

Objections received	Statement setting out, for each objection, Council's decision and the reasons for its decision
Environmental concerns	
<p>Is Council satisfied that the impacts of the proposed Men's Shed on biodiversity have been adequately considered with special reference to areas of native vegetation, threatened flora and fauna species, populations and ecological communities. Particular attention should be given to the endangered koala population known from the locality?</p>	<p>The Men's Shed was subject to a development application (DA15/0160) in 2015, which included amongst other things a supporting flora and fauna assessment (FFA).</p> <p>The principal aims of the FFA was to highlight the potential impact of the Men's Shed on legislatively significant flora and fauna species, their habitats, and Endangered/Threatened Ecological Communities. This included consideration of the local endangered koala population.</p> <p>The findings and subsequent assessment of the FFA under the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) were such that the development was considered to be satisfactory and consent was granted.</p>
<p>Is Council satisfied that the proposal is consistent with the threatened species provisions of both the <i>Biodiversity Conservation Act 2016</i> and the <i>Environmental Planning and Assessment Act 1979</i>?</p>	<p>There is no statutory requirement to consider the development against the provisions of the <i>Biodiversity Conservation Act 2016</i> (BC Act). As outlined above, the Men's Shed was considered under the provisions of the EP&A Act as satisfactory.</p> <p>In specific relation to threatened species the assessment findings were such that of the species considered likely to occur in the study area only one species, the Koala, was considered to warrant further assessment under S. 5A of the EP&A Act (assessment of significance). The assessment concluded that the Koala was unlikely to be significantly impacted upon by the Men's Shed.</p>
<p>Is Council satisfied that the proposal is consistent with the aims of Statement Environment Planning Policy (Coastal Management) 2018 and State Environmental Planning Policy No. 44 – Koala Habitat Protection?</p>	<p>Similar to the above point, the <i>Statement Environment Planning Policy (Coastal Management) 2018</i> (SEPP Coastal Management) does not have statutory application to the ongoing operation of the Men's Shed.</p> <p>In terms of <i>State Environmental Planning Policy No. 44 – Koala Habitat Protection</i> (SEPP 44), the provisions of this policy were considered by the development application in 2015 and subsequent consideration under the EP&A Act. The findings in relation to SEPP 44 are summarised as follows:</p>

An approved Individual Koala Plan of Management (IKPoM) was prepared for the site as part of the residential development (Black Rocks by the Sea Estate) of which the subject site is a part of. The IKPoM was prepared in 2004 and aimed to ensure threats to Koalas were avoided through creating an enclave style development. Other measures implemented included limitation on the size of dogs allowed in the residential precinct and traffic management in the sports field area that is not within the enclave (TSC, 2015).

The measures of the IKPoM in relation to the sports fields were considered by Council's Development Assessment Unit and Natural Resource Management Unit to have been addressed with any residual items (such as Koala monitoring) incorporated into the Tweed Coast Koala habitat assessments (as determined during the assessment stage for the Black Rocks sports fields Tennis Court proposal).

A meeting of Council on the 19 February 2015 resolved to adopt The Tweed Coast Koala Plan of Management (KPOM). Section 5.5 (i) of the KPOM states that development proposals affected by an IKPoM approved under SEPP 44 (which includes the Black Rocks IKPoM) must be prepared and implemented in accordance with that relevant IKPoM.

Notwithstanding this, the Men's Shed proposal was assessed against the KPOM (as well as the IKPoM) which considered the findings of a detailed Koala habitat assessment undertaken within the Tweed Coast and addresses key threats on Koalas. Section 5.9.4 (i) of the KPOM states that for development proposal within a Koala activity precinct (KAP), a minimum of 10% of the land area of the proposed development envelope (including any envisaged infrastructure, easements, bush fire asset protection zones and the like) must be revegetated to create additional preferred koala habitat. Consequently, an area has been set aside at the sports fields specifically to provide additional Koala habitat planting.

The second reassessment of koala activity across the Tweed Coast was recently completed. The results of the Tweed Coast Koala Study 2018 were released in February 2019, building on information gathered from the Tweed Coast Koala

	<p>Study in 2015, and Tweed Coast Koala Habitat Study 2011. The findings of the 2018 study suggest there has been some expansion of resident koala populations (compared to the 2015 study), along with a substantial increase in areas being used by koalas on an occasional basis.</p> <p>In regards to the Black Rocks IKPoM and surrounding areas a large and contiguous resident population continues to persist in the Pottsville KAP, associated with habitat in the Pottsville Wetland. Two low-use sites within Pottsville Environment Park suggest that connectivity is likely to be present between the Pottsville Wetland and Pottsville Environment Park. One previously low-use site in the centre of the wetland showed no evidence of koala activity during this study however the majority of the sites in these southern precincts remain active. Activity has increased from occasional to frequent at two sites in the southern wetland. Resident koalas continue to occupy habitat adjacent to Pottsville Waters urban area, along the Kellehers Road reserve and adjacent to the Black Rocks sports field and appear to remain well connected to the northern wetland.</p> <p>Records of koalas including breeding females continue to be reported to from the vicinity of the wetlands, rural properties to the west of the wetlands, Pottsville Waters residential area and habitat surrounding the Black Rocks sports field. The entire Tweed Coast Koala Study 2018 report can be found at: http://knowledge:1036/Koalas.</p>
<p>Is Council satisfied that potential direct and indirect impacts on NPWS estate, wilderness areas, wild rivers and recognised areas of high conservation value have been adequately considered?</p>	<p>These factors were considered as part of the development application for the Men's Shed. In short it was found that the development would be unlikely to directly and/or indirectly impact on NPWS estate, wilderness areas, wild rivers or recognised areas of high conservation value.</p>
<p>Does the proposal affect any matters of national environmental significance or other matters requiring consideration under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)? If yes, then approval may be required from the Department of Environment and Energy.</p>	<p>The development application for the Men's Shed in 2015 did consider the MNES protected under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) (EPBC Act). It was concluded that these matters are unlikely to be significantly impacted upon by the development and a referral to the Federal Environment Minister was not required.</p>

<p>The proposed Licence is not in keeping with the Tweed Coast Comprehensive Koala Plan of Management Black Rocks Koala Activity Precinct (CKPOM) objectives.</p>	<p>Section 2.6.1 Vision and Aims, of the Tweed Coast Comprehensive Koala Plan of Management proposes, <i>“that future development on the Tweed Coast takes place in a manner that encourages the proper conservation and management of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline consistent with SEPP 44 and other relevant development controls”</i>.</p> <p>In accordance with the findings of development application for the Black Rocks Men’s Shed that the Koala was unlikely to be significantly impacted upon from the proposal, and the findings of the recent Tweed Coast Koala Study 2018, it can be concluded that the above listed vision and aims are currently being achieved for the Black Rocks IKPoM.</p>
<p>Council not monitoring impacts</p>	
<p>Council is not monitoring impacts on threatened species at Black Rocks. Consideration must be given to the NSW OEH recommendation that during a “monitoring program” must be established to document matters which impact threatened species. These include attacks and injury to wildlife, dog complaints, noise complaints, vandalism and hooliganism. This program would then help to determine whether a modification to consent beyond 5 years is appropriate.</p>	<p>Council has been monitoring the impacts on threatened species at Black Rocks in accordance with the conditions set out in the Development Approval DA15/0160.</p> <p><u>Koala monitoring</u> Council conducts monitoring of the Tweed Coast koala population activity through the implementation program of the Tweed Coast Comprehensive Koala Plan of Management. This activity survey is completed three yearly with the most recent monitoring event completed in 2018. There are approximately 12 survey locations in the Pottsville Wetland bushland reserve, including three in the vicinity of the Black Rocks sports field. This program applies a standardised method and is the most appropriate and useful approach to monitoring koala activity at this location. The 2018 survey identified ongoing consistent koala activity levels throughout Pottsville Wetland across the three survey events in 2010, 2015 and 2018. Incidental sightings records are also collected and published through the Tweed Shire Council online sightings database and Friends of the Koala hotline.</p> <p><u>Osprey monitoring</u> The osprey nest located in bushland adjacent to the sports field has been monitored by the Tweed Osprey Group since 1996. During this period, there has been variable breeding success recorded. The nest is identified of significance as</p>

	<p>one of three osprey nests in Tweed Shire that are located in natural sites (trees). There are also approximately 30 osprey nests on artificial cradles in Tweed Shire that display variability from year to year in breeding success. Many of these nest locations are in sites that are subject to high levels of human activity, being located near roads, beaches and sports fields. The use of artificial cradles is acknowledged as a highly significant contributing factor to the recovery of osprey populations throughout northern NSW and south-eastern Queensland.</p> <p>There are a range of variables that may impact the use and breeding success of the Black Rocks nest site. The current approach to minimising impact involves the application of a 100m exclusion zone to any permit or licence applications for activities involving flying model aeroplanes or similar. These activities are also not permitted during the osprey breeding season (approximately June to October in northern NSW). Informal or incidental use of flying vehicles are not currently restricted. Given the variability in breeding success over a relatively long monitoring period and the range of possible factors that may contribute to this, it is not possible to identify the presence of the Men's Shed as having any defining role in the breeding success of osprey at this site. It is recommended that a precautionary approach is continued and that the seasonal and spatial exclusion zone is applied to any ongoing use of the site. Council may also consider placing a blanket restriction on the informal use of the field for flying vehicles if there are available resources to educate, monitor and ensure compliance with any such restriction.</p>
Not consistent with Black Rocks Sports Field Precinct Operational Plan 2017-18	
<p>The proposed Licence is not in keeping with the objective of the Black rocks Sports Field Precinct Operational Plan 2017-2018 to '<i>ensure the field is managed collaboratively by relevant Council sections to facilitate community use of the sports field and to support the in-perpetuity protection of biodiversity values</i>'.</p>	<p>The presence of the Men's Shed does not result in any implications for the Black Rocks Sports Field Precinct Operational Plan 2017-18 or the functions of the precinct, including in relation to the provisions of relevant legislation including the <i>Local Government Act 1993</i> (NSW). Any amendments to prohibited, permitted and licensed activities can be integrated to the plan when reviewed.</p> <p>The Men's Shed represents a "<i>community use of the sports field</i>" as specified in the Black Rocks Sports Field Precinct Operational Plan 2017-18. This is a use that can co-exist with the "<i>in-perpetuity protection of biodiversity values</i>".</p>

Impacts on Aboriginal cultural heritage	
<p>Is Council satisfied that an appropriate level of Aboriginal cultural heritage assessment has been undertaken, and that the proposal is not likely to impact on areas of cultural significance to the Aboriginal community? It is also important that the view of Aboriginal community groups be sought in regard to the proposal.</p>	<p>Council is satisfied that an appropriate level of Aboriginal cultural heritage assessment has been undertaken, and that the proposal is not likely to impact on areas of cultural significance to the Aboriginal community.</p> <p>All social, environmental and heritage impacts were considered during the Development Application process.</p> <p>The area is not a “known or predictive” area of Aboriginal cultural heritage according to Council’s Aboriginal Cultural Heritage Plan 2018.</p> <p>The view of Aboriginal community groups has not been sought in regard to the proposal to grant an extension of the Licence, as the proposal is merely an extension of an existing Licence and will not impact or change the physical condition of the land.</p>
Original licence	
<p>Council has failed to require the Men’s Shed to comply with the conditions of the original existing licence. Council abrogated its responsibilities to the community in granting the original licence and in failing to require the Men’s Shed to comply with the conditions of the grant. Council has an obligation to the community, and a legal requirement, to insist that the Men’s Shed comply with the terms of the original approval and demonstrate that everything possible has been done.</p>	<p>The existing licence is not in question here. Objecting submissions are only considered if they relate to the proposed grant of a further Licence.</p>
Supposed to be temporary	
<p>OEH recommendation for limited 5 year licence. Council previously resolved to only grant a temporary licence. The shed was supposed to be a temporary demountable.</p>	<p>The existing licence is not in question here. Objecting submissions are only considered if they relate to the proposed grant of a further Licence. Further, the EES Group (formerly OEH) has not objected to this further grant of the Licence, however they have provided recommendations which are considered in this table. The shed is currently a temporary demountable.</p>
Alternative site	

Why hasn't an alternative site been sought? Alternative sites suggested were Lot 3 Centennial Drive, Pottsville; Pony Club at Hastings Point; Barry Sheppard Sports fields. The Minister should be requested to write to Crown Lands asking them to provide an alternative site. The Men's Shed should provide Council and the public with evidence that they have made efforts to find an alternative site as required by existing licence.

Steps have been taken in order to locate an alternative site. However, a suitable alternative site has not been found.

Steps taken to locate an alternate site:

- On 16 August 2017 from the Pottsville and District Men's Shed Inc. wrote to The Honourable Paul Toole MP asking Crown Lands to inform the Men's Shed whether any alternative Crown Land sites were available;
- On 21 September 2017 The Honourable Paul Toole MP wrote to Mr Geoff Provest, Member for Tweed, indicating that an initial desk top review had been undertaken by the Department of Industry (DoI) – Lands & Forestry, which had not identified any suitable Crown Land in the immediate area.

The suggestions of alternative sites put forward by objecting submitters are not suitable for the following reasons:

Lot 3 Centennial Drive, Pottsville

- This is State Crown Land, it is not Council managed Crown land.
- It is currently leased to the rural fire service.
- To locate an additional structure, i.e. the Men's Shed, on this lot, additional fire breaks would need to be cleared, which would be more detrimental to the koala corridor than the Men's Shed continuing to be located at the existing site.

Pony Club, Hastings Point

- This site is already fully utilised by the Pony Club.
- There is no opportunity / space for an additional structure to be located on this site.

Barry Sheppard Sports field

- This site is located at a distance from the majority of members' of the Men's Shed.
- The site would not be accessible for the Men's Shed members.
- The site is already utilised by sporting groups.

Parking / traffic issues

<p>The proposed increase in size to this facility will exacerbate the already existing parking shortages during cricket season. This leads to inappropriate parking on the access road and around the edge of the field – both places where koalas have been known to roost. No parking should be allowed on the access road and all vehicle parking should be contained within the sports field footprint.</p>	<p>The proposed Licence does not anticipate an increase in the leased area to the facility.</p> <p>Traffic will be considered as part of the Master Plan. It is anticipated that this will include vehicle parking within the sports field footprint.</p>
<p>Grant of a licence to a group of men is not inclusive</p>	
<p>Where is the Woman’s shed? The grant of a Licence to a group of men is not inclusive.</p>	<p>Council is happy to consider any application made by any group of people in relation to a proposed lease or licence of available Council land.</p>
<p>Not enough space for sports fields</p>	
<p>If the Men’s Shed area is expanded, there will not be enough available space for sports field activities.</p>	<p>The proposed Licence does not anticipate an increase in the leased area to the facility.</p> <p>The Black Rocks Sports Field already accommodates the Men’s Shed, the Pottsville Cricket Club, the Far North Coast Electric Flyers Model Aeroplane Club and the Pottsville Fun Croquet Club.</p> <p>Both the Pottsville Cricket Club and a member of the Far North Coast Electric Flyers Model Aeroplane Club provided submissions in support of the grant of the Licence. The Pottsville Fun Croquet Club did not make a submission.</p> <p>The fact that none of the sports clubs objected to the grant of the Licence indicates that they are not concerned that there will be limited availability of space for sports field activities.</p> <p>Also, this current proposed Licence does not increase the licenced area.</p>
<p>Occupational, health and safety concerns</p>	
<p>The number of members that are allowed to attend the facility should be reduced to a level that can operate</p>	<p>The number of members that attend in the facility is not an issue relevant to Council considering whether or not grant the Licence.</p>

safely within the constraints of the facility's current space.	Men's sheds have their own standard operating procedures that apply across all Men's Sheds.
Decision regarding grant of Licence should be deferred	
A decision should be deferred until a Master Plan for the use of the Black Rocks sports field has been fully developed and approved in order that all factors regarding the future use of the field and their consequential impacts on the natural environment have been appropriately addressed and presented to Council and the Minister for consideration.	<p>Council has been approached by the Men's Shed to grant a further Licence. There is no obligation on Council to defer its decision until the end of the current term of the existing licence.</p> <p>The Master Plan for the future use of the Black Rocks sports field will be exhibited for public submissions once it is developed.</p>
A decision should be deferred until TSC's Tweed Coast Koala Management Committee has an opportunity to provide their recommendation regarding the extension of the Licence prior to the final decision being made.	The TSC Tweed Coast Koala Management Committee (TSC TCKMC) does not need to be given an extended opportunity to provide their recommendation regarding the extension of the Licence prior to a final decision being made. This is because over 49 days were allowed for public submissions. If the TSC TCKMC wanted to make a recommendation, then they could have called an extraordinary meeting in order to make a submission during this time.