



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr B Longland (Mayor)

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

# Agenda

## Planning and Regulation Reports

### **Ordinary Council Meeting**

### **Thursday 24 January 2013**

held at Murwillumbah Cultural and Civic Centre  
commencing at 6.00pm

## 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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## **ORDINARY ITEMS FOR CONSIDERATION**

### **REPORTS THROUGH THE GENERAL MANAGER**

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

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

The following are the matters Council is required to take into consideration under Section 79(C)(1) of the Environmental Planning and Assessment Act 1979 in assessing a development application.

### **MATTERS FOR CONSIDERATION**

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

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**4 [PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards**

**SUBMITTED BY: Director**



**Civic Leadership**

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**SUMMARY OF REPORT:**

In accordance with the Department of Planning's Planning Circular PS 08-014 issued on 14 November 2008, the following information is provided with regards to development applications where a variation in standards under SEPP1 has been supported/refused.

**RECOMMENDATION:**

**That Council notes the December 2012 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.**

## REPORT:

On 14 November 2008 the Department of Planning issued Planning Circular PS 08-014 relating to reporting on variations to development standards under State Environmental Planning Policy No. 1 (SEPP1).

In accordance with that Planning Circular, the following Development Applications have been supported/refused where a variation in standards under SEPP1 has occurred.

<b>DA No.</b>	DA12/0082
<b>Description of Development:</b>	Two lot subdivision
<b>Property Address:</b>	Lot 1 DP 1101049 No. 63 Duranbah Road, Duranbah
<b>Date Granted:</b>	18/12/2012
<b>Development Standard to be Varied:</b>	Clause 20(2)(b) - Minimum lot size 10ha
<b>Zoning:</b>	1(b1) Agricultural Protection
<b>Justification:</b>	The existing hydroponic enterprise and residential components are contained within proposed Lot 1 (6.55 hectares) and as such the proposed subdivision will not alter the status quo of the land. Further, the proposed subdivision will allow for the continued operation of the existing and fully established hydroponic business. It is therefore considered that, given the unusual circumstances of the application, that the proposal would be consistent with the primary objective of the zone.
<b>Extent:</b>	The SEPP No. 1 variation relates to Clause 20(2)(b) of the Tweed Local Environmental Plan 2000 (LEP 2000) within each allotment created is at least 10 hectares. Proposed Lot 1 being 10 hectares, Proposed Lot 2 being 6.55 hectares.
<b>Authority:</b>	Director General of the Department of Planning and Infrastructure

## COUNCIL IMPLICATIONS:

**a. Policy:**

Not Applicable.

**b. Budget/Long Term Financial Plan:**

Not applicable.

**c. Legal:**

No-Legal advice has not been received.

Attachment of Legal Advice-Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 1 Civic Leadership
- 1.4 Strengthen coordination among Commonwealth and State Governments, their agencies and other service providers and Statutory Authorities to avoid duplication, synchronise service delivery and seek economies of scale
- 1.4.1 Council will perform its functions as required by law and form effective partnerships with State and Commonwealth governments and their agencies to advance the welfare of the Tweed community

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**5 [PR-CM] Composting Toilets**

**SUBMITTED BY: Building and Environmental Health**

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**Caring for the Environment**

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**SUMMARY OF REPORT:**

At Councils meeting held on Thursday 13 December 2012 a notice of motion was carried in relation to a report being brought forward on the potential of allowing composting toilets in the urban environment and for including this option in Council's water management policies.

**RECOMMENDATION:**

**That the report on composting toilets be received and noted.**

## REPORT:

Waterless composting toilets, also known as humus closets or biological toilets are waterless systems which rely on the principals of composting by micro-organisms to decompose human waste, paper and other materials into matter called humus.

Systems are either continuous types or batch type. Continuous systems contain a single chamber; whilst batch systems contain several bins with rotation occurring after each bin is filled. In both systems the required chamber or bins are installed below the floor and therefore may require a purpose built structure to house the unit.

As composting toilets are waterless it should be noted that that they do not treat wastewater from other sources such as hand basins, showers, laundries and kitchen sinks. The grey water from these fixtures therefore needs to be managed separately and requires an alternative type of system which obviously makes installation costs a key consideration if proposing these types of systems.

Currently the market has a number of waterless composting toilet systems available however the principles for each are basically the same. To explain the basic principal of these systems, excreta (both urine and faeces) is deposited directly down a chute through an opening to a sealed and vented chamber beneath the pedestal. As there is a direct connection to the chamber, i.e. no flushing system or water seal, it is necessary that a lid be in place to control fly breeding when the closet is not in use. The deposited material is usually detained on a graded base or screen which allows excess moisture to pass through and be collected below. Extra organic matter such as straw, wood shavings, paper or lawn clippings are added to create and improve the composting environment. Micro-organisms decompose the material, with around three quarters of it being converted to carbon dioxide and water vapour. Air drawn through the pile removes these gases and assists the micro-organisms which gradually break down the material into humus. As the base of the waste converts to compost or humus this material is removed through a separate hatch or doorway in the chamber and is typically buried on site. The minimum recommended depth of burial and soil cover is 100mm.

The time taken for the breakdown of these materials varies and is dependent on moisture, air and temperature. Too much moisture can result in odour production and therefore a mechanism may need to be installed to evaporate excess moisture. A ventilation pipe must also be installed and excess moisture may need to be drained to a treatment system or land application area. Some commercially available systems may also incorporate a urine diversion system which can be plumbed separately into the household drainage system or other approved disposal system.

Waterless composting toilets fall into the category of an on-site sewage management system (OSSMS). In New South Wales there is legislation and guidelines that stipulate that an OSSMS must be designed, operated and maintained in a manner that will:

- Prevent public health risk;
- Prevent environmental damage (particularly to land, soil, groundwater and surface waters);
- Protects community amenity (e.g. nuisances such as bad odours); and
- Work well into the future.

All commercially available systems must be accredited by NSW Health and are subject to conditions of accreditation which apply to each installation and covers installation, commissioning, maintenance and on-going management.

Also contained in the legislation is a requirement for Councils to manage the cumulative impact of sewage pollution in their local government area, which includes approving the installation and operation of OSSMS's and the ongoing auditing of these systems.

In 1998 the New South Wales Government made some amendments to the Local Government Act making it an obligation for Councils to better supervise the operation and installation of OSSMS's and to ensure that property owners take greater responsibility for maintaining their system. These changes require that once a system has been installed on a property the owner of that property must apply to Council for an approval to operate the system. This requirement for an approval to operate also applies for existing systems where a property with an existing on-site sewage management system is sold to new owner/s or the approval to operate has expired. In these cases the owner must apply to Council for an approval to operate. This approval allows Council to maintain a register of systems throughout the shire together with details of the owners of those systems and the approval ensures that property owners are aware of their responsibility to efficiently operate and maintain their system in accordance with the conditions of approval.

A check of Councils records identifies that there are approximately 4900 OSSMS's systems currently registered and that a low percentage of these include waterless composting systems. As indicated above the Local Government Act gives Council the responsibility to monitor all systems to ensure that they meet standards. Any waterless composting toilet installed, irrespective of the system being located in an area having reticulated sewer available, would need to be registered and therefore would fall into Councils auditing regime. Composting systems require individual approval, require an approval to operate and require an annual fee to enable resourcing for Council undertake these functions.

Typically the maintenance of a waterless composting system is the responsibility of the owner or occupier and is not normally subject to a maintenance contract. **The owner or occupier must therefore be committed to the principles of composting.** Maintenance requirements vary among waterless composting toilets, and the maintenance requirements are usually specified in the operational manual required to be supplied with the system. The manual would normally cover all the aspects of efficient humus production and would include information such as:

- How to control of excessive moisture production in the waterless composting toilet vessel;
- Procedures to ensure that the deposited material is spread evenly over the base of the waterless composting toilet;
- Cleaning procedures (e.g. minimal use of water and disinfectants on pedestal);
- Procedures for removal and disposal of compost;
- Procedures to eliminate the production of odours; and
- Procedures to ensure that material does not block the base of the chute.

### **Service Requirements**

Service requirements are mainly those recommended by the manufacturer and the replacement of defective parts such as fans or heating elements if they are fitted.

## Compost Management

Composted humus should be removed by the occupier or a contractor for management only after the minimum composting period has elapsed. Composted humus should be removed only through the access door (where provided) or from the humus storage tray, and it may be applied only to land within the boundaries of the premises unless the written approval of the local council has been obtained for an alternative method.

The composted humus from the humus closet must not be applied to land directly in an area used for the production of root crops for human consumption. The compost should be buried under clean friable soil in a level area not subject to erosion or inundation, and at a minimum depth of 100mm below finished ground level.

After 3 months' maturation below ground level **or** maturation in a separate lidded compost bin providing aeration and without further addition, the composted humus may be used in the garden, but not for the production of crops that are consumed raw.

## Advantages of Waterless Composting Toilets

- Conserves water;
- Can handle a shock loading;
- Can be installed in adverse site conditions;
- Reduces solids carryover to the land application system; and
- Recycles nutrients.

## Disadvantages

- High capital costs;
- Some energy consumption if fan and/or heater installed;
- Handling of waste is required;
- Does not function well in cold temperatures;
- Grey water has to be managed separately;
- Moderate to high maintenance required;
- Aesthetically unappealing to some people;
- May require a purpose-built structure to house unit;
- Requires a persistent commitment to composting principles;
- Additional Council approvals required; and
- Annual fee for management and auditing of the OSSMS required.

Given the above, waterless composting toilets are a viable option in unsewered areas, particularly where reticulated water is not available or water supply is restricted. Furthermore these types of systems can be used for difficult sites including smaller allotments where difficulties may be encountered in trying to obtain the required suitable area needed for a land application and disposal of liquid effluent.

While composting systems are permissible in both sewered and unsewered areas, the owner or occupier must be committed to the ongoing maintenance of the system to ensure its satisfactory operation and reduce the possibility of odours and the generation of complaints particularly in built up areas. Owners should also maintain service records

including the date of the last time humus material was removed from the composting chamber. Problems that may arise in sewered areas would be small allotment sizes for the installation and or disposal of humus and the possibility of odours affecting neighbouring properties due to the limited site areas and setbacks. In an area where reticulated sewer is available the additional time required to ensure the satisfactory operation, particularly given today's busy lifestyles, means that personal choice will usually be for a system requiring the minimum amount of work. In addition to the time needed maintain these systems there are associated costs for the upkeep of such systems including the recommended annual servicing of commercially available systems and therefore unless site conditions require the installation of a waterless composting toilet it is considered that encouraging the use of such system would be difficult to sustain and that personal choice should be the determining factor for the installation these types of installations.

**OPTIONS:**

1. This report be received and noted; or
2. The option for waterless composting toilets be included in Council's Water Management policies.

**CONCLUSION:**

Composting toilets are permissible in both sewered and unsewered, urban and non urban areas however given the costs associated with the installation of such systems and the commitment required by the owner or occupier to maintain such systems it is considered that their installation be a matter of personal choice.

**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.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 4 Caring for the Environment
- 4.1 Protect the environment and natural beauty of the Tweed
- 4.1.3 Manage and regulate the natural and built environments
- 4.1.3.2 Manage natural environment
- 4.1.3.2.1 Actively manage and regulate emerging issues and areas of risk particularly on site sewerage management

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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