areas to be above Council's design flood level.

The proposed highway service centre *planning proposal request and statement of environmental effects* document, prepared by Jim Glazebrook & Associates Pty Ltd, is provided as Attachment 1 to this report.

Figure 1 - Locality Plan



Locality Plan

Lot 1 DP 210674; Lot 11 DP 1134229; Lot 1 DP 1165676;
Pacific Highway & Tweed Valley Way, Chinderah

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representation or warranty as to the accuracy or reliability of the information provided in this document. The information is provided as a guide only and is not intended to be used for any purpose other than for general information. The information is provided for general information only and is not intended to be used for any purpose other than for general information. The information is provided for general information only and is not intended to be used for any purpose other than for general information.

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Figure 2 - Site (development) Plan



KEY MATTERS ASSESSED WITH PLANNING PROPOSAL REQUEST

Stormwater Drainage

The site is relatively flat and flood prone, with ground levels varying between -0.6m AHD to 1.1m AHD. The site drains via sheet flow and minor surface drains and then to an open drain to the west, which then discharges through a series of culverts and drainage channels and into the Tweed River via a flood-gated outlet.

Stormwater Quality

Standard erosion and sediment control measures are proposed for the construction phase, and this is considered acceptable given the existing flat grades.

Operational phase water quality requirements will need to be addressed through the provision of proprietary treatment devices (Humeceptors), and roof water may need to be separated from the treatable hardstand catchment. An oil separator facility located within the runoff area of the fuel pumps will need to be assessed for its adequacy, as it proposes to discharge to the site's effluent management system rather than the stormwater drainage system. This will occur as part of the DA assessment process.

Stormwater Quantity

Potential impacts on peak stormwater runoff have been taken into account owing to the increase in the site's impervious fraction from 1% to 45%, and associated reduction in time of concentration.

Council's Engineering Services have identified the potential underestimation of peak runoff based on the scale of development proposed and assumptions made, and have identified the potential need for additional drainage facilities in the vicinity of the proposed roundabout. This will be required to address road drainage and runoff from Melaleuca Station.

There is no apparent impediment to engineering an appropriate stormwater drainage regime for the site from a strategic planning perspective. Council's Engineering Services have identified that further assessment is required and that there will likely be a requirement for Proponent to acquire or create easements for drainage as part of their subdivision DA and works. This will be assessed as part of the DA requirement and requires no further consideration with the planning proposal.

Land Filling

Filling of the site is required and it is proposed to raise the service centre building and refuelling areas above Council's adopted the design flood level of RL 3.5m AHD. The remaining areas of the site incorporating the carparking and access areas will be graded accordingly to an internal drainage system. Current fill levels range from RL 1.8m AHD to RL 3.675m AHD and will require approximately 62,000m³ of fill to be imported.

Filling of the site is integral to the development and the proposed level of fill is considered within the context of other supporting engineering reports. There is no apparent impediment to engineering an appropriate fill regime for the site that works in with other engineered outcomes for the site.

Council's Engineering Services have identified that further work is required as part of the DA assessment, but from a strategic planning perspective no further assessment is required; in other words there is a high probability that the site can be suitably engineered and it remains only as to how that will be best achieved.

Flooding

Most of the site is mapped as "low flow", however some areas around the extremities are affected by "high flow" classification.

Modelling was performed by BMT WBM using Council's Tweed Valley Flood Model as the basis. As this base model has a coarse 40m grid resolution, the consultants refined the model to provide a 10m grid in the locality. The development was then tested against the 100 year ARI flood event. Results predict peak flood level increases of 0.01m, which is considered negligible.

These results are not unexpected, given the site is surrounded by filled development, particularly the Pacific Highway formation. While the area may provide some flood storage at present, this volume is not significant in the scheme of the wider floodplain. Council's Engineering Services have advised that for completeness the DA assessment should also confirm impacts for smaller floods (the 20% and 5% AEP events), and verify whether there are any significant impacts on the duration of inundation for the 20%, 5% and 1% AEP floods, as this is most critical to crop losses, particularly sugar cane.

There is no apparent impediment to flood engineering the site and managing other related engineering and on-site waste management regimes. Minimum floor levels for the building have been designed to ensure that the building is above the design flood level. No further assessment is required from a strategic planning perspective.

Water Supply

Section 5.7 of the Statement of Environmental Effects states that: *Reticulated water supply would be via an existing connection on Lot 11 DP 1134229* and Section 9 of Appendix H provides further details on how they shall meet peak demands. Lot 11 DP 1134229 is currently connected to water supply off an existing 500mm trunk main in Tweed Valley Way, which was installed in 2003.

Section 9.2.5 of Appendix H states *subject to approval by Tweed Shire Council, upgrading of the existing connection is proposed to provide a higher level of supply security*. Council policy, implemented since the connection in 2003, is that no new connections to Trunk water mains shall be allowed, which includes the upgrading of the existing service connections. Therefore, upgrading of the existing connection will not be approved.

Water supply to the development is only available via an existing 20mm water meter 350 metres south of the proposed service centre site and an upgrade of the existing service connection is supported. Approval from the relevant roads authority will be required (i.e: Roads and Maritime Services and/ or Council) to run the service along the road easement from the water meter to the development site.

The existing water meter cannot be moved from Lot 11 DP 1134229, however it must be transferred in ownership to the new subdivided lot. Connection of Lot 11 DP 1134229 this meter is not supported and is contrary to Council's policy, which permits only one meter per property.

Council's Engineering Services advises that a detailed hydraulic report and detail on an alternate power supply for booster pumps will be required, along with the relevant approvals.

From an engineering perspective the details of water supply remain to be fully addressed and assessed. From a strategic planning perspective the advice received is that there is no impediment to the planning proposal, and the detailed design is to be managed as part of the DA assessment and construction application stages.

Wastewater

Council's Engineering Services have advised that there is no nearby Council wastewater system for the development (subdivision) to connect to and an onsite sewerage system is required.

The proponents documentation includes an On-site Sewage Management Report (2013.034) prepared by HMC Environmental Consulting Pty Ltd, dated June 2013.

Council's Environmental Health Services has advised that the information provided is not sufficient and a further more detailed report is required. The terms of reference for a further study have been provided. At this stage there is no evidence to suggest that an on-site sewage management system cannot be designed for the proposed use of the site. From a strategic planning perspective this indicates that the planning proposal can proceed, but conditional on the further study and investigation occurring post Gateway Determination and prior to public exhibition. This report would be provided to the Department of Planning and Infrastructure (DP&I) as part of the request for the Gateway consideration.

The Proponent will be required to either provide or fund the additional studies and the terms of reference for it will be included within a memorandum of understanding. This will ensure that the information specifically required is provided.

Traffic Management

The proposal includes a comprehensive traffic study and engineered road design, which includes a proposal for a new roundabout installation on Tweed Valley Way.

Council's Engineering Services have identified with the proponent several issues of concern; these relate to the location and size of the roundabout and the impact on current traffic flows. Maintaining the efficiency of Tweed Valley Way is essential and requires that access to it from traffic exiting the highway service station can do so without the need to unreasonably reduce the current traffic speed. This is of particular concern given the close proximity to the Pacific Highway intersection and the need for vehicles, including heavy goods vehicles, to accelerate to safe speeds prior to entering the 110 Kph.

The ultimate design of the traffic management must be determined as part of the DA assessment, but from a strategic planning perspective there is no impediment to proceeding with the planning proposal. It is not a question of whether traffic management can be achieved but instead how it should best be achieved.

Contaminated Land

The proponent's documentation includes a Preliminary Site Contamination Investigation (HMC2011.066CL) prepared by HMC Environmental Consulting Pty Ltd dated July 2013, which concluded the site is suitable for the proposed land use.

Council's Environmental Health Services has advised that the planning proposal is suitable to proceed on the information provided with regards to its contaminated land assessment.

Flora and fauna

The subject site consists of a slashed paddock previously used for sugar cane and tea tree plantation. Vegetation consists of introduced grasses and scattered Camphor Laurel and Swamp Oak. A dam and a series of drainage lines occur on the site. No significant vegetation or wetlands are mapped on the site, and it does not form part of a regional or subregional corridor. Any local corridor value is precluded by the site's proximity to the highway and existing surrounding land-uses. Vegetation in the vicinity of the site is limited to very small remnant patches in surrounding agricultural lands.

Council's Natural Resource Management Unit has assessed Proponent's report. It is stated that the likelihood of impact on threatened flora, fauna and ecological communities has been assessed though limited on-ground survey and database searches in the Flora and Fauna Assessment (JWA 2013). The flora and fauna assessment considered that due to the highly disturbed nature of the site, the site was unlikely to provide habitat for any threatened fauna species. No threatened flora was recorded on the site.

Recommendations have been made in the Flora and Fauna Assessment, relating to the inclusion of native species in landscaping species selection, which are supported and can be conditioned at DA stage. Given the above, it appears that there are no significant ecological constraints to the proposed development.

Bushfire

The majority of the land subject to the proposal is not mapped as bushfire prone, with the exception of a small area on the eastern and northern boundary of the site that falls within the 100 metre buffer to vegetation patches located to the north (an isolated planting of eucalypts, presumably for screening purposes) and east (a linear patch of *Casuarina* forest) adjacent to the Pacific Highway.

A Bushfire Risk Management Plan (BushfireSafe 2013) has been submitted which demonstrates that all proposed buildings are located greater than 100m from the above vegetation, and thus the proposal complies with the requirements of Planning for Bushfire Protection (NSW Rural Fire Service 2006).

Agricultural Assessment Pertaining to the 1(b2) Agricultural Protection Zone

The site is zoned 1(b2) Agricultural Protection and is mapped as Regionally Significant Farmland.

An Agricultural Assessment prepared by Allen & Associates, dated June 2013, was submitted with the proponent's documentation and a planning assessment of the relevant Planning s 117 Directions was provided in the *planning proposal request and statement of environmental effects* document, prepared by Jim Glazebrook & Associates Pty Ltd, which is provided as Attachment 1 to this report.

In summary, the agricultural assessment concludes that the area of land required for the highway service station *has a low agricultural value or rating and that this is due to inherent physical site characteristics*. It is noted in particular that the site (the area designated for the service centre and associated parking) is *of an inconvenient shape, size and location to allow for purposeful and practical agricultural land use/s to occur*, and that the removal of this area of land from agricultural use *is not believed that this will have a significant effect on the long-term agricultural production potential of the wider region*.

The *proposal request and statement of environmental effects* document provides a compliance assessment for the planning proposal against relevant local and State Government Policies. In particular, the report (page 38) responds to the compliance matters with s 117 Direction 5.3 - Farmland of State and Regional Significance on the NSW Far North Coast, as follows:

The objectives of this Direction are:

- “(a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre;*
- (b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning; and*
- (c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.”*

This Direction applies when a planning authority prepares a planning proposal for land mapped as ‘state significant farmland’, ‘regionally significant farmland’ or ‘significant non-contiguous farmland’ on the “Northern Rivers Farmland Protection Project, Final Map 2005”.

The proposed development site is part of a broader land area mapped as Regionally Significant Farmland. According to clause 4(b) of the Direction, a planning proposal must not “rezone land identified as ‘Regionally Significant Farmland’ for urban or rural residential purposes”. Further, clause 5 states that:

“A planning proposal may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning or (an officer of the Department nominated by the Director-General) that the planning proposal is consistent with:

- (a) the Far North Coast Regional Strategy; and*
- (b) Section 4 of the report titled Northern Rivers Farmland Protection Project- Final Recommendations, February 2005, held by the Department of Planning.”*

With respect to clause 4(b), the application does not seek to ‘rezone’ the land, rather it is proposed that a site specific clause be inserted into the shire-wide Tweed LEP to enable the development of a highway service centre on the land. Notwithstanding the fact that a rezoning is not proposed, the intent of the clause is to ensure that the objectives of the Direction are met and further discussion follows in that regard.

The agricultural assessment at Appendix F (Agricultural Assessment prepared by Allen & Associates, dated June 2013) specifically addresses:

- The agricultural land classification according to the guidelines contained in the Rural Land Evaluation Manual;*
- The Northern Rivers Farmland Protection Mapping and its methodology;*
- The value of the land for agricultural purposes; and*
- The objectives of the 1(b2) Agricultural Protection Zone pursuant to the Tweed LEP 2000.*

Relevant observations and conclusions from the assessment are:

- “• This report has shown that the 3.9 hectares of land is classified as Class 4 land; that is land that is a low agricultural value. Issues of practical and economic land use management were major considerations in this classification. The parcel of land is of an inconvenient shape, is in an inconvenient location and is of insufficient size to enable its purposeful and long term agricultural use. The Northern Rivers Farmland Protection Project has previously mapped the land as regionally significant farmland. However, this mapping project was done at a scale of 1:100,000 as opposed to an individual property scale, and also during the mapping process gave considerable weight to soil landscape data in contrast to the major agricultural limiting factors that are inherent to this instance;
- The existing and previous owners of the studied land have since 1992 utilised the majority of the land (with the exception of the 3.9 hectare study area and also land for housing, farm roads and infrastructure) for commercial tea tree and sugar cane production. More recently the 3.9 hectares of land (study area) has been removed from agricultural operation due to issues of low productivity and practical land use management and is currently maintained (slashing) purely for aesthetic purposes and weed control only;
- Development of 3.9 hectares of land to a non-agricultural use will not therefore detract in any significant way from the existing agricultural production potential of the remainder of the land involved with this subdivision and nor of the wider region. Furthermore approval of the development will take pressure off surrounding lands that are of a higher agricultural value for developments of a similar nature; and
- From an agricultural perspective therefore, it is considered that there should be no reason why Council and the State Government should not approve the application.”

The agricultural assessment demonstrates the limited agricultural value of the land. Consequently, objectives (a) and (b) of the Direction are met. With respect to objective (c), the service centre site is remote from the balance of farming land being surrounded on three (3) sides by the motorway interchange and on the fourth side by a crematorium, farm dam and tea tree distillery. Land use conflicts between agricultural and non agricultural land uses are therefore unlikely to arise and consequently, it is concluded that the proposal is consistent with objective (c) of the Direction.

Moreover, it is noted that planning principle 9 of section 4 of the Northern Rivers Farmland Project identifies that public infrastructure is permitted on land mapped as state or regionally significant where no feasible alternatives are available. While a highway service centre is not provided by a Council or state agency it is effectively “public infrastructure” as it provides infrastructure used by the travelling public in accordance with RMS planning for state highways. The planning process for establishing a highway service centre for northbound highway traffic at Chinderah undertaken by Tweed Shire Council did not result in any feasible alternative sites for such a facility. The site nominated in Section 117(2) Direction 5.4 – Commercial and Retail Development along the Pacific Highway, North Coast, within Chinderah owned by the RMS is not suitable for a highway service centre for traffic and amenity reasons. It has now been abandoned for that use (refer Section 4.5.2). Consequently, it is considered that the proposal is consistent with planning principle 9 of section 4 of the Northern Rivers Farmland Project.

As a result of the detailed agricultural suitability analysis it can be concluded that the proposal is consistent with the Far North Coast Regional Strategy and Section 4 of the Northern Rivers Farmland Protection Project – Final Recommendations, February 2005. Therefore, if the Department considers that the proposal is a ‘rezoning’ and consequently inconsistent with clause 4(b) of the Direction, the inconsistency is justified under the provisions of clause (5) and the Direction is not an impediment to the proposal proceeding. [Emphasis added].

From a strategic planning point of view the Proponent's Planning Consultant has provided a comprehensive response to the matters for which consideration is required under the s 117 Directions, and is underpinned by a suitably qualified agricultural report.

Whether the DP&I themselves agree with the assessment and consequently agree to any inconsistency remains to be tested at the Gateway Determination stage. There is nothing raised in either report or in the preliminary assessment undertaken that would otherwise indicate that the planning proposal should not proceed.

Cultural Heritage

A *Cultural Heritage Due Diligence Assessment* has been prepared by Everick Heritage Consultants Pty Ltd and submitted in support of the proposal.

The report details the methodology of site investigation and consultation undertaken. In summary it states that no further cultural assessment is recommended and provides four precautionary recommendations. These relate to actions that should be observed in the event that cultural heritage is found through site disturbance during construction activities. The recommendation can be incorporated into conditions of consent and will need to be assessed at the DA stage.

From a strategic planning perspective the report is satisfactory at this stage, except in so far as the responses (comments) from the Tweed Aboriginal Advisory Committee and the Tweed Byron Local Aboriginal Land Council are omitted from the report. This is noted within the report and will be required post Gateway Determination and prior to public exhibition.

OPTIONS:

That Council:

1. Proceed with preparation of a planning proposal in accordance with the recommendations of this report or
2. Reject the proposal (noting that this will prevent an affirmative determination of the DA) and provide reasons for doing so, as these will be required to inform the DP&I and JRPP should an administrative appeal be sought.

Council staff recommend Option 1.

CONCLUSION:

The Proponent has lodged a combined planning proposal request and development application for a highway service centre to service the Pacific Highway at Chinderah. The development is currently prohibited and requires a prior amendment to the Tweed LEP. The amendment is based on a change to the "Additional Permitted Uses" Schedule of the LEP to

include the land-use definition of a "Highway Service Station". That definition is the following terms:

"highway service centre" means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,*
- (b) take away food and drink premises,*
- (c) service stations and facilities for emergency vehicle towing and repairs,*
- (d) parking for vehicles,*
- (e) rest areas and public amenities.*

The Proponent's *planning proposal request and statement of environmental effects* document, prepared by Jim Glazebrook & Associates Pty Ltd, as provided as Attachment 1 to this report, details the background to this proposal at Section 1 (pages 1-2).

In summary, there is an argument advanced that there is limited opportunity for locating a northbound service centre within the Tweed region and which is presently only serviced by the current southbound service centre, also at Chinderah. The history of this site is said to include the Council's previous support for a service station on this site and that planning studies and an LEP amendment were previously commenced. This occurred prior to the opening of the Pacific Highway and/or when it was under construction and notably at a time when the Tweed Valley Way was servicing that function. Consequently, the Roads and Maritime Services were not supportive of the then proposal and it did not proceed further.

Circumstances have since changed and with the opening of the new highway the service function of Tweed Valley Way also changed. It remains a crucially important arterial road connecting the south/southwestern areas of the Tweed to the north /northeast, but is now more amenable to new access and greater variability in its design speed.

Preliminary assessment has indicated that whilst there are significant site engineering matters to be addressed and finalised the site appears capable of accommodating the service centre, without significant adverse impacts to the broader community. It is also noted that many Tweed residents and tourists alike rely on the Pacific Highway to travel routinely around the Tweed. The proposed service centre is likely to have a community net benefit in several ways and noticeably by providing convenience to Tweed commuters, the possibility of competitive fuel prices, and access to other related conveniences stores.

In concluding, the preliminary assessment has not identified any matters that might otherwise present as a prohibition to proceeding with a planning proposal and as such it is recommended that a planning proposal be prepared.

COUNCIL IMPLICATIONS:

a. Policy:

Community Engagement Strategy Version 1.1.

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Planning Proposal Request and Statement of Environmental Effects, prepared by Jim Glazebrook & Associates Pty Ltd (ECM 3212655)

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REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

a54 [EO-CM] Aquatic Activities - Jack Evans Boat Harbour

SUBMITTED BY: Recreation Services

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.3	Provide well serviced neighbourhoods
2.3.6	Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities

SUMMARY OF REPORT:

At its meeting held 21 November 2013, Council resolved to hold a workshop on a proposal to call for expressions of interest for aquatic activities in Jack Evans Boat Harbour. The workshop was conducted on 5 December 2013, at the conclusion of which, Councillors requested a subsequent report.

RECOMMENDATION:

That Council calls for Expressions of Interest to conduct aquatic activities on the Jack Evans Boat Harbour.

REPORT:

At its meeting held 21 November 2013, Council resolved to hold a workshop on a proposal to call for expressions of interest for aquatic activities in Jack Evans Boat Harbour. The workshop was conducted on 5 December 2013, at the conclusion of which, Councillors requested a subsequent report.

Tenure and Approvals:

The Jack Evans Boat Harbour foreshore and intertidal areas are Crown Land of which Council is Trustee. The majority of the harbour is Crown Land under the control of Crown Lands. The harbour is zoned W2 in the Local Environment Plan 2012 Tweed City Centre under which *Water Recreation Structures* are permitted with consent.

Proposals for water based activities will require a Part IV Development Application with owner's consent and a license from Crown Lands and a license from NSW Fisheries with associated impact assessments.

Current Users of the Harbour:

Proposal for aquatic activities in the harbour will need to consider the current regular and formalised users of the boat harbour including:

Tweed Valley Sailing Club – Saturday mornings.

Greenmount, Coolangatta and Rainbow Bay Surf Life Saving Clubs – Junior Training – Regularly on Wednesdays from July to September and depending on surf conditions – October to April. Saturdays from July to September depending on Surf conditions.

Kids in Need Annual Dragon Boat Races – Sunday in November.

Big Trev's watercraft hire.

OPTIONS:

1. Call for Expressions of Interest for water based activities in Jack Evans Boat Harbour;

or

2. Take no action.

CONCLUSION:

The Jack Evans Boat Harbour was created as a catalyst to stimulate activity in the Tweed Heads precinct and revitalise the town centre. Activities such as water based activities in the harbour have the potential to utilise the area's main assets to increase visitation and activity to the area.

Provided potential impacts are fully assessed and any identified impacts addressed, it is anticipated such activities may complement the existing users and provide a positive benefit to businesses and the community.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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b54 [EO-CM] Road Closure - Riverbend Way and Oakbank Terrace, Murwillumbah

SUBMITTED BY: Design

FILE REFERENCE: GR3/12/13; DA04/1618

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.3	Delivering the objectives of this plan
1.3.1	Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan

SUMMARY OF REPORT:

At its meeting held on 18 August 2009 Council resolved to approve an application for a road closure of part of Riverbend Way and Oakbank Terrace, Murwillumbah.

Council also resolved that the applicant would bear all survey and legal costs and to pay the purchase price of the land as determined in value by a registered Valuer.

The application arose from a staged subdivision at Hundred Hills, Murwillumbah. The developer was required to create cul-de-sacs for an early stage, which, in the next stage of the subdivision, would extend beyond the cul-de-sacs to form an access road to that next stage.

The road closure application was required as a condition of consent to allow the subsequent stage to proceed.

In light of the condition of consent, it can be argued that the land forming the 'bulbs' of the cul-de-sacs being owned by the developer was only required to be dedicated as road temporarily to allow the earlier stage to proceed.

The applicant has borne costs associated with the application, including Council's road closure application fees, Crown Land's application fees, as well as survey and plan registration costs for the closure of Lots 1-3 in DP1183134 and Lots 1-3 in DP1183135.

The applicant has not sought to waive the Valuers fees of \$935. This amount is recoverable by Council as forming part of the administrative costs of the road closure.

It is recommended that the purchase price of the closed road parcels be waived and Council consents to the transfer of Lots 1-3 DP1183134 and Lots 1-3 DP1183135 to the applicant at their cost.

RECOMMENDATION:

That:

- 1. Council consents to the waiving of the purchase price for the road closure parcels being Lots 1-3 in DP1183134 and Lots 1-3 in DP1183135 and transfer to them at their cost.**
- 2. The applicant pays the valuation fee prior to the transfer of the subject parcels.**
- 3. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

At its meeting held on 18 August 2009 Council resolved to approve an application for a road closure of part of Riverbend Way and Oakbank Terrace, Murwillumbah.

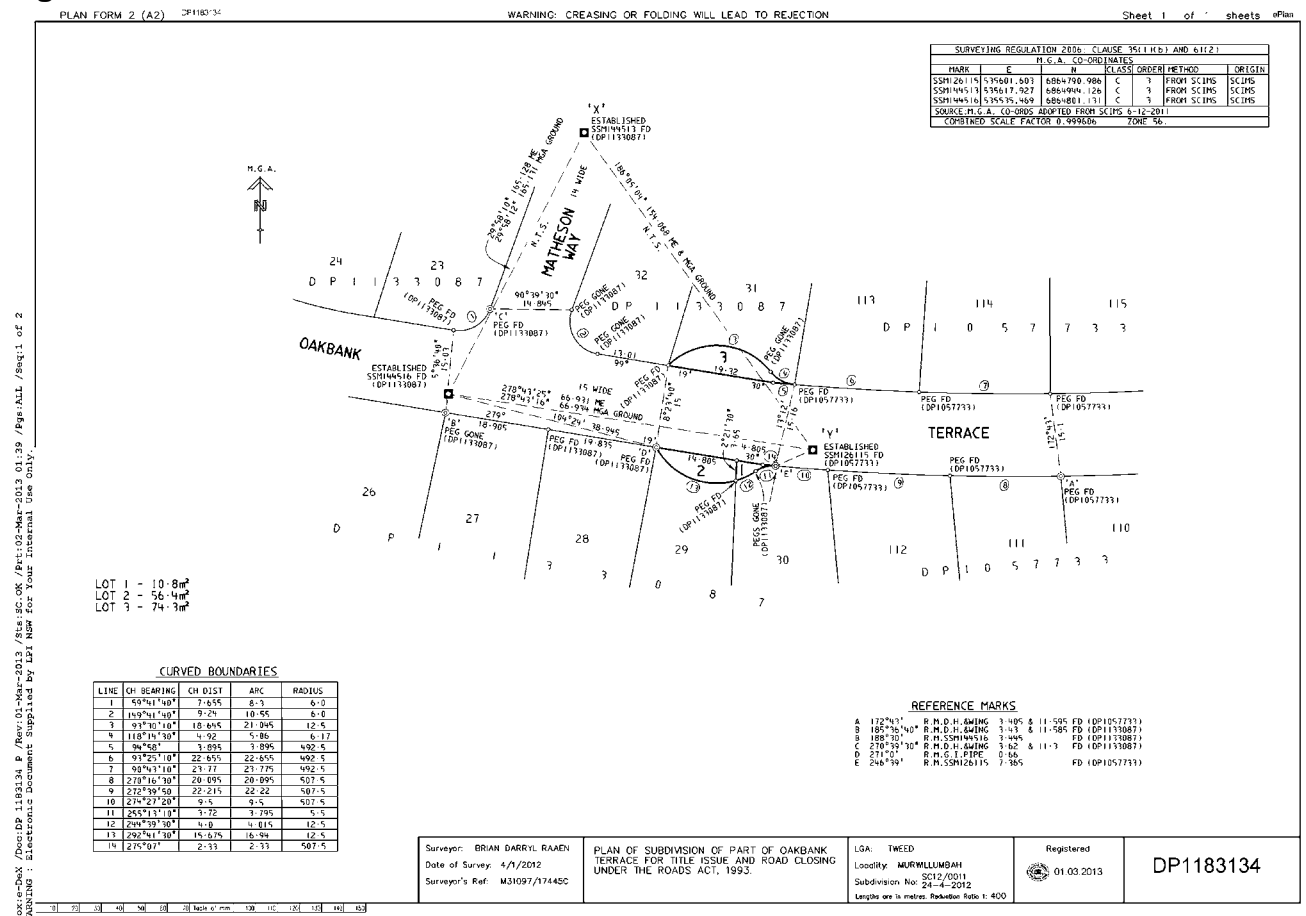
Council also resolved that the applicant would bear all survey and legal costs and to pay the purchase price of the land as determined in value by a registered Valuer.

The application arose from a staged subdivision at Hundred Hills, Murwillumbah. The developer was required to create cul-de-sacs for an early stage, which, in the next stage of the subdivision, would extend beyond the cul-de-sacs to form an access road to that next stage.

The road closure application was required as a condition of consent to allow the subsequent stage to proceed.

In light of the condition of consent, it can be argued that the land forming the 'bulbs' of the cul-de-sacs being owned by the developer was only required to be dedicated as road temporarily to allow the earlier stage to proceed. Figure 1 below illustrates 3 of the parcels to be transferred:

Figure 1:



The applicant has borne costs associated with the application, including Council's road closure application fee, Crown Land's application fee, as well as survey and plan registration costs for the closure of Lots 1-3 in DP1183134 and Lots 1-3 in DP1183135.

The applicant has not sought to waive the Valuers fees of \$935. This amount is recoverable by Council as forming part of the administrative costs of the road closure.

This issue is similar to acquisition of Council land (previously owned by the developer) at SALT where Council waived the purchase price by resolution at the meeting held 15 November 2012.

It is recommended that the purchase price of the closed road parcels be waived and Council consents to the transfer of Lots 1-3 DP1183134 and Lots 1-3 DP1183135 to the applicant at their cost.

OPTIONS:

1. To maintain the resolution of 18 August 2009 that the applicant bears all survey and legal costs and pay the price of the land as determined in value by a registered Valuer;
or
2. Council consents to waive the purchase price only of the road closure parcels being Lots 1-3 in DP1183134 and Lots 1-3 in DP1183135 in an amount of \$14,750.

CONCLUSION:

In light of the fact that the applicant was previously the owner of the land dedicated as road and as has borne the administrative costs associated with the application for the road closure it is recommended that the purchase price for the closure of Lots 1-3 in DP1183134 and Lots 1-3 in DP1183135 in an amount of \$14,750 be waived.

COUNCIL IMPLICATIONS:

a. Policy:

Road Closures and Private Purchase Version 1.3.

b. Budget/Long Term Financial Plan:

All administrative costs for the application have been met by the developer. The waiving of the purchase price will result in a loss of income of \$14,750.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Letter requesting waiving of purchase price for road closure (ECM 3238200).

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REPORTS FROM THE ACTING DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

a58 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 30 November 2013

SUBMITTED BY: Financial Services

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.3 Delivering the objectives of this plan
 - 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
-

SUMMARY OF REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Manager Financial Services, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$175,164,349** invested as at **30 November 2013** and the accrued net return on these funds was **\$554,751** or **3.8%** annualised for the month.

RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 November 2013 totalling \$175,164,349 be received and noted.

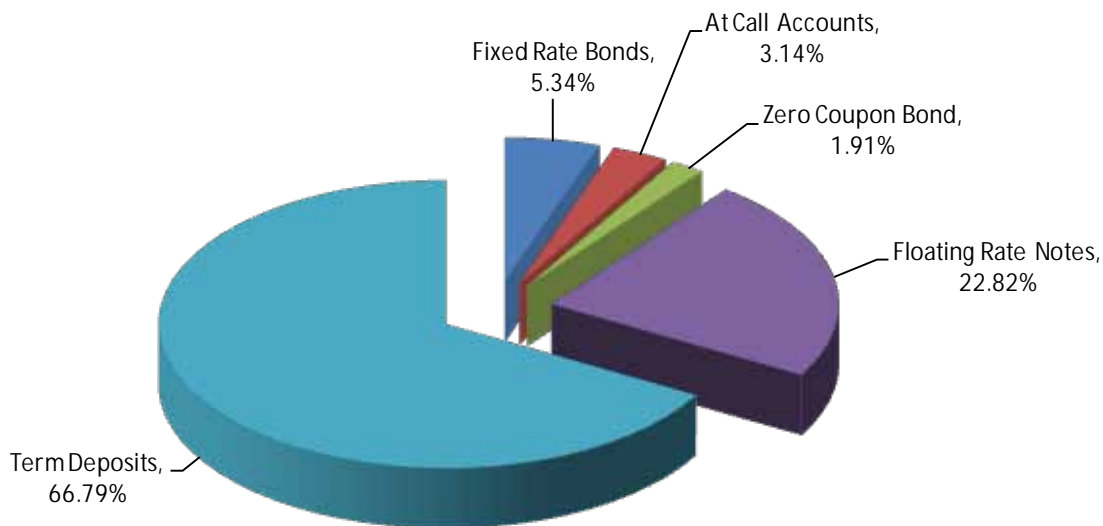
REPORT:

Restricted Funds as at 1 July 2013

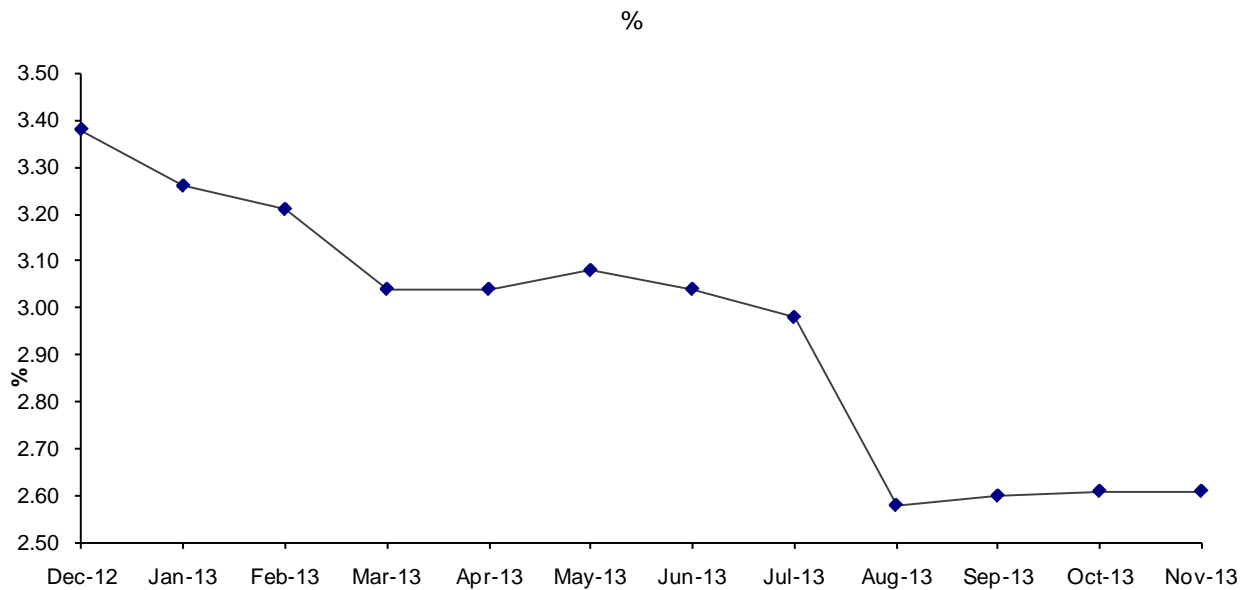
Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
Externally Restricted	1,126	18,785	39,653	59,564
Crown Caravan Parks	15,926			15,926
Developer Contributions	25,917	3,916		29,833
Domestic Waste Management	10,075			10,075
Grants	4,975			4,975
Internally Restricted	26,122			26,122
Employee Leave Entitlements	5,123			5,123
Grants	5,930			5,930
Unexpended Loans	10,328			10,328
Total	105,522	22,701	39,653	167,876

Note: Restricted Funds Summary updated September 2013, corresponding with the Annual Financial Statements as at 30 June 2013

1. Investment Portfolio by Category



2. Investment Rates - 90 Day Bank Bill Rate



3. Bond and Floating Rate Note Securities

Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
AMP (ANZ) (03/16)	1,700,000.00	1,722,671.20	3.66	FRN	14/03/2016
AMP (RBS) (05/17)	500,000.00	503,177.50	3.69	FRN	29/05/2017
AMP (RBS) (06/14)	2,000,000.00	2,004,566.00	3.79	FRN	06/06/2014
AMP (RIM) (05/17)	2,000,000.00	2,012,710.00	3.69	FRN	29/05/2017
ANZ (11/18)	1,000,000.00	1,000,625.00	3.47	FRN	06/11/2018
Bendigo (FIIG) (11/15)	1,000,000.00	1,014,610.00	4.02	FRN	02/11/2015
Bendigo (RBS) (05/17)	2,000,000.00	2,008,400.00	3.78	FRN	17/05/2017
Bendigo (RBS) (11/18)	1,000,000.00	1,002,230.00	3.86	FRN	14/11/2018
Bendigo (RIM) (05/17)	1,000,000.00	1,004,200.00	3.78	FRN	17/05/2017
BOQ (ANZ) (05/16)	1,000,000.00	1,007,070.00	3.96	FRN	30/05/2016
BOQ (RBS) (05/16)	1,000,000.00	1,007,070.00	3.96	FRN	30/05/2016
CBA (08/16)	1,000,000.00	1,018,740.00	3.74	FRN	02/08/2016
CBA (08/16)	2,000,000.00	2,037,480.00	3.74	FRN	02/08/2016
CBA Retail Bond (12/15)	500,000.00	500,250.00	3.63	FRN	24/12/2015

Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
CBA Retail Bond (12/15)	500,000.00	500,250.00	3.63	FRN	24/12/2015
CBA Retail Bond (12/15)	1,000,000.00	1,000,500.00	3.63	FRN	24/12/2015
CBA/Merrill Lynch Zero Coupon Bond (01/18)	4,000,000.00	3,346,120.00	7.17	Fixed Rate Bond	22/01/2018
Heritage (RBS) (06/17)	1,325,000.00	1,407,163.25	7.25	Fixed Rate Bond	20/06/2017
Heritage (RBS) (06/17)	617,804.40	615,965.80	5.33	Fixed Rate Bond	20/06/2017
Heritage (RBS) (06/17)	85,076.00	84,960.80	5.38	Fixed Rate Bond	20/06/2017
ING (RBS) (08/16)	1,000,000.00	1,012,820.00	4.25	Fixed Rate Bond	23/08/2016
ING (RBS) (08/16)	2,000,000.00	2,006,821.52	3.79	FRN	23/08/2016
ING (RBS) (09/15)	2,000,000.00	2,088,040.00	5.50	Fixed Rate Bond	03/09/2015
ING (RBS) (09/15)	2,000,000.00	2,088,040.00	5.50	Fixed Rate Bond	03/09/2015
Macquarie (RIMSEC) (03/14)	1,000,000.00	1,011,154.00	4.72	FRN	13/03/2014
ME Bank (CBA) (09/15)	1,400,000.00	1,399,712.40	3.82	FRN	03/09/2015
ME Bank (CBA) (11/16)	1,000,000.00	1,000,330.00	3.86	FRN	28/11/2016
ME Bank (Morgan's) (11/16)	1,000,000.00	1,000,330.00	3.86	FRN	28/11/2016
NAB (06/16)	2,000,000.00	2,045,380.00	3.75	FRN	21/06/2016
NAB (11/15)	1,000,000.00	1,017,530.00	3.79	FRN	05/11/2015
NAB Direct (12/14)	1,000,000.00	1,018,410.00	3.85	FRN	19/12/2014
Rabo (07/16)	1,000,000.00	1,014,140.00	3.77	FRN	27/07/2016
Rabo (07/16)	1,000,000.00	1,014,140.00	3.77	FRN	27/07/2016
Rabo (RBS) (09/18)	1,000,000.00	1,008,941.16	3.70	FRN	25/09/2018
Suncorp (05/14)	2,000,000.00	2,007,040.00	3.70	FRN	26/05/2014
Suncorp (Westpac) (04/15)	2,000,000.00	2,031,000.00	4.09	FRN	23/04/2015

Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
Suncorp (Westpac) (04/16)	2,000,000.00	2,019,100.00	3.59	FRN	11/04/2016
Suncorp Covered (RIMSEC) (12/16)	2,000,000.00	2,050,960.00	4.75	Fixed Rate Bond	06/12/2016
WBC (RBS) (02/17)	1,000,000.00	1,031,700.00	4.22	FRN	20/02/2017
	52,627,880.40	52,664,348.63	4.19		
LEGEND	Investment Type	ABS = Asset Backed Security Bond = Fixed Rate Bond CDO = Collateralised Debt Obligation FRN = Floating Rate Note			
Counterparty		BB = Bendigo Bank		ME = Members Equity Bank	
AMP = AMP Bank		Heritage = Heritage Bank		RaboDirect = Rabo Bank	
ANZ = ANZ Bank		ING = ING Bank		Rural = Rural Bank	
BOQ = Bank of Queensland		Investec = Investec Bank		Suncorp = Suncorp Metway Bank	
CBA = Commonwealth Bank		Macquarie = Macquarie Bank		WBC = Westpac Banking Corporation	
		NAB = National Australia Bank			

4. Term Deposits

Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
02-Aug-13	29-Apr-14	AMP (Apr 2014)	4,000,000.00	270	4.00
03-Sep-13	11-Mar-14	AMP (CURVE) (Sept 2013) annual interest	500,000.00	189	3.80
10-Sep-13	10-Jun-14	AMP (CURVE) (Sept 2013) annual interest	500,000.00	273	3.80
30-Jul-13	30-Jul-14	AMP (Curve) annual interest	1,000,000.00	365	4.00
12-Nov-13	17-Dec-13	Beyond Bank	2,000,000.00	35	3.90
21-Aug-13	18-Feb-14	Beyond Bank	1,000,000.00	181	3.85
04-Oct-13	06-Jan-14	BOQ (Apr 2014)	2,000,000.00	94	4.08
25-Nov-13	24-Feb-14	BOQ (Feb 2016)	1,000,000.00	94	4.19
22-Mar-11	25-Mar-14	BOQ (Mar 2014) annual interest	1,000,000.00	1099	6.75
03-Sep-13	03-Sep-14	BOQ (Mar 2016)	3,000,000.00	365	4.05
20-Sep-13	20-Sep-14	BOQ (Sept 2015) annual interest	2,000,000.00	365	4.20
20-Sep-13	20-Dec-13	BOQ (Sept 2016) annual interest	2,000,000.00	91	3.85

Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
11-Oct-13	11-Oct-14	CBA (Oct 2015) annual interest	1,000,000.00	365	4.85
20-Feb-13	18-Feb-14	Heritage Bank (Feb 2014)	2,000,000.00	363	4.40
30-Aug-13	03-Dec-13	IMB (Dec 2013)	2,000,000.00	91	3.83
15-Oct-13	15-Oct-14	ING (Curve) (March 2013)	2,000,000.00	365	4.01
20-Nov-13	20-Feb-14	ING (FIIG) (Feb 2014)	1,000,000.00	92	3.97
22-Oct-13	22-Jan-14	ING (FIIG) (Jul 2014)	3,000,000.00	92	4.03
30-Jul-13	28-Jan-14	ING (RIMSEC)	2,000,000.00	182	4.13
20-Nov-13	20-Feb-14	ING (RIMSEC) (Feb 2015)	1,000,000.00	92	3.97
09-Oct-13	07-Jan-14	ING (RIMSEC) (Jul 2014)	2,000,000.00	91	4.01
03-Sep-13	02-Sep-15	ING (RIMSEC) (Sept 2013)	1,000,000.00	365	4.14
06-Nov-13	06-Feb-14	Investec (RIMSEC) (Aug 2013)	1,000,000.00	92	4.14
10-Sep-13	10-Dec-13	Investec (RIMSEC) (Jun 2014)	1,000,000.00	91	4.55
03-Sep-13	03-Sep-14	Investec (RIMSEC) (Sept 2015) annual interest	1,000,000.00	365	4.14
11-Sep-13	11-Sep-14	Investec (Sept 2015) annual interest	2,000,000.00	365	4.37
15-Aug-13	13-May-14	MEB (Apr 2014)	3,000,000.00	271	4.05
15-Oct-13	15-Apr-14	MEB (Jul 2013)	4,000,000.00	182	3.85
11-Jun-13	17-Jun-14	MEB (RIMSEC) (June 2014)	4,000,000.00	371	4.15
30-Jul-13	29-Jul-14	MEB annual interest	4,000,000.00	364	4.15
17-Aug-13	17-Dec-13	NAB (Dec 2013)	2,000,000.00	91	3.80
06-Aug-13	04-Aug-15	NAB (Curve) (Aug 2015)	2,000,000.00	728	4.10
12-Nov-13	12-Feb-14	NAB (Feb 2015) annual interest	2,000,000.00	92	3.99
24-Oct-13	23-Jan-14	NAB (July 2013) annual interest	2,000,000.00	90	4.03
19-Nov-13	18-Feb-14	NAB (Nov 2012)	2,000,000.00	91	3.66
27-Nov-13	27-Feb-14	NAB (RBS) (Aug 2015)	2,000,000.00	92	3.80

Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
11-Nov-13	11-Feb-14	NAB (RBS) (Aug 2015) quarterly interest	2,000,000.00	92	4.54
03-Sep-13	03-Sep-14	NAB (Sept 2013) annual interest	4,000,000.00	546	4.05
04-Sep-13	04-Sep-14	NAB (Sept 2016)	4,000,000.00	1098	4.25
07-Feb-13	07-Feb-14	RaboDirect (Curve) (Feb 2015) annual interest	1,000,000.00	366	6.00
11-Jul-13	07-Jan-14	RaboDirect (Curve) (Jan 2015)	1,000,000.00	551	4.20
26-Jul-13	26-Jul-14	RaboDirect (Curve) (Jul 2015)	1,000,000.00	365	5.20
26-Jul-13	26-Jul-14	RaboDirect (Curve) (Jul 2016)	1,000,000.00	365	5.40
11-Nov-13	11-Nov-14	RaboDirect (Curve) (Nov 2016) annual interest	1,000,000.00	366	6.40
22-Mar-11	22-Mar-16	RaboDirect (RIMSEC) (Mar 2016) annual interest	1,000,000.00	1827	7.15
24-Jul-13	24-Jul-14	RaboDirect (RIMSEC) annual interest	2,000,000.00	734	4.25
28-Aug-13	03-Dec-13	Rural (Curve) (Dec 2013)	2,000,000.00	97	3.90
26-Nov-13	27-May-14	Rural (Curve) (Nov 2013)	2,000,000.00	182	3.80
17-Sep-13	18-Mar-14	WBC (Mar 2014)	2,000,000.00	182	3.56
11-Oct-13	13-Jan-14	WBC (Jan 2016)	8,000,000.00	94	3.84
08-Oct-13	07-Jan-14	WBC (Apr 2016) quarterly interest	2,000,000.00	91	3.86
18-Nov-13	17-Feb-14	WBC (Feb 2016)	2,000,000.00	92	3.93
18-Nov-13	17-Feb-14	WBC (Feb 2016)	2,000,000.00	91	3.93
17-Aug-13	18-Mar-14	WBC (Mar 2014)	2,000,000.00	182	3.56
10-Sep-13	11-Mar-14	WBC (Mar 2014) quarterly interest	2,000,000.00	182	3.66
03-Sep-13	03-Dec-13	WBC (Sept 2014)	4,000,000.00	91	3.73

Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
26-Nov-13	01-Apr-14	Widebay Australia (Apr 2014)	2,000,000.00	126	3.75
		Total	117,000,000.00		4.24
LEGEND	Counterparty	ING = ING Bank		RaboDirect = Rabo Bank	
		Investec = Investec Bank		Rural = Rural Bank	
		Macquarie = Macquarie Bank		Suncorp = Suncorp Metway Bank	
		NAB = National Australia Bank		WBC = Westpac Bank	
		ME = Members Equity Bank			
		NPBS = Newcastle Permanent Building Society			

5. Performance by Category

Category	Face Value	Market Value	Average Return	Above or (Below) 90 day BBSW Benchmark
Overnight Money Market	5,500,000.00	5,500,000.00	3.50%	0.89%
Bonds & FRNs	52,627,880.40	52,664,348.63	4.19%	1.58%
Term Deposits	117,000,000.00	117,000,000.00	4.24%	1.63%
	175,127,880.40	175,164,348.63	2.61%	Benchmark 90 Day UBS Bank Bill Index

Performance by Category Compared with Benchmark

4.19% 4.24%

3.50%

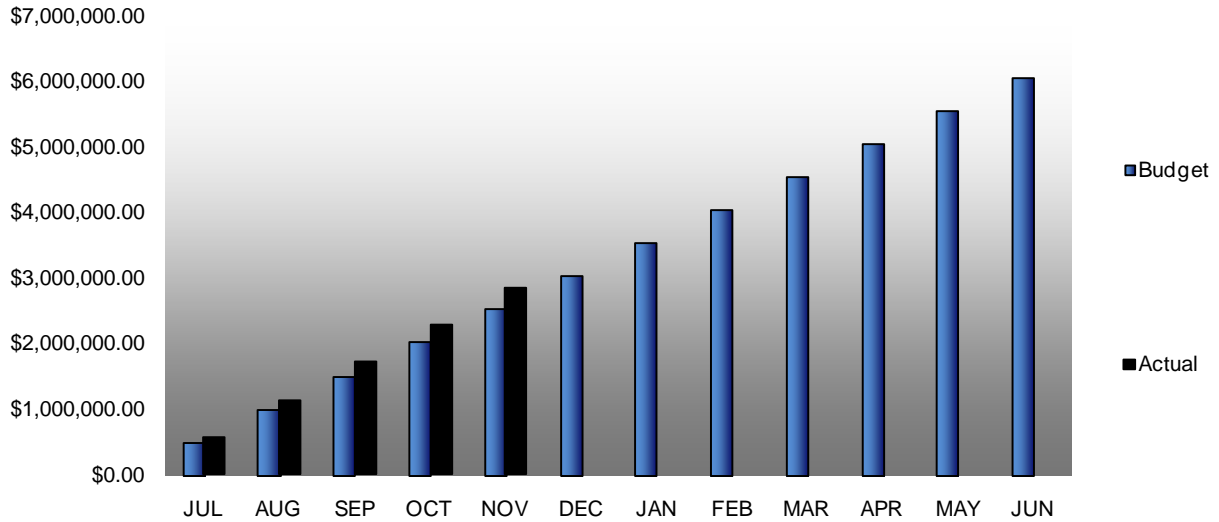
2.61%

Overnight Money Market

Bonds & FRNs

Term Deposits

6. Total Portfolio Income v Budget



7. Investment Policy Diversification and Credit Risk

Total Portfolio Credit Limits Compared to Policy Limits					
Long-Term Credit Ratings	Investment Policy Limit	Actual Portfolio	Short-Term Credit Ratings	Investment Policy Limit	Actual Portfolio
AAA Category	100%	1.24%	A-1+	100%	12.85%
AA Category	100%	22.86%	A-1	100%	19.16%
A Category or below	60%	11.25%	A-2	60%	18.85%
BBB Category or below	20%	4.33%	A-3	0%	0.00%
Unrated	10%	7.00%	Unrated	10%	2.46%

8. Term to Maturity

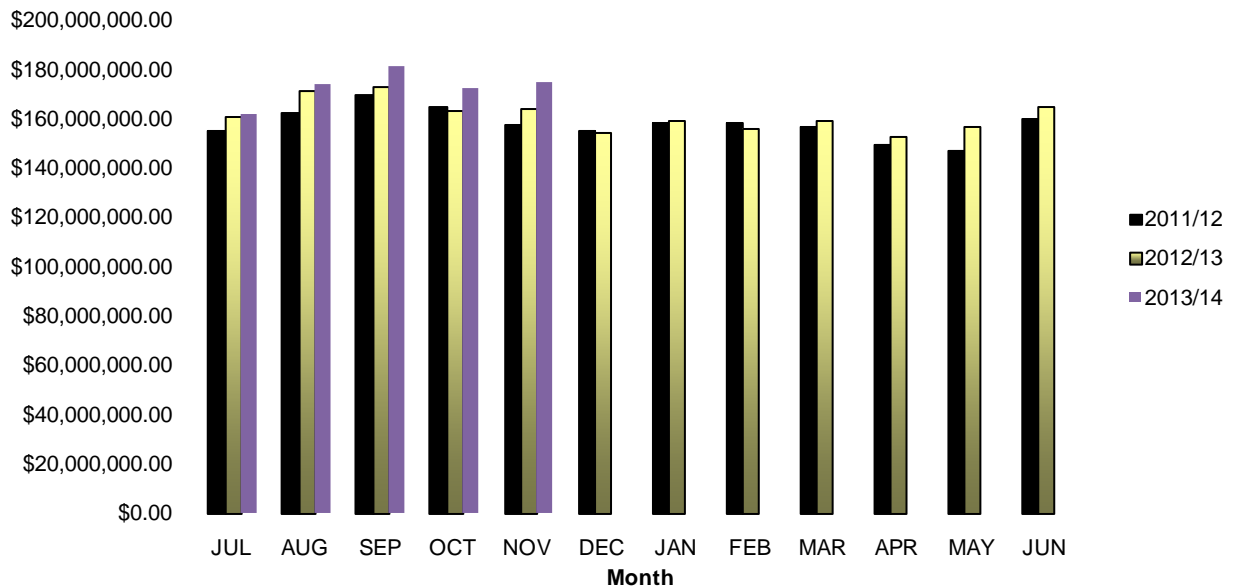
Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	40.74%	Minimum 40% of portfolio
Between 365 days and 2 years	25.07%	Maximum 60%
Between 2 years and 5 years	34.19%	Maximum 35%
Total	100.00%	

9. Investment Alternatives Explained

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
At Call Cash	At Call	Immediate to a few months	Highly liquid - same day access to funds with no impact on capital	Not a capital growth asset
			Highly secure as a bank deposit	Underperforms other asset classes in the long term
Bank Bill	1 - 180 days	Less than 1 year	Highly liquid - same day access to funds, usually with no or minimal impact on capital	Not a growth asset
			Highly secure (bank risk)	Underperforms other asset classes in the long term
				May incur a small loss for early redemption
Term Deposit	Up to 5 years	Less than 2 years	Liquid - same day access to funds	Will incur a small capital loss for early termination
			Highly secure as a bank deposit	Underperforms growth assets in the longer term
Floating rate Note Bond	1 - 5 years	Greater than 2 years	Increased yield over bank bills	Not a growth asset
			Can accrue capital gain if sold ahead of maturity and market interest rates have fallen	Can incur capital losses if sold ahead of maturity and market interest rates have risen
			Coupon interest rate resets quarterly based on 90 day bank bill swap rate	Credit exposure to company issuing the paper
			Relatively liquid	May not be bank guaranteed
			Less administration than bank bills	Underperforms other asset classes in the long term

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
Fixed Rate Bond	1 - 5 years	Greater than 3 years	Can accrue capital gain if sold before maturity and market interest rates have fallen	Can incur capital losses if sold before maturity and market interest rates have risen
			Fixed return - semi annual coupons	Credit exposure to company issuing paper
			Generally liquid	
			Can be government or corporate issuer	

10. Monthly Comparison of Total Funds Invested



11. Section 94 Developer Contributions - Monthly Balances & Receipts

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
01	Banora Point West/Tweed Heads South Open Space	3,946,862	-
02	Banora Point Western Drainage	564,193	-
03	Banora Point West/ Tweed Heads South Community Facilities	4,901	-
04	Tweed Road Contribution Plan	10,476,895	17,732
05	Local Area Open Space	840,539	7,928
06	Street Tree Planting in Residential Areas	139,128	2,673
07	West Kingscliff Opens Space & Drainage	423,586	-
10	Cobaki Lakes Open Space & Community Facilities	(1,270)	-
11	Shire Wide Library Facilities	1,556,733	9,218
12	Bus Shelters	69,449	704
13	Eviron Cemetery	(15,548)	1,353
14	Mebbin Springs Subdivision - Rural Road Upgrading	84,920	-
15	Community Facilities	556,250	2,778
16	Emergency Facilities - Surf Lifesaving	347,819	1,017
18	Council Administration & Technical Support	777,118	20,463
19	Kings Beach/Casuarina/Kings Forest	209,823	-
20	Seabreeze Estate - Open Space	708	-
21	Terranora Village Estate - Open Space & Community Facilities	29,074	-
22	Shirewide Cycleways	87,311	5,203
23	Shirewide Carparking	1,468,258	-
25	Salt Development - Open Space & Car Parking	1,024,521	-
26	Shirewide/Regional Open Space	1,598,820	54,131
27	Tweed Heads Masterplan Local Open Space & Streetscaping	97,874	-
28	Seaside City	107,050	-
90	Footpaths & Cycleway	-	-
91	DCP14	101,626	-
92	Public Reserve Contributions	127,460	-
95	Bilambil Heights	496,960	-
Total		25,121,058	123,200

12. Economic Commentary

Australian Economy and Cash Rate

At the Reserve Bank of Australia (RBA) meeting on 3 December 2013, the cash rate remained unchanged at 2.50%.

Recent information is consistent with global growth running a bit below average this year, with reasonable prospects of a pick-up next year. Commodity prices have declined from their peaks, but generally remain at high levels by historical standards. Inflation in most countries is well contained.

In Australia, the economy has been growing a bit below trend over the past year and the unemployment rate has edged higher. This is likely to persist in the near term, as the economy adjusts to lower levels of mining investment. Further ahead, private demand outside the mining sector is expected to increase at a faster pace, though considerable uncertainty surrounds this outlook. There has been an improvement in indicators of household and business sentiment recently, but it is still unclear how persistent this will be. Public spending is forecast to be quite weak.

Recent data on prices and wages show inflation consistent with the medium-term target. The Bank's assessment is that this is likely to remain the case over the next one to two years.

The easing in monetary policy that has already occurred since late 2011 has supported interest-sensitive spending and asset values. The full effects of these decisions are still coming through, and will be for a while yet. The pace of borrowing has remained relatively subdued overall to date, though recently there have been signs of increased demand for finance by households. There is also continuing evidence of a shift in savers' behaviour in response to declining returns on low-risk assets. Housing and equity markets have strengthened further over recent months, trends which should in time be supportive of investment.

Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with Division of Local Government guidelines with 69.93% of the portfolio held in cash and term deposits. Term deposit and bonds are paying above average margins above the 90 day bank bill rate and remain high but margins continued to contract during November.

The historic low cash rate is translating to falling total investment yields. This situation continues to present difficulties obtaining reasonable investment income without risking capital.

All investment categories including cash at call out-performed the UBS 90 day bank bill benchmark this month. Overall, the investment portfolio has returned an average 1.37% pa above the 90 day UBS bank bill index for the last month.

Source: RBA Commentary

13. Investment Summary

GENERAL FUND

CORPORATE FIXED RATE BONDS	12,694,069.85	
FLOATING RATE NOTES	39,970,278.78	
TERM DEPOSITS	47,000,000.00	

WATER FUND CALL ACCOUNT 5,500,000.00 **105,164,348.63**

TERM DEPOSITS 28,000,000.00

SEWERAGE FUND

FUND MANAGERS 0.00 **28,000,000.00**

TERM DEPOSITS 42,000,000.00

FUND MANAGERS 0.00 **42,000,000.00**

TOTAL INVESTMENTS 175,164,348.63

It should be noted that the General Fund investments of **\$105** 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.



Responsible Accounting Officer
Manager Financial Services
Tweed Shire Council

OPTIONS:

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Local Government (General) Regulations 2005 - Section 212 - Reports on council investments

"(1) The responsible accounting officer of a council:

(a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:

(i) if only one ordinary meeting of the council is held in a month, at that meeting, or

(ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and

(b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.

(2) The report must be made up to the last day of the month immediately preceding the meeting."

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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