Agenda

Ordinary Council Meeting
Wednesday 12 December 2018

held at
Harvard Room, Tweed Heads Administration Building,
Brett Street, Tweed Heads
commencing at 5.30pm
Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

Guiding Principles for Tweed Shire Council

1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

(a) Provide strong and effective representation, leadership, planning and decision-making.
(b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
(c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
(d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
(e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
(f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
(g) Work with others to secure appropriate services for local community needs.
(h) Act fairly, ethically and without bias in the interests of the local community.
(i) Be responsible employers and provide a consultative and supportive working environment for staff.

2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

(a) Recognise diverse local community needs and interests.
(b) Consider social justice principles.
(c) Consider the long term and cumulative effects of actions on future generations.
(d) Consider the principles of ecologically sustainable development.
(e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.
Items for Consideration of Council:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>PRECIS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CONFIRMATION OF MINUTES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>[CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Meeting held Thursday 15 November 2018</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>[CONMIN-EXT] Confirmation of Minutes of Extraordinary Meeting held Friday 30 November 2018</td>
<td>8</td>
</tr>
<tr>
<td>3</td>
<td>[CONMIN-CM] Confirmation of Minutes of the Ordinary Council Meeting held 6 December 2018</td>
<td>10</td>
</tr>
<tr>
<td><strong>SCHEDULE OF OUTSTANDING RESOLUTIONS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>[SOR-CM] Schedule of Outstanding Resolutions at 12 December 2018</td>
<td>12</td>
</tr>
<tr>
<td><strong>MAYORAL MINUTE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>[MM-CM] Mayoral Minute for November 2018</td>
<td>25</td>
</tr>
<tr>
<td><strong>RECEIPT OF PETITIONS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>[ROP-CM] Receipt of Petitions at 15 November 2018</td>
<td>29</td>
</tr>
<tr>
<td><strong>ORDERS OF THE DAY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>[NOM-Cr K Milne] Greening the Shire</td>
<td>31</td>
</tr>
<tr>
<td>8</td>
<td>[NOM-Cr K Milne] Single Use Plastic and Plastic Drink Bottles</td>
<td>33</td>
</tr>
<tr>
<td>9</td>
<td>[NOM-Cr R Cooper] Land Acquisition EOI - Tiny Homes</td>
<td>35</td>
</tr>
<tr>
<td><strong>REPORTS THROUGH THE GENERAL MANAGER</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>[GM-CM] Quarterly Payment - The Tweed Tourism Company</td>
<td>38</td>
</tr>
<tr>
<td><strong>REPORTS FROM THE GENERAL MANAGER</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>[PR-CM] Tweed Valley Hospital - Actions taken on Resolution of 15 November 2018</td>
<td>41</td>
</tr>
<tr>
<td>12</td>
<td>[PR-CM] Rural Land Strategy for Adoption</td>
<td>49</td>
</tr>
<tr>
<td>14</td>
<td>[PR-CM] Pocket Herb Noise Assessment - Lot 3 DP 1191598 No. 67 Howards Road, Burringbar</td>
<td>68</td>
</tr>
<tr>
<td>15</td>
<td>[PR-CM] Cobaki Concept Plan Mod 8 - Comments to the Department of Planning &amp; Environment</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Page</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>16</td>
<td>[PR-CM] Development Application DA18/0517 for a Pop Up Bar, Cafe, Food Van and Ancillary Facilities at Kingscliff Beach Bowls Club at Lot 468 DP 755701; No. 131 Marine Parade Kingscliff</td>
<td>88</td>
</tr>
<tr>
<td>17</td>
<td>[CNR-CM] Homelessness Policy v2.0</td>
<td>140</td>
</tr>
<tr>
<td>18</td>
<td>[CNR-CM] Equal Access Advisory Committee</td>
<td>144</td>
</tr>
<tr>
<td>19</td>
<td>[CNR-CM] RFO2018125 Bulk Receipt of Food Organics &amp; Garden Organics</td>
<td>147</td>
</tr>
<tr>
<td>20</td>
<td>[E-CM] Doon Doon - Classification of Land as Operational</td>
<td>154</td>
</tr>
<tr>
<td>21</td>
<td>[E-CM] Crescent Street, Cudgen - Classification of Land as Operational</td>
<td>157</td>
</tr>
<tr>
<td>22</td>
<td>[E-CM] Bells Boulevard, Kingscliff - Classification of Land as Operational</td>
<td>160</td>
</tr>
<tr>
<td>23</td>
<td>[E-CM] Classification of Land as Operational under the Voluntary House Purchase Scheme</td>
<td>163</td>
</tr>
<tr>
<td>24</td>
<td>[E-CM] Tweed Valley Hospital - s138 Application DWY18/0327</td>
<td>167</td>
</tr>
<tr>
<td>26</td>
<td>[FRIT-CM] NSW Government Parking Fine Concessions</td>
<td>175</td>
</tr>
<tr>
<td>27</td>
<td>[PCG-CM] Customer Experience Standards and Managing Unreasonable Customer Conduct</td>
<td>179</td>
</tr>
<tr>
<td>28</td>
<td>[PCG-CM] Legal Services Register Report for the Period 1 July to 30 September 2018</td>
<td>186</td>
</tr>
<tr>
<td>29</td>
<td>[PCG-CM] Compliments and Complaints Analysis Report for the Period 1 July to 30 September 2018</td>
<td>199</td>
</tr>
<tr>
<td>30</td>
<td>[PCG-CM] Policy Update - Secondary Employment</td>
<td>206</td>
</tr>
<tr>
<td>31</td>
<td>[PCG-CM] Annual Code of Conduct Reporting - 1 September 2017 to 31 August 2018</td>
<td>209</td>
</tr>
<tr>
<td>32</td>
<td>[SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 22 August 2018</td>
<td>214</td>
</tr>
</tbody>
</table>
CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C1 [CNR-CM] Update on Negotiations with Solo Resource Recovery on Proposed Variation to Collections Contract, and Negotiation with Polytrade on Sharing Return for Container Deposit

C2 [CNR-CM] Proposed Renaming of Park at Burringbar

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] Development Servicing Plans for Water Supply and Sewerage Services
CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Meeting held Thursday 15 November 2018

SUBMITTED BY: Corporate Governance

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2 Making decisions with you
2.2 Engagement
2.2.4 Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: Leader

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 15 November 2018 are attached for information and adoption by Council.

RECOMMENDATION:

That:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 15 November 2018 be adopted as a true and accurate record of proceedings of that meeting.

2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
   (f) matters affecting the security of the council, councillors, council staff or council property.
REPORT:
As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:
   Code of Meeting Practice.

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:

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

Attachment 1  Minutes of the Ordinary Council Meeting held Thursday 15 November 2018 (ECM 5648278)

(Confidential) Attachment 2  Minutes of the Confidential Council Meeting held Thursday 15 November 2018 (ECM 5648279).
2 [CONMIN-EXT] Confirmation of Minutes of Extraordinary Meeting held Friday 30 November 2018

SUBMITTED BY: Corporate Governance

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

<table>
<thead>
<tr>
<th></th>
<th>Making decisions with you</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Engagement</td>
</tr>
<tr>
<td>2.2</td>
<td>Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.</td>
</tr>
</tbody>
</table>

ROLE: Leader

The Minutes of the Extraordinary Council Meeting held Friday 30 November 2018 are attached for information and adoption by Council.

RECOMMENDATION:

That the Minutes of the Extraordinary Council Meeting held Friday 30 November 2018 be adopted as a true and accurate record of proceedings of that meeting.
REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:
   Code of Meeting Practice.

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:

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

Attachment 1 Minutes of the Extraordinary Council Meeting held Friday 30 November 2018 (ECM 5667635).
3  [CONMIN-CM] Confirmation of Minutes of the Ordinary Council Meeting held 6 December 2018

SUBMITTED BY: Corporate Governance

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- Making decisions with you
  - Engagement
  - Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: Leader

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 6 December 2018 and due to the closeness of the next meeting on 12 December 2018 were not finalised for inclusion on the 12 December 2018 meeting.

It is proposed that these minutes are to be subject as an addendum item for Council's consideration.

RECOMMENDATION:

That the Minutes of the Ordinary and Confidential Council Meeting held Thursday 6 December 2018 were not available at the creation of the Agenda and will be submitted as an addendum report for Council's consideration.
REPORT:
As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:
   Code of Meeting Practice.

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.
SCHEDULE OF OUTSTANDING RESOLUTIONS

4 [SOR-CM] Schedule of Outstanding Resolutions at 12 December 2018

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2 Making decisions with you
2.2 Engagement
2.2.4 Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: Leader

CODE OF MEETING PRACTICE:

Section 2.8 Outstanding Resolutions
No debate is to be allowed on Outstanding Resolutions. Any changes to or debate on Outstanding Resolutions should only be by way of a Notice of Motion or a report to Council.

15 SEPTEMBER 2016

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Murwillumbah Railway Station
C 29

That Council:

1. Authorises the General Manager to enter into lease negotiations for the Murwillumbah Railway Station.

2. A report be bought back to a future Council meeting which includes the terms and conditions of the future potential lease.

Current Status: A report on future lease options will be considered more broadly as part of the Rail Trail project in accordance with the business case presented to the State and Commonwealth Governments which identified the need for complimentary tenancy of the Rail Trail to contribute to the ongoing maintenance of the infrastructure.

Meeting was held with Premier and Cabinet on 28 September 2018 to discuss process of securing lease rights and income derived over rail assets within the corridor to support the ongoing maintenance and operation of the rail trail.
1 MARCH 2018

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C2 [PR-CM] Unauthorised Works within Crown Road Reserve, Zara Road, Limpinwood

REASON FOR CONFIDENTIALITY:

This is subject to current legal investigations.

Local Government Act
This report is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

C 9

That Council, in respect of the current legal investigations relating to the unauthorised works within the Crown Road at Zara Road Limpinwood:

1. ....

4. Council seeks further advice in regard to whether it is appropriate to issue a Notice of Intention to cease using the Crown Road Reserve.

Current Status: Criminal proceedings in the Land and Environment Court expected to be dealt with in the early part of 2019.

22 MARCH 2018

ORDERS OF THE DAY

12 [NOM] Policy for Variations to Council's Planning Controls

99

Cr K Milne
Cr R Byrnes

RESOLVED that Council brings forward a report on amending the Tweed and Tweed City Local Environmental Plan and Development Control Plan, with a view to enhancing sustainability outcomes such as living walls, green roofs, blue green infrastructure, greenhouse gas emissions, waste, composting, community gardens, etc., in accordance with the Paris Agreement targets.
Council Meeting Date: Wednesday 12 December 2018

Current Status: These policy investigations will form part of the Tweed DCP housekeeping review. As per the adopted Strategic Planning and Urban Design Work Program this is scheduled to be undertaken after July 2019.

19 APRIL 2018

REPORTS FROM DIRECTOR ENGINEERING

23 [E-CM] Heavy Vehicle Approvals - B-Double Routes

173

Cr R Byrnes
Cr K Milne

RESOLVED that this Item be deferred to schedule a Workshop with the Tweed Water Alliance and to seek advice from the applicants regarding their capability to carry 50t versus 55t on their B-double configurations.

Current Status: Workshop was held on 31 May 2018.

Council is now seeking legal advice in relation to the size of the trucks to service the water extraction that the DA permits. This will be reported to Council following legal advice. Council is also liaising with the applicant on the feasibility of operating 50 tonne versus 55 tonne trucks.

Tweed Water Alliance has raised concerns that the Workshop of 31 May 2018 did not address this resolution and has requested another workshop be scheduled with Councillors.

REPORTS FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C2 [CNR-CM] Acid Sulfate Soil Contamination Remediation Works and SEPP14 Coastal Wetlands at Lot 1 DP1001025 No. 337 Round Mountain Road, Round Mountain and Lot 2 DP1087664, Christies Creek

REASON FOR CONFIDENTIALITY:

This report contains information that may involve litigation and is subject to legal privilege.

Local Government Act

This report is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
C 26

That Council:

... 

3. Notes a further report on the status of the Acid Sulfate Soil project on Lot 1 DP 1001025 be brought back to Council including options for management of Acid Sulfate soil problems.

Current Status: A report is included in the Confidential Business Paper (15 November 2018).

17 MAY 2018

ORDERS OF THE DAY

12  [NOM] Landscaping - South Tweed

235

Cr K Milne
Cr C Cherry

RESOLVED that Council undertakes low key landscaping improvements to Minjungbal Drive and brings forward a report on enhanced landscaping planning controls in the South Tweed locality.

Current Status: An Inspection tour has been held on 3 July 2018 with agreement on landscaping works to be undertaken, primarily at the northern end of Minjungbal Drive which includes the removal of some of the Cocos Palms and the planting of various other trees to enhance the road amenity.

In terms of the Planning report, these policy investigations will form part of the Tweed DCP housekeeping review. As per the adopted Strategic Planning and Urban Design Work Program this is scheduled to be undertaken after July 2019.

15  [NOM] Options for Improved Land Management

238

Cr K Milne
Cr C Cherry

RESOLVED that:
1. Council officers bring back a report on options for securing land that would be suitable as offset stewardship sites under the Biodiversity Offset Scheme and how this could be funded and managed.

2. In the interim, the Mayor writes to the Local State Members for Lismore and Tweed Heads seeking State consideration for the acquisition of sites that have high biodiversity values for the addition to the National Park Estate and provide examples of such to the State Member.

Current Status: Discussions have occurred at a regional level at both the General Manager and Natural Resource Management Officer level to consider a regional approach to offsetting. Report was presented to the July Northern Rivers Joint Organisation (NRJO) General Managers' Group meeting where it was resolved that:

- NRJO identify a cost share arrangement for the estimated cost of $41,500, to engage a fixed term staff person (or consultant) to be hosted at an NRJO council;
- This person completes a regional assessment of the needs of each council to adapt development assessment processes to meet the new legislation and report this assessment with recommendations for specific requirements.
- This person complete an assessment of the unavoidable biodiversity offset requirements likely to be generated from land already identified for development across the NRJO and report this assessment with recommendations for specific further requirements, including whether a second stage analysis of potentially available stewardship sites is required.

At the NRJO meeting of 2 November 2018 it was resolved that a cross-sharing arrangement for proposed work be funded through the JO and the request for quotation be issued accordingly. Copies of the business paper and minutes are available at the website of the Joint Organisation. This work is essential to being able to identify lands suitable as offset sites as any such land needs to provide the correct type of credits for which there is a demand through proposed or potential impacts.

REPORTS FROM DIRECTOR ENGINEERING

24 [E-CM] B-Double Applications - Meeting held 19 April 2018

250

Cr C Cherry
Cr K Milne

RESOLVED that:

1. The Minutes of the B-Double Routes Agency Advisory Group meeting held 19 April 2018 be received and noted.
3. **19m B-Double (50t-55t) to Dulguigan Quarry - NHVR Consent Request Number 143550r1v1**

The application (NHVR Consent Request Number 143550r1v1) for the use of a 19m B-Double up to 55t on Riverside Drive, Tumbulgum, Terranora Road, Dulguigan Road, North Tumbulgum, Dulguigan be deferred for feedback from NSW Police representative on the B-Double Routes Agency Advisory Group.

**Current Status:** Briefings provided by National Heavy Vehicle Regulator at the B-Double Advisory Group Committee Meeting of 24 May 2018. Report planned for a further Council Meeting.

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**21 JUNE 2018**

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

11  
**[PR-CM] Preparing a Scenic Landscape Strategy with Community and Stakeholders, Related Draft Council Policy and DCP Amendment**

295

Cr J Owen  
Cr P Allsop

**RESOLVED** that Council endorse:

1. The Draft Scenic Landscape Strategy be publicly exhibited for a period not less than 60 days during which community and stakeholder engagement is to be conducted to assist staff with the trial and testing of the Strategy;

2. The Scenic Landscape Policy is to be concurrently exhibited with the Strategy for a period not less than 60 days; and,

3. The proposed amendment of *Tweed Development Control Plan 2008* shall be publicly exhibited so as to comply with Clause 18 of the *Environmental Planning and Assessment Regulation 2000* but for a period not less than 60 days.

4. A further report be submitted to Council detailing the findings of the public exhibition and engagement for these three policies and any amendments considered appropriate.

**Current Status:** Following Council’s resolution of the Strategic Planning and Urban Development Work Program this is now a priority 3 project and public exhibition expected to occur in early 2019.
RESOLVED that Council defers this item to the next Council meeting in order to receive clarification on the following:

1. Whether it is possible for Council to create a Plan of Management for the Jack Evans Boat Harbour Precinct under the Crown Land Management Act given it is advised by staff it is not possible under the Local Government Act, due to Council not being the designated Crown Land Managers for all Reserves in this Precinct.

2. If it is possible for Council to initiate the Plan of Management under the Crown Land Management Act (CLMA), then Council writes immediately to the Department of Industry - Crown Lands and requests their support in preparing a plan for the Jack Evans Boat Harbour Precinct under the CLMA.

3. The current status of Aboriginal Land Claim 24855 lodged by New South Wales Aboriginal Land Council and provision of all the relevant information of the lands subject to the Land Claim.

Current Status: Council has forwarded a letter to the Department of Industry and Crown Lands seeking clarification as per the resolution. No response has been received to date. A memo provided to Councillors in August 2018 proposing a way forward to develop the plan while concurrently waiting for the response.

Sought consulting advice around community research and engagement methodology. A plan will now be developed in line with this advice to be distributed to the Councillors via memo.

A consultation event at Jack Evans Boat Harbour on 27 October 2018 with over 200 people in attendance. Consultation on the Plan of Management closes on 30 November 2018. A further report will be brought back to Council following an analysis of the consultation feedback.
16 AUGUST 2018

ORDERS OF THE DAY

6  [NOM] Environmental Land Purchases

422

Cr K Milne
Cr C Cherry

RESOLVED that a report be brought forward on the potential for Council to purchase significant environmental areas for the purposes of appropriate rezoning and resale.

Current Status: Preliminary analysis and scope to provide meaningful brief to Council being undertaken. A list of suitable consultants to undertake brief being compiled to respond to EOI.

7  [NOM] Natural Resource Management Budget

423

Cr K Milne
Cr C Cherry

RESOLVED that:

1. A report be brought forward on the impacts of increasing the proportion of funds allocated in the Council budget for Natural Resource Management from 4% to 5% of total rates i.e. a 1% increase in next years' budget, and

2. The Executive Leadership Team determines the most appropriate areas across a range of departments to source the funds from to assist in reversing the decline of threatened species.

Current Status: Workshop was held on 8 November 2018 which resulted in a further workshop scheduled for Monday 10 December 2018.

8  [NOM] Proposed Workshop - Recycled Products and Council Business

424

Cr C Cherry
Cr K Milne

RESOLVED that staff hold a workshop with Councillors and bring forward a report on how more recycled products can be incorporated into Councils business potentially through:

2. The incorporation of weighting criteria in the Procurement Policy and

3. Steps within the protocol to ensure that staff are making informed sustainable decisions

4. Training of staff to raise awareness of sustainable alternatives in alignment with the ISO standard.

**Current Status:** A workshop was held 11 October 2018 and a report being prepared for a future Council meeting.

_________________________

**REPORTS FROM DIRECTOR PLANNING AND REGULATION**

**15 [PR-CM] Affordable Housing Context and Options Paper**

419

Cr K Milne
Cr R Cooper

RESOLVED that Council:

.....

6. A further report be brought back to Council following the exhibition of the draft policy statement.

**Current Status:** The Strategic Planning and Urban Design work program was determined at the October Planning Committee meeting. Exhibition likely to be undertaken in mid 2019.

_________________________

**REPORTS FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES**


409

Cr K Milne
Cr C Cherry

RESOLVED that this item be deferred for a workshop with staff to provide further information on:

1. Records of people impacted by dog attacks;

2. Records of wildlife impacted;
3. Areas where threatened species occur; and
4. Options for alternative management strategies.

**Current Status:**
A Workshop was held on 27 September 2018.

A report was prepared by Bird Life Australia to review draft off-leash dog policy which was presented at the workshop held on 22 November 2018.

Councillors requested that further information to be provided on the details of a proposed community education program prior to the advancement of a draft policy for public exhibition.

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20 SEPTEMBER 2018

**ORDERS OF THE DAY**

6  **[NOM] Fossil Fuel Divestment**

461

Cr K Milne
Cr C Cherry

**RESOLVED** that Council brings forward a report on options to improve our rate of Fossil Fuel divestment considering our Ethical Investments have been stuck at around only 50% of our total funds invested since reporting on this first started.

**Current Status:**
Report to be prepared for a future Council Meeting.

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**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

11  **[PR-CM] Air Traffic Pollution**

466

Cr K Milne
Cr C Cherry

**RESOLVED** that Council:

....

4. Provides a report on the cost of establishing monitoring if the above agencies advise they cannot provide monitoring in a timely or appropriate fashion.
Current Status: Currently implementing Council resolution of 20 September 2018 meeting. A report being prepared for a future Council meeting.

25 OCTOBER 2018

REPORTS FROM THE DIRECTOR ENGINEERING

38 [E-CM] Variation of Restriction on Use - Lot 10 DP 1231670 - 23 Sea Eagle Court, Casuarina

550

Cr K Milne
Cr R Cooper

RESOLVED that this item be deferred.

Current Status: Advice is being sought from the Rural Fire Service with regard to their requirement for the reduction to the APZ which is listed on the title of this property.

15 NOVEMBER 2018

ORDERS OF THE DAY

8 [NOM-Cr K Milne] Rail Trail - Meeting with Adjacent Land Owners

575

Cr K Milne
Cr C Cherry

RESOLVED that Council invites the landowners adjacent to the proposed rail trail to a Workshop to advise of the latest progress on the project and to hear their concerns.

Current Status: Workshops to be scheduled.
REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM-CON] Works at Lot 136 DP 755724 Boormans Road, Limpinwood

REASON FOR CONFIDENTIALITY:

Local Government Act
This report is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

C 87

That:

1. Council defers this item to seek the following further investigations and provide updated advice including on:
   a) the North East Forest Alliance Audit report,
   b) previous complaints to Council from the neighbours in the immediate vicinity,
   c) further investigation of the recent activities in question and the history of logging on the property including:
      i) interviews with the neighbouring complainants,
      ii) more detailed historical aerial imagery if available,
      iii) other relevant documents that may practically assist in establishing the extent of historical logging on the property, such as tax and transaction records of the parties involved including the transport and receiving parties.
      iv) other relevant documents that may practically assist in establishing the extent of the recent level of logging activity in question on the property, such as tax and transaction records of the parties involved including the transport and receiving parties.

2. A further report be brought back to Council once these additional investigations and advice have been completed.

Current Status: The report to be prepared for a future Council meeting.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C2 [CNR-CM] Management of Chronic Acid Sulfate Soil Pollution, Christies Creek

REASON FOR CONFIDENTIALITY:

Local Government Act
This report is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(a) personnel matters concerning particular individuals (other than councillors).
That Council:

1. Supports the General Manager writing to Sunshine Sugar to express Council's concerns about the impact the current drain water quality is having on the environment of Christies and Cudgera Creeks and the amenity of Hastings Point, and request that Sunshine Sugar work cooperatively with Council and other stakeholders to resolve the Acid Sulfate Soil and water quality problem.

2. Supports the General Manager writing to the Minister for Environment and Minister for Primary Industries to seek NSW Government advice and assistance to resolve the Acid Sulfate Soil and water quality problem.

3. Seeks legal advice regarding Council's and NSW Government options to take action under the Protection of the Environment Operations Act and other relevant legislation, in relation to the pumping and discharge of contaminated water into Christies Creek.

4. Engages specialist expertise to report on the consequences of all available remediation options for the subject site including the effects of implementing an alternative land management/use approach.

5. Engages specialist expertise to report on the ecological health of Christies Creek, focusing on investigations that will determine if the creek's biota has been affected by water quality problems in the catchment.

Current Status: Further information to be reported back to Council.
MAYORAL MINUTE

5 [MM-CM] Mayoral Minute for November 2018

SUBMITTED BY: Cr K Milne, Mayor

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2 Making decisions with you
2.2 Engagement
2.2.4 Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: Leader

SUMMARY OF REPORT:

The Mayoral Minute report provides information on activities undertaken by the Mayor and Councillors during the month of November 2018.

RECOMMENDATION:

That:

1. The Mayoral Minute for the month of November 2018 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised.
REPORT:

Councillors

COMMITTEE MEETINGS

Attended by the Mayor

- 2 November Northern Rivers Joint Organisation – Kyogle Council, 1 Stratheden Street, Kyogle.
- 16 November Richmond Tweed Regional Library Committee – Byron Shire Council, 70-90 Station Street, Mullumbimby.

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

- 7 November Community Aviation Consultation Group – Twin Towns Services Club, Wharf Street, Tweed Heads.
- 8 November Private Citizenship Ceremony – Mayor’s Office, Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
- 11 November Murwillumbah Sub Branch RSL Remembrance Day Service – Murwillumbah Services Club War Memorial, 10 Wollumbin Street, Murwillumbah.
- 22 November Northern Rivers Joint Organisation Executive Officer Interviews – Kyogle Council, 1 Stratheden Street, Kyogle.
- 28 November Youth Council – Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.

Attended by other Councillor(s) on behalf of the Mayor

- 3 November Murwillumbah Show Official Party – President’s Room, Murwillumbah Showground, Queensland Road, Murwillumbah. Cr Cherry attended.
- 11 November Tweed Heads and Coolangatta RSL Remembrance Day Service – Chris Cunningham Park War Memorial, Wharf Street, Tweed Heads. Cr Cherry attended.
- 16 November Mt St Patrick College Year 12 Formal – Mt St Patrick College, 143 Murwillumbah Street, Murwillumbah. Cr Byrnes attended.
- 23 November Environmental Leadership Program Graduation Ceremony – Tweed Regional Museum, 2 Queensland Road, Murwillumbah. Cr Cherry attended.
Council Meeting Date: Wednesday 12 December 2018

- 27 November  Second Resident Environment and Industry Group Roundtable Stakeholder Forum – Murwillumbah Civic Centre, 10 Tumbulgum Road, Tumbulgum. Crs Cherry and Cooper attended.

Inability to Attend by or on behalf of the Mayor

- 24 November  End of Year Parade TS Vampire – Australian Navy Cadet Unit, TS Vampire, 111 Dry Dock Road, Tweed Heads South. All Councillors invited, no one available.
- 26 November  Twin Towns Friends Association Christmas Luncheon – Tweed Heads Bowls Club, Florence Street, Tweed Heads. All Councillors invited, no one available.
- 27 November  Northern Rivers Community Foundation Grant Giving Event – Murwillumbah Community Centre, Nullum Street, Murwillumbah. Mayor unavailable.

REQUESTS FOR WORKSHOPS:

Councillors did not request any additional workshops during November 2018.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

- 9 November  27th Annual NSW Coastal Conference – Club Sapphire, 119 Main Street, Merimbula NSW. Cr Cherry attended.
- 12-16 Nov  Company Directors Course – The Hilton, 488 George Street, Sydney NSW. Cr Owen attended.
- 24-25 Nov  Mayors' Weekend Seminar – LG NSW, 28 Margaret Street, Sydney NSW. Cr Milne attended.
- 26 November  Social Media for Councils – LG NSW, 28 Margaret Street, Sydney NSW. Cr Cherry attended.

Information on Conferences to be held

- 4-5 March 19  Australian Governance Summit – International Convention Centre, Sydney.

This annual event presents crucial insights and vibrant discussions on the critical challenges facing boards across all sectors, both in Australia and around the world. We’ll hear from influential governance leaders and public figures on how boards are ‘rising to the moment’,
and how directors can improve resilience, integrity and performance in their organisations.


SIGNING OF DOCUMENTS BY THE MAYOR:

- **2 November**: Agreement for Licence to use the Registered Business Name – The Tweed Tourism Company – DR Tourism Pty Ltd.
- **12 November**: Tweed Business Investment Prospectus Variation Deed.
- **15 November**: Road Closure and Purchase – Road Reserve adjacent to Lot 1 DP136687 Tumbulgum Road, Tygalgah.
- **22 November**: Licence to Possums Community Pre-school Association Inc.
- **22 November**: Road Closure – Wabba Road, Burringbar.

COUNCIL IMPLICATIONS:

a. **Policy:**
   Code of Meeting Practice.

b. **Budget/Long Term Financial Plan:**
   Appropriate expenditure is allowed for attendance by Councillors at nominated conferences, training sessions and workshops.

c. **Legal:**
   Not applicable.

d. **Communication/Engagement:**
   Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
RECEIPT OF PETITIONS

6 [ROP-CM] Receipt of Petitions at 15 November 2018

SUBMITTED BY: Corporate Governance

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

| 2 | Making decisions with you |
| 2.2 | Engagement |
| 2.2.4 | Councillors and Civic Business - To make informed decisions in the best interest of the community. |

ROLE: **Collaborator**

SUMMARY OF REPORT:

Under Section 1.5.4 Receipt of Petitions in the Code of Meeting Practice:

*Petitions received by Councillors or forwarded to the (Acting) General Manager will be tabled as per the Order of Business, Item 11, Receipt of Petitions.*

*Unless Council determines to consider it in conjunction with a report already listed on the agenda, no motion (other than a motion to receive the same) may be made on any petition until the next Ordinary Meeting after that at which it has been presented.*

RECOMMENDATION:

That the following tabled Petition(s) be received and noted:
REPORT:

As per Summary

OPTIONS:

That in accordance with Section 1.5.4 of the Code of Meeting Practice:

1. The tabled Petition(s) be considered in conjunction with an Item on the Agenda.
2. The tabled Petition(s) be received and noted.

CONCLUSION:

Any Petition tabled should be considered under Section 1.5.4 of the Code of Meeting Practice.

COUNCIL IMPLICATIONS:

a. Policy:
   Code of Meeting Practice.

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:

Nil.
ORDERS OF THE DAY

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2  Making decisions with you
2.2  Engagement
2.2.4  Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE:  Leader

7  [NOM-Cr K Milne] Greening the Shire

NOTICE OF MOTION:

Councillor K Milne moves that Council

1.  Brings forward a report to the February Council meeting on an urgent program to green our public places and streets with trees that will provide shade and full canopy cover wherever possible.

2.  Amends the current policy to ensure sufficient space is provided for road and street verges to provide for large and significant trees to provide for shade and full canopy cover wherever possible.

Councillor's Background Notes

Recommended Priority:  Nil.

Description of Project:  Nil.
Management Comments:

Delivery Program:

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1. Leaving a Legacy
   1.1 Natural Resource Management
   1.1.1 Biodiversity Management - To protect and manage the environment and natural beauty of the Tweed for current and future generations.

ROLE: Leader

Through the open space strategy community engagement process the feedback received supports this Motion. It is proposed to prepare a report to Council on this matter early in 2019.

It should be noted that there are specific guidelines in place for both developers and Council that relate to road reserves/footpath dimensions to cater for underground services and pedestrian paths and which can prove difficult in accommodating street trees.

Budget/Long Term Financial Plan:
   Nil.

Legal Implications:
   Nil.

Policy Implications:
   Nil.
8 [NOM-Cr K Milne] Single Use Plastic and Plastic Drink Bottles

NOTICE OF MOTION:

Councillor K Milne moves that Council bans the use of single use plastics and plastic drink bottles from all Council events and develops a campaign to seek the support of the community and local businesses in the Shire to eliminate such use.

Councillor's Background Notes

Recommended Priority:
Nil.

Description of Project:
Nil.

Management Comments:

Delivery Program:

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Leaving a Legacy

Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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<thead>
<tr>
<th>Level</th>
<th>Topic</th>
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<td>1</td>
<td>Leaving a Legacy</td>
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<td>1.1</td>
<td>Natural Resource Management</td>
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<td>1.1.1</td>
<td>Biodiversity Management - To protect and manage the environment and natural beauty of the Tweed for current and future generations.</td>
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ROLE: Leader

With regards to the Motion the following is advised:

a) There are other regulatory requirements for serving drinks in plastic vessels such as the NSW police who often require plastic containers for liquor licensing. All stakeholders would need to be engaged to determine the full implications of any banning of single use plastics for all events.

b) There may be additional costs and logistics to consider. For example, soft drinks, milk, etc. is often contained in single use plastics. Alternative sources would need to be available before Council considered implementing any bans.

c) Changes to any event that minimises environmental impacts is a step in the right direction. Council achieves greater success if it encourages and facilitates reducing all environmental impacts where possible rather than focusing on a single ban that may be difficult to enforce.
Budget/Long Term Financial Plan:  
Nil.

Legal Implications:  
Nil.

Policy Implications:  
Nil.
9 [NOM-Cr R Cooper] Land Acquisition EOI - Tiny Homes

NOTICE OF MOTION:

Councillor R Cooper moves that Council advertise a Shire Wide Expression Of Interest from private landowners to put forward their properties for the purpose of the establishment of a tiny home estate or village.

Councillor's Background Notes

Recommended Priority: Nil.

Description of Project: Nil.

Management Comments:

Delivery Program:

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**Leaving a Legacy**

*Looking out for future generations*

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

1. Leaving a Legacy
1.4 Managing Community Growth
1.4.1 Strategic Land-Use Planning - To plan for sustainable development which balances economic environmental and social considerations. Promote good design in the built environment.

**ROLE:** Leader and Collaborator

Whilst there is merit in TSC promoting a diversity of housing types, including but not limited to ‘tiny homes’ to meet a range of demographic and housing affordability profiles, an open EOI seeking private land owner interest in establishing a tiny home estate needs to be carefully managed in terms of providing:

- Identified strategic justification or need to pursue an EOI - Council has not to date undertaken any specific housing type studies which has nominated tiny houses as an important ‘housing type gap’ which would warrant a specific and special advocacy interest from Council;
- Direction in terms of what Council’s role would be within the context of the EOI – facilitating a tiny home development for private landowners, looking to enter a joint venture with landowner/housing provider or seeking to acquire land for the intended tiny home estate purpose?;
• Clear delineation between Council’s advocacy role, project participant role and Council’s statutory role as a consent authority and regulator;
• Clear planning and design parameters around what might be deemed an appropriate site in the context of constraints, the Tweed LEP 2014 and Tweed Development Control Plan; and
• Managing expectation of interested parties – typically with an EOI process is a corresponding budget to ensure both the EOI process and delivery outcomes are resourced through to completion or agreed milestones.

In this regard additional clarity is sought around what Council, (as either a non-financial partner or as a developer/development partner) is likely to do with received expressions of interest.

If Council’s interest is only as a non-financial advocate, the EOI would only have the effect of drawing attention to this particular development typology which can already be pursued under the existing planning framework. Any sites identified as part of the EOI, if sought to be advance by landowners, would need to be assessed under existing statutory processes.

If however Council is intending to acquire or become a joint venture partner in pursuing a land acquisition, there would be a need for the EOI to set some clear site selection parameters and for Council to allocate appropriate resources to undertake a due diligence appraisal of each or a shortlisted selections. There may also be an expectation of those landowners responding to the EOI that Council has allocated funds for the acquisition of a site at the conclusion of the EOI process. There typically is an expectation that the EOI process is not a ‘fishing expedition’ and that their own time and resources is not thrown away on a notion of there being some opportunity, but that in reality has no reasonable prospect of materialising.

In terms of the initial EOI process there are a number of Council staff resourcing considerations including but not limited to:

• The need to prepare an EOI and any supporting information which may include providing parameters of tiny home sites through Council’s Contract’s Unit;
• managing and answering questions throughout the EOI process which may include providing advice on the potential sites against known constraints and the planning framework; and
• Appraising and reporting on submitted EOI’s which would require the input of staffing resources across a number of different Council units including contracts, development assessment, building and environmental health, strategic planning and urban design, development engineer, natural resource, roads, stormwater and flooding.

Budget/Long Term Financial Plan:
Initially an appropriate budget would need to be assigned to cover costs associated with the procurement process including advertising and the project management associated with the processing and appraising registered interest. There are more significant costs if a land acquisition was to be considered by Council.

Legal Implications:
Risk in undertaking an EOI promoting or seeking opportunity for a development typology where Council is not a financial or joint venture partner, but potentially the consent authority.
Policy Implications:
Notwithstanding an open EOI, any identified sites would need to comply with the existing planning framework including but not limited to the Tweed Local Environmental Plan 2014 and Tweed Development Control Plan.
REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

10    [GM-CM] Quarterly Payment - The Tweed Tourism Company

SUBMITTED BY: Economic Development

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3    People, places and moving around
3.1    People
3.1.12    Tourism - to market the Tweed as a tourism destination.

ROLE: Provider

SUMMARY OF REPORT:

At the November meeting Council determined the meeting dates for the first half of 2019. As a result of this determination there is no Council meeting scheduled for January 2019. This means that the next available meeting will be 21 February.

A request has been received from The Tweed Tourism Company (DR Tourism Pty Ltd) to allow for the first quarter 2019 payment to be made in December 2018 to cover ongoing commitments into the New Year.

This report recommends that the first quarter 2019 payment to The Tweed Tourism Company be made immediately and the first quarterly report to go to the February 2019 Council meeting.

RECOMMENDATION:

That Council:

1. Pay The Tweed Tourism Company (DR Tourism Pty Ltd) its first quarter 2019 payment immediately on submission of an appropriate tax invoice, and

2. Considers the first quarterly report from the Tweed Tourism Company at the February 2019 Council meeting.
REPORT:

At the November Council meeting the dates for the first half of 2019 were determined. As a result of this determination no Council meeting has been scheduled for January 2019.

As part of the funding and performance agreement with The Tweed Tourism Company (DR Tourism Pty Ltd) are required to submit their first quarterly report to Council in January 2019. However, the first Council meeting for 2019 is not scheduled until 21 February 2019.

The payment of Tweed Tourism Company's quarterly funding requires an endorsed by Council prior to payment. This will mean that their quarter 2019 payment will not be until nearly March.

A request has been received from The Tweed Tourism Company to allow for the first quarter 2019 payment to be made in December 2018. The company has outlined that it is still within its first three months of operations and need to ensure cash flow for the payment of wages and creditors over the next three months till March 2019.

The Tweed Tourism Company have advised that they will submit their first quarterly report to the February 2019 Council meeting. With the second quarter 2019 report scheduled for the April 2019 meeting. This will then follow a three monthly pattern.

OPTIONS:

Council has two options available;

1. Approves to pay The Tweed Tourism Company (DR Tourism Pty Ltd) its first quarter 2019 payment immediately on submission of an appropriate tax invoice and accept the first quarterly report to go to the first February 2019 meeting, or

2. Does not endorse early payment to The Tweed Tourism Company (DR Tourism Pty Ltd).

CONCLUSION:

This report recommends that the first quarter 2019 payment to The Tweed Tourism Company be made on presentation of an appropriate tax invoice effectively immediately and consider their first quarterly report at the February 2019 meeting.

COUNCIL IMPLICATIONS:

a. Policy: 
Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan: 
The Tweed Tourism Company are contracted to provide tourism services to Council. This contract is wholly funded under Council's Economic Development Budget.

c. Legal: 
Not Applicable.

d. Communication/Engagement: 
Inform - We will keep you informed.
UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - Section 4.15 Evaluation

(1) **Matters for consideration—general**
In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:
   (i) any environmental planning instrument, and
   (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
   (iii) any development control plan, and
   (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
   (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
   (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

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 in 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.

**Note.** See section 75P(2)(a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

(2) **Compliance with non-discretionary development standards—development other than complying development.**
If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

(a) is not entitled to take those standards into further consideration in determining the development application, and

(b) must not refuse the application on the ground that the development does not comply with those standards, and

(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 4.16 is limited accordingly.
(3) If an environmental planning instrument or a regulation contains non-discretionary
development standards and development the subject of a development application does
not comply with those standards:
(a) subsection (2) does not apply and the discretion of the consent authority under this
section and section 4.16 is not limited as referred to in that subsection, and
(b) a provision of an environmental planning instrument that allows flexibility in the
application of a development standard may be applied to the non-discretionary
development standard.

Note. The application of non-discretionary development standards to complying
development is dealt with in section 4.28 (3) and (4).

(3A) Development control plans
If a development control plan contains provisions that relate to the development that is
the subject of a development application, the consent authority:
(a) if those provisions set standards with respect to an aspect of the development and
the development application complies with those standards—is not to require more
onerous standards with respect to that aspect of the development, and
(b) if those provisions set standards with respect to an aspect of the development and
the development application does not comply with those standards—is to be
flexible in applying those provisions and allow reasonable alternative solutions that
achieve the objects of those standards for dealing with that aspect of the
development, and
(c) may consider those provisions only in connection with the assessment of that
development application.

In this subsection, standards include performance criteria.

(4) Consent where an accreditation is in force
A consent authority must not refuse to grant consent to development on the ground that
any building product or system relating to the development does not comply with a
requirement of the Building Code of Australia if the building product or system is
accredited in respect of that requirement in accordance with the regulations.

(5) A consent authority and an employee of a consent authority do not incur any liability as
a consequence of acting in accordance with subsection (4).

(6) Definitions
In this section:
(a) reference to development extends to include a reference to the building, work, use
or land proposed to be erected, carried out, undertaken or subdivided, respectively,
pursuant to the grant of consent to a development application, and
(b) non-discretionary development standards means development standards that
are identified in an environmental planning instrument or a regulation as non-
discretionary development standards.
11 [PR-CM] Tweed Valley Hospital - Actions taken on Resolution of 15 November 2018

SUBMITTED BY: General Manager

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2 Making decisions with you
2.2 Engagement
2.2.4 Councillor and Civic Business - To make informed decisions in the best interest of the community.

ROLE: Leader

SUMMARY OF REPORT:

An Extraordinary Council meeting was held on 30 November 2018 to consider a Notice of Rescission submitted by Councillors Warren Polglase, Pryce Allsop and James Owen in relation to Minute No 576, Item 9 titled [NOM-Cr K Milne] Tweed Valley Hospital at the Council meeting of 15 November 2018. The Rescission Motion was lost.

RECOMMENDATION:

That Council in relation to Minute No 576 Item 9 titled [NOM-Cr K Milne] Tweed Valley Hospital of Council meeting 15 November 2018:

1. Notes that Items 1, 3, 4 and 6 have been actioned by the Mayor through the Mayor's Personal Assistant with a letter sent to NSW Parliament on 30 November 2018.

2. Receives and notes confidential advice received from Lindsay Taylor Lawyers on 2 November 2018 in relation to Item 2.

3. Receives and notes the desktop research response from Council's Natural Resource Management Unit in relation to Item 5 concluding that it is not considered that any of the EPBC Act significant impact criteria would be triggered by the proposal and that based on their desktop research it is highly unlikely that the proposal would be identified as a controlled action by the Minister.
4. Further notes in relation to Item 5 that a full assessment against each of the nationally protected matters (MNES) is the responsibility of the proponent and that insufficient time and resources is available for Council officers to conduct a full assessment within 5km of the subject site noting that assessment within this proximity would also include alternate sites based on the desktop research undertaken and their review of the Environmental Impact Statement.

5. ATTACHMENT 3 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:
   (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
REPORT:

An Extraordinary Council meeting was held on 30 November 2018 to consider a Notice of Rescission submitted by Councillors Warren Polglase, Pryce Allsop and James Owen in relation to Minute No 576, Item 9 titled [NOM-Cr K Milne] Tweed Valley Hospital at the Council meeting of 15 November 2018. The Rescission Motion was lost. The resolution is reproduced below.

"that Council:

1. Confirms its opposition to the site selected for the relocation of the Tweed Heads Hospital;

2. Brings forward urgent legal advice on whether the Preliminary works proposed for the hospital relocation constitute exempt and complying development, and options for urgent compliance action if appropriate;

3. Requests the State Government re-exhibit the stage 1 application due to the inability to access relevant documents through the pathways provided in the public exhibition notices and the incorrect submission address originally listed, and extend the period for community consultation of the stage 1 application due to the inadequate time to assess the implications of significant impacts on our residents, business and farming communities from so many changes to the Shires’ fundamental planning strategies;

4. Calls on the State Government to release as a matter of urgency and good faith all documents on the shortlisted hospital sites, and the option of redeveloping on the existing site or into the civic precinct adjacent, including but not limited, to diagrams of the potential footprints and estimated costs;

5. Undertake desktop research sufficient to identify federally scheduled species utilising the proposed hospital site or its immediate environs and to submit a formal referral of the Tweed Valley Hospital DA to the Commonwealth for assessment under the Environment Biodiversity Conservation Act;

6. Calls on all NSW Parliamentarians for an urgent Parliamentary Inquiry into the proposed Tweed Valley Hospital, or for this matter to be considered by the Parliamentary Public Works Committee. This Inquiry should investigate the governance and planning processes, including but not limited to:

   a) The process and timeframes of the 2016 Northern NSW Local Health District board dismissals and appointments;

   b) The process of deciding on the site selection criteria;

   c) The use of exempt and complying and staging provisions to circumvent a proper ‘whole of project’ assessment;

   d) The impact of such significant changes to Tweed Shire’s existing Local, Regional and State planning strategies, including:
i) The impacts on Tweed’s only Contiguous State Significant Farmland precinct;

ii) The impacts on the Kingscliff and Tweed Heads communities and economies from the relocation of this major economic driver and social infrastructure.

e) The haste and limited consultation provided for such a major project;

f) The lack of transparency particularly in regards to details, footprint diagrams and estimated costs of the alternative shortlisted sites and the option of redeveloping the Tweed Heads site including into the adjacent civic precinct; and

g) The lack of adequate assessment and information in the Stage 1 application."

The resolution has been actioned as detailed below:

**Items 1, 3, 4 and 6**
A letter has been sent to NSW Parliament by the Mayor through the Mayor’s Personal Assistant for on 30 November 2018.

**Item 2**
Confidential advice on 2 November 2018 has been received from Lindsay Taylor Lawyers and is attached to this report. (Confidential Attachment 3)

**Item 5**
Council’s Natural Resource Management Unit provided comments as follows:

Referrals to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) are required where a proposed action is likely to have a significant impact on a matter of environmental significance (MNES).

The nationally protected matters (MNES) are:

- world heritage properties
- national heritage places
- wetlands of international importance (Ramsar wetlands)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- Great Barrier Reef Marine Park
- the environment where nuclear actions are involved (including uranium mines)
- a water resource, in relation to coal seam gas development and large coal mining development

A significant impact is an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts.
It is the responsibility of the development proponent to refer proposed actions for formal assessment and approval to the Minister of Environment.

The development proponents biodiversity assessment as reported in the Environmental Impact Statement (GeoLINK, October 2018) identifies that there would be no significant impact to MNES.

Council officer’s assessment of the Environmental Impact Statement (GeoLINK, October 2018), concept development application (Concept Proposal) and detailed proposal for Stage 1 works (Early and Enabling works) identifies the potential impacts of the proposed development as:

- approximately 1ha of vegetation (White Booyong – Fig subtropical rainforest community [derived]) to be removed from within the proposed development footprint in the centre of the site and along the southern boundary;
- proposed location of sediment basins within 50m of significant retained vegetation; and
- proposed development within the Coastal Wetland Proximity Area as per the NSW Coastal SEPP.

Based on this level of assessed impact, it is not considered that any of the EPBC Act significant impact criteria would be triggered by the proposal. This position is inclusive of the determination by the Biodiversity Development Assessment Report in accordance with the NSW Biodiversity Conservation Act 2016 that there are no residual impacts of the proposal that require offsetting. It is therefore the informed opinion of the assessing council officer that it is highly unlikely that the proposal would be identified as a controlled action by the Minister.

It is noted for clarity that insufficient time is available to conduct a full assessment against each of the MNES and reiterated that it is the responsibility of the proponent to lodge a referral.

An EPBC Act Protected Matters Report was generated for within 5km of the subject site using the Protected Matters Search Tool, accessed at www.environment.gov.au on Monday 3 December 2018 (Attachment 2). It is noted that assessment against the EPBC Act significant impact criteria would be required for any site within 5km of the subject site.

OPTIONS:
N/A

CONCLUSION:
N/A

COUNCIL IMPLICATIONS:

a. Policy:
Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:
N/A

c. Legal:
Yes, legal advice has been attached.
d. Communication/Engagement:
Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1  Letter sent to NSW Parliament (ECM 5668698)
Attachment 2  EPBC Act Protected Matters Report (ECM5670374)
(Confidential) Attachment 3. Legal Advice from Lindsay Taylor Lawyers (ECM5670125)
12  [PR-CM] Rural Land Strategy for Adoption

SUBMITTED BY:  Strategic Planning and Urban Design

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

1  Leaving a Legacy
1.4  Managing Community Growth
1.4.1  Strategic Land-Use Planning - To plan for sustainable development which balances economic environmental and social considerations. Promote good design in the built environment.
2  Making decisions with you
2.1  Built Environment
2.1.2  Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

**ROLE:**  Provider

**SUMMARY OF REPORT:**

Council has considered the draft Rural Land Strategy for adoption on previous occasions and in doing so identified key aspects that warranted further and more detailed review. Most recently it was resolved to further defer the adoption of the Strategy pending a workshop to critically evaluate several of Strategy’s proposed key actions, which is scheduled for 5 December 2018.

The consideration of this report follows the Councillor’s Workshop and was prepared to enable the Council to debate and if appropriate endorse the Strategy, either as originally proposed or as amended. To assist with that process the attachments to this report detail the various amendments that have previously been debated and that can be incorporated either in part or whole to amend the original, publicly exhibited, draft Strategy.

Should the preceding Councillor Workshop to this report lead to further amendments this report recommends that the adoption of the draft Rural Land Strategy be deferred so that staff can accurately and succinctly consolidate the amendments and incorporate those into a single strategy document for consideration / adoption early in 2019.
RECOMMENDATION:

That:

1. The Draft Rural Land Strategy (“Tweed Rural Land Strategy 2036”) as attached to this report be adopted, subject to any resolved amendment herein described;

2. The amendments detailed in the following attachment(s) are endorsed:
   a. Attachment 1 [delete if not adopted]
   b. Attachment 2 [delete if not adopted]
   c. Attachment 3 [delete if not adopted]

3. An implementation plan (“Implementation Plan 2018/36”) be prepared and reported on annually;

4. Public notice of the Council’s decision to adopt the Tweed Rural Land Strategy 2036 and preparation and annual reporting of the Implementation Plan 2018/36 is published in the Tweed Link; and

5. A copy of Tweed Rural Land Strategy 2036 is made available to the Director-General of the Department of Planning and Environment or their delegate for endorsement in accordance with Section 9.1 (Ministerial Direction 1.2) of the Environmental Planning and Assessment Act 1979.
REPORT:

The draft Rural Land Strategy (the Strategy) is an extremely complex yet integral strategic policy for the Tweed Shire that will provide a strategic direction and guide land-use decision making for decades, many of the outcome of which will not been seen or materialise for many years. For these reasons it is essential that it is thoroughly critiqued and any doubts or concerns are raised and addressed.

The Tweed Council has considered several reports and had several workshops on the Strategy, throughout which critical appraisal of both key priorities and actions have be deliberated, further evaluated and reported on. Most recently The Council resolved to further defer the adoption of the Strategy pending a further workshop, which is scheduled for 5 December 2018.

The issues raised for that further review are evidenced in the Attachments to this report relating to the ‘proposed amendments’ documented. These have been a very important part of informing the Strategies development, notwithstanding that there are a significant number of possible amendments that have not been publically exhibited and debated.

With so many possible amendments being reviewed over several separate meetings there is a real need for these to be properly accounted for and consolidated into a legible and transparent ledger so that everyone, including the decision makers, are fully aware of what the changes to the publically exhibited draft Strategy are and this is particular the case where the consideration of this Report is preceded by a further Councillor Workshop.

For this reason it is the Officer’s view that should the amendments detailed in the Attachments to this report not be adopted as they are, that the adoption of the Strategy be deferred to allow the list of amendments to be consolidated and reported back to Council to ensure that the correct amendments have been properly accounted for. This would also provide the Council with the opportunity, if appropriate, to seek the Officers’ view about the potential implications arising from the amendments (collectively) and to assess whether the Strategy should be re-exhibited.

OPTIONS:

1. Adopt the Strategy subject to inclusion of amendments as attached to this report and in doing so identify which attachment(s) to keep and those to delete (see the recommendations to this report which allows for this option)

2. If there are further amendments to those detailed in the Attachments defer the adoption of the Strategy and allow sufficient time for the staff to consolidate the list of amendments identified through the Workshops and to incorporate those into a single consolidated Strategy for adoption.

3. Defer consideration of the report and hold a Councillor Workshop to enable staff to table a consolidated list of amendments ahead of any further report to Council.

The Staff recommend Option 3 as the preferred and safest option given the prevailing complexity surrounding the proposed and potential amendments.
CONCLUSION:

As detailed within this report, the Rural Land Strategy is a very complex policy and it demands to be understood by its decision makers because it will have an overarching impact on land-use planning within the rural areas of the Shire for decades to come.

Council has diligently and critically been testing varying aspects of its priorities and actions and this will assist in the final design of this important policy. It is also very critical that in the final hours decisions about the Strategy are not hurried and remain duly considered and tested.

This report highlights that the Strategy has deservedly been considered and debated on many occasions and given the prevailing complexity surrounding the consideration of amendments that it may be better to defer a debate on the adoption of the Strategy until such time the Officers’ have had the opportunity to consolidate the list of amendments being sought. These can then be raised at a workshop, incorporated into the Strategy and reported for adoption at a later date.

In the alternative the Strategy could be adopted as originally exhibited or with the amendments detailed in the Attachment’s to this Report.

COUNCIL IMPLICATIONS:

a. Policy:
   Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:
   Implementation of the strategy will be both time consuming and may require additional resources and coordination between Council divisions and government agencies. An estimate of the budgetary implications and scheduling of each proposed action has been identified in the Implementation Plan to the Strategy.

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. Tweed Rural Land Strategy 2036 (ECM 5594209)


Attachment 3. Rural Land Strategy – Additional amendments resulting from internal review previously reported to Council (ECM 5227706)
Attachment 4. Rural Land Strategy – Additional amendments resulting from meeting with DPI and relating to rural land sharing communities (ECM 5667236)

SUBMITTED BY: Strategic Planning and Urban Design

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1 Leaving a Legacy
1.4 Managing Community Growth
1.4.1 Strategic Land-Use Planning - To plan for sustainable development which balances economic environmental and social considerations. Promote good design in the built environment.

2 Making decisions with you
2.1 Built Environment
2.1.2 Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

ROLE: Leader

SUMMARY OF REPORT:

This report provides an update on the evaluation of feedback received during the exhibition of the Draft Kingscliff Locality Plan and DCP (dKLP&DCP), held 20th August to 24th September 2018. During this exhibition period, various methods of consultation and community feedback were employed including:

- Statutory notification in the Tweed link with exhibition of draft documents at Murwillumbah Civic Centre, Tweed Heads Civic Centre and Kingscliff Library;
- Direct mail out to all residents and landowners;
- Hosting of four (4) community round table events held on 4th and 18th September 2018, where participants provided feedback through facilitated workshops as well as individual submissions; and
- Yoursaytweed web platform which provided the opportunity to download draft exhibition material and make an online submission.

A total of fifty-six (56) written submissions were received, in addition to over 3400 comments made as part of the four community round table sessions. The round table sessions allowed for multiple streams of community input including recording of comments made during the facilitated workshops, individual submissions and online submissions for those not in attendance.
The comments have been quantitatively tallied against key locality plan thematics in an effort to manage the large volume and level of detail of submissions received.

There is now a need to qualitatively evaluate feedback in the context of the draft strategies contained within the dKLP&DCP. The high number of responses to be processed and reviewed necessitates a separate further report being prepared that presents analysis of the tabulated round table feedback and evaluation of key issues raised within written submissions, and clear recommendations for the final draft Kingscliff Locality Plan and DCP.

A supplementary report on the current status and application of the E-Zone review to Kingscliff locality, including Gales Holding land, is considered important in order to seek Council’s direction on key issues, including lands deemed environmentally significant, land suitable for off-set planting, land defined as urban footprint for future development and preferred process of proceeding with an e-zone planning proposal.

The most recent exhibition of the dKLP&DCP represents the culmination of the community and stakeholder input received during previous comprehensive consultation activities conducted since project inception in 2014, including a) the formation of a community and technical reference panel, b) hosting a community vision workshop and survey, c) a two-day enquiry by design workshop and d) the Kingscliff shopfront exhibition which ran for two weeks.

Documenting the full and comprehensive consultative process into a consolidated consultation evaluation report is critical to articulate a clear line-of-sight between community and land owner feedback, Council resolutions and key issues and key strategies within the dKLP&DCP.

This will also support a current planning proposal in development, which seeks to amend the Tweed Local Environmental Plan 2014 (TLEP 2014) to reflect Council’s resolved preferred buildings heights. Gateway advice received from the NSW Department of Planning and Environment (DP&E) provides that changes to building height in Kingscliff should only be considered once community feedback has been duly considered to 'ensure the planning outcome is supported by community comment and a sound strategic basis'.

It is therefore recommended that, once finalised, the consolidated KLP Community Consultation Evaluation Report is submitted to the DP&E for endorsement of the KLP (including any proposed building height strategies) and of the consultation process as consistent with public exhibition and inclusive community consultation requirements.

RECOMMENDATION:

That Council:

1. Receives and notes this report and the attached community round table comment tabulations and written submission review;

2. Notes that a further future report will provide a more detailed and analytical review of the key issues as an outcome of the consultation process, with recommendations to inform the final drafting of the Kingscliff Locality Plan & DCP in the form of KLP Community Consultation Evaluation Report.
3. Forward a copy of the *KLP Community Consultation Evaluation Report*, subject to Council approval, to the Department of Planning and Environment for endorsement.

4. Consider a future supplementary report on the status of the E-Zone review as it applies to the Kingscliff locality including Gales Holdings sites.
REPORT:

The Kingscliff Locality Plan (KLP) and community consultation processes have been in progress since project commencement in 2014. The ‘Project Plan’ and ‘Communications Plan’ were developed in co-ordination with Council’s Communications Unit and according to the requirements of Council’s Community Engagement Strategy.

A diverse range of consultation formats and techniques was determined as necessary to meet the multitude of community, business and landholder stakeholder interests, and to elicit opportunity for meaningful community and stakeholder engagement and feedback at appropriate milestone stages of the project.

The KLP Communications Plan was designed to ensure that each consultation stage informed and directed the development of a subsequent stage of the KLP production process.

In summary these key stages have included:

**Stage 1: Project Inception** established a Project Plan, Communications Plan, defined study area and established internal and external reference panels. The external reference panel comprised 14 members representing a diversity of local community and business interests, demonstrated range of local knowledge, planning and built environment experience and with strong links and networks across the local community. The key deliverables from this stage included:

- Kingscliff Locality Project Plan
- Kingscliff Locality Plan Communications Plan
- Formation of the External Reference Panel and Charter (14 members/8 meetings)

**Stage 2: Background and Community Vision** were developed as part of an initial community consultation workshop, which was attended by more than 150 people. The workshop outcomes identified broader community visions, aspirations and issues experienced within the Kingscliff locality. This was followed by a widely distributed community vision survey which received more than 250 responses. This feedback established the core values and important character elements which underpin the Kingscliff locality. Key deliverables from this stage included:

- Statutory Planning Framework Report
- Community Vision survey (250 responses)
- Community vision workshop (150 attendees)

**Stage 3: Context, Issues, Opportunities and Options** involved development of critical reports to serve as a platform to understand the locality and directly inform draft strategies within the draft precinct plans. These reports were supplemented with the findings of Stage 2 community vision workshop and survey, and a Stakeholder and Community Invited Enquiry by Design Workshop was conducted. This information provision and gathering culminated in a two-week shopfront exhibition attended by over 800 people. Key deliverables from this stage included:

- Context Issues and Opportunities Report
- Enquiry by Design Workshop Report
- Draft Precinct Plans Report
- Shopfront Exhibition (2 weeks – over 800 attendees)
• Shopfront exhibition feedback report (over 1600 ‘sticky dot’ responses, 40 written submissions)

Stage 4: Draft Locality Plan and Development Control Plan comprised the following key deliverables:

• Draft Kingscliff Locality Plan and Development Control Plan:
  o Volume 01 Context and Locality Wide Strategies
  o Volume 02 Precinct Plans
  o Volume 03 Development Control Plan

  o Exhibition period between 20th August-24th September 2018
  o 4 community roundtable sessions attended by 293 people
  o 3407 comments received as part of the roundtable workshop, roundtable individual submissions and online submissions;
  o 49 individual written submissions.

• Kingscliff Locality Plan & DCP – Evaluation of Community Consultation Report

KLP & DCP - Key Activity and Council Resolution Time Line

The above project methodology and consultation events undertaken have been influenced by a number of Council resolutions in terms of the direction, content and consultation format of the locality plan. A summary of Key Activity and Council Resolution Timeline can be found in Attachment 1 to this report.

Draft Kingscliff Locality Plan and DCP Public Exhibition and Consultation Summary

Council resolved on the 19th July 2018 to place the draft KLP & DCP on public exhibition between 20th August and 14th September 2018. In accordance with Council’s resolution, all properties and absentee property owners were sent a correspondence advising of the exhibition dates and inviting them to participate at one of four round table events. The invitation letter included a brief description of the key topics including the height of buildings.

Community round table events

In response to the direct mail and advertised invitation four community roundtable sessions were hosted, with two events on the 4th September, with 78 and 82 attendees, respectively, and, two events on the 18th September 2018, with 65 and 68 attendees, respectively. In total, 293 participants attended the four roundtable sessions.

The community round tables were designed and executed as a structured event hosted by an external facilitator. Each event comprised the following elements:

• Introductions and icebreaker activity – Participants encouraged to make notes about ‘What’s important to you about the future of Kingscliff’;
• Council staff presentation on the DKLP & DCP, which presented the five broad strategies, Environment and Heritage, Town Centre, Economy Employment and Infrastructure, Housing and Open Space, and encouraged participants to annotate and consider priorities for table discussion;
Participant discussion of the five themes at workshop roundtables moderated and recorded by staff at approximately 15min intervals under the following trigger question headings:

- What do you value about the plan?
- What aspects of the plan concern you?
- What alternate solutions or ideas do you have?; and

Opportunity for individual submissions to be made at each event.

In total, over 3200 comments were recorded at the round tables as individual comments, and as online comments by those who did not attend the roundtable events.

All comments have been recorded and tabulated under the five thematics and in response to the three trigger question headings within. The KLP Community Roundtable Session Tables can be found in Attachment 2 of this report.

**Round table: A summary of the key responses and issues raised**

Before the formal component of the round table events or discussion of presentation material commenced, participants were asked to write down issues or thoughts in response to the icebreaker question – *What’s important to you about the future of Kingscliff? In many ways this question was key to providing an upfront snapshot of the participant’s priorities and key issues. The intent of asking this question upfront was to then provide the participant to explore or discuss these issues in more detail throughout the course of the events sessions broken into specific themes.

As such the responses to this initial question largely mirror the more detail discussions and feedback recorded during the roundtable sessions which followed. The key issues raised in relation to this specific question, and reflected in the round table discussions, are listed in the sub themes below. Comment numbers indicate the individual submissions received in response to the ice breaker question, rather than an aggregation across all streams of input (which has not been undertaken yet).

**Character – (160 comments)** – Mirroring previous community vision consultation outcomes in Stage 1, comments strongly feature the preservation of character and need to protect the environment, coastal village and coastal atmosphere, as well as statements concerning the need to preserve the balance between urban and rural parts of the locality, ensuring sense of place and sense of community whilst avoiding overdevelopment.

**Traffic and Transport – (144 comments)** – Comments express concerns about traffic management, lack of car parking and the need for additional car parking. There was an indication that car parking should remain free and that there should be additional public transportation planned for Kingscliff.

**Environment – (138 comments)** – Comments relate to valuing and protecting the environment including natural vegetated areas, beaches, estuary, foreshore and protection of wildlife corridors are largely synonymous with preserving the character of Kingscliff. Whilst participants indicated the need to protect these spaces, a number of responses also related to the desire to retain and strengthen access to these areas which in environmental protection terms can give rise to some land management conflicts.
Building height – (129 comments) – Comments relating to building height indicated a preference to either ‘maintain current height limits’ (45 comments) or continue to impose a ‘three storey height limit’ (42 comments). There was an indication of support for reducing building height in Marine Parade, which was further supported during specific round table discussions on the town centre precinct. Feedback identified a general preference to retain a three storey height limit, however, there was also a portion of respondents who indicated that 4-5 storeys would be acceptable in some locations, or indicated support for higher buildings to contain expanding urban sprawl.

Hospital – (117 comments) – A substantial number of respondents indicated they were a) against the site (39) selected by NSW State Government, b) against the hospital in principle (26) and/or c) were concerned about the flow-on impacts of the hospital on traffic, parking, congestion and services (23). Counter to these views, a lesser proportion indicated that they were in support of a new hospital (19) and were in favour of the site selected (10). Other comments recorded during the round table sessions included concerns expressed that the locality plan does not specifically address the proposed hospital in terms of the site selected and the broader strategic planning and infrastructure issues and influences on the locality.

Open Space – (105 comments) – Throughout the KLP process, including previous rounds of consultation, Kingscliff residents have consistently expressed highly value for the quality and accessibility and diversity of open space areas within the locality, ranging from sporting fields and smaller park areas to the expansive coastal reserves. Significant value is attributed to the cycle and walking network with further support to expand these networks. Given the recent exhibition of Council’s Off-leash Dog Policy, a number of participants expressed a need for the provision and management of leash free areas on beaches and the creation of dog park(s).

Economy and Employment – (76 comments) – the importance of supporting economic development and employment diversity (54) was identified as key issues, particularly in relation to existing industry pillars including tourism (18). In terms of the specific location of a proposed business and knowledge precinct, there was general support recorded as part of the round table sessions, with regard to the land use intent, location and access of this site as well as support for the strategies within the dKLP&DCP demonstrating commitment to facilitating future job creation.

Planning – (78 comments) – The planning sub-theme captures a variety of subject matters of concern to participants, including the need for infrastructure to keep in step with population increases (15), the want to limit Kingscliff with a population cap (11) and desire to direct population increase and growth elsewhere (9); sentiments which can be generally associated with an overriding desire to retain the existing status quo of the settlement and surrounding natural environment. There was also an identified need expressed for greater planning and design associated with ageing, aged housing and accessibility (8). It was noted that there was also participant interest in the future of Lot 1 & 2 DP 1117599 (formerly Lot 490) (13), with suggestions recorded during the round table sessions for the land to be retained for environmental conservation, open space or low key development.

Social – (63 comments) – Many of the stated issues which fall under the ‘social’ thematic apply to a number of other themes and areas of interest. For example, the identified need for additional youth and community facilities (38) is relevant to the consideration of future open space needs and the ability to accommodation appropriate social services and infrastructure in accessible locations. The need for a greater police presence (13) and identification of crime
as a concern was also recorded as part of round table discussions. Individual submissions and group round table discussions identified high value for indigenous heritage and the need to further promote aboriginal culture heritage, knowledge and relationships within the community.

*Flooding – (46 comments)* – The March 2017 floods affected a substantial portion of north Kingscliff and Chinderah, and, as such, flooding was identified as a significant concern particularly in relation to the potential impacts of filling additional (Greenfield) parts of the locality (40). The need for greater flood modelling and devising flood mitigation strategies were identified in both individual responses and as part of round table sessions.

*Housing – (40 Comments)* – Affordable housing and social housing issues (14) emerged as key points of discussion in individual submissions and round table discussions. Whilst clear direction in terms of what constitutes ‘affordable or social’ housing (often used synonymously) was not explored in detail during the workshop, there was a strong response to supporting increased diversity of housing types, including the ‘missing middle’ low-rise medium density housing types to be planned within greenfield development sites. In terms of design, there were also a number of responses which sought to reinforce Kingscliff’s coastal character through more appropriate building and sustainable design outcomes.

*Agriculture – (37 Comments)* – The majority of comments relating to agriculture received as part of the individual submissions centre around the protection of the state significant farmland, and recognising Cudgen as the local food bowl, as well as recognising the historic connection between Kingscliff and the working agricultural hinterland (34). Whilst agriculture wasn’t presented as a specific theme for round table discussion, issues around the need to protect agriculture lands in terms of food security, farmer livelihood and as being a significant part of locality character, were recorded across several thematics. Ideas include strengthening the nexus between tourism, food and agriculture as well as supporting opportunities brought by a new business and knowledge precinct in terms of education, food processing and food technology industries.

*Education – (12 comments)* – Comments surrounding education relate primarily to the need to further expand education uses (primary, secondary and tertiary) (11) with round table discussions supporting the idea of the business and knowledge precinct and opportunity to facilitate a university. Discussion was also recorded in relation to the opportunity for education to support and be supported by existing industries, particularly agriculture and tourism.

**Roundtable Event Limitations**

The community roundtables provided an opportunity to discuss broader community-based planning issues in an open forum, however, it should be noted that the roundtable event format and time limitations restricted presentation content to high-level overviews of the key strategies, rather than allowing for more detailed discussions on specific strategies and controls within the plan. As such the feedback that was received and recorded is similarly broad and generic in content and detail. Whilst this broad thematic feedback is useful in reappraising the overarching strategies within the plan, there is limited detail in terms of the specifics of the various precinct strategies and controls.

Although multiple streams of engagement and feedback employed during the event and exhibition period have provided ample opportunity for the community to be informed of and have input into the process, the volume of comments and feedback generated presents...
challenges for effective analysis and integration with the dKLP&DCP. Further, the general and open nature of the event format and consultative structure has result in a substantial amount of information captured which is beyond the scope or intent of a locality plan and development control plan. As such, it will be important to redirect this feedback to other relevant divisions of Council; some of which have concurrent strategies and public consultation activities underway.

Whilst a quantitative tallying of feedback collected during the round table sessions has been undertaken, it will now be necessary to conduct a qualitative review of that feedback against the proposed strategies, objectives and controls within the dKLP&DCP. This further imperative step of analysis will indicate whether there is a general endorsement of those key themes within the plan or identify whether there is a need to review some of the strategies to align with the feedback received, prior to the drafting of the final dKLP&DCP.

Written Submissions

During the exhibition period, a total of fifty-six (56) written submissions were received. A review of the written submissions is attached (Attachment 3). Written submissions comprise:

- 31 individual submissions;
- 20 submissions received from Beach St residents regarding planned medium density within the North Kingscliff Greenfield development area;
- 3 submissions representing Gales Holdings interests;
- 1 submission from NSW Health; and
- 1 submission from Kingscliff & District Chamber of Commerce.

Submissions raised a diverse range of issues, reflecting the complex nature of land uses within the Kingscliff locality and strategies within the dKLP&DCP. A summary of submissions received and interim responses to comments made can be found in Attachment 2 to this report.

Further consideration of key issues required

In review of both the community round table events and written submissions there are a number of key issues which require more detailed review and analysis, in consultation with other relevant divisions of Council in order to devise options and recommendations for advancing the dKLP&DCP. These key issues have been listed below.

Review of E-Zone

Further to Council’s resolution of the 7th December 2018 with regards to E-Zone and offset options in the west Kingscliff area, Council Officers have been progressing negotiations with Gales Holdings and their consultants, in specific relation to vegetation classification and redefinition of development envelopes.

Gales and their consultants are currently preparing a biodiversity assessment method (BAM) over all Gales Holdings’ sites and are awaiting appropriate seasonal timeframe to undertake fauna surveys, which will inform the bio-diversity value across their sites. Outcomes of this BAM, along with identified urban footprint areas, will inform options for balancing areas to be cleared against areas requiring offset planting. This process has been ongoing from about December 2017.
Whilst there has been advancement in achieving negotiated positions across a substantial area of the Gales Holdings land, there are a number of sites, including land to the east of Tweed Coast Road, land adjoining Turnock Street roundabout and land adjoining Quigan St, in addition to lands to be nominated for offset planting, which remain unresolved.

Given Council’s intent to proceed with the finalisation of the dKLP&DCP and the current absence of a consensus position between Council staff and Gales Holdings, in terms of identified lands for environmental protection and offset planting, a further report will be necessary in order to provide Council with options on how to proceed with resolving the outstanding issues. It is noted that resolution 3 of the 7th December 2017 states:

3. Should the offset package referred to above not be finalised to the satisfaction of the General Manager:
   
   a. all areas that meet the NSW Government E Zone criteria are to be proposed for environmental protection; and
   
   b. this outcome be reflected within the Draft Kingscliff Locality Plan.

It was further resolved that:


In the context of the recent Gales Holdings’ submissions to the dKLP&DCP and the above resolution a supplementary report on the current status of the E-Zone review, as it applies to the Kingscliff locality and specifically the Gales Holdings’ land, which is inclusive of recommendations for Councils consideration and strategic direction, is seen as essential.

**Tweed Valley Hospital Site**

The dKLP&DCP currently does not specifically reference the Tweed Valley Hospital or the selected site. This was largely due to the timing between the announcement of the preferred site which occurred after the draft KLP&DCP documents and exhibition material had been prepared. A number of comments and submission received identified the need for the dKLP&DCP to reflect the site location and review the implications of the hospital on the locality. Specific concerns include the impact of the hospital on traffic and the road network, impact of the hospital on state significant farmland, impact of the building on locality character as well as the flow-on effects of the hospital, in terms of land use planning (ancillary uses and adjoining sites) and the local economy.

It is further noted that a site specific SEPP to allow the state significant development application (SSD) has now been gazetted and the SSD for Stage 1 – seeking approval for the hospital concept and consent to commence early and enabling works on site has been lodged.

Given the significance of the Tweed Valley Hospital as a major land use, and social and economic anchor, it will be necessary to review the dKLP&DCP to ascertain the influence and flow-on effects throughout the locality and subregion. Whilst the dKLP&DCP foreshadowed the development of a hospital on an alternate site, a further review of the hospital in terms of dKLP&DCP would include:
• Identification of the Tweed Valley Hospital site;
• Inclusion of the Tweed Valley Hospital in narrative across each of the KLP&DCP documents particularly in terms of locality wide strategies, economic, employment and social context;
• Inclusion of the hospital site and narrative within the Kingscliff Hill Precinct; and
• A review and discussion of land uses on immediate adjoining sites.

Building Height

Council’s resolution of the 16th March 2017 nominated buildings height to be integrated into the dKLP&DCP including:

• 11.0m to Marine Parade;
• 13.6m to other business zones; and
• 12.2m to R3 medium density zones.

This was followed up by a Council resolution on the 5th June 2017 to harmonise the Tweed LEP and DCP building heights within a Planning Proposal (PP), and inclusive of those amendments previously discussed, which was prepared and forwarded to the DP&E on the 12 January 2018.

Council received advice from the DP&E, in its gateway determination dated 8 August 2018, that the PP, in its current form, could only proceed subject to a number of requested amendments, including the deletion of references to Kingscliff building heights, until such time as the locality plan and community consultation processes had been duly considered.

In response, the revised building heights were incorporated into the exhibited dKLP&DCP. As previously recorded within this report, feedback from the round table generally indicates a preference to either ‘maintain current height limits’ (45 comments) or continue to impose a ‘three storey height limit’ (41 comments). It is also noted there is an indication of support for reducing building height in Marine Parade, which was further supported during specific round table discussions on the town centre precinct.

Notwithstanding the general preference to retain a three storey height limit, there were a portion of respondents who indicated acceptance for 4-5 storeys in some locations and a preference for higher buildings to contain urban sprawl. There are a number of written submissions received that indicate a preference for higher building forms, especially within the business and knowledge precinct.

Given building height didn’t form a specific or targeted focus of the round table event, but was presented and considered across a range of the themes (town centre, economy and employment and housing), there is now a need to undertake a more detail review to more fully aggregate the results. Similarly a more detailed review of the written submissions is recommended, to document the alternate suggestions and options presented by submitters, for Councils consideration and direction.

North Kingscliff Greenfield Development

Twenty written submissions were received from residents within Beach St and Sand St, who expressed objections to the strategies applying to the North Kingscliff Greenfield development site, which would encourage a diverse mix medium density housing. The key objections relate to the opportunity for 12.2m high residential flat buildings directly adjoining existing low density
residential development. Other objections concern overshadowing, privacy, impacts on airflow and natural sunlight. There are expressed concerns about the filling of this site and the potential for further localised flooding impacts.

The north Kingscliff site is currently zoned R1, enabling a wide range of residential housing types (including residential flat buildings), and has a building height of 13.6m. This height would be reduced to 12.2m, as a future LEP amendment, as a proposed strategy of the exhibited KLP. As a note, prior to the TLEP 2014, this site was zoned 2(c) Urban Expansion under TLEP 1987 and TLEP 2000, and had a designated building height of 3 storeys. This site was also identified in DCP No.9 West Kingscliff as medium density housing. As such, this site has been identified as a medium density development site with a 3 storey height limit for a substantial period of time.

The key strategies within the DKLP seek to encourage a range of both low density and low-rise medium density housing across this site to facilitate additional housing diversity to appeal to a wide demographic range. Given the development potential to the immediate west (Business and Knowledge Precinct) and opportunity for a road connection from north Kingscliff west to the Tweed coast road, this Greenfield development site presents a substantial residential housing supply opportunity.

Notwithstanding the long standing zoning and building height associated with this site, the dKLP would require that the process of development would, firstly, need to undergo a developer-led structure and master-planning design process, to determine potential flood impacts, flood and stormwater mitigation strategies, site design and fill levels required, road network, nomination of housing types, open space and infrastructure, amongst other key considerations. As such, it should be noted that the indicative structure plan within the dKLP is unlikely to be the final structure plan.

To address or mitigate potential interface issues raised between the residents of Sand St and the development site, there a number of options which warrant further exploration and Council direction, including:

- Retaining the existing zoning and development standards including height, but mandate the need for appropriate setbacks or buffers to the existing low density interface allotments as part of the sites master-planning and subdivision design process;
- Nominate the site as R3 Medium density but impose a 9.0m height limit to encourage a variety of low-rise medium density housing typologies;
- Nominating a combination of both medium density development to 12.2m but also low-rise medium density with a building height of 9.0m adjoining existing low density interface allotments;
- Nominate the site as R2 low density residential (effectively back zoning) and impose a height limit of 9.0m.

Each of these options would generate a different development yield, which has an implication on the ability for Kingscliff to deliver additional housing supply and the ability to deliver diverse housing types to meet the needs of a diverse demographic composition into the foreseeable future. There are further correlations and implications between the different development yield options, in terms of the provision of open space and public benefits yielded from developer contributions.
CONCLUSION:

The documentation and planning analysis of the complete KLP consultative processes is imperative to articulate a clear line-of-sight between community and land owner feedback, Council resolutions, and key issues and key strategies within the final drafting of the KLP&DCP.

Given the volume of feedback received as an outcome of the multiple community engagement streams that were employed, further review and analysis is now required to ensure that each of the comments submitted are duly considered and to ensure the planning outcomes are supported by community comment and demonstrate a sound strategic basis.

Whilst a quantitative tabulation of the round table feedback and written submissions has been completed, a further qualitative review of that feedback in the context of key planning issues, including: E-Zone review, Tweed Valley Hospital inclusion, building height and development considerations across the North Kingscliff Greenfield site, will need to be undertaken. This work will be reported to Council early in 2019.

Further, this more detailed analyses will be compiled into a consolidated KLP Community Consultation Evaluation Report, and provide clear recommendations and actions to inform the drafting of the final Kingscliff Locality Plan and DCP. Once completed, the consultation report, together with a Council endorsed KLP&DCP, will form the strategic justification basis for both the Council’s building height planning proposal, as well as any future developer led planning proposal.

COUNCIL IMPLICATIONS:

a. Policy:
Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:
The cost of the Kingscliff Community Roundtable events was not allocated within the budget or financial estimates for the locality plan. While this matter is being addressed by the General Manager the implication or lessons learnt from this is that direction from Council will in future be sought about the extent of public consultation considered appropriate relative to the plan being prepared, so that costs can be properly budgeted.

c. Legal:
Not Applicable.

d. Communication/Engagement:
Involve/Collaborate-We will work with you on an ongoing basis to ensure your ideas, concerns and aspirations are considered. We will provide feedback on Council’s decisions.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Key Activity and Council Resolution Time Line (ECM 5667027)

Attachment 2. Tabulation of KLP Community Roundtable Comments (ECM 5667028)
Attachment 3. Draft Kingscliff Locality Plan and Development Control Plan response to written submissions received during public exhibition - 20 August 2018 - 24 September 2018 (ECM 5667029)
[PR-CM] Pocket Herb Noise Assessment - Lot 3 DP 1191598 No. 67 Howards Road, Burringbar

SUBMITTED BY: Building and Environmental Health

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- People, places and moving around
  - 3.1 People
  - 3.1.6 Environmental (Public) Health - To support public health and environmental safety through education, inspections and enforcement of government rules and regulations.

ROLE: Advocate

SUMMARY OF REPORT:

Background
On 1 April 2014 consent was granted under delegated authority for DA13/0712, relating to land described as Lot 3 DP 1191598, No. 67 Howards Road Burringbar, for the purpose of a micro herb production facility including two greenhouses, two pump sheds, potting shed/office, water tank, driveway access and associated earthworks.

The facility has been operating since 2016 and noise concerns have been raised with Council by adjacent residences as a result of the operation of fans inside the greenhouse on a 24 hr and 7 day basis, as well as operation of plant and equipment. In response to the community concerns the applicant was required by Council’s Environmental Health section to commission a Noise Impact Study (NIS). The NIS indicated that the operation needed to implement a number of measures to minimise noise impacts and protect the amenity of adjacent residences.

The concerns raised by affected residences were validated by the NIS. The NIS also proposed mitigation and management measure to ensure noise emissions are reduced to compliant levels (however the noise may still be audible).

In response to Council's investigation and as recommended by the NIS, the operator of the micro herb production facility undertook proactive measures to ensure noise impacts are minimised including the installation of new and quieter fans on the 22 June 2017, with capabilities to program speed and groupings so that noise emissions can be controlled out of the approved hours of operation.
On 3 August 2017 Council Report ‘Pocket Herb Noise Assessment – Lot 3 DP 1191598 No. 67 Howards Road, Burringbar’ was considered at Council’s Planning Committee Meeting. Council resolved the following in respect of this item:

“That Council, in respect of the compliance actions taken in respect of DA13/0712, relating to land described as Lot 3 DP 1191598, No. 67 Howards Road Burringbar, receives and notes this report on the alleged noise impacts from the operation and endorses the following:

1. Operator to prepare and submit to Council an Operation Management Plan reflecting the mitigation measures for operation of Greenhouse 1, identified in the Noise Impact Assessment prior to 7 September 2017;

2. Operator to provide a further Noise Impact Assessment including monitoring at each of the residences, identified in the Noise Impact Study Rev1 dated 180517, identifying all noise sources emanating from the use of the subject site, and including measured background levels, measured dBALAEq 15min levels and measured dBC levels for each day/evening/night period. NIA to include recommendations for further mitigation where identified and submit this to Council prior to 7 September 2017; the results of this verification shall be the subject of a further report to Council;

3. Operator is required to submit to the satisfaction of Council a Noise Impact Assessment prior to the installation of any fans into Greenhouse 2 that demonstrates noise from the operation of Greenhouse 2 will not exceed the approved noise criteria. The assessment is to include the potential cumulative impacts (combined impacts) from the operation of both greenhouses and the mechanical plant equipment on site; the results of this assessment are to be reported back to Council for further review and determination of compliance actions;

4. Operator is not permitted to operate greenhouse 2 until Council is satisfied that there will be no noise impacts above the approved noise criteria and written approval has been issued by Council;

5. Subject to prior Council approval in points 3 and 4, Operator is required to notify Council of the intended date of operation of Greenhouse 2. Within 30 days from the commencement of operation of greenhouse 2 the operator is required to provide verification testing against the approved noise criteria for the operation of both greenhouses and include recommendations for further mitigation where required; and

6. Operator to be advised that acoustic enclosure of the generator, water boiler and any mechanical plant equipment on site is considered necessary and is to be completed by 1 October, 2017.”

Council officers have been working closely with the site owner and surrounding residents to advance each of these resolved items.

The purpose of this report is to provide Council with an update on the progress of these actions, and to seek Council endorsement of a preferred strategy to finalise assessment of the remaining operational elements.
RECOMMENDATION:

That Council, in respect of the compliance actions taken in respect of DA13/0712, relating to land described as Lot 3 DP 1191598, No. 67 Howards Road Burringbar:

1. Receives and notes this report on the alleged noise impacts from the operation;

2. Authorises the General Manager to provide written approval to commence the use of Greenhouse 2 in accordance with point 4 of the Council resolution of 3 August 2017; and

3. Council officers liaise with the site owners to ensure compliance with point 4 of the Council resolution of 3 August 2017.
REPORT:

Background

Description of Subject Site

The subject site is known as Lot 3 DP 1191598, Parish Murwillumbah. The site is accessed from Howards Road, via Cudgera Creek Road. Under Tweed Local Environmental Plan the land is zoned RU2 Rural Landscape.

The site is generally surrounded by rural holdings, rural residential and agricultural uses.

The location of the operation in the context of adjacent dwellings is provided in Photo Plate 1. The closest dwelling is located at 75 Howards Rd and is located within 50m of the subject property.

Approvals and Compliance History

On 1 April 2014 consent was granted for DA13/0712 relating to land described as Lot 3 DP 1191598 for the purpose of a micro herb production facility including two greenhouses, two pump sheds, potting shed/office, water tank, driveway access and associated earthworks. The original proposal did not include the operation of fans inside of the greenhouses on a 24hr and 7 day basis. However general conditions were applied to the consent to allow Council to respond to any noise concerns in a manner that is currently underway.

The operation of fans 24hrs a day does not breach the hours of operation which are currently 7am – 5pm (in the same way an ice machine remains on in a club). However, a noise nuisance cannot be created. This is why action is being taken under POEO Act, by the Environmental Health section, rather than a planning compliance action by Compliance.
The facility has been operating since 2016 and has been the subject of ongoing noise complaints relating to the 24hr operation of fans inside of the greenhouses. It has been alleged that the noise is impacting on adjacent residences during night time hours outside of the approved operation hours.

As a result of complaints a Noise Impact Study was requested in accordance with Condition 48 of Development Consent DA13/0712 which states that:

“Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council’s authorised officer.”

A Noise Impact Study (NIS) was provided to Council on 18 May 2017. The NIS was considered to be deficient and further information was requested. The operator was requested on Tuesday the 23 May 2017 to submit an amended report. An amended NIS was submitted on the 6 June 2017.

Council Resolution of 3 August 2017

On 3 August 2017 Council Report ‘Pocket Herb Noise Assessment – Lot 3 DP 1191598 No. 67 Howards Road, Burringbar’ was considered at Council’s Planning Committee Meeting. Council resolved the following in respect of this item:

“That Council, in respect of the compliance actions taken in respect of DA13/0712, relating to land described as Lot 3 DP 1191598, No. 67 Howards Road Burringbar, receives and notes this report on the alleged noise impacts from the operation and endorses the following:

1. Operator to prepare and submit to Council an Operation Management Plan reflecting the mitigation measures for operation of Greenhouse 1, identified in the Noise Impact Assessment prior to 7 September 2017;

2. Operator to provide a further Noise Impact Assessment including monitoring at each of the residences, identified in the Noise Impact Study Rev1 dated 180517, identifying all noise sources emanating from the use of the subject site, and including measured background levels, measured dBALAeq 15min levels and measured dBC levels for each day/evening/night period. NIA to include recommendations for further mitigation where identified and submit this to Council prior to 7 September 2017; the results of this verification shall be the subject of a further report to Council;

3. Operator is required to submit to the satisfaction of Council a Noise Impact Assessment prior to the installation of any fans into Greenhouse 2 that demonstrates noise from the operation of Greenhouse 2 will not exceed the approved noise criteria. The assessment is to include the potential cumulative impacts (combined impacts) from the operation of both greenhouses and the mechanical plant equipment on site; the results of this assessment are to be reported back to Council for further review and determination of compliance actions;
4. **Operator is not permitted to operate greenhouse 2 until Council is satisfied that there will be no noise impacts above the approved noise criteria and written approval has been issued by Council;**

5. **Subject to prior Council approval in points 3 and 4, Operator is required to notify Council of the intended date of operation of Greenhouse 2. Within 30 days from the commencement of operation of greenhouse 2 the operator is required to provide verification testing against the approved noise criteria for the operation of both greenhouses and include recommendations for further mitigation where required; and**

6. **Operator to be advised that acoustic enclosure of the generator, water boiler and any mechanical plant equipment on site is considered necessary and is to be completed by 1 October, 2017.”**

Council officers have been working closely with the site owner and surrounding residents to advance each of these resolved items.

The purpose of this report is to provide Council with an update on the progress of these actions, and to seek Council endorsement of a preferred strategy to finalise assessment of the remaining operational elements.

The resolution and status of individual items is outlined below.

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<th>Item No.</th>
<th>Item</th>
<th>Status and Comments</th>
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<td>1</td>
<td>Operator to prepare and submit to Council an Operation Management Plan reflecting the mitigation measures for operation of Greenhouse 1, identified in the Noise Impact Assessment prior to 7 September 2017;</td>
<td>A revised Operational Noise Management Plan (ONMP) was submitted to Council 14 February 2018. The intent of the ONMP was to clearly communicate potential noise impacts and mitigation measures associated with plant and equipment, and communicate the complaints handling process. An informal review of the ONMP, and correspondence relating to the ONMP, in October 2018 revealed that it did not include all plant and equipment used as part of normal operations at the facility. It also revealed deficiencies with the complaints handling process. Council staff carried out a desktop review of complaints handling process, primarily related to incoming complaints direct to Pocket Herbs and responses (including outgoing communications) from Pocket</td>
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<td>Herbs. There were occasions when complaints were not handled appropriately.</td>
<td>The concerns were communicated to the operator, who acknowledged the deficiencies. An amended ONMP was submitted to Council on 21 November 2018. The ONMP is considered to have been appropriately updated, and it is recommended that it be communicated to residences and used to manage complaints in the first instance. The operator has extended an offer to neighbours to meet when noise becomes problematic after hours, to identify the noise source and potentially rectify. Two neighbours have advised that they don’t wish to take up the offer.</td>
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| 2       | Operator to provide a further Noise Impact Assessment including monitoring at each of the residences, identified in the Noise Impact Study Rev1 dated 180517, identifying all noise sources emanating from the use of the subject site, and including measured background levels, measured dBALaeq 15min levels and measured dBC levels for each day/evening/night period. NIA to include recommendations for further mitigation where identified and submit this to Council prior to 7 September 2017; the results of this verification shall be the subject of a further report to Council; | The initial NIS was provided to Council on 18 May 2017. The report was considered to be deficient and further information was requested. An amended NIS was submitted and after consideration was assessed as being prepared in accordance with the NSW Industrial Noise Policy and by a suitably experienced and qualified consultant. The amended report predicted that, subject to the application of mitigation measures proposed, there will be no exceedances of the adopted noise criteria, including night time periods external to the closest residence (No. 75 Howards Road), and will not be audible with habitable rooms of adjacent residences. The assessment was only
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<td>undertaken at 75 Howards Road as this represents the closest adjacent residence and the worst case scenario.</td>
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<td>It has been determined that the requirements of Condition 48 of Development Consent DA13/0712 have now been satisfied, however, to ensure the ongoing protection of amenity through the application of mitigation verification and management measures, it is important that the operator carry out works as per Council’s resolution.</td>
</tr>
<tr>
<td>3</td>
<td>Operator is required to submit to the satisfaction of Council a Noise Impact Assessment prior to the installation of any fans into Greenhouse 2 that demonstrates noise from the operation of Greenhouse 2 will not exceed the approved noise criteria. The assessment is to include the potential cumulative impacts (combined impacts) from the operation of both greenhouses and the mechanical plant equipment on site; the results of this assessment are to be reported back to Council for further review and determination of compliance actions;</td>
<td>An Environmental Noise Impact Report (ENIR) that includes fan operation in Greenhouse 2 was submitted on 30 November 2018. The ENIR outlined that fans in Greenhouses 1 and 2, controlled in accordance with the report, will result in compliance with the Industrial Noise Policy. The ENIR also included the potential impacts from mechanical equipment and outlined that operation of some equipment is predicted to exceed the noise criteria at the nearest dwellings. It outlined that the equipment is used sporadically, can be reasonably expected to be used as part of rural operations, and recommended control through a Noise Management Plan. An amended ONMP was submitted to Council on 21 November 2018. The methodology used and recommendations of the ENIR are considered to be appropriate. Refer to Attachment 3 for a copy of ENIR.</td>
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<td>4</td>
<td>Operator is not permitted to operate greenhouse 2 until Council is satisfied that there will be no noise impacts above the approved noise criteria and written approval has been issued by Council;</td>
<td>The ENIR outlines that fans in Greenhouses 1 and 2, controlled in accordance with the report, will result in compliance with the Industrial Noise Policy. It also outlined that sporadic use of equipment can be reasonably expected as part of rural operations, and recommended control through a Noise Management Plan. An amended ONMP was submitted to Council on 21 November 2018. It is considered that approval may be granted for use of Greenhouse 2.</td>
</tr>
<tr>
<td>5</td>
<td>Subject to prior Council approval in points 3 and 4, Operator is required to notify Council of the intended date of operation of Greenhouse 2. Within 30 days from the commencement of operation of greenhouse 2 the operator is required to provide verification testing against the approved noise criteria for the operation of both greenhouses and include recommendations for further mitigation where required; and</td>
<td>In the event of Council approval, Council officers will monitor this action, and liaise with the site owners on its progress.</td>
</tr>
<tr>
<td>6</td>
<td>Operator to be advised that acoustic enclosure of the generator, water boiler and any mechanical plant equipment on site is considered necessary and is to be completed by 1 October, 2017</td>
<td>Acoustic enclosures have been installed. Refer to Attachment 2.</td>
</tr>
</tbody>
</table>

On 31 October 2018 the operator advised of a pest matter in Greenhouse 1 at the facility. The operator requested use of Greenhouse 2 without use of the HAF or pedestal fans, to assist with managing the pest matter. The operator confirmed that 'misters' would be used within Greenhouse 2 until the matter is resolved.

Council subsequently advised the operator that a Council Report would be prepared regarding the status of works at the facility.

**Compliance Monitoring Capacity**

There are statutory tools for the management of noise that Council can apply to the management and regulation of the noise impact. At this stage the operator has been cooperative and therefore statutory options are not being pursued or recommended. The statutory tools include either the use of a Noise Control Notice or Prevention Notice in accordance with the Protection of Environment Operations (POEO) Act 1997.
Council’s Environmental Health team have the technical ability and equipment to undertake a proactive noise monitoring program to ensure compliance with the recommendation of this report.

It is proposed to undertake ongoing noise monitoring of the facility to validate the outcomes of the Noise Impact Assessment/s, and to validate any future concerns raised by all adjacent residences.

Should the residents affected be dissatisfied with the response from Council they have the option of seeking a noise abatement order through the local court.

![Photo Plate 1. Location of the operation and closest adjacent dwellings.](image)

**Summary of Complaints Raised by Adjacent Receptors**

A search of Council records demonstrates that the operations have been the subject of ongoing noise concerns since November 2016. The concerns have largely related to operation of fans within greenhouses, however they have also related to operation of plant and equipment at the facility (eg pedestal fans, oil boiler, compressor, potting machine). Sleep disturbance has been identified as a key concern. Council has taken the concerns of adjacent property owners very seriously.

**Further Work Required**

Noise monitoring was carried out by CRG Acoustics on 7 November 2018. Council officers were in attendance, and the owners of 75 Howards Road were in attendance for part of the monitoring.

Results of greenhouse and equipment monitoring were included in the ENIR submitted on 30 November 2018.
There are statutory tools for the management of noise that Council can apply to the management and regulation of the noise impact. At this stage the operator has been cooperative and therefore statutory options are not being pursued or recommended. The statutory tools include either the use of a Noise Control Notice or Prevention Notice in accordance with the Protection of Environment Operations (POEO) Act 1997.

**What happens if the affected residents are not supportive of Councils decision?**

Should the residents affected be dissatisfied with the response from Council they have the option of seeking a noise abatement order through the local court.

**Compliance Monitoring Capacity**

Council’s Environmental Health Officers have the technical ability and equipment to undertake a proactive program to ensure compliance with the recommendation of this report. It is proposed to undertake ongoing monitoring of the facility to validate the outcome of the Noise Impact Assessment and any future concerns raised by adjacent residences.

**OPTIONS:**

That Council:

**Option 1**

In respect of the compliance actions taken in respect of DA13/0712, relating to land described as Lot 3 DP 1191598, No. 67 Howards Road Burringbar:

1. receives and notes this report on the alleged noise impacts from the operation;

2. authorises the General Manager to provide written approval to commence the use of Greenhouse 2 in accordance with point 4 of the Council resolution of 3 August 2017; and

3. Council officers liaise with the site owners to ensure compliance with point 4 of the Council resolution of 3 August 2017.

**Option 2**

Council resolves to seek a further report on the options for more stringent enforcement action under the provisions of the Protection of the Environment Operations Act 1997.

Option 1 is recommend because of the ongoing cooperation received from the operator of the facility.

**CONCLUSION:**

An Environmental Noise Impact Report (ENIR) was submitted on 30 November 2018. The ENIR outlined that fans in Greenhouses 1 and 2, controlled in accordance with the report, will result in compliance with the Industrial Noise Policy.
The EINR also outlined that sporadic use of equipment can be reasonably expected as part of rural operations, and recommended control through a Noise Management Plan. An amended ONMP was submitted to Council on 21 November 2018.

It is considered that approval may be granted for use of Greenhouse 2.

The operator has been cooperative with regards to mitigating noise impacts. Fans in greenhouses have been replaced, other equipment has been replaced, acoustic enclosures have been constructed and changes have been made to work practices.

COUNCIL IMPLICATIONS:

a. Policy:
Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:
Any decision by Council to take legal action will incur costs not currently accounted for in the Environmental Health Unit budget. It should also be noted that compliance actions taken by Council officers has been extensive.

c. Legal:

d. Communication/Engagement:
Throughout the assessment process consultation has been ongoing with all effected parties and the operator of the facility and this will continue with the aim to resolve matters to the satisfaction of all parties.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Operational Noise Management Plan V2 (ECM 5667504)
Attachment 2. Report on Completion of Farm Development and Report to Council (ECM 5667525)
Attachment 3. Ventilation Fan Noise Assessment from CRG Acoustics Pty Ltd dated 20 November 2018 (ECM 5667558)
SUMMARY OF REPORT:

This report has been prepared to provide Council with an overview of a recommended submission in relation to the proposed modifications to the approved Concept Plan Approval MP06_0316 (Mod 8) for Leda's Cobaki development.

Mod 8 relates to the proposed increase in building height provisions for Precincts 5, 15 and 17 as follows:

- Precinct 5 – maximum of eight storeys;
- Precinct 15 - maximum of ten storeys; and
- Precinct 17 - maximum of eight storeys.

Mod 8 also includes a proposal to reduce / consolidate the Town Centre in Precinct, with the northern portion being replaced with residential uses.

Council has previously provided comment to the Department (in December 2017) in relation to Secretary’s Environmental Assessment Requirements (SEAR’s) being prepared by the Department.

The proposed increase in density will not result in additional yield. Mod 8 will allow the Cobaki development to maintain its total yield of 5,500 dwellings.

In summary, the current draft submission in Attachment 1 of this report provides a detailed analysis of the documentation associated with Mod 8. Whilst the submission notes that Mod 8 is supported in principle, such support is subject to Council’s further review following the Department’s and the proponent's consideration of the matters raised within Council’s submission.

Issues raised within the submission include: built form methodology and justification for the proposed consolidation of the Town Centre; visual impact assessment of the proposed...
increase in building heights within Precincts 5, 15 and 17; public domain / open space concerns; as well as transport and accessibility matters of consideration.

It is recommended that Council endorse the comments contained within this report and a draft submission document, and to then forward the endorsed submission to the Department of Planning & Environment for consideration.

RECOMMENDATION:

That:

1. Council endorses the comments contained within this report and the draft submission in Attachment 1 of this report; and

2. The endorsed submission be forwarded to the Department of Planning and Environment with regard to all proposed modifications of the Concept Plan Approval (MP06_0316 MOD8) of the Cobaki residential subdivision development.
REPORT:

The Cobaki Concept Plan MP06_0316 was originally approved by Minister for Planning on 6 December 2010 and relates to a proposed residential development of approximately 5,500 dwellings, Town Centre, Neighbourhood Centre, Community Facilities, school sites, open space, environmental protection land and associated infrastructure.

The Concept Plan Approval (Mod 1) was issued by the Minister for Planning and Infrastructure’s delegate on 29 May 2013. The approved modifications were largely administrative, with no specific changes to the approved Concept Plan.

Secretary’s Environmental Assessment Requirements (SEAR’s) were issued by DPE (20 April 2015) with regard to Concept Plan Approval (Mod 2), which related to the Town Centre/University within Precinct 5. Whilst the Southern Cross University is no longer pursuing a new campus at the Cobaki site, the Mod application has been formally withdrawn.

Concept Plan Approval (Mod 3) relates to the proposed reclassification of the Swamp Sclerophyll Forest on Coastal Floodplains Endangered Ecological Community (EEC) at the Cobaki development site. SEAR’s were issued on 30 July 2015. Council has provided comment on Mod 3 to DPE and is currently awaiting determination of the application or a request for further comments should the proponent and OEH reach an agreement on offsetting requirements.

Concept Plan Approval (Mod 4) relates to a number of proposed amendments across the development site, which include: consolidation of two school sites into one new school site in Precinct 6; enlargement of the Town Centre in Precinct 5; Southern Special Purpose Precinct (SSPP) changes to include Registered Club and Child Care Centre in Precinct 8; increased residential area in Precinct 8; amendments to the Cultural Heritage Parks (three parks into two) in Precinct 8; and alter the wording on the current Restriction on Cats. Approval of Mod 4 was granted on 31 August 2017 by the Planning Assessment Commission, with the exception of the proposed amendments to the restriction on cats.

The proposed amendments to Concept Plan (Mod 5), in relation to private water/sewer alternatives in the Cobaki Development Code were approved by the Department of planning on 29 August 2017.

The proposal for Mod 6 related to an increase in height for parts of Precincts 11, 12, 15 and 17. SEAR’s were issued in November 2016. The Mod was withdrawn, following the current proposal for Mod 8.

Concept Plan Approval (Mod7) relates to an update of the Cobaki Development Code, in terms of: general formatting changes; update of terminology to match the Standard Instrument; and an update of the residential and subdivision controls. Mod 7 was approved by the Minister for Planning’s delegate on 26 October 2017.

The proposed amendments to the Concept Plan (Mod 9) relate to on-site offsetting requirements. The Mod 9 proposal was to: reduce the on-site offsetting requirements for Swamp Sclerophyll Forest EEC; reclassify Lowland Rainforest on Floodplain EEC to Lowland Rainforest EEC; and to reduce on-site offsetting requirements. Whilst Mod 9 was recommended for approval by the Department of Planning, the Independent Planning Commission refused the proposal on 5 April 2018. The matter is now under appeal in the NSW Land & Environment Court.

Concept Plan (Mod 10) relates to the proposed amendment for the keeping of cats. The existing condition prohibits the keeping of cats. Council opposed the proposed amendment in April 2018. The proponent has lodged a Deemed Refusal appeal with the NSW Land & Environment Court, with the matter being heard in February 2019.
Concept Plan (Mod 11) relates to the requirements for the Plans of Development (POD) associated with new subdivision applications. The amendments split the level of detail required for the POD’s into the initial DA stage and the Subdivision Certificate stage. Council supported the proposed amendments, with Mod 11 being approved by the Minister for Planning’s delegate on 27 September 2018.

PROPOSED DEVELOPMENT:

The following is a summary of the proposed modifications under Mod 8 of the Cobaki Concept Plan. A copy of Council’s draft submission to the Department is attached as Attachment 1.

Proposed Modifications:

- A reduction in the approved location for the Town Centre in Precinct 5, with the northern portion of the approved Town Centre (from the connector road) replaced with residential uses and the retainment of the southern portion as Town Centre;
- Amendments to increase existing three storey the maximum building heights in Precincts 5, 15 and 17:
  - Precinct 5 – transitioning from three storeys, to five storeys and then a maximum of eight storeys adjoining the ridgeline / knoll in land zoned Environmental Protection area to the north;
  - Precinct 15 - transitioning from three storeys, to five storeys and then the central portion having a maximum of ten storeys adjoining the ridgeline / knoll in land zoned Environmental Protection area to the west; and
  - Precinct 17 - transitioning from three storeys, to five storeys and then the central portion having a maximum of eight storeys adjoining the ridgeline / knoll in land zoned Environmental Protection area to the west.
Figure 1—Precincts subject to Mod 8

Figures 2 & 3 – Approved Concept Plan (Mod 4) and Proposed Concept Plan (Mod 8)
Figure 4 – Proposed Amendments to the Town Centre (Precinct 5)

Figure 5 – Indicative Concept Plan for the Town Centre (Precinct 5)
Figure 5 – Proposed Amendments to Precincts 15 and 17

The proposed modification is supported by a number of consultant’s reports including an Urban Design Strategy and Visual Impact Assessment. Council officers have undertaken a detailed assessment of the proposed modifications, with Attachment 1 incorporating draft comments / recommendations to the Department in relation to the proposed modifications.

Issues raised within the submission include: built form methodology and justification for the proposed consolidation of the Town Centre; visual impact assessment of the proposed increase in building heights within Precincts 5, 15 and 17; public domain / open space concerns; as well as transport and accessibility matters of consideration.

In summary, the proposed amendments are supported in principal, subject to further review following consideration of Council’s comments.

OPTIONS:

1. Council endorses the comments to be submitted to the Department of Planning & Environment with regard to all proposed modifications of the Concept Plan Approval (Mod 8); or

2. Council resolves to not support the proposed modifications of the Concept Plan Approval (Mod 8).

Council officers recommend Option 1.
CONCLUSION:

Whilst a proposal to consolidate the Town Centre area and increase building height (to increase density) within proximity of the Town Centre is supported in principal, Council draft submission highlights a number of issues relating to the proposal that are considered to require further consideration by the DPE and the applicant.

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:

Attachment 1. Draft Submission to Department of Planning and Environment (ECM 5667905)
[PR-CM] Development Application DA18/0517 for a Pop Up Bar, Cafe, Food Van and Ancillary Facilities at Kingscliff Beach Bowls Club at Lot 468 DP 755701; No. 131 Marine Parade Kingscliff

SUBMITTED BY: Development Assessment and Compliance

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2 Making decisions with you
2.1 Built Environment
2.1.2 Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

ROLE: Advocate

SUMMARY OF REPORT:

Updated Summary

This Application was originally reported as a Late Item to the Planning Committee meeting of 6 December 2018.

Original Summary

Council is in receipt of a development application for the following additions to the Kingscliff Bowling Club site:

- Temporary bar facility (comprising of a refurbished shipping container);
- Patron seating area on the raised area in front of the club;
- Temporary mobile food van on the south east boundary of the site and;
- An entertainment area with amplified music.

The amplified entertainment area was originally located adjacent to the south east corner of the existing club building however to better protect the acoustic amenity of sensitive receiver locations (i.e. adjacent caravan park and nearby residences), a revised location has been nominated at the eastern extent of the far eastern bowling green, adjacent to the carpark area (see Figure 1).

The outdoor patron areas and entertainment areas (Amplified Music) is proposed to be operated from 4pm – 8.30pm Friday, Saturday and Sunday night. Occasional private bookings on other nights will be within the same timeframes. The use is likely to attract no greater than 100 additional patrons on the site.
The proposal includes the removal of three (3) on-site parking spaces (not readily available to the public) to enable this area to be used for the pop up café and Food Van (as noted in Figure 1). Pedestrian access through this area will be maintained.

Council’s Traffic Engineer has advised that Council parking studies indicate parking demand for the off street parking spaces surrounding the Club are not operating at capacity and for this reason the removal of three spaces would not have a significant detrimental effect on the surrounding road network.

![Figure 1: Extract of Revised Acoustic Report dated 4 Oct 2018 demonstrating location of Entertainment Area (plan also identifies the location of three (3) parking spaces north of Patron Area 1 in the location of the ‘Bar Container’)](image)

The subject application was neighbour notified for a period of 14 days from Monday 23 July 2018 to Monday 6 August 2018 and four (4) submissions were received. The content of those submissions related to mostly acoustic impacts arising from the entertainment area as well as the suitability of the sites location for such activities to occur. A detailed summary of the assessment and considerations of the concerns raised in the submissions are contained later in this report.

It noted that having regard to the concerns raised by the nearby residents and to ensure the amenity of sensitive residential areas (i.e. the adjacent caravan park and nearby residential flat buildings) can be protected, Council requested additional information for a more detailed Acoustic assessment together with a Noise Management Plan for the operations. On 16 October 2018 a response was received from the applicant which included an updated Acoustic Report and Noise Management Plan. The updated report resulted in a change to the location of the ‘Entertainment Area’ (as previously mentioned in this Summary and shown in Figure 1 above).

It is considered that the information supplied by the applicant suitably responded to Council’s concerns. In particular, Council’s Environmental Health Officers are satisfied that the additional Acoustic assessment and Noise Management information suitably responds to the nature of the site in terms of its locality to nearby residential and tourist land uses. The Noise
Management Plan includes recommendations to manage the ongoing operation of the entertainment in regard to types of music being played as well as the implementation of a ‘Responsible Person’ to manage any complaints received by the community.

At the same time that the subject application was received by Council, a separate Development Application (DA18/0635) was submitted to Council for the subject site (for KBBC). That DA seeks Councils consent for a larger development pertaining to additions to the club, an additional car parking area (5 spaces), modified bowling green and relocation of the Pop up bar/Café to a more permanent position on the site.

Given the nature of the larger DA will see the entertainment area and dedicated area for the food van as being occupied by other uses (i.e. a dining area and the addition 5 parking spaces) together with the relocation of the pop up bar/café, if Council were to grant consent to that DA in the future, those works would see the operations and use under the subject application becoming redundant. For this reason, to ensure that the cumulative impacts of development under the subject application and the larger DA can be managed, it is recommended that the subject DA be limited to a period of five (5) years.

The merits of the application suitably demonstrate that the statutory considerations under Section 4.15 of the Environmental Planning & Assessment Act 1979 can be satisfied. The application is therefore recommended for approval subject to conditions of development consent.

**RECOMMENDATION:**

That Development Application DA18/0517 for a pop up bar, café, food van and ancillary facilities at Kingscliff Beach Bowls Club at Lot 468 DP 755701; No. 131 Marine Parade Kingscliff be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and following plans, except where varied by the conditions of this consent.

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<thead>
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<th>Document/Plan Title</th>
<th>Drawn By</th>
<th>Plan/Job No</th>
<th>Drawing No</th>
<th>Dated</th>
</tr>
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<tr>
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</table>
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

3. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

4. The recommendations outlined in the submitted Cultural Heritage Assessment Report prepared by Everick Heritage Consultants dated February 2018 (Issue 4) are to be complied with at all times.

5. The use of the pop up bar/cafe, outdoor entertainment area, patron seating area and food van is restricted for a period of five (5) years from the date of this development consent.

6. The entertainment area shall be located as shown on Figure 2 of the revised Acoustic Report prepared by Acoustic Works dated 4 October 2018 and noted by Council on the stamped approved Site Plan/Roof Plan Reference KGF1/2 A02, Rev D, dated 1 March 2018.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water: Nil
Sewer: Nil
8. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water and sewerage drainage works prior to the issue of a Construction Certificate.

9. The Site Plan/Roof Plan drawn by Paynter Dixon Constructions Pty Ltd Referenced KGF 1/2 Drawing No A02 (Rev D) is to be updated to reflect the revised 'Entertainment Area' location as nominated in Figure 2 of the revised Acoustic Report prepared by Acoustic Works dated 4 October 2018.

PRIOR TO COMMENCEMENT OF WORK

10. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

11. The erection of a building (pop up cafe bar & cafe) in accordance with a development consent must not be commenced until:
   (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
   (b) the person having the benefit of the development consent has:
      (i) appointed a principal certifying authority for the building work, and
      (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
   (c) the principal certifying authority has, no later than 2 days before the building work commences:
      (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
      (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
   (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
      (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
      (ii) notified the principal certifying authority of any such appointment, and
      (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

12. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

13. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
   (a) showing the name, address and telephone number of the principal certifying
authority for the work, and
(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
(c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

14. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

DURING CONSTRUCTION
15. All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, approved Construction Certificate, drawings and specifications.

16. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

17. Commencement of work, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm
No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

18. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

19. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

20. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.
21. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
   - Noise, water or air pollution.
   - Dust during filling operations and also from construction vehicles.
   - Material removed from the site by wind.

22. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

23. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
   (a) internal drainage, prior to slab preparation;
   (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
   (c) external drainage prior to backfilling.
   (d) completion of work and prior to occupation of the building.

24. Plumbing
   (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
   (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

25. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

26. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

27. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
   * 45ºC for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
   * 50ºC in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

28. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans. [POC0005]

29. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). [POC0205]

30. The building (pop up cafe & bar) is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards. [POC0225]

31. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works. [POC1045]

32. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met. [POC1055]

USE

33. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like. [USE0125]

34. Hours of operation of the pop up bar and external entertainment are restricted to the following hours:
* 4pm to 8.30pm - Mondays to Sundays and Public Holidays [USE0185]

35. The development shall be carried out in accordance with the provisions of the acoustic assessment report prepared by Acousticworks (reference: 2018026 R01C Kingscliff Beach Bowls Club Pop Up Bar ENV.doc) and dated 4 October 2018. [USE0305]

36. Any premises used for the storage, preparation or sale of food are to comply with the Food Act 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Council’s Environmental Health Officer included in this approval. [USE0835]

37. Prior to the installation of the pop up cafe, plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be provided to Council’s Environmental Health Officers for assessment and approval:
   a. Floor plan and two (2) sectional elevations
   b. Layout of premises showing all equipment
   c. All internal finish details including floors, wall, ceiling and lighting
   e. Servery areas including counters etc [USENS01]
38. In accordance with the submitted Noise Management Plan, a complaint management system is to be established for the development which includes the maintaining of log of any complaints received in regard to noise. The name and telephone number is to be nominated by the club and clearly displayed in a prominent area within the club premises.
REPORT:

Applicant: Kingscliff Bowls Club Limited
Owner: Kingscliff Bowls Club Limited
Location: Lot 468 DP 755701; No. 131 Marine Parade KINGSCLIFF
Zoning: RE2 - Private Recreation
Cost: $24500.00

Background:

The subject site is located at Lot 468 DP 755701, 131 Marine Parade Kingscliff and is known as the Kingscliff Beach Bowling Club (KBBC). It features a total land area of 8,802sqm and a frontage of 145m to Marine Parade. The subject site forms part of Crown Lands and is occupied by the Kingscliff Bowling Club under Special Lease No 81432. The Bowls Club building is located in the eastern part of the site and three outdoor bowling greens exist on the western part of the site.

The adjoining lands further east and south also forms Crown Land and comprises Lot 2 DP 1122062 which is held by the KBBC under Licence No. 497256 for access and car park (part of the adjoining Tweed Coast Crown Reserve). A sealed car park and access way exist within the licensed area. No development is proposed within the car park area which is the subject of the licence.

Further south of the car park area is the recently renovated Kingscliff Beach Holiday Park. Kingscliff Town Centre is located 150m south west of the site and immediately west (on the opposite side of Marine Parade) is land zoned R3 Residential Medium Density. These lands are characterised by a transitional built form comprising of older single dwellings and residential flat buildings as well as recently established residential flat buildings up to three storeys in height.

KBBC has been operating under Special Lease Agreement 1969/20 (from the Crown) since the early 1960’s. Based on the date of the approved lease agreement between Crown Lands and the club, it is likely that the clubs use prevailed the coming into force of an Environmental Planning Instrument (i.e. Interim Development Order No.1 – Shire of Tweed 1964).

Since the original commencement of its operation, the club has sought several development consents from Council for the ongoing expansion and upgrade works to the club. Most recently, development consent DA05/1246 for Alterations and Additions to the club which was issued on 12 April 2006.

At the same time that the subject application was received by Council, a separate Development Application (DA18/0635) was submitted to Council for the subject site (for KBBC). That DA seeks Councils consent for a larger development pertaining to additions to the club, an additional car parking area (5 spaces), modified bowling green and relocation of the Pop up bar/Café to a more permanent position on the site.

Given the nature of the larger DA will see the entertainment area and dedicated area for the food van as being occupied by other uses (i.e. a dining area and the addition 5 parking spaces) together with the relocation of the pop up bar/café, if Council were to grant consent to that DA in the future, those works would see the operations and use under the subject application becoming redundant. For this reason, to ensure that the cumulative impacts of development under the subject application and the larger DA can be managed, it is recommended that the subject DA be limited to a period of five (5) years.
Any future development consent for the additions to the club and relocation of the pop up bar/café would also include a condition to require the consent for the subject DA to be surrendered to Council.
SITE PLAN:
AERIAL PLAN:
Considerations under Section 4.15 of the Environmental Planning and Assessment Act 1979:

(a) (i) The provisions of any environmental planning instrument

Tweed Local Environmental Plan 2014

Clause 1.2 – Aims of the Plan

The Tweed Local Environmental Plan 2014 sets out local environmental planning provisions for land in the Tweed Shire in accordance with the standard environmental planning instrument under section 33A of the Environmental Planning and Assessment Act 1979. The particular aims of this Plan are as follows:

(a) to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council’s adopted strategic planning documents, including, but not limited to, consistency with local indigenous cultural values, and the national and international significance of the Tweed Caldera,

(b) to encourage a sustainable local economy and small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed,

(c) to promote the responsible sustainable management and conservation of Tweed’s natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, built environment, and cultural heritage,

(d) to promote development that is consistent with the principles of ecologically sustainable development and to implement appropriate action on climate change,

(e) to promote building design which considers food security, water conservation, energy efficiency and waste reduction,

(f) to promote the sustainable use of natural resources and facilitate the transition from fossil fuels to renewable energy,

(g) to conserve or enhance the biological diversity, scenic quality and geological and ecological integrity of Tweed,

(h) to promote the management and appropriate use of land that is contiguous to or interdependent on land declared a World Heritage site under the Convention Concerning the Protection of World Cultural and Natural Heritage, and to protect or enhance the environmental significance of that land,

(i) to conserve or enhance areas of defined high ecological value,

(j) to provide special protection and suitable habitat for the recovery of the Tweed coastal Koala.

The proposal for ancillary facilities to the existing Kingscliff Beach Bowling Club (KBBC) is conducive to the strategic planning principles that apply to the site, encourages a sustainable local economy, provision of additional employment opportunities, as well as improved recreational and tourist facilities without having unreasonable impacts to the local amenity or the built and natural environment. Therefore, the development is considered to comply with the objectives of the Plan.
Clause 2.3 – Zone objectives and Land use table

The subject site is zoned RE2 Private Recreation and under the plan the objectives of the zone are as follows:

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

The café/pop up bar and outdoor entertainment can be characterised as development that is ancillary to the existing use of the site as a ‘Registered Club’.

The food truck van is most suitably defined as a ‘Food and Drink Premises’.

Development for the purpose of a ‘Registered Club’ and ‘Food and Drink Premises’ are both permissible forms of development in the RE2 Private Recreation zone, with the consent of Council.

As such, given the nature and function of the proposed development, conducive to the club operations and its permissibility in the zone, Council can be satisfied the development maintains its performance against the objectives of the zone.

Clause 4.3 - Height of Buildings

The subject site is mapped to be affected by a maximum building height of 10m. The proposed development includes the provision of one structure (pop up bar) to a maximum height of 2.6m which falls below the maximum permitted building height for the site.

As such Council can be satisfied the development meets the objectives of this Clause.

Clause 4.4 – Floor Space Ratio

The subject site is not mapped to be affected by a maximum permitted floor space ratio and therefore this Clause does not apply.

Clause 4.6 - Exception to development standards

The subject application does not seek any variation to development standards under the LEP and therefore this Clause does not apply.

Clause 5.4 - Controls relating to miscellaneous permissible uses

There are no provision within this Clause that apply to the proposed development.
Clause 5.10 - Heritage Conservation

The subject site is not listed as a local heritage item or located within a heritage conservation area. A review of Councils GIS mapping system identified that land adjacent to the subject site (currently used as a caravan park) is listed as an item of local heritage significance.

It is further noted that the subject site is not listed as a known or predictive site of Aboriginal Cultural Heritage.

Notwithstanding, the applicant has submitted a Cultural Heritage Assessment given that an AHIMS search was undertaken which identified 3 registered Aboriginal sites within an 1000m radius of the subject site (see Figure 3 and 4 below).

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Figure 2: Extract of AHIMS search result from submitted Cultural Heritage Assessment Report
The Assessment identifies that as a result of a desktop study and further field inspection of the project area, being part lot Lot 468 DP 755701 (131 Marine Parade KINGSCOFF), the following conclusions can be formed:

- No Indigenous cultural heritage sites or relics were identified within the Project Area.
- No portions of the Project Area have been identified that are considered to potentially contain subsurface deposits of significant Aboriginal heritage.
- The entirety of the Project Area has been completely disturbed in a manner which constitutes disturbance’ within the meaning of the Due Diligence Code and is consistent with the Due Diligence Code.
- The proposed works will only impact lands which have already been subject to development and do not propose any additional disturbance.
- No items or objects of potential historic heritage were identified within the Project Area.

Further to the above, the report lists a series of recommendations (4 in total) and it is considered that these recommendations should form a special condition of development consent to ensure that the outcomes and objectives of Clause 5.10 can be achieved and protected as part of the development.

Subject to compliance with recommendation conditions, the proposed development is considerate to maintain the objectives of this Clause and will not have any impact on matters of cultural, environmental or archaeological heritage.

**Clause 5.11 - Bush fire hazard reduction**

The subject site is cleared of vegetation and whilst it is partially mapped to be affected by bushfire prone land (to the northern aspect of the site), the proposed land use (ancillary to registered club) does not include any residential accommodation, tourist accommodation or development that is listed as Special Fire Protection Purposes pursuant to Rural Fires Act.

Furthermore, the application is supported by a Bushfire Assessment Report prepared by a suitably qualified bushfire consultant. The report qualifies the bushfire threat as negligible given the works are not located within bushfire prone land, the works being greater than 100m from vegetation which is categorised as managed land and the works therefore do not fall within a category that requires specific BAL construction pursuant to AS3959-2009 and Appendix 3 Addendum Planning for Bushfire Protection Policy 2006.

As such, the provisions of this Clause do not apply to the proposed development.

**Clause 7.1 – Acid Sulfate Soils**

The objective of this Clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The subject site is mapped to contain Class 5 Acid Sulfate Soils and therefore development consent is required for the carrying out of works within 500 metres of adjacent Class 1,2,3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. A review of the Development Application package indicates that no significant earthworks are proposed as part of the proposed development and therefore works will not exceed below 5 metres AHD by which the water table is likely to be lowered below 1m and the surrounding land is also mapped to contain Class 5 Acid Sulfate Soil and therefore is not adjacent to Class 1,2,3 or 4 ASS.

As such, subject to compliance with conditions of consent (for works to be in accordance with Minor Works Policy for ASS) the development will maintain consistency with the objectives of this Clause.

**Clause 7.2 - Earthworks**

The objectives of this Clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions
and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

A review of the DA indicates that the proposed works will involve minimal earthworks and maintain existing RL’s at NGL. As such the development maintains consistency with the objectives of this Clause.

Clause 7.3 – Flood Planning

The subject site is not affected by PMF or 1 in 100 year flooding and therefore the provisions of this Clause do not apply to the proposal.

Clause 7.4 - Floodplain risk management

The proposed development does not fall within a land use that is affected by this Clause.

Clause 7.5 - Coastal risk planning

The objectives of this Clause planning are to:

(a) to avoid significant adverse impacts from coastal hazards,
(b) to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,
(c) to enable the evacuation of land identified as coastal risk in an emergency,
(d) to avoid development that increases the severity of coastal hazards.

The subject site is mapped to be affected by ‘Coastal Risk’ and therefore this Clause applies.

Pursuant to Clause 7.5(3) development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

(a) is not likely to cause detrimental increases in coastal risks to other development or properties, and
(b) is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and
(c) incorporates appropriate measures to manage risk to life from coastal risks, and
(d) is likely to avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards, particularly if the development is located seaward of the immediate hazard line, and
(e) provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards, and
(f) has regard to the impacts of sea level rise.

A Coastal Risk Management Report has been submitted as part of the application (prepared by Cozen Regans Consultant Engineering Group). The report highlights that the dune cover is beyond the existing eastern boundary of the site and it is expect that no works will be carried out beyond the boundary of the allotment. It
further highlights that the existing seawall to the east of the site and existing dune cover provide a buffer to the site from the effects of coastal erosion.

Based on the Coastal Hazard Assessment document (2013) the design wave run up for the area is RL 5.34m AHD and the proposed development area is clear of the wave inundation hazard.

Councils Waterway officer has reviewed the proposal in light of the Coastal Risk Management Report and is satisfied with the findings of the report. In addition further advice from Councils Waterways officer states that the proposed development does not increase risk to habitable dwellings therefore the level of assessment provided in the Coastal Risk Report is adequate and no additional consent conditions are required.

Based on the above mentioned considerations, Council can be satisfied that the development meets the matters for consideration pursuant to Clause 7.5(3) and overarching objectives of Clause 7.5.

Clause 7.6 - Stormwater Management

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

The applicant has demonstrated that no ground disturbance will be required to facilitate the proposed works and therefore will be no significant changes to the existing stormwater management regime. As such, the objectives of this clause can be maintained by way of existing stormwater infrastructure and services

Clause 7.7 - Drinking Water Catchments

The subject site is not mapped to be located within an area identified as a drinking water catchment area.

Clause 7.8 – Airspace operations

The objectives of this clause are as follows:

(a) to provide for the effective and ongoing operation of the Gold Coast Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,

(b) to protect the community from undue risk from that operation

The subject site is located within the take-off/approach surface for Gold Coast Airport. In considering the provision of this Clause, the proposed height of the building is less than the existing height of the single storey development which occupies the land and therefore the development is unlikely to penetrate the OLS surface layer. As such, Council can be satisfied the development will not comprise Gold Coast airport by penetrating the OLS layers and will protect the community from undue risk from Gold Coast Airport operations.
Clause 7.9 - Development in areas subject to aircraft noise

The subject site is not mapped to be affected by Aircraft Noise.

Clause 7.10 - Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

(a) the supply of water,
(b) the supply of electricity,
(c) the disposal and management of sewage,
(d) stormwater drainage or on-site conservation,
(e) suitable vehicular access.

The provision of water, sewer, electricity and drainage are available at the site for the existing club operations. The provision of such services are available to extent to the Pop up bar, café and ancillary facilities.

It is noted that vehicular access is provided to the adjacent crown lands carpark which is under a lease agreement between Crown Lands and Kingscliff Bowling Club. These arrangements will not be impacted by the proposed development and suitable vehicular access and parking can be provided for the development. It is noted that the proposed development is wholly contained within the subject site and does not encroach any part of the adjacent car park on the adjacent Lot.

Further discussion in regard to parking availability is made under Section A2 of the DCP, contained later in this report.

Other Specific Clauses

None apply.

North Coast Regional Plan 2036 (NCRP)

The North Coast Regional Plan 2036 (NCRP) is the NSW Department of Planning and Environment’s visionary strategic document to guide land use planning priorities and decisions in the North Coast of NSW until 2036. It contains high level priorities for the region, and specific goals and actions for individual government areas. These include protecting the region’s distinct social and cultural character, its biodiversity and environmental values, and its typical built character. It is also a goal of the plan to deliver a thriving, interconnected economy.

State Environmental Planning Policies

SEPP No. 55 - Remediation of Land
The objectives of SEPP No. 55 is to provide a State wide planning approach to the remediation of contaminated land and to require that remediation works meet certain standards and conditions.

SEPP No. 55 requires a consent authority to consider whether land is contaminated and if contaminated, that it would be satisfied that the land is suitable, in its contaminated state (or will be suitable after remediation). Further, it advises that if the land is contaminated and requires remediation, that the consent authority is satisfied that the land will be remediated before the land is used for that purpose. In particular it is noted that this SEPP states that a consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

With regards to the subject site, Council records indicate that the use of the land as a bowling club has been ongoing since early 1960’s and subsequent approvals for various alterations to the club since then. Aerial views and a recent site inspection did not give rise to any concerns in regard to land contamination (i.e. uses occurring that would be potentially contaminating or visual evidence of filling occurring). Furthermore, no excavations is proposed as part of the proposed works and therefore the proposal is considered to be acceptable with respect to contaminated land and the provisions of SEPP 55.

SEPP (Coastal management) 2018

The subject site is mapped as being within the Coastal Environment Area/Coastal Use Area.

The objectives of each clause are as follows:

13 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

(b) coastal environmental values and natural coastal processes,

(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(f) Aboriginal cultural heritage, practices and places,

(g) the use of the surf zone.

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

14 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

(b) is satisfied that:

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.
This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The proposal is considered to be consistent with the objectives of each clause.

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as "coastal vulnerability area" on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

(a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and

(b) the proposed development:

   (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and

   (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and

   (iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and

(c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.

The development suitably responds to the risk associated with coastal hazard and this is demonstrated in a Coastal Risk Management Report. As such the provision of Clause 12 have been considered and are complied with.

(a) (ii) The Provisions of any Draft Environmental Planning Instruments

The subject site is mapped as being affected by LEP Amendment 17 – Short term rental accommodation. This amendment does not have any significant impacts on the proposed development.

(a) (iii) Development Control Plan (DCP)

Tweed Development Control Plan

A2-Site Access and Parking Code

Section A2 of the DCP states that parking is to be provided based on addition floor area at a rate of 1 space per 25sqm for bar area and 1 space per 100sqm for lounge/beer garden area for Employees and the same amount again at the same rate for staff.

As previously mentioned in this report, the development will result in a loss of parking on site (3 spaces) however the impact to the availability of parking for the development is negligible.
KBBC benefits from vehicular access and parking on the adjacent Crown land carpark, and previous council parking studies have indicated that parking demand for the off street parking spaces surrounding the Club (on the adjacent crown land carpark) are not operating at capacity. Therefore the removal of the three spaces would not have a significant detrimental effect on the surrounding road network. In addition, a significant number of patrons (40%) have been reported as visiting the Club through other than vehicle means due to its location.

Furthermore, in considering the merits of the subject DA and the manner in which it has been lodged (i.e. its temporary nature), future development of the site under a separate larger DA (should it be consented to and enacted upon) would see the facilities under the subject DA as being relinquished and/or relocated. In addition, that larger development includes the on-site parking to be reinstated due to the additional GFA associated with that development.

It is further noted that the Club is not within an area as defined under the Parking Contribution Plan 23 and therefore a contribution for the 3 spaces would not be required.

In order to secure that the identified outcomes in this section of the report, it is recommended that the consent be time limited to five (5) years.

Councils Traffic Engineer has reviewed the application and provided a merit based assessment of the proposal which demonstrates that the development is satisfactory having regard to matters for consideration for parking and traffic in accordance with Section A2 of the DCP. No objections are raised subject to recommended conditions to ensure a time limitation is provided on the consent.

A11-Public Notification of Development Proposals

The application was notified for a period of fourteen (14) days from Monday 23 July 2018 to Monday 6 August 2018. During the notification period four (4) submission was received. Detail of Councils consideration of the matters raised in contained later in this report.

B4-West Kingscliff

The proposed development is considered to be generally consistent with the aims and objectives of this DCP given it will provide additional amenities and space for activities that are conducive to the West Kingscliff growing population.

There are no specific controls that apply to the proposal given it seeks alterations and additions to an existing club facility within the West Kingscliff precinct.

B9-Tweed Coast Strategy

The subject site is located within the Tweed Coast Strategy which correlates to the West Kingscliff Precinct in terms of providing a strategic planning direction to accommodate population growth and development focus of the Tweed Shire.

The Tweed Coast Strategy sets out principles and guidelines to accommodate the anticipated development of the coast, meet the requirements of the current and
future communities, protect the essential values of the coast, co-ordinate infrastructure provisions, consider sustainable development and environmental protection as well as the integration of development.

The subject site is located outside of specific growth precincts and comprises of an existing well established facility to serve both the local community as well as the tourism industry of the Tweed Coast.

Of particular relevance to the subject site and proposed development is the provisions contained under B9.5.9 (Public Car parking) for the Kingscliff area. The plan acknowledges that one of the greatest threats to the character of Kingscliff as a seaside village is traffic and the associated parking. Whilst parking is essential to the on-going trade in the village it has the danger of destroying the very thing that attracts people there, and for this reason further studies will be undertaken to ensure that additional public car parking can be provided in Kingscliff to service the growing demand generated by the growth in the area. It is expected that a public car parking will be strategically located to service the CBD of Kingscliff and therefore alleviate pressure on existing public parking (such as that which adjoins the subject site and the subject site benefits from).

In considering the availability of parking for the proposed development, Council’s Traffic Engineer has advised that a recent Council study on the uptake of parking for the Crown land carpark adjacent to the subject site indicates that it is being underutilised. Furthermore, information submitted in the DA package includes a Traffic and Parking Report which indicates that a number of patrons (40%) have been reported as visiting the Club through means other than a vehicle and this is due to its location.

Therefore, the likely impacts of the development on traffic and parking given the scope in which the development is proposed (i.e. its temporary nature) is negligible. It is considered that no additional GFA is associated with the development which would be an otherwise major consideration for traffic and parking.

Based on the above consideration and Council’s Traffic Engineers advice in regard to traffic and parking, the proposed development is considered to be consistent with the overarching objectives of this plan as far as improving the quality of existing private recreational facilities within the locality without having adverse amenity impacts on adjoining land uses and public infrastructure.

Council can therefore be satisfied the development meets the objectives of the Tweed Coast Strategy.

**B25-Coastal Hazards**

The subject site is located landward of the immediate coastal hazard line and seaward of the 2050 and 2100 hazard lines and therefore this Section of the DCP applies (see Figure 5 below).
3.2.5 Other Development

This section applies to development that is temporary or can be relocated or sacrificed (such as decks), non-habitable, detached or lightweight structures associated with outdoor living areas, storage or landscaping may be considered within the 2050 Hazard zoned where they do not prejudice relocation of other buildings on the site.

This Section further states that development that is of a community nature, which relates to the use of the beachfront, may be considered, provided that any building is easily removable (or sacrificial) and does not require a major extension to a service main as well as development for the purposes of coastal access stairs, fences, cycleway, walking trails, picnic facilities or other facilities will be designed to be removable in the vent they are damaged by way action, inundation from the sea and/or erosion.

In considering the provision of this Clause, it is noted that in 1995, a seawall was constructed which adequately mitigates against coastal erosion and major coastal inundation risk. Despite this, the proposed structural are relocatable and temporary in nature, thus demonstrating a consistency with the types of development that would be considered within the 2050 Hazard line.

Notwithstanding the above, a Coastal Risk Management Report has been prepared by Cozens Regan Group Pty (dated July 2017) and submitted with the application. The report highlights the above consideration and further states that the mitigation measures which have been established as a result of the seawall are contingent on the seawall being maintained in a structurally sound and safe condition.

Council’s Waterways Co-ordinator has reviewed the report and accepts the findings in the report and therefore is of the opinion that the proposed development
does not increase risk to habitable dwellings therefore the level of assessment provided in the Coastal Risk report is adequate and no additional consent conditions are required to address coastal risk for the development proposal.

As such, Council can be satisfied that the development is consistent with the relevant matters for consideration under Section B25 of the DCP.

(a) (iii) Any planning agreement or any draft planning agreement under section 7.4

There is no planning agreement or draft planning agreement relating to the site or the proposal.

(a) (iv) Any Matters Prescribed by the Regulations

The proposed development is consistent with the objectives of the Government Coastal Policy as identified in Clause 92(1)(a)(ii).

Clauses 92(1)(b) (Applications for demolition), 93 (Fire Safety Considerations) and 94 (Buildings to be upgraded) are not relevant.

(a) (v) Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

Tweed Shire Coastline Management Plan 2005

This Plan applies to the Shire’s 37 kilometre coastline and has a landward boundary that includes all lands likely to be impacted by coastline hazards plus relevant Crown lands. The subject site is located in proximity of the coastal foreshore and is affected by coastal hazards. However, the location of the works is landward of an existing seawall and is protected by coastal inundation. As such, the proposed development will not impact upon that coastline with regard to demands and issues identified within the Plan for the whole of the Tweed coastline (Clause 2.4.1) including: recreation; water quality; heritage; land use and development potential; coastal ecology; and, social and economic demand. The Management Plan objectives at Clause 3.1.1 are therefore satisfied.

Tweed Coast Estuaries Management Plan 2004

The proposed development is not within Cudgen, Cudgera or Mooball Creeks. This Plan is therefore not relevant to the application.

This Management Plan applies to the estuaries of Cudgen, Cudgera and Mooball Creeks. The subject site is located approx 1.5km from the Cudgen creek. The proposal is considered not likely to impact on the Cudgen Creek due to the separation distance and existing residential/urban development separating the site from the Cudgen Creek.

Coastal Zone Management Plan for Cobaki and Terranora Broadwater (adopted by Council at the 15 February 2011 meeting)
The subject site is not located within the Cobaki or Terranora Broadwater (within the Tweed Estuary), with this Plan therefore not relevant to the proposed development.

(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality

Aboriginal Cultural Heritage

The applicant has submitted a Cultural Heritage Assessment given that an AHIMS search was undertaken which identified three (3) registered Aboriginal sites within an 1000m radius of the subject site. The report lists a series of recommendations (4 in total) and it is considered that the report which contains these recommendations should be complied with as a special condition of development consent to ensure that the outcomes and objectives of Clause 5.10 of the LEP can be achieved and appropriate measures of protection can be employed as part of the development.

Subject to compliance with recommendation conditions, the proposed development is considerate to suitably protect the cultural heritage values of the area and will not have any impact on matters of cultural, environmental or archaeological heritage.

Access, Transport and Traffic

The proposal includes the removal of three (3) on-site parking spaces (not readily available to the public) to enable this area to be used for the pop up café and Food Van. Pedestrian access through this area will be maintained.

Council’s Traffic Engineer has advised that Council parking studies indicate parking demand for the off street parking spaces surrounding the Club are not operating at capacity. In addition, the proposed operating hours for the pop up bar, café, outdoor patron areas and entertainment area will operate between 4pm and 8:30pm on Friday, Saturday and Sunday evenings which is outside the traditional peak demand for parking in the beach foreshore area. As such the removal of three parking spaces and the provision of the proposed additional uses would not have a significant detrimental effect on the surrounding road network given the available parking in the adjacent Crown Land.

Development Contributions

As discussed in this report, the majority of the proposed development comprises of temporary structures to be used for entertainment and service of food and drinks, ancillary to the Registered Club. Given this is the case, no additional Gross Floor Area has been calculated for the purpose of levying Section 7.11 or Section 64 contributions.

At the same time that the subject application was received by Council, a larger development was applied for by way of a separate development application. The works included in that DA would see the uses proposed under this DA becoming redundant except for the pop up bar/café which will be sited in a more permanent location. For this reason, it is considered the levying of contributions for the
temporary structures is not warranted on this occasion. However, to secure the outcomes of this arrangement a condition of consent is recommended to limit the uses under this consent for a period of five (5) years. In addition, any future development consent would require the subject DA to be surrendered at the time that the larger development is enacted upon, and this would be covered by way of conditions. The levying of contributions in accordance with relevant contribution plans for the development would be the subject of a separate assessment.

**Acoustic Impacts**

The subject site is located within proximity to residential development, that being medium density housing and tourist and visitor accommodation (Kingscliff caravan park). As such, an Acoustic Report was prepared for the development and submitted as part of the DA package. The content of the report failed to address particular aspects of the proposal and the potential impacts to adjoining sensitive receiver locations (i.e. residential and tourist land uses). As such, the applicant was requested to provide an amended Acoustic Report to include particular reference the hours of operation (due to a discrepancy between the submitted SEE and Acoustic Report), impact to the caravans as it was addressed as a ‘construction zone’ as opposed to residential tourist accommodation, address expected noise levels due to patrons to be modelled using 150 patrons when the SEE estimated 100-150 patrons, as well as further information in regards to the type of musical instruments (entertainment) and the provision of a Noise Management Plan to manage and mitigate potential impacts.

On the 22 October 2018, the applicant submitted to Council a revised Noise Level Impact Assessment prepared by Acousticworks (Reference: 2018026 R01C Kingscliff Beach Bowls Club Pop Up Bar ENV.doc) dated 04 October 2018.

The report made further recommendations to relocate the entertainment area as originally proposed in the DA (to the south of the club building facing toward Marine Parade). The new location would better protect sensitive receiver locations and direct sound within the site as opposed to emitting in across the green in the direction of Marine Parade and residences across the road on Marine Parade.

The report was referred to Council’s Environmental Health Officer whom advised the following:

> The report has been prepared in general accordance with the NSW Industrial Noise Policy and by a suitably experienced consultant for the level of assessment required. It is noted that the noise criteria specified by Liquor and Gaming NSW has been applied. The noise criteria applied is considered appropriate for the proposed development as it is an existing licenced premise. The report adequately considered noise from the proposal. The report concludes that ‘Providing that the recommendations are implemented, it is our opinion that the noise will be at a level expected to satisfy the relevant criteria and is not expected to significantly affect amenity at the residential receiver locations’.

The applicant has adequately addressed further information requested. See below for details:
- **Hours of operation that are to consistent with the Statement of Environmental Effects (SEE)**

Hours of operation as stated in the acoustic report are confirmed to be 4pm-8.30pm. Furthermore, response letter dated 16 October confirming that the proposed operating hours for the pop up bar as 4pm to 8.30pm Friday, Saturday and Sunday nights with other nights for private bookings with same timeframes.

Proposed hours are considered suitable.

- **Impacts to the adjoining caravan park as a receiver location to be assessed. Current report does not acknowledge the location or the impacts to the Kingscliff Beach Holiday Park.**

Revised acoustic report has considered impacts to noise at the Kingscliff Beach Holiday Park. It is noted that criteria are based on background levels assessed at Marine Parade. This is appropriate as locations are similar.

- **Noise levels due to patrons to be modelled using 150 patrons. The SEE estimates 100-150 patrons.**

The revised acoustic report clarifies that at any one time there will generally be 100 patrons.

Recommendations of the report state ‘The calculations assume crowd noise will continuously be at the theoretical maximum, which in itself tends to overestimate crowd noise levels for an outdoor gathering of small groups of people spread over a considerable area’.

The noise management plan included in the revised report provides scope for the management of the venue and appropriate management of potential noise impacts.

Given the above it is considered that the modelling using 100 patrons is adequate.

- **Further details on the proposed type of instruments and location of speakers detailing if any adjustments need to be made due to annoying noise characteristics that may need to be accounted for in the modelling (e.g. drums, low base).**

The revised report provides detailed recommendations in section 8.2 setting parameters about type of bands and instruments.

The noise management plan included in the revised report provides scope for the management of the venue and appropriate management of potential noise impacts.

The requested information has been satisfied.
- **A number of submissions have been raised and it would be expected that the noise report includes an operational noise management plan.**

A detailed noise management plan has been included in the revised acoustic report. Management provided is adequate in managing potential noise impacts. Condition to be applied.

- **Liquor and Gaming NSW to provide concurrence with the proposal as per the existing liquor licence for Kingscliff Beach Bowls Club.**

  The General Manager of the Club has provided a response and has requested a full copy of licence plan for the club. Although information has been requested, the bulb needs OLGA to advise in writing that they are satisfied that the proposed use of the pop up bar and bistro area are compliant with the current Liquor Licence.

Based on the advice from Council’s Environmental Health officer, it is considered that the proposed development suitably addresses the potential impacts of the development in regard to noise.

Notwithstanding, to secure the outcomes of the report(s), it is recommended special conditions of consent be imposed to require the development to comply with the updated Acoustic Report and Noise Management Plan submitted as additional information with the DA.

In addition, the submitted site plan will need to be stamped with a noted amendment to the location of the entertainment area as per the submitted Acoustic Report. A further special condition of consent is recommended to reflect the update to the site plan and ensure the entertainment area is sited according to the recommendations in the report (refer to figure 5 & 6 below for the revised location of the entertainment area as highlighted in the updated Acoustic Report).

Subject to compliance with the conditions of consent, the development is considered to be acceptable in this regard.
Figure 5: Extract of submitted site plan showing the original location of the 'Entertainment Area' to the south of the existing club building.

Figure 6: Updated location of Entertainment Area in accordance with revised Acoustic Report – relocated to the eastern extent of the existing bowling green.
(c) **Suitability of the site for the development**

**Surrounding Landuses/Development**

The subject site is surrounded by public recreation land to the east and medium density residential to the west. Further south of the subject site is a caravan park (tourist accommodation). The proposal is for the use of a temporary bar facility, amplified music and a mobile food van on the southeast boundary of the site in addition to the existing Kingscliff Bowls Club facilities. The proposed hours of use for the bar, music and amplified music is 4pm to 8.30pm Friday to Sunday.

The proposed development is consistent with the existing use of the land and appropriate measures have been employed to ensure that it is conducive to the surrounding land uses/development in regard to minimising amenity impact (see previous discussion in regard to noise).

**Utilities and Services**

The subject application relates to the temporary siting of the pop up bar/café and food van in a car parking area and a more permanent arrangement for the siting of these facilities will be provided under a future DA (if approved by Council). This was explained in the submitted Statement of Environmental Effects and since the submission of the subject DA, a separate DA18/0635 was submitted for the alterations and additions to the club facility, reduction in the bowling green and relocation of the café/pop up bar and food van. This application is still under assessment and will be subject to a separate merit based assessment. Notwithstanding, given the subject application is relying on the future DA being determined favourably, the water unit have stated that no additional charges for water are applicable and the development can be serviced by the existing services and utilities on the site.

To secure a desirable outcome for Council that does not underpin the subject development approval being issued without Section 64 charges to DA18/0635 being consented to favourably (in case the merits of the proposal do not give rise to Council support), the following special conditions are recommended:

- The subject development consent is limited to a period of five (5) years from the date of issue.

In addition, should the separate DA that includes the relocation of the pop up bar/café and expansion to the club be considered favourably, a condition of development consent would be recommended on that DA to require the subject DA to be surrendered prior to the issue of a Final Occupation Certificate.

**Natural Hazards – Bushfire**

The subject site is mapped as bushfire prone land and a Bushfire Assessment Report was submitted with the DA. The report specifically relates to a separate DA on the subject site for alterations and additions to the club and outlines the developments performance against Section 4.13 of the Act as well as Planning for Bushfire Protection 2006 Policy Document.
The report outlines specific requirements that would apply to the proposal given the character of the site and the level of threat of bushfire, none are relevant except for the provision of water supply which is already provided in the street (i.e. hydrant and booster) to service the subject site.

As such, Council can be satisfied that the site is suitable for the proposed development as far as bushfire is concerned.

(d) Any submissions made in accordance with the Act or Regulations

The subject application was referred to Crown Lands as the owner of the subject site and adjacent car park which the club utilises under a Special Lease agreement. On 28th September 2018 a response to Councils referral letter was received stating that no objections were raised to the proposed development.

In addition, the subject application was neighbour notified for a period of 14 days from Monday 23 July 2018 to Monday 6 August 2018. During this time, four (4) submissions were received. Detail of the submissions was forwarded to the applicant for consideration and review and a planning response to the concerns was provided.

Council consideration of the submission, the applicants planning and response and the developments performance against matters for consideration under Section 4.15(d) of the Act are provided herein.

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<th>Submission</th>
<th>Response</th>
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<tr>
<td>Previous illegal use of the site for the purpose of a pop up bar/café and associated acoustic entertainment have caused adverse impact to residences in regard to noise. The noise was too loud and intolerable; people could not open their windows or doors and it was especially bad in the evening.</td>
<td>It is understood that the subject application has been lodged in response to complaints from adjoining land owners that the food van and entertainment was operating without approval. A recent site inspection revealed that the food van was situated on the site but not in operation which would indicate that the development may have been occurring without approval. Notwithstanding, the subject application seeks to rectify any previous unauthorised uses and appropriate reports have been prepared to qualify whether the nature of the development is appropriate on the subject site. In particular an acoustic report was submitted with the DA. A review of the report was undertaken and further detail was requested by Council to the applicant. As such a revised report was prepared which addresses the likely acoustic impacts having regard to the number of people using the facility, the hours of operation and the type of bands and instruments playing. In addition, the location of the entertainment area was revised to better protect the acoustic amenity of the surrounding residential areas. Furthermore, a Noise Management Plan was submitted with the amended report which addresses ongoing operational management requires for the club to maintain compliance with the Acoustic Report sound limitations and</td>
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9.30pm completion time for amplified music is too late.

Request for a Noise Management Plan be prepared for the operations and the operating hours to be reduced.

A reduction in the size of the bowling green should not be allowed.

The proposed use of the site is more suitably defined as ‘pub’ or ‘food and drink premises’ which is not appropriate activities within an area for recreational purposes adjacent to residential dwellings.

The proposed use is no compatible with the existing ‘registered club’ land us and the adjoining residential land uses.

establish measures for the club to respond to any complaints receive by the community.

As such, it is considered that the issuing of development consent subject to compliance with the Acoustic Report would ensure that excessive noise can be mitigated by way of compliance conditions with the report.

The completion time for amplified music will be no later than 8.30pm Friday – Sundays and this will form a condition of consent.

A Noise Management has been prepared and submitted to Council. In addition to the submission of a Noise Management Plan, additional information further reduced the proposed hours from 9.30pm closure to 8.30pm closure which is satisfactory.

This is not a matter for consideration pursuant to Section 4.15 of the Act. The reduction in the size of one of the bowling greens would not compromise the ongoing overall use of the club house as a bowling club. The commercial viability of the club and its ventures to partially modify one of the three greens is a commercial matter that is not a statutory consideration or the subject of a merit based assessment under the Act. Notwithstanding, matters pertaining to the impact of the use of the part of the green that will no longer be occupied for that person but outdoor entertainment, serving of food (café/bar) and food van is a matter for assessment under the Act and the relevant matters for consideration as part of the assessment are contained throughout this report.

The applicant has suitably demonstrated that the proposed use can be characterised as being ancillary to the approved use of the site as a Registered Club. The principal purpose of the site is not for the retail sale of liquor and this can be justified by the fact that the majority of the bowling greens will remain on site and in operation. The provision of afternoon/evening entertainment on 3 days of the week as well as additional food services would not compromise the use of the site as a Registered Club. Notwithstanding, it is acknowledged that the food truck may be better defined as ‘food and drink premises’ however this is a permissible development in the zone.

The applicant has demonstrated that the proposed development is suitably characterised as ancillary to the Registered Club, that is that the uses are subordinate to the ‘Registered Club’ and this is evident by conservative hours of operation (4pm-8.30pm Friday-Sundays) and the fact that the development will not compromise the function of the Club.
The locality of the subject site is not suitable for the proposed use as it is predominantly residential as opposed to being located with the CBD (such as other bars and outdoor entertainment areas in Kingscliff). The use of the site for entertainment purposes should only be permitted within the existing building and not outdoors. The proposed development is in conflict with the adjoining residential land use.

If the application is approved measures should be employed to require noise monitoring to occur to manage any noise complaints.

The proposed development will impact the residential and coastal amenity.

The noise limits should not be set from the source but also to the residents across the road at Marine Parade.

The submitted acoustic report is inadequate as it does not take into account weather conditions.

The social impact checklist is not accurately completed and the checklist does not account for the negative impact it will have on the existing residential amenity for the residents on Marine Parade opposite the club.

An assessment of the likely impact of the development having regard to adjoining residential land uses has been undertaken. In particular, potential acoustic impacts have been considered. Council's Environmental Health Officers have reviewed the submitted Acoustic Report (as amended) and Noise Management Plan and raised no objection to the development subject to recommended conditions of consent. Therefore, on balance, the development is considered to be worthy of support as impacts to adjoining residential land uses can be managed and mitigated by the operations of the club.

The use operates as a permitted land use in the zone and has been subject to several historic approvals by Council. The site is located 150m north of the CBD and therefore is within walking distances to other tourist, commercial and recreational amenities within the locality. In addition, it is in proximity to public recreation areas and the Kingscliff Beach and therefore the use of the site is considered to be conducive to the CBD. Furthermore, in order to ensure the amenity of nearby residences are protected, appropriate measures have been recommended in the Acoustic Report to reduce noise impacts and they will form conditions of consent, together with hours of operation which is from 4pm – 8.30pm Friday - Sunday.

A Noise Management Report has been submitted as additional information. This report addresses operational management measures to mitigate potential for non-compliances with the Acoustic Report (as amended) in regard to noise.

A comprehensive assessment of the application has been undertaken and on merit, the development is considered to be worthy of support. Appropriate measures have been taken to reduce the hours of operation for the use which is nominated to occur on three (3) evenings of the week. Operational measures are highlighted in the Acoustic and Noise Impact Report to protect residential amenity.

The development does not pose impact to the coastal amenity. The development is located 150m south of the CBD and therefore is within an area that supports both residential and commercial land uses. The site is protected by a seawall and therefore the development will not be impacted by an environmental coastal erosion or hazards.

Noise monitoring has been undertaken at sensitive residential receiver locations and therefore background noise have been captured. The noise limits established in the report have due regard to background noise at sensitive residential receiver location which is standard...
practice for Acoustic Reports. It is considered the report has been prepared in regard to the relevant Australian Standards and Noise Control Guidelines and is satisfactory.

Council is satisfied that the proposed development does not require a Social Impact Assessment. Council is satisfied that the checklist has been completed accurately. Matters in relation to residential amenity are separate matters for consideration and have been addressed in the body of the submitted Statement of Environmental Effects.

(e) Public interest

The proposed development is generally consistent with the applicable environmental planning instruments and the Tweed Development Control Plan. The proposed development is ancillary to the use of the land as a recreational club and will improve the function of the club as well as the amenity that the club provides for its members and guests. The development is therefore considered to be in the wider public interest by providing a commercially viable development which provides a degree of social amenity on appropriately zoned land.

OPTIONS:

1. Approve the development subject to recommended conditions of consent for the following reasons:

   (a) The development proposal has been considered in accordance with the relevant provisions of the NSW Environmental Planning and Assessment Act 1979 and on balance is suitable to be determined by way of approval.

2. Refuse the application, providing reasons.

Option 1 is recommended.

CONCLUSION:

The proposed development has been considered in accordance with the relevant statutory obligations under Section 4.15 of the Environmental Planning and Assessment Act 1979 and on balance is considered to be suitable for determination by way of approval.

The development is not considered to result in a significant impact to the built and environmental amenity and to secure this outcome, appropriate conditions have been applied.

The proposal is considered suitable and appropriate for the subject site, given its permissibility in the RE2 Private Recreation zone. In addition, matters of Public Interest have been considered and addressed as part of the assessment. It is considered that on balance, the development has sound planning merit and is worthy of support.

COUNCIL IMPLICATIONS:

a. Policy:
Corporate Policy Not Applicable.

b. **Budget/Long Term Financial Plan:**
   Not applicable.

c. **Legal:**
The applicant has a right of appeal to the Land and Environment Court in terms of any determination by Council.

d. **Communication/Engagement:**
   Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Revised Acoustic Report and Noise Management Plan prepared by Acousticworks dated 4 October 2018 (ECM 5668590)
SUMMARY OF REPORT:

Tweed Shire Council was one of the first local governments in New South Wales to introduce a Homelessness Policy demonstrating its commitment to such a significant social issue impacting our local community.

A thorough review of the Homelessness Policy (v1.0) and a revised draft Homelessness Policy (v2.0) was reported to Council on 20 September 2018. It was resolved that the draft Homelessness Policy (v2.0) was to be placed on public exhibition for 28 days and available for submissions from 2 October 2018 to 13 November 2018. A total of seven submissions were received. The draft Homelessness Policy (v2.0) has now been amended to reflect submissions received where appropriate and is now ready for adoption.

This revised policy will inform the way Council engages with, and responds to, issues surrounding homelessness. It seeks to reduce homelessness and ensure homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their homeless status.

RECOMMENDATION:

That:

1. Council notes the submissions made to the draft Homelessness Policy (v2.0).
2. Council adopts the Homelessness Policy (v2.0).
3. Actions associated with this policy to be included in the Community Development Strategy.
REPORT:

Tweed Shire Council was one of the first local governments in New South Wales to introduce a Homelessness Policy in October 2015. Adopting such a policy demonstrates Council’s commitment to such a significant social issue impacting our country, and more importantly, increasing across our local community. Homelessness, or being at risk of homelessness, is often the result of a range of complex issues in a person’s or families lives and can occur at any time.

A review of the original Homelessness Policy was conducted. The original Homelessness Policy included a focus on addressing Tweed’s increasing housing crisis for which Council engaged a consultant 12 months ago to assist with developing a housing issues and context paper. This paper and an associated draft Affordable, Attainable and Appropriate Housing Policy Statement was presented at the Council meeting on 16 August 2018 for public exhibition. The two policies will now clearly define separately Council’s roles and responsibilities on both issues - housing and homelessness.

At the Council meeting on 20 September 2018 Council resolved to place the draft Homelessness Policy (v2.0) on public exhibition for 28 days, with a submission period of 42 days. The draft Homelessness Policy was available for public comment from 2 October to 13 November 2018 and a total of seven submissions were received. The submissions and Councils’ response are detailed in Attachment 2. Amendments to the policy include:

- Updated State Government policy context
- Amendment to when TSC Homelessness Issues paper was developed
- Review date included in policy

It is intended that the actions associated with the Homelessness Policy will be incorporated into Council’s Community Development Strategy to be developed early 2019. Units across Council will work collaboratively and in partnership with government and community support agencies to implement the policy once adopted.

OPTIONS:

That:

1. Council notes the submissions made to draft Homelessness Policy (v2.0).
2. Council adopts the draft Homelessness Policy (v2.0).
3. Actions associated with this policy to be included in the Community Development Strategy.

CONCLUSION:

Homelessness is a complex issue and increasing across Australia, with the highest population in NSW and an increasing population in our local community. Tweed Shire Council’s commitment to a policy is leading the way for regional local government areas demonstrating that whilst other tiers of government, specialist homelessness services and supporting organisations are key in the homelessness operational space, Council still has an important role in preventing and reducing homelessness for our community. This revised
Homelessness Policy (v2.0) following a period of public comment, demonstrates Council’s commitment to working in partnership to address this complex social issue.

COUNCIL IMPLICATIONS:

a. Policy:
Homelessness Policy v1.0 (superseded)
Homelessness Policy v2.0
As part of the review of version 1.0, an outcome has been the development of a new draft Affordable, Attainable and Appropriate Housing Policy Statement.

b. Budget/Long Term Financial Plan:
Resourcing for associated action plan be incorporated into the Community Development Strategy and associated budget.

c. Legal:
Not Applicable.

d. Communication/Engagement:
Empower-We will give the community greater opportunity to participate in a transparent flow of information and feedback to Councillors who have been empowered as the Community representatives to make decisions in accordance with the Local Government Act 1993.

Involve/Collaborate-We will work with you on an ongoing basis to ensure your ideas, concerns and aspirations are considered. We will provide feedback on Council’s decisions.

The review involved detailed internal consultation; and external consultation with the Tweed Shire Housing and Homelessness Network (TSHHN). The draft Homelessness Policy (v2.0) went out for a submission period of 42 days for submissions to inform the final policy.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Homelessness Policy v2.0 (ECM 5647323)
Attachment 2. Summary of submissions received and Council response (ECM 5647332)
18 [CNR-CM] Equal Access Advisory Committee

SUBMITTED BY: Community and Cultural Services

People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3 People, places and moving around
3.1 People
3.1.2 Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

ROLE: Collaborator Advocate

SUMMARY OF REPORT:

This report concerns changes to membership of the Equal Access Advisory Committee as a result of the resignation of two members in November 2018 and changes to the committee Terms of Reference relating to Councillor representation.

Resigning members:

<table>
<thead>
<tr>
<th>Member Status</th>
<th>Delegate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Representative</td>
<td>Chris Vannucci</td>
</tr>
<tr>
<td>Councillor</td>
<td>Reece Byrnes</td>
</tr>
</tbody>
</table>

RECOMMENDATION:

That:

1. Council notes the resignations of Chris Vannucci and Cr Reece Byrnes from the Equal Access Advisory Committee.

2. A replacement for Chris Vannucci be sought as per the Terms of Reference.

3. The Terms of Reference be amended regarding Councillor representation to be consistent with other Committees of Council from two Councillors to one Councillor and an alternate Councillor.

4. Cr Warren Polglase continue as the Councillor representative on the Committee and an alternate Councillor be appointed.
REPORT:

Two members of the Equal Access Advisory Committee resigned in November 2018. Chris Vannucci will move from Dementia Australia to a position outside of the Shire and is no longer able to continue as a Committee member. Chris Vannucci has been a member of the Equal Access Advisory Committee since 2012. The Terms of Reference state that:

*Should a member resign and a vacancy exists, the Committee has the power to recommend a replacement member who is to be approved by Council or a delegated Council officer. Resignations should be in writing and addressed to the General Manager.*

At the Committee Meeting on 19 December 2018 a replacement will be discussed. Council will be advised of the outcome.

Cr Reece Byrnes resigned from the Equal Access Advisory Committee in November 2018.

The inclusion of two councillors on this committee is not consistent with membership in other Committees of Council. This is an opportunity to bring the Terms of Reference for the Equal Access Advisory Committee in line with the other committees and appoint one councillor representative and an alternate councillor.

The Terms of Reference state that membership include:

*A maximum of eight community representatives including people with disabilities, carers and/or representatives of peak disability, aged care and other related organisations, plus two Councillors and senior council officer will be voting members of the Committee.*

This will be change to:

*A maximum of eight community representatives including people with disabilities, carers and/or representatives of peak disability, aged care and other related organisations, plus one Councillor and an alternate Councillor. Community representatives, Councillor and senior council officer will be voting members of the Committee.*

The current composition of the Equal Access Advisory Committee is as follows:

<table>
<thead>
<tr>
<th>Member Status</th>
<th>Delegate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Representative</td>
<td>Prospero Aplet - Chairperson</td>
</tr>
<tr>
<td>Community Representative</td>
<td>Suzanne Hudson</td>
</tr>
<tr>
<td>Community Representative</td>
<td>Milena Morrow</td>
</tr>
<tr>
<td>Community Representative</td>
<td>Una Cowdroy</td>
</tr>
<tr>
<td>Community Representative</td>
<td>Wendy Gilbett</td>
</tr>
<tr>
<td>Community Representative</td>
<td>Beverly Kelso</td>
</tr>
<tr>
<td>Community Representative</td>
<td>Nathan Quinell</td>
</tr>
<tr>
<td>Community Representative</td>
<td>Vacant</td>
</tr>
<tr>
<td>Councillor Representative</td>
<td>Cr Warren Polglase</td>
</tr>
<tr>
<td>Council Officer - Community</td>
<td></td>
</tr>
<tr>
<td>and Cultural Services</td>
<td></td>
</tr>
<tr>
<td>Council Officer - Engineering</td>
<td></td>
</tr>
<tr>
<td>Council Officer - Building</td>
<td></td>
</tr>
<tr>
<td>and Environmental Health</td>
<td></td>
</tr>
</tbody>
</table>
Council Meeting Date: Wednesday 12 December 2018

Council Officer - Planning and Regulation

OPTIONS:

1. That Council notes the resignations of Chris Vannucci and Cr Reece Byrnes from the Equal Access Advisory Committee and endorses changes to the Terms of Reference relating to Councillor representation.

2. That Council seeks further information.

CONCLUSION:

The Equal Access Advisory Committee advises Council on matters regarding access and inclusion. The Committee has played an important role in the development and implementation of Council’s Access and Inclusion Plans now mandatory under the Disability Inclusion Act 2014. The second Plan 2018-2021 was adopted by Council on 16 November 2018.

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.
19 [CNR-CM] RFO2018125 Bulk Receipt of Food Organics & Garden Organics

SUBMITTED BY: Waste Management

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1
1.3 Leaving a Legacy
1.3.1 Utility Services
1.3.1.1 Rubbish and Recycling Services - To collect, recycle and dispose of residential and commercial waste, manage landfill sites and deliver community education so as to divert rubbish from landfill.

ROLE: Leader

SUMMARY OF REPORT:

Request for Offer RFO2018125 Bulk Receipt of Food Organics & Garden Organics was called to engage a suitably qualified and experienced Panel of Providers to conduct Handling and Processing of Food Organic and Garden Organic (FOGO) waste to relevant legislation, standards and guidelines.

At the time of closing three (3) Offers were received.

The evaluation of the offers against the Selection Criteria is contained in the Offer Evaluation Report included in CONFIDENTIAL ATTACHMENT 1. The recommendations are based on the evaluation.

RECOMMENDATION:

That in respect to Contract RFO2018125 Bulk Receipt of Food Organics & Garden Organics:

1. Council approves formation of a Panel of Providers including Eric Child and Sons Pty Ltd, NuGrow Ipswich Pty Ltd and Phoenix Power Recyclers for a 2 year period (with an optional 12 months extension at Councils discretion). And that Council gives no Guarantee to any amount of works under this Panel of Providers contract agreement.

2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and at finalisation of the contract.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
   (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
REPORT:

Offer Background
This Request for Offer has been prepared for the purpose of engaging a suitably qualified and experienced Panel of Providers to conduct Handling and Processing of Food Organic and Garden Organic (FOGO) waste to relevant legislation, standards and guidelines.

The contract term is 24 months, with an optional 12 month extension (Council's discretion).

The intent of this contract is that Council will have multiple options to take the FOGO material, there will not be any guarantee that all material will be delivered to a single site.

Offer Advertising/Distribution
The Offer was invited in accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government. The Offer was officially advertised in The Sydney Morning Herald on Tuesday 16/10/2018 and also in the Tweedlink on 17/10/2018.

Offer Addendums
Notice to Bidders No.01 was issued on 16/10/2018 to provide tonnages and contamination figures based on TSC operations over the past 2 years. The average tonnage per month is 1000 tonnes.

Offer Submissions
Offer submissions closed at 4:00pm (local time) on 7 November 2018 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

The Tender Box was opened by Council's delegated Officers after 4:00pm (local time) and the following Offers were recorded:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>ABN</th>
<th>Offered Amount (incl GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eric Child and Sons Pty Ltd</td>
<td>46 808 931 809</td>
<td>Confidential Information</td>
</tr>
<tr>
<td>NuGrow Ipswich Pty Ltd</td>
<td>34 124 571 875</td>
<td></td>
</tr>
<tr>
<td>Phoenix Power Recyclers</td>
<td>16 618 583 985</td>
<td></td>
</tr>
</tbody>
</table>

Offer Evaluation Panel
Council's Offer Evaluation Panel was made up as follows:

<table>
<thead>
<tr>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Manager Contracts</td>
</tr>
<tr>
<td>Coordinator Waste Management</td>
</tr>
<tr>
<td>Waste Operations Officer</td>
</tr>
</tbody>
</table>

Evaluation Criteria
Offers were evaluated as per the Offer Evaluation Plan dated 5 November 2018.

Post Offer Correspondence
Eric Child and Sons Pty Ltd were contacted by email on 8/11/2018 to seek confirmation and clarification of some elements of their offer. In particular their ability to meet all relevant legislation requirements for the processing of food organics and garden organics including any relevant Environmental Protection Licences (or equivalent). The post offer communication
also sought to clarify the bidders subcontract relationship with the owner/operator of the proposed processing facility (whom happen to have also submitted an offer for RFO2018125).

Eric Child and Sons Pty Ltd did not provide a written response prior to submission of this report and so their offer can only be accepted onto the panel on the basis that they will need to provide the required information before their service can be used.

The panel concurred that Eric Child and Sons Pty Ltd submission does not meet the requirements of the specification and is therefore a non-conforming offer. However, it is recommended that they be listed as a Panel member on the basis that they will need to provide the required information in order to be deemed conforming to Councils specification and requirements.

**Evaluation Discussion**

The offer is to form a panel of suitably qualified providers and there is no guarantee of any amount of work to each bidder, therefore there is no risk to Council to include all bidders on the panel of providers. Eric Child and Sons Pty Ltd, NuGrow Ipswich Pty Ltd and Phoenix Power Recyclers are all considered suitable to form a panel of providers.

For budgeting purposes, each bidder’s price has been extended to a total estimated price for the duration of the 24 month contract based on the average monthly volume (1000 tonne) collected by Council in the last year.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>ABN</th>
<th>Estimated Total (incl GST) Tonnage Rate x 1000t per month x 24 months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eric Child and Sons Pty Ltd</td>
<td>46 808 931 809</td>
<td>Confidential Information</td>
</tr>
<tr>
<td>NuGrow Ipswich Pty Ltd</td>
<td>34 124 571 875</td>
<td></td>
</tr>
<tr>
<td>Phoenix Power Recyclers</td>
<td>16 618 583 985</td>
<td></td>
</tr>
</tbody>
</table>

**Alternative Options**

Lismore City Council operate a Food Organic and Garden Organic (FOGO) waste processing facility that can produce an organic certified product that is then on sold to recover processing costs. The Lismore facility is accepting limited quantities of material from Tweed Shire at the time of this report but their capacity may change during the term of this contract and there may be a cost benefit to work with Lismore City Council.

It should also be noted that there is no requirement to go through a tender process when the contract is between Councils. As per the s 55(3) of the Local Government Act 1993.

**Total Cost to Transport and Process**

Transportation of FOGO material to the proposed processing facilities needs to be factored in to be able to rank the panel members as well as the Alternative Lismore City Council option. Council engages Solo Resource Recovery under RFO2016040 to perform loading at Stotts Creek Facility and the transportation to Councils chosen green waste processing facility on a price per km rate agreement.
The following cost matrix shows external transport cost calculations and total cost (and sorted in order of total cost).

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Site Address</th>
<th>Distance from Stotts Creek</th>
<th>Councils Transport Cost (Cost per 19 tonne load using walking floor)</th>
<th>Councils Transport Cost (Cost per 1 tonne load using walking floor)</th>
<th>Total Price per tonne FOGO (Transport and Processing costs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Eric Child and Sons Pty Ltd (subject to providing evidence of compliance and processing facility arrangements)</td>
<td>325 Sandy Creek Rd Bromelton QLD</td>
<td>114km</td>
<td>Confidential Information</td>
<td>Confidential Information</td>
<td>Confidential Information</td>
</tr>
<tr>
<td></td>
<td>1 Swanbank Rd Swanbank QLD</td>
<td>135km</td>
<td>Confidential Information</td>
<td>Confidential Information</td>
<td>Confidential Information</td>
</tr>
<tr>
<td>*Lismore City Council Community Recycling Centre (Alternative to RFO2018125 where beneficial to both Councils)</td>
<td>Wyrallah Road Lismore NSW</td>
<td>98km</td>
<td>Confidential Information</td>
<td>Confidential Information</td>
<td>Confidential Information</td>
</tr>
<tr>
<td>Phoenix Power Recyclers</td>
<td>126 Sandy Creek Yatala QLD</td>
<td>84km</td>
<td>Confidential Information</td>
<td>Confidential Information</td>
<td>Confidential Information</td>
</tr>
<tr>
<td>NuGrow Ipswich Pty Ltd</td>
<td>1 Swanbank Rd Swanbank QLD</td>
<td>135km</td>
<td>Confidential Information</td>
<td>Confidential Information</td>
<td>Confidential Information</td>
</tr>
</tbody>
</table>

**Recommendation**

It is recommended that offers from Eric Child and Sons Pty Ltd, NuGrow Ipswich Pty Ltd and Phoenix Power Recyclers be accepted as Service Providers on a panel of providers arrangement for a 2 year period (with an optional 12 months extension at Councils discretion) commencing on the date of the Letter of Acceptance issued by Council.

It is also recommended that Lismore Council continue to be used when the total cost to transport and process is competitive against Panel members. Councils Waste Management team may utilise this option based on the knowledge that there is no requirement to go through a tender process when the contract is between Councils (as per the s 55(3) of the Local Government Act 1993).

The ranking of suppliers based on the total cost to Council (including external transport costs) are:
OPTIONS:
That Council:

1. Approves formation of a Panel of Providers including Eric Child and Sons Pty Ltd, NuGrow Ipswich Pty Ltd and Phoenix Power Recyclers for a 2 year period (with an optional 12 months extension at Councils discretion). And that Council gives no Guarantee to any amount of works under this Panel of Providers contract agreement.

2. Declines to accept any of the Offers, including reasons for this course of action in accordance with Regulation 178 of the Local government (General) Regulation 2005).

CONCLUSION:

It is recommended that offers from Eric Child and Sons Pty Ltd, NuGrow Ipswich Pty Ltd and Phoenix Power Recyclers be accepted as Service Providers on a panel of providers arrangement for a 2 year period (with an optional 12 months extension at Councils discretion) commencing on the date of the Letter of Acceptance issued by Council).

It is also recommended that Lismore Council continue to be used when the total cost to transport and process is competitive against Panel members. Councils Waste Management team may utilise this option based on the knowledge that there is no requirement to go through a tender process when the contract is between Councils (as per the s 55(3) of the Local Government Act 1993).

COUNCIL IMPLICATIONS:

a. Policy:
   Procurement Policy v1.7
   In accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:
   Provision for service under RFO2018125 is included in Waste Management Units 18/19, 19/20 and 20/21 Annual Budgets for Food, Organics and Garden waste processing.
   Charges are recovered through the domestic waste management charges as well as Stotts Creek Resource Recovery facility gate fees.

c. Legal:
   Not Applicable.

d. Communication/Engagement:
   Inform - We will keep you informed.
UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2018125 - Offer Evaluation Report (ECM 5662115).
REPORTS FROM THE DIRECTOR ENGINEERING

20 [E-CM] Doon Doon - Classification of Land as Operational

SUBMITTED BY: Design

Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4 Behind the scenes
4.1 Assurance
4.1.3 Legal Services - To support and advise staff on organisational legal issues and property management of Council controlled assets

ROLE: Leader

SUMMARY OF REPORT:

At its meetings of 15 February 2018 and 17 May 2018, Council resolved to purchase part Lot 4 DP 838936, 269 Doon Doon Road, Doon Doon and Lot 2 DP 838936, 511 Doon Doon Road, Doon Doon.

Settlement of the purchase of Lot 2 in DP 1246411 (previously part Lot 4 DP 838936) occurred on 21 September 2018 and settlement of purchase of Lot 2 DP 838936 occurred on 22 June 2018 and pursuant to Section 31 of the Local Government Act 1993, Council is required to classify all land held by it.

Prior to resolving to classify the land, Council was required to publish a notice of its intention to classify the land. Such a notice was published in the Tweed Link on 13 November 2018 with a submission period of 28 days, which expired on 10 December 2018 and no submissions were received.

It is recommended that Council approve the classification of the subject land as operational in pursuance of its obligations under the Local Government Act, 1993.

RECOMMENDATION:

That Council, in accordance with Section 31 of the Local Government Act, 1993, classify Lot 2 DP 1246411 being 269 Doon Doon Road, Doon Doon and Lot 2 DP 838936 being 511 Doon Doon Road, Doon Doon as Operational Land.
REPORT:

At its meetings of 15 February 2018 and 17 May 2018 Council resolved to purchase part Lot 4 DP 838936, 269 Doon Doon Road, Doon Doon and Lot 2 DP 838936, 511 Doon Doon Road, Doon Doon for the purpose of the proposed raising of the Clarrie Hall Dam which immediately affects these properties.

Settlement of the purchase of Lot 2 in DP 1246411 (previously part Lot 4 DP 838936) occurred on 21 September 2018 and settlement of purchase of Lot 2 DP 838936 occurred on 22 June 2018 and pursuant to Section 31 of the Local Government Act 1993, Council is required to classify all land held by it.

In compliance with Section 31 of the Local Government Act 1993 Council is required to provide a land classification to this parcel of land within three (3) months of the date of transfer to Council or issue of Title. Failure to classify land intended to have an operational classification will result in the land being automatically classified as Community Land and will limit the use of the land pursuant to Section 35 of the Local Government Act, 1993.

Prior to resolving to classify the land, Council was required to publish a notice of its intention to classify the land. Such a notice was published in the Tweed Link on 13 November 2018 with a submission period of 28 days, which expired on 10 December 2018 and no submissions were received.

OPTIONS:

As the classification of land is a statutory obligation under Section 31 of the Local Government Act, 1993, there are no alternative options available regarding this matter. The property is to be utilised for operational purposes associated with the raising of the Clarrie Hall Dam project.

CONCLUSION:

Council is required to classify all land held by it pursuant to Section 31 of the Local Government Act, 1993 and the purpose of this report is to fulfil that statutory obligation.

It is recommended that Council approve the classification of the subject land as operational in pursuance of its obligations under the Local Government Act, 1993.

COUNCIL IMPLICATIONS:


b. Budget/Long Term Financial Plan: Clarrie Hall Dam construction.

c. Legal: Not Applicable.

d. Communication/Engagement: Consult-We will listen to you, consider your ideas and concerns and keep you informed.

Advertised in the Tweed Link on 13 November 2018 providing 28 days for submissions.
UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
21 [E-CM] Crescent Street, Cudgen - Classification of Land as Operational

SUBMITTED BY: Design

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1. Leaving a Legacy
1.4 Managing Community Growth
1.4.1 Strategic Land-Use Planning - To plan for sustainable development which balances economic environmental and social considerations. Promote good design in the built environment.

ROLE: Leader

SUMMARY OF REPORT:

Proposed Lot 38 in the plan of subdivision of Lot 11 DP 1212919 at Cudgen is to be transferred to Council as Drainage Reserve as a condition of consent pursuant to DA13/0024.

In compliance with Section 31 of the Local Government Act 1993 Council is required to provide a land classification to this parcel of land.

Prior to resolving to classify the land Council was required to publish a notice of its intention to classify the land in a locally circulated publication. Such notice advertising the proposed classification of “Operational Land” to Lot 38 in the plan of subdivision of Lot 11 DP 1212919 was published in the Tweed Link on 13 November 2017. No submissions were received.

It is recommended that Council approve the transfer and classification of the subject land as operational in pursuance of its obligations under the Local Government Act 1993.

RECOMMENDATION:

That:

1. Council approves the transfer to Council of proposed Lot 38 in the plan of subdivision of Lot 11 DP 1212919 at Tweed Heads South.

2. Proposed Lot 38 in the plan of subdivision of Lot 11 DP 1212919 be classified as Operational Land pursuant to Section 31 of the Local Government Act, 1993.

3. All necessary documentation be executed under the Common Seal of Council.
REPORT:

Proposed Lot 38 in the plan of subdivision of Lot 11 DP 1212919 at Cudgen is to be transferred to Council as Drainage Reserve pursuant to consent Condition 83A under DA13/0024. Refer to Diagram 1 below.

Diagram 1:
A bio-retention basin was required and construction of same has been approved by Council and works completed.

In compliance with Section 31 of the Local Government Act 1993, Council is required to provide a land classification to this parcel of land within three (3) months of the date of transfer to Council or issue of Title. Failure to classify land intended to have an operational classification will result in the land being automatically classified as Community Land and will limit the use of the land pursuant to Section 35 of the Local Government Act, 1993.

Prior to resolving to classify the land, Council was required to publish a notice of its intention to classify the land in a locally circulated publication. Such notice advertising the proposed classification of “Operational Land” to Lot 38 in the plan of subdivision of Lot 11 DP 1212919 was published in the Tweed Link on 13 November 2017. No submissions were received.

OPTIONS:

As the classification of land is a statutory obligation under Section 31 of the Local Government Act, 1993, there are no alternative options available regarding this matter. The property is to be utilised for operational purposes associated with a drainage reserve.

CONCLUSION:

Council is required to classify all land held by it pursuant to Section 31 of the Local Government Act, 1993 and the purpose of this report is to fulfil that statutory obligation.

It is recommended that Council approve the classification of the subject land as operational in pursuance of its obligations under the Local Government Act, 1993.

COUNCIL IMPLICATIONS:

a. Policy:
Classification of Land pursuant to Section 31 of the Local Government Act, 1993.

b. Budget/Long Term Financial Plan:
To form part of the future Water and Wastewater budget.

c. Legal:
Not Applicable.

d. Communication/Engagement:
Consult-We will listen to you, consider your ideas and concerns and keep you informed.

Advertised in the Tweed Link on 13 November, 2018 allowing 28 days for submissions.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
SUMMARY OF REPORT:

At its meeting of 2 February 2017 Council resolved to proceed with the closure of a section of Bells Boulevard, Kingscliff to facilitate a long term lease over the closed road to Salt Surf Life Saving Club.

The road closure has been finalised and the new Certificate of Title issued in the name of Tweed Shire Council – 1/1239474. Pursuant to Section 31 of the Local Government Act, 1993, Council is required to classify all land held by it.

Prior to resolving to classify the land, Council was required to publish a notice of its intention to classify the land. Such a notice was published in the Tweed Link on 20 November 2018 allowing 28 days for submissions. No submissions were received.

It is recommended that Council approve the classification of the subject land as operational in pursuance of its obligations under the Local Government Act, 1993.

RECOMMENDATION:

That Council, in accordance with Section 31 of the Local Government Act 1993 classify Lot 1 DP 1239474, Bells Boulevard, Kingscliff as operational land.
REPORT:

At its meeting of 2 February 2017 Council resolved to proceed with the closure of a section of Bells Boulevard, Kingscliff to facilitate a long term lease over the closed road to Salt Surf Life Saving Club. Please refer to Diagram 1

Diagram 1 – DP 1239474 showing the road closure parcel as Lot 1

The road closure has been finalised and the new Certificate of Title issued in the name of Tweed Shire Council – 1/1239474. Pursuant to Section 31 of the Local Government Act,
1993, Council is required to classify all land held by it within 3 months of the date of transfer to Council.

It is intended to classify the land as operational, to reflect the operational nature of the land and its improvements.

Prior to resolving to classify the land, Council was required to publish a notice of its intention to classify the land. Such a notice was published in the Tweed Link on 20 November 2018 allowing 28 days for submissions. No submissions were received.

It is recommended that Council approve the classification of the subject land as operational in pursuance of its obligations under the Local Government Act, 1993.

OPTIONS:

As the classification of land is a statutory obligation, there are no alternative options available regarding this matter.

CONCLUSION:

Council is required to classify all land held by it and the purpose of this report is to fulfil that statutory obligation. It is recommended that Council approve the classification of the subject land as operational land in pursuance of Section 31 of the Local Government Act 1993.

COUNCIL IMPLICATIONS:

a. Policy:
Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:
No future Council financial obligations.

c. Legal:
In accordance with the classification of land acquired after July 1993, being Section 31 of the Local Government Act 1993.

d. Communication/Engagement:
Inform - We will keep you informed.

The proposed classification of land was advertised in the Tweed Link on 20 November 2018 providing 28 days for submissions to be received.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
23 [E-CM] Classification of Land as Operational under the Voluntary House Purchase Scheme

SUBMITTED BY: Design

Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4 Behind the scenes
4.1 Assurance
4.1.3 Legal Services - To support and advise staff on organisational legal issues and property management of Council controlled assets

ROLE: Leader

SUMMARY OF REPORT:

At its meeting of 21 June, 2018, Council resolved to purchase the following properties pursuant to the Voluntary House Purchase Scheme as a result of the 2017 major flood event:

1. Lot 1 DP 381507, 323 Burringbar Road, Upper Burringbar
2. Lot 1 DP 6624, 20 Pottsville Road, Mooball
3. Lot 2 Section 12 DP 2974, 6 Holland Street, South Murwillumbah
4. Lots A, B, C, D DP 6624, 6 Clarkes Road, Mooball.

Settlement of the purchase of Lot 1 DP 381507, 323 Burringbar Road, Upper Burringbar occurred on 10 September 2018.

Settlement of the purchase of Lot 1 DP 6624, 20 Pottsville Road, Mooball occurred on 17 October 2018.

Settlement of the purchase of Lot 2 Section 12 DP 2974, 6 Holland Street, South Murwillumbah occurred on 26 September 2018.

Settlement of the purchase of Lots A, B, C, D DP 6624, 6 Clarkes Road, Mooball occurred on 26 October 2018.

Pursuant to Section 31 of the Local Government Act 1993, Council is required to classify all land held by it.

Prior to resolving to classify the land, Council was required to publish a notice of its intention to classify the land. These notices were published in the Tweed Link on 13 November 2018 and 20 November 2018 with a submission period of 28 days.
RECOMMENDATION:

That Council, in accordance with Section 31 of the Local Government Act, 1993, classifies the following properties as "Operational Land":

1. Lot 1 DP381507, 323 Burringbar Road, Upper Burringbar;
2. Lot 1 DP6624, 20 Pottsville Road, Mooball;
3. Lot 2 Section 12 DP2974, 6 Holland Street, South Murwillumbah; and
4. Lots A, B, C, D DP6624, 6 Clarkes Road, Mooball
REPORT:

At its meeting of 21 June, 2018, Council resolved to purchase the following properties pursuant to the Voluntary House Purchase Scheme as a result of the 2017 major flood event:

1. Lot 1 DP 381507, 323 Burringbar Road, Upper Burringbar
2. Lot 1 DP 6624, 20 Pottsville Road, Mooball
3. Lot 2 Section 12 DP 2974, 6 Holland Street, South Murwillumbah
4. Lots A, B, C, D DP 6624, 6 Clarkes Road, Mooball.

Settlement of the purchase of Lot 1 DP 381507, 323 Burringbar Road, Upper Burringbar occurred on 10 September 2018.

Settlement of the purchase of Lot 1 DP 6624, 20 Pottsville Road, Mooball occurred on 17 October 2018.

Settlement of the purchase of Lot 2 Section 12 DP 2974, 6 Holland Street, South Murwillumbah occurred on 26 September 2018.

Settlement of the purchase of Lots A, B, C, D DP 6624, 6 Clarkes Road, Mooball occurred on 26 October 2018.

Pursuant to Section 31 of the Local Government Act 1993, Council is required to classify all land held by it.

In compliance with Section 31 of the Local Government Act 1993, Council is required to provide a land classification to these parcels of land within three (3) months of the date of transfer to Council or issue of Title. Failure to classify land intended to have an operational classification will result in the land being automatically classified as Community Land and will limit the use of the land pursuant to Section 35 of the Local Government Act 1993.

Advice has been provided by the appropriate officer from the Roads and Stormwater Unit that classification of the land as operational is required to enable demolition and rehabilitation works to occur.

Prior to resolving to classify the land, Council was required to publish a notice of its intention to classify the land. Such notices were published in the Tweed Link on 13 November 2018 and 20 November 2018 with a submission period of 28 days for each notice. No submissions were received.

OPTIONS:

As the classification of land is a statutory obligation under Section 31 of the Local Government Act 1993, there are no alternative options available regarding this matter.

CONCLUSION:

Council is required to classify all land held by it pursuant to Section 31 of the Local Government Act 1993 and the purpose of this report is to fulfil that statutory obligation.

It is recommended that Council approve the classification of the subject land as operational in pursuance of its obligations under the Local Government Act, 1993.
COUNCIL IMPLICATIONS:

a. Policy:
For the purpose of Voluntary House Purchase Scheme.

b. Budget/Long Term Financial Plan:
There are no budgetary or financial implications arising from this report.

c. Legal:
Not Applicable.

d. Communication/Engagement:
Consult-We will listen to you, consider your ideas and concerns and keep you informed.

Advertised in the Tweed Link on 13 November 2018 providing 28 days for submissions.
Advertised in the Tweed Link on 20 November 2018 providing 28 days for submissions.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
24 [E-CM] Tweed Valley Hospital - s138 Application DWY18/0327

SUBMITTED BY: Roads and Stormwater

People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3 People, places and moving around
3.3 Moving around
3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: Advocate

SUMMARY OF REPORT:

Health Infrastructure has submitted under Section 138 Roads Act 1993 (s138) an application for road accesses to 771 Cudgen Road as preliminary enabling works for the new Tweed Valley Hospital. Council is the Roads Authority for Cudgen Road and Turnock Street, where the works are proposed.

Typically, s138 applications are assessed and approved under delegation by the Manager Roads and Stormwater, however in this instance the application has been called up to be reported to Council for determination (Councillors Milne and Byrnes), and accordingly, this report provides a summary of the application, its assessment, and recommended approval conditions, if supported.

The proposed accesses will principally be used for ingress and egress of construction related vehicles relating to Preliminary Works and Stage 1 construction. However, as the accesses will remain and be used for the operation of the Hospital, suitable conditions are required to allow Council the opportunity to make comment on the accesses’ use in an operational context, in association with future Stage 2 applications for the Hospital.

RECOMMENDATION:

That the S138 Application DWY18/0327 be approved by Council, subject to:

1. The conditions applied in Attachment 1 of this report, and
2. The marked up plans contained in Attachment 2 of this report.
REPORT:

The NSW State Government has announced construction of a new Tweed Valley Hospital at 771 Cudgen Road, Kingscliff. A State Significant Development Application (SSD) and Environmental Impact Statement (EIS) are currently before the Department of Planning and Environment (DPE) for “Stage 1” of the Hospital Construction. The EIS also describes a number of Preliminary Works for the site, which are exempt development under State Environmental Planning Policy (Infrastructure) (ISEPP), for which Health Infrastructure is the consent authority under Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

On 16 October 2018 Council received a Notification of Activity under the ISEPP for proposed road upgrade works and utilities connections. The works include 2 new site accesses on Cudgen Road and Turnock Street. While under planning legislation the works do not require development consent, Section 138 of the Roads Act 1993 (s138) still requires consent from the Roads Authority (in this case Council) prior to commencing works in the road reserve.

Section 138 Roads Act 1993 states the following:

"138 Works and structures

(1) A person must not:
(a) erect a structure or carry out a work in, on or over a public road, or
(b) dig up or disturb the surface of a public road, or
(c) remove or interfere with a structure, work or tree on a public road, or
(d) pump water into a public road from any land adjoining the road, or
(e) connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

Maximum penalty: 10 penalty units.

(2) A consent may not be given with respect to a classified road except with the concurrence of RMS.

(3) If the applicant is a public authority, the roads authority and, in the case of a classified road, RMS must consult with the applicant before deciding whether or not to grant consent or concurrence.

(4) This section applies to a roads authority and to any employee of a roads authority in the same way as it applies to any other person.

(5) This section applies despite the provisions of any other Act or law to the contrary, but does not apply to anything done under the provisions of the Pipelines Act 1967 or under any other provision of an Act that expressly excludes the operation of this section."

Council accepted a s138 application on 27 November 2018 (DWY18/0327) for the two site accesses. Typically, s138 applications are assessed and approved under delegation by the Manager Roads and Stormwater, however in this instance the application has been called up to be reported to Council for determination (Councillors Milne and Byrnes).

The road works proposed under this application will primarily provide access to the site for construction purposes for site enabling works (Stage 1), however the accesses are expected to remain as constructed to provide two of the planned four vehicular accesses to the final
approved Hospital building (Stage 2). It would be expected that further applications under Section 138 Roads Act will be forthcoming for the Stage 2 accesses and any other road works or upgrades deemed necessary for the Hospital development.

The two proposed accesses are described as:

Access A: an ancillary lane, left in only from Cudgen Road at the west end of the site, initially for construction access, and ultimately access for emergency vehicles, service vehicles, and staff car parking.

Access D: installation of a fourth leg on the existing roundabout located at the intersection of Cudgen Road and Turnock Street, for egress and ingress to the site initially for construction access and ultimately access for emergency vehicles, service vehicles, and staff and public car parking.

Accesses A and D are shown in Figure 4.3 below. Refer to Attachment 1 of this report for detailed engineering plans of the access works.

Comments were previously provided to Health Infrastructure based on the concept design provided under their ISEPP notification (Council’s letter dated 29 October 2018). These were reiterated in the report to the 6 December Planning Committee meeting as part of Council’s submission to DPE for the Stage 1 SSD exhibition.

For Access A, those comments related to its angle of approach to Cudgen Road which is not commensurate with a typical driveway alignment perpendicular to the public road, the design speed (40km/hr), and potential conflicts with cyclists and pedestrians on the shared user path.
on Cudgen Road. Comments on Access D related to pedestrian access and the potential reduction in capacity associated with the roundabout’s modification to a single lane configuration.

In response, further information was provided by consultants for Health Infrastructure and summarised below.

**Access A Ancillary Lane**

*Consultant response:* The authorised vehicle access has been designed as a kerb return with the inclusion of a deceleration lane. The future main hospital access for patients and visitors is planned to be a signalised intersection with access right angled to Cudgen Road. The access is designed as left in only and given its location vehicles travelling westbound would have passed two previous right turn access points to enter the site. The western left-in lane will be for authorised vehicles only (ambulances and other service vehicles) and will be appropriately signed, line marked and controlled.

The access can be compared to that provided to an aged care residential community on Darlington Drive as shown below in Figure 1.

*Figure 1 Kimberley Vue, 17 Darlington Dr Banora Point*

*Council response:* Suitable conditions can be applied to the proposed access to limit impacts on users of the existing shared user path (refer Attachment 2). It is not possible to impose operational requirements under the Roads Act as these are matters for the planning approval. However as the Roads Authority, Council may impose additional signage or design improvements to these accesses under further applications in later Stages of the Hospital development, and comment on operational uses for these accesses under the Stage 2 SSD application.

**Access D Roundabout**

*Consultant response:* The intended use of the roundabout connection under this proposal will be to provide ingress and egress to the site for construction purposes for the preliminary
works. The additional leg to the roundabout intersection provides direct access to the site from the eastern catchment, removing the reliance on the proposed new Cudgen Road intersection fronting the site and providing sufficient site access capacity and intersection operations. The reduced approach and circulation lanes are proposed to provide compliant lane configurations and to improve lane balance and utilisation through the intersection.

Council response: The revised plans have addressed connectivity of footpaths around the new site access. Modifications to the roundabout circulation lanes are acceptable, and consistent with other configurations used successfully in Tweed Shire.

OPTIONS:

1. Issue an approval for the works within the road reserve with conditions and approved plans, as per Attachments 1 and 2 of this report.

2. Refuse the application and require the applicant to modify the Access A alignment to meet Council’s specifications for a driveway access aligned perpendicular to Cudgen Road, rather than an ancillary lane, and resubmit the application.

3. Refuse the application.

Council officers recommend Option 1, to approve the s138 application with appropriate conditions and marked up plans in accordance with Attachments 1 and 2 of this report.

CONCLUSION:

The application (DWY18/0327) under Section 138 Roads Act is to provide Stage 1 construction ingress and egress to the new Tweed Valley Hospital site, however these accesses will also service the site when the Hospital is operational.

Council has provided feedback to Health Infrastructure on the proposed accesses following their Notification of Activity under the ISEPP. Remaining concerns regarding potential conflict between shared user path users and the Access A ancillary lane can be addressed by way of conditions of approval and additional works by the proponent. Standard conditions will also ensure that the works are carried out to Council’s requirements.

COUNCIL IMPLICATIONS:

a. Policy:
Not Applicable.

b. Budget/Long Term Financial Plan:
Not Applicable.

c. Legal:
Not Applicable.

d. Communication/Engagement:
Inform - We will keep you informed.
There is no public notification requirement for s138 applications. The planning approvals for the Hospital are currently before DPE, with public consultation in accordance with applicable legislation.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Recommended conditions of approval for s138 Application DWY18/0327. (ECM 5667287).

Attachment 2. Recommended approved plans under s138 Application DWY18/0327 (ECM 5666780).
REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

25   [FRIT-CM] Monthly Investment and Section 94 Development Contribution Report for Period Ending 30 November 2018

SUBMITTED BY:   Financial Services

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2   Making decisions with you
2.2   Engagement
2.2.5   Financial Services - To collect and manage Council funds and provide information and advice to support sound financial decision-making.

ROLE:   Leader

SUMMARY OF REPORT:

This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

There is a requirement by Council's investment consultant to allow at least five working days following the end of the month to provide the statistics for this report. Due to this time constraint and the Council requirement to receive reports 10 days prior to the Council meeting, there will be an addendum report provided to Council for consideration at its meeting on 12 December 2018.

RECOMMENDATION:

Refer to addendum report.
REPORT:

As per summary.

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.
[FRIT-CM] NSW Government Parking Fine Concessions

SUBMITTED BY: General Manager

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3 People, places and moving around
3.1 People
3.1.4 Compliance Services - To support a safe and healthy built and natural environment through the enforcement of local government rules and regulations.

ROLE: Collaborator

SUMMARY OF REPORT:

On 30 November 2018, Council received advice and an invitation from the NSW Treasurer to opt into the parking fine concession arrangement.

In this letter, the Treasurer has advised that Council must respond in writing for the concessions to apply. While the initial date to opt into the concessions has been set at 1 January 2019, Council will have further opportunities to opt in at later points in the next year (1 April, 1 July and 1 October).

The NSW Government has advised that it is important that each council has time to consider the implications of a decision to opt in.

Council has had insufficient time to undertake a full analysis on the regulatory, community, operational and financial impacts given the timing of receipt of the letter from the Treasurer. This information is essential to make an informed decision.

Deferring the ‘opt in’ decision until the 1 April 2019 deadline would better align with Council’s budgeting process and allow a comprehensive analysis to be undertaken. The NSW Government has also indicated that there is a two month lead time between notifying the Treasurer in writing of the decision to opt in and the date when the reduced fine amount would take effect. If Council was to decide to opt in, then a transition date of 1 June 2018 would be more desirable from a budget perspective.
RECOMMENDATION:

That a further report be presented to Council at its 21 March 2018 meeting providing a full analysis on the regulatory, community, operational and financial impacts of opting into the NSW Parking Fines Concessions arrangement.
REPORT:

Earlier this year, the NSW Government announced a fines review. This led to an announcement, in June 2018, that ten level 2 parking offence amounts were eligible to be reduced by 25 per cent. However at the time of announcement Council did not have the legislative power to act. The NSW Government has now made the regulatory changes necessary for councils to consider a potential reduction.

In addition to this, a further 42 level 2 parking offence amounts will be eligible for the 25 per cent reduction from 1 January 2019.

The NSW Government has also announced that commencing 31 January 2019, that 10 minute grace periods for metered parking will come into effect. There will be certain exceptions in the interest of safety and preventing congestion (such as at the commencement of a clearway zone).

On 30 November 2018, Council received advice and an invitation from the NSW Treasurer to opt into the parking fine concession arrangement.

In this letter, the Treasurer has advised that Council must respond in writing for the concessions to apply. While the initial date to opt into the concessions has been set at 1 January 2019, Council will have further opportunities to opt in at later points in the next year (1 April, 1 July and 1 October). There is a two month lead time between notifying the Treasurer in writing of the decision to opt in and the date when the reduced fine amount would take effect.

The NSW Government has advised that it is important that each council has time to consider the implications of a decision to opt in.

Council has had insufficient time to undertake a full analysis on the regulatory, community, operational and financial impacts given the timing of receipt of the letter from the Treasurer. This information is essential to make an informed decision.

Deferring the ‘opt-in’ decision until the 1 April 2019 deadline would better align with Council’s budgeting process and allow a comprehensive analysis to be undertaken. The NSW Government has also indicated that there is a two month lead time between notifying the Treasurer in writing of the decision to opt in and the date when the reduced fine amount would take effect. If Council was to decide to opt in, then a transition date of 1 June 2018 would be more desirable from a budget perspective.

OPTIONS:

1. That a further report be presented to Council at 21 March 2018 providing a full analysis on the regulatory, community, operational and financial impacts of opting into the NSW Parking Fines Concessions arrangement.

2. That no detailed analysis is undertaken and Council writes to the Treasurer to opt into the NSW Parking Fines Concession arrangement.

3. That no detailed analysis is undertaken and Council does not opt into the NSW Parking Fines Concession arrangement.
CONCLUSION:

Opting into the NSW Parking Fines Concession arrangement will have regulatory, community, operational and financial impacts. In order to promote informed decision making, a full analysis of these impacts is required to be undertaken.

COUNCIL IMPLICATIONS:

a. Policy:
Road Transport (General) Amendment (Parking Fine Flexibility and Grace Period) Regulation 2018

b. Budget/Long Term Financial Plan:
In the previous financial year, income from parking related enforced fines and penalty notice receipts was $277,616. Without performing an in-depth analysis on the breakup of these receipts to determine what percentage is likely to be affected by the parking fine concessions arrangement, it is estimated that the financial cost of opting into the scheme will be in the range of $70,000 to $90,000 per annum, which if implemented would have a direct impact on Council's ability to staff and consequently regulate parking.

It is anticipated that the expenses related to parking enforcement will likely remain unchanged. Therefore opting into the scheme will result in a budget shortfall that will need to be addressed, through either a reduction in enforcement staff or reduction in some other non-regulatory service.

c. Legal:
Not Applicable.

d. Communication/Engagement:
Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Letter from NSW Treasurer and Minister for Industrial Relations, the Hon Dominic Perrottet MP (ECM 5667860)
REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

27 [PCG-CM] Customer Experience Standards and Managing Unreasonable Customer Conduct

SUBMITTED BY: Communication and Customer Services and Human Resources

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK: 2.2.3 Customer Service

ROLE: Leader

SUMMARY OF REPORT:

Council currently has several Customer related Policies that are lengthy, text heavy and use inconsistent terminology. The aim of this update is to provide a simplified customer experience framework and make service expectations clearer for customers and staff.

This report seeks Council’s approval to put two updated operational Policies On Exhibition for community feedback, with the aim of seeking Council adoption of the updated Policies at the February 2019 Council meeting.

1. The Draft Customer Experience Standards (once adopted) will replace the current Customer Service Charter v1.2 and Response to Correspondence Policy.

2. The Draft Managing Unreasonable Customer Conduct Policy (once adopted) will replace the Dealing with Difficult People Policy.

The following report provides further details on the Customer Experience Framework and further information about each Policy update.
RECOMMENDATION:

That Council endorses the:

- Draft Customer Experience Standards Version 1.7; and
- Managing Unreasonable Customer Conduct Policy Version 1.3

to be put On Exhibition for a period of 50 days from Monday 17 December 2018 until close of business Monday 4 February 2019.
REPORT:

Council currently has several Customer related Policies that are lengthy, text heavy and use inconsistent terminology. The aim of this update is to provide a simplified customer experience framework and make service expectations clearer for customers and staff.

The current Customer Experience Framework

![Current Customer Experience Framework Diagram]

The proposed simplified Customer Experience Framework

![Proposed Simplified Customer Experience Framework Diagram]

Current Volumes of Customer Interactions

Council receives a significant amount of correspondence that it aims to respond to within these standards. These transactions can range from being easy and resolved at the first point of contact through to complex and technical enquiries that require further time and investigation to respond to or resolve. As background, the below information can be considered when understanding the volume of customer interactions Council receives.

- **Counter Transactions/Walk In** – average of 200 per day (4000 per month), peaking in August due to rates. This is an even split across the Tweed and Murwillumbah offices.
- **Telephone (business hours)** – average 325 per day (6800 - 7300 per month). This is through our Contact Centre only and does not include direct line calls to staff or some of our facilities such as Gallery, Museum, Community Services, Library, Tweed Regional Aquatic Centre or Tweed Laboratory. The Contact Centre has an average handling time (total time for a call and wrap up to complete necessary forms/processes) of 4mins 30 seconds and an average wait time of 1min 12 seconds.
- **Telephone (after hours)** – between 4.30pm and 8.30am business days and all weekends, Council’s afterhours provider received an average of 6 calls per day (200 per month / 2400 per year).
- **Emails received by Tweed Shire Council** – Council receives around 200,000 e-mails per month / equivalent to a little over 9,520 per business day with only 2% of these going...
to the corporate e-mail address (tsc@tweed.nsw.gov.au). This does not include regular spam that is already filtered from these figures.

- **Mail** – Council receives an average of 50 Australia Post mail per day (1000 per month).

## Draft Customer Experience Standards

The Draft Customer Experience (2 pages) is a new and improved format and is intended to replace the current 11 page *Customer Service Charter* and 6 page *Response to Correspondence Policy*.

This overarching Policy would be supported by the existing Compliments and Complaint Handling Policy and Privacy Management and Access to Information Policies and the Draft Managing Unreasonable Customer Conduct Policy.

The Customer Experience Standards document includes no significant changes to the standards in the currently adopted Policies. It aligns language, timeframes and provides clear explanations.

The Customer Experience Standards includes

- **Eight customer standards** addressing phone, in person, customer service requests, after hours, website and changes to operating hours.
- **Connect and contact** section explaining all of the ways customers can contact and connect with Council for their customer service needs.
- **What you can expect from us** – how Council staff will behave.
- **What we expect from you** – how Council expects its customers to behave.
- **What we will not accept** – where Council draws the line for unreasonable behaviour.
- **Compliments, feedback and complaints** – explains how customers can provide compliment, feedback and complaints.
- **Related Policies** – links to relevant Customer Experience Policies.

## Draft Managing Unreasonable Customer Conduct

Council currently has a Dealing with Difficult People Policy and it is proposed to replace this with the Draft Managing Unreasonable Customer Conduct Policy.

This Policy is an important part of our customer experience framework, however required some improvements to update to best practice, align with the Ombudsman office and focus on ensuring our staff and customers have a clear understanding of expected behaviours, and the consequences when unreasonable behaviours are displayed.

What has changed?

- Name change to reflect behaviours not the person
- Simplified language
- Aligned with NSW Ombudsman guidelines
- Based on SafeWork Australia and other industry statistics
- Clarity of management actions

The Draft Managing Unreasonable Customer Conduct Policy:

- Supports our customer experience framework
- Meets Council’s legislative requirements
- Provides clear consequences and impacts
- Supports our staff and customers
The NSW Ombudsman Guidelines defines unreasonable behaviour as “any behaviour by a current or former customer which, because of its nature or frequency, raises health, safety, resource or equity issues for staff* and the customers themselves.”

* Includes TSC permanent employees, Councillors, contractors, labour hire, temporary staff, volunteers

The NSW Ombudsman has classified Unreasonable Customer Conduct as:

1. unreasonable persistence
2. unreasonable demands
3. unreasonable lack of cooperation
4. unreasonable arguments
5. unreasonable behaviours

This Policy will be supported by a suite of internal protocols, and training programs through the Human Resources Unit. The program will be two fold developing preventative measures to reduce the risk of incidences occurring and providing support to deliver a safe and healthy workplace.

This Policy is connected to and reinforced in the Draft Customer Experience Standards through highlighting behaviours we will not accept.

**We will not accept...**

- **Verbal and/or physical abuse**
  Council employees have the right to a safe and harassment free workplace. We take a zero tolerance approach to rude, angry, harassing, threatening or abusive behaviours.

- **Unreasonable demands**
  Staff can spend a disproportionate amount of time resolving issues with customers that cannot be satisfied, which reduces time available to assist other customers.

Council has an Unreasonable Customer Conduct Policy, which outlines actions that may be taken for customers who demonstrate unreasonable conduct including those who cannot be satisfied, make unreasonable demands, do not cooperate, who are rude, angry and harassing and those who are threatening and/or abusive.

**OPTIONS:**


b) That Council does not agree to put the Draft Customer Experience Standards and the Draft Managing Unreasonable Customer Conduct on exhibition.
CONCLUSION:

Improving and simplifying our Customer Experience Standards is a positive outcome for Council. These updated Policies will provide clearer expectations for customers and Council staff.

COUNCIL IMPLICATIONS:

a. Policy:

The Draft Customer Experience Standards (once adopted) will replace the current Customer Service Charter v1.2 and Response to Correspondence Policy.

The Draft Managing Unreasonable Customer Conduct (once adopted) will replace the Dealing with Difficult People Policy.

b. Budget/Long Term Financial Plan:

Nil

c. Legal:

Both Policies are being updated to support Council’s legislative requirements. The Managing Unreasonable Customer Conduct will further support Council’s legislative responsibilities under the Work Health and Safety Act.

d. Communication/Engagement:

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

As per Council’s adopted Community Engagement Strategy this is a low impact project requiring the appropriate levels of engagement. These draft Policies feature minimal changes to our existing standards, are operational in nature and bring them into line with operational standards and best practice.

The two Policies that shape our Customer Experience Framework will be put On Exhibition as a package and include:

- A dedicated Your Say Tweed project page featuring a forum for Customer Experience Standards and one for Managing Unreasonable Customer Conduct.
- A dedicated email will be sent to Your Say Tweed registered users.
- A formal On Exhibition notification will go in the Tweed Link.
- A Media Release will go out and relevant social media posts about the Policies and opportunity to provide feedback.
- Customers who call in or visit Council offices during the On Exhibition period will hear short recorded message and some intercept feedback opportunities will be planned at both the Tweed Heads and Murwillumbah offices.
- Copies of both Policies will be available at Council offices and libraries.
UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Customer Experience Standards (ECM 5667010).

Attachment 2. Draft Managing Unreasonable Customer Conduct Policy V1.3 (ECM 5666102).
SUBMITTED BY: Corporate Governance

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

<table>
<thead>
<tr>
<th>4</th>
<th>Behind the scenes</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Assurance</td>
</tr>
<tr>
<td>4.1.3</td>
<td>Legal Services - To support and advise staff on organisational legal issues and property management of Council controlled assets</td>
</tr>
</tbody>
</table>

ROLE: Leader

SUMMARY OF REPORT:

The Legal Services Register Report for 1 July to 30 September 2018 provides the status of legal instructions for the current or recently completed matters which have been issued to legal panel providers. This Report includes payments to various legal providers, as well as payments for barristers and legal consultants where applicable.

The amount paid for legal services for the period 1 July to 30 September 2018 is $134,310.

The principal legal instructions that relate to this quarter include:

<table>
<thead>
<tr>
<th>Legal Matter</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 2795 – Soorley Street – Unauthorised Works</td>
<td>$1,941</td>
</tr>
<tr>
<td>• 2801 – Tanglewood Estate Treatment Plant – Settlement Deed.</td>
<td>$1,001</td>
</tr>
<tr>
<td>• 2822 – DA16/0365 – 26 Tringa Street Tweed Heads West – 60 lot Subdivision.</td>
<td>$2,886</td>
</tr>
<tr>
<td>• 2824 – Zara Road – Unauthorised Works</td>
<td>$33,995</td>
</tr>
<tr>
<td>• 2825 – 1110 Urliup Road - Unauthorised Works</td>
<td>$1,632</td>
</tr>
<tr>
<td>• 2832 – DA17/0383- 355 Tomewin Road – Class 1 Appeal</td>
<td>$54,704</td>
</tr>
<tr>
<td>• 2835 – DA03/0445 – 447 Urliup Road – Class 1 Appeal</td>
<td>$14,280</td>
</tr>
<tr>
<td>• 2837 – DA17/0084 – 128 Leisure Drive - Class I Appeal</td>
<td>$8,900</td>
</tr>
<tr>
<td>• 2838 – 6 Beason Court – Short Term Rental Accommodation</td>
<td>$269</td>
</tr>
<tr>
<td>• 2839 – 337 Round Mountain Road – Legal Advice</td>
<td>$1,257</td>
</tr>
<tr>
<td>• 2842 – DA16/0274 – 42 North Arm Road – Class 1 Appeal</td>
<td>($24,202)</td>
</tr>
<tr>
<td>• 2843 – DA17/0572 – 606 Pottsville Road – Class 1 Appeal</td>
<td>$5,302</td>
</tr>
<tr>
<td>• 2844 – DA17/0498 – 26 Marine Parade – Class 1 Appeal</td>
<td>$16,458</td>
</tr>
<tr>
<td>Legal Matter</td>
<td>Amount</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>• 2848 – Lot 136 Boormans Road – Legal Advice – Unauthorised Activities</td>
<td>$4,614</td>
</tr>
<tr>
<td>• 2849 – 656 Upper Crystal Creek Road – Legal Advice on Use of Property</td>
<td>$11,000</td>
</tr>
<tr>
<td>• 2852 – Biodiversity Act 2016 -- Legal Advice</td>
<td>$273</td>
</tr>
</tbody>
</table>

**RECOMMENDATION:**

That Council receives and notes the Legal Services Register Report for the period 1 July to 30 September 2018.
REPORT:

Expenditure incurred on legal instructions for the period 1 July to 30 September 2018 follows:

<table>
<thead>
<tr>
<th>Category 1 Planning and Environmental Law</th>
<th>Category 2 Local Government Law</th>
<th>Category 3 Commercial/Property Law</th>
<th>Category 4 District/Local Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>$134,310</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

A summary of payments to each of the Legal Service Providers including barristers and legal consultants where applicable, for current or recently completed matters is as follows:

<table>
<thead>
<tr>
<th>Category 1 Planning and Environmental Law</th>
<th>Year to Date</th>
<th>Current Period 1 July to 30 September 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bartier Perry</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>HWL Ebsworth Lawyers</td>
<td>$30,502</td>
<td>$30,502</td>
</tr>
<tr>
<td>Hall &amp; Wilcox</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Lindsay Taylor Lawyers</td>
<td>$42,772</td>
<td>$42,772</td>
</tr>
<tr>
<td>Maddocks Lawyers</td>
<td>$4,827</td>
<td>$4,827</td>
</tr>
<tr>
<td>Marsdens Law Group</td>
<td>$14,280</td>
<td>$14,280</td>
</tr>
<tr>
<td>Sparke Helmore Lawyers</td>
<td>$27,727</td>
<td>$27,727</td>
</tr>
<tr>
<td>Wilshire Webb Staunton Beattie Lawyers</td>
<td>$8,900</td>
<td>$8,900</td>
</tr>
<tr>
<td>Other</td>
<td>$5,302</td>
<td>$5,302</td>
</tr>
<tr>
<td><strong>Sub Total</strong></td>
<td><strong>$134,310</strong></td>
<td><strong>$134,310</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category 2 Local Government Law (litigation and advice)</th>
<th>Year to Date</th>
<th>Current Period 1 July to 30 September 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hall &amp; Wilcox</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Maddocks Lawyers</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Marsdens Law Group</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Prevention Partners</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Swaab Attorneys</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Sub Total</strong></td>
<td><strong>$0</strong></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category 3 Commercial/Property Law</th>
<th>Year to Date</th>
<th>Current Period 1 July to 30 September 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bartier Perry</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Hall &amp; Wilcox</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>HWL Lawyers</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Lindsay Taylor Lawyers</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Maddocks</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Sub Total</strong></td>
<td><strong>$0</strong></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>
## Category 4: District/Local Court

<table>
<thead>
<tr>
<th></th>
<th>Year to Date</th>
<th>Current Period 1 July to 30 September 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minter Ellison – Gold Coast</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Sub Total</strong></td>
<td><strong>$0</strong></td>
<td><strong>$0</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$0</strong></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

## LEGAL SERVICES MATTERS INITIATED PRIOR TO 1 NOVEMBER 2016

### Category 1: Planning and Environmental Law

<table>
<thead>
<tr>
<th>Provider (Reference)</th>
<th>Description</th>
<th>General instructions</th>
<th>Costs</th>
<th>Comments</th>
<th>Current Status as at 3 December 2018</th>
</tr>
</thead>
</table>
| Maddocks Lawyers (2795) | Unauthorised works - Existing use rights - Soorley Street, Tweed Heads South. | Provide legal opinion on existing use rights. | **Prev. Years** $566,950  
**18/19**  $1,941  
**Total** $568,891 | Letter was sent to solicitors for property owner seeking an answer to existing use rights questions. - No answer was received. Council at its meeting held on 7 April 2016 resolved to commence legal proceedings to stop unauthorised activities and seek any punitive measures. | **In Progress.** Class 4 proceedings in the Land and Environment have commenced to remedy and restrain further unauthorised works. Matter partly heard. Council at its meeting held on 5 April 2018, resolved that it instructs its solicitors with Reysson solicitors to seek an adjournment of six months for the current proceedings. Adjournment agreed by Court |
| Lindsay Taylor Lawyers (2801) | Tanglewood Estate Treatment Plant. | Provide advice in respect to the potential resolution of the issues concerned with the Sewerage Treatment Plant. | **Prev. Years** $17,434  
**18/19**  $1,001  
**Total** $18,435 | Solicitor drafted settlement proposal, which was sent to property owner’s Solicitor. Ongoing discussions and negotiations in progress between all parties. | **Completed** Settlement Deed agreed and now executed by all parties. |
### Category 1 - Planning and Environmental Law

<table>
<thead>
<tr>
<th>Provider (Reference)</th>
<th>Description</th>
<th>General instructions</th>
<th>Costs</th>
<th>Comments</th>
<th>Current Status as at 3 December 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sparke Helmore Lawyers (2802)</td>
<td>3222 Kyogle Road Mt Burrell – Unauthorised activities.</td>
<td>Council at its Meeting held on 7 April 2016 resolved to engage solicitors to commence proceedings pertaining to unauthorised activities and seek legal advice regarding options for punitive action.</td>
<td><strong>Prev. Years</strong> $123,106</td>
<td>Significant correspondence has occurred. Council has now commenced legal proceedings, through issuing a summons in the Land and Environment Court against the property owner for breaches of the Environment and Assessment Act 1979.</td>
<td>In Progress</td>
</tr>
</tbody>
</table>

**LEGAL SERVICES MATTERS INITIATED PRIOR TO 1 NOVEMBER 2016**

| TOTAL 2018/2019 | $2,942 |
## COUNCIL INITIATED LEGAL SERVICES AFTER 1 NOVEMBER 2016

### Category 1 - Planning and Environmental Law

<table>
<thead>
<tr>
<th>Provider (Reference)</th>
<th>Description</th>
<th>General instructions</th>
<th>Costs</th>
<th>Comments</th>
<th>Current Status as at 3 December 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maddocks Lawyers (2822)</td>
<td>DA16/0355 26 Tringa Street Tweed Heads West - 60 Lot subdivision.</td>
<td>Council at its Meeting held on 16 March 2017 resolved that it instructs solicitors to defend the Class 1 Appeal in the Land and Environment Court.</td>
<td><strong>Prev. Years</strong> $402,313 18/19 $2,886 Total $405,199</td>
<td>Solicitors engaged to defend the appeal. Appeal commenced, documentation filed with the court. Court ordered the applicant to pay council’s costs of $6,000 thrown away through the lodgement of amended stormwater plans.</td>
<td>Completed On 6 March 2018, Court directed the applicant to file and serve by 30 March 2018, settled documentation to reflect the Commissioner’s determinations. Documentation now filed.</td>
</tr>
<tr>
<td>Lindsay Taylor Lawyers (2824)</td>
<td>Unauthorised Works at the Crown Road off Zara Road Limpinwood.</td>
<td>Council at its Planning Committee Meeting held on 6 April 2017, resolved that it engages solicitors to provide advice regarding the continuing investigation of the unauthorised works.</td>
<td><strong>Prev. Years</strong> $95,772 18/19 $33,995 Total $129,767</td>
<td>Solicitors engaged and have provided appropriate advice. Council at its meeting held on 1 March 2018, resolved that it continues to pursue the alleged offence of Section 76A of the EP&amp;A Act.</td>
<td>In Progress Council’s Solicitors have commenced Class 5 proceedings in the Land and Environment Court against the property owner for undertaking activities without Development Consent. Discussions have been held between parties, with a directions hearing held on 19 October 2018, where the Judge made a number of orders for both parties to comply with. Awaiting hearing date to be set down.</td>
</tr>
<tr>
<td>Provider (Reference)</td>
<td>Description</td>
<td>General instructions</td>
<td>Costs</td>
<td>Comments</td>
<td>Current Status</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td>----------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Lindsay Taylor Lawyers</td>
<td>Unauthorised Works at 1110 Urliup Road Urliup.</td>
<td>Council at its Planning Committee Meeting held on 6 April 2017, resolved that it engages solicitors to provide advice regarding the continuing investigation of the unauthorised works.</td>
<td><strong>Prev. Years</strong> $38,852</td>
<td>Solicitors engaged and have provided appropriate advice. Solicitor for property owner has been requested to respond to a S119J Notice under the EP &amp;A Act 1979</td>
<td><strong>Completed</strong> There has been various communications between Council’s Solicitor and property owner’s Solicitor resulting draft deed to rectify unauthorised works which has now been approved and signed by Council on 31 August 2018.</td>
</tr>
<tr>
<td>HWL Ebsworth</td>
<td>DA17/0383 Demolition of existing Dwelling and Construction of Caravan Park in 5 Stages. 355 Tomewin Road, Dungay</td>
<td>Council at its Meeting held on 7 June 2018, resolved that it engages solicits and relevant experts (as required) to attend any necessary section 34 conference and defend the Class 1 Appeal.</td>
<td><strong>Prev. Years</strong> $9,803</td>
<td>Solicitors engaged, a directions hearing was held in the Land and Environment Court on 25 June 2018.</td>
<td><strong>In Progress</strong> Further directions hearing was held is scheduled for 27 July 2018. Hearing set down for 25 February to 1 March 2019.</td>
</tr>
<tr>
<td>Marsdens Law Group</td>
<td>DA03/0445.03 447 Urliup Road Urliup. Council at its meeting held on 11 May 2017 resolved to refuse the development application for an amendment to DA03/0445.</td>
<td>Council at its Meeting held on 2 November 2017 resolved that it engages legal representation for the Land and Environment Court Class 1 Appeal.</td>
<td><strong>Prev. Years</strong> $77,278</td>
<td>Solicitors engaged directions hearing held on 13 November 2017. Matter was heard on 22 and 23 March 2018. On 30 April 2018 the Court granted the applicant leave to amend the Class 1 Appeal application.</td>
<td><strong>Completed</strong> On 2 May 2018. Amended application placed on public exhibition, matter being reviewed. Appeal heard on 12/13 September 2018. Decision reserved. On 24 October appeal was dismissed and costs were reserved.</td>
</tr>
</tbody>
</table>
### Category 1 - Planning and Environmental Law

<table>
<thead>
<tr>
<th>Provider (Reference)</th>
<th>Description</th>
<th>General instructions</th>
<th>Costs</th>
<th>Comments</th>
<th>Current Status as at 3 December 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wilshire Webb Staunton Beattie (2837)</td>
<td>DA17/0084 128 Leisure Drive Banora Point. Council at its meeting held on 7 September 2017, resolved to refuse the development application.</td>
<td>Council at its Meeting held on 2 November 2017 resolved that it engages legal representation for the Class 1 Appeal and provides delegation to a Councillor and General Manager to undertake negotiations during any upcoming s34 conference.</td>
<td><strong>Prev. Years</strong>&lt;br&gt;$19,702&lt;br&gt;<strong>18/19</strong>&lt;br&gt;$8,900&lt;br&gt;<strong>Total</strong>&lt;br&gt;$28,602</td>
<td>Solicitors engaged s34 conferences held on 21 March, 3 and 6 April 2018. On 27 April Orders of the Land and Environment Court were that the s34 conference be terminated and the Appeal listed for mention on 11 May 2018.</td>
<td>In Progress&lt;br&gt;Land and Environment Court judgment was delivered on 30 November 2018 which upheld the applicant’s Class 1 Appeal.</td>
</tr>
<tr>
<td>Sparke Helmore Lawyers (2838)</td>
<td>6 Beason Court Casuarina.</td>
<td>Council at its Meeting held on 2 November 2017 resolved that legal advice be sought regarding options for options (including but not limited to Orders) to cease the continued unauthorised use.</td>
<td><strong>Prev. Years</strong>&lt;br&gt;$15,082&lt;br&gt;<strong>18/19</strong>&lt;br&gt;$269&lt;br&gt;<strong>Total</strong>&lt;br&gt;$15,351</td>
<td>Solicitors engaged, detailed advice received. Proposed order to cease using the property for an unauthorised use has been issued to the property owner.</td>
<td>Completed&lt;br&gt;Council has issued a Development Control Order on the owner to cease use of the property for tourist and visitor accommodation. Advice received, use has ceased.</td>
</tr>
</tbody>
</table>
## Category 1 - Planning and Environmental Law

<table>
<thead>
<tr>
<th>Provider (Reference)</th>
<th>Description</th>
<th>General instructions</th>
<th>Costs</th>
<th>Comments</th>
<th>Current Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lindsay Taylor Lawyers (2839)</td>
<td>337 Round Mountain Road Mountain.</td>
<td>Council at its Meeting held on 2 November 2017 resolved that legal advice be sought regarding options for enforcement and possible legal action.</td>
<td><strong>Prev. Years</strong></td>
<td>Solicitors engaged to provide appropriate advice, which has been received and reviewed by Council Officers</td>
<td>In Progress</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$24,228</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>18/19 $1,257</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Total $25,485</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HWL Ebsworth (2842)</td>
<td>DA16/0274 42 North Arm Road Council at its meeting held on 6 July 2017, resolved to refuse the development application.</td>
<td>Council at its Meeting held on 7 December 2017 resolved that it engages legal representation for the Land and Environment Court Class 1 Appeal and provides delegation to the Mayor and General Manager to undertake negotiations as necessary.</td>
<td><strong>Prev. Years</strong></td>
<td>Solicitors engaged. Directions hearing held on 11 December 2017, with an s34 conference held on 4 and 22 May 2018.</td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$45,316</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>18/19 ($24,202)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Total $21,114</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DLA Piper (2843)</td>
<td>DA17/0572 606 Pottsville Road Council at its meeting held on 16 November 2017, resolved to refuse the development application.</td>
<td>Meeting held on 13 December 2017 resolved that it engages legal representation for the Land and Environment Court Class 1 Appeal to attend any</td>
<td><strong>Prev. Years</strong></td>
<td>Appeal was defended, solicitors engaged, Directions hearing held on 22 February, matter heard on 29 and 30 May and 20 June 2018.</td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$83,641</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>18/19 $5,302</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Total $88,943</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

On 25 July 2018, Court ordered the applicant to present amended plans and operational management plan for its consideration.
<table>
<thead>
<tr>
<th>Provider (Reference)</th>
<th>Description</th>
<th>General instructions</th>
<th>Costs</th>
<th>Comments</th>
<th>Current Status as at 3 December 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sparke Helmore Lawyers (2844)</td>
<td>DA17/0498 26 Marine Parade Kingscliff. Council at its meeting held on 15 February 2018, resolved to refuse the development application.</td>
<td>necessary s34 conference.</td>
<td>Prev. Years</td>
<td>$23,176 18/19 $16,458 Total $39,634</td>
<td>In Progress</td>
</tr>
<tr>
<td>Lindsay Taylor Lawyers (2848)</td>
<td>Lot 136 Boormans Road Tyalgum. Council at its meeting held on 1 March 2018 resolved to pursue an investigation of the apparent offence under section 76A of the EP&amp;A Act and other actions.</td>
<td></td>
<td>Prev. Years</td>
<td>$20,101 18/19 $4,614 Total $24,715</td>
<td>In Progress</td>
</tr>
</tbody>
</table>

**COUNCIL INITIATED LEGAL SERVICES AFTER 1 NOVEMBER 2016**

| TOTAL 2018/2019 | $120,095 |
## LEGAL SERVICES PROTOCOL INITIATED AFTER 1 NOVEMBER 2016

### Category 1 - Planning and Environmental Law

<table>
<thead>
<tr>
<th>Provider (Reference)</th>
<th>Description</th>
<th>General instructions</th>
<th>Costs</th>
<th>Comments</th>
<th>Current Status</th>
</tr>
</thead>
</table>
| **Sparke Helmore (2849)** | 656 Upper Crystal Creek Road Crystal Creek. | Provide advice in relation to demolition orders of the construction and use of a building on the property. | **Prev. Years**

$10,186

18/19

$11,000

Total

$21,186 | Solicitor engaged, various advices have been provided. Council has sent correspondence to the property owner requesting that the building be demolished. | **In Progress**

The latest was the issue of a Development Control Order. The time period for complying with the order has now expired, an investigation will be undertaken to review for compliance. Order being pursued via the Court. |


$7,767

18/19

$273

Total

$8,040 | Solicitor engaged, written advice was provided on 19 April 2018, followed by telephone advice on 16 May 2018. | **Completed** |

### LEGAL SERVICES PROTOCOL INITIATED AFTER 1 NOVEMBER 2016

| TOTAL 2018/2019 | $11,273 |
### Category 2 - Local Government Law

<table>
<thead>
<tr>
<th>Provider (Reference)</th>
<th>Description</th>
<th>General instructions</th>
<th>Costs</th>
<th>Comments</th>
<th>Current Status as at 3 December 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marsdens Law Group</td>
<td>7 Year Special Rate Variation.</td>
<td>Class 4 Appeal Land and Environment Court.</td>
<td>$493,120</td>
<td>Appeal dismissed by Land and Environment Court 30/12/08. Court of Appeal dismissed 5/2/10 part costs awarded. Application to High Court for special leave dismissed with costs, not assessed.</td>
<td>In Progress. Recovery of assessed costs of $134,058 being pursued.</td>
</tr>
</tbody>
</table>

### Options:
Reporting as per Legal Services Procedure requirements.

### Conclusion:
Legal expenses for the quarter related primarily to actions instigated in previous periods.

### Council Implications:

a. Policy:
Legal Services Procedure
b.  **Budget/Long Term Financial Plan:**
Total legal services budget - $424,783.
Total legal expenditure 1 July 2018 to 30 September 2018 - $134,310

<table>
<thead>
<tr>
<th>Total Cost 2018/2019</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Matters Initiated prior to 1 November 2016</strong></td>
<td></td>
</tr>
<tr>
<td>Category 1 - Planning and Environmental Law</td>
<td>$2,942</td>
</tr>
<tr>
<td><strong>Council Initiated Legal Services after 1 November 2016</strong></td>
<td></td>
</tr>
<tr>
<td>Category 1 - Planning and Environmental Law</td>
<td>$120,095</td>
</tr>
<tr>
<td><strong>Legal Services Protocol Initiated after 1 November 2016</strong></td>
<td></td>
</tr>
<tr>
<td>Category 1 - Planning and Environmental Law</td>
<td>$11,273</td>
</tr>
<tr>
<td>Category 2 - Local Government Law</td>
<td>$0</td>
</tr>
<tr>
<td>Category 3 - Commercial/Property Law</td>
<td>$0</td>
</tr>
<tr>
<td>Category 4 - District/Local Court</td>
<td>$0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$134,310</strong></td>
</tr>
</tbody>
</table>

c.  **Legal:**
Solicitors engaged from the appointed Legal Services Panel, or engaged for a specific legal matter.

d.  **Communication/Engagement:**
**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.
29 [PCG-CM] Compliments and Complaints Analysis Report for the Period 1 July to 30 September 2018

SUBMITTED BY: Corporate Governance

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4 Behind the scenes
4.1 Assurance
4.1.1 Governance - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: Leader

SUMMARY OF REPORT:

The Compliments and Complaints Handling Policy contains a quarterly reporting requirement. The Policy is designed to:

- Ensure compliments and complaints received are appropriately recorded;
- Recognise and acknowledge compliments Council receives;
- Deal with complaints in a fair and equitable manner; and
- Increase the level of customer satisfaction with the way feedback is handled, and in the delivery of services and systems.

The Compliments and Complaints Analysis Report for the Period 1 January to 31 March 2018 identifies compliments and complaints and is provided for the information of Council.

RECOMMENDATION:

That Council receives and notes the Compliments and Complaints Analysis Report for the period 1 July to 30 September 2018
REPORT:

The Compliments and Complaints Handling Policy contains a quarterly reporting requirement. The Policy is designed to:

- Ensure compliments and complaints received are appropriately recorded;
- Recognise and acknowledge compliments Council receives;
- Deal with complaints in a fair and equitable manner; and
- Increase the level of customer satisfaction with the way feedback is handled, and in the delivery of services and systems.

There are many instances where Council is complimented on the broad range of services it provides to the community, often in the form of a follow up phone call, written thank you or certificate of appreciation. These occasions highlight when Council has met or exceeded citizen expectations. Information about compliments Council receives often goes unrecognised because, unlike complaints, they require little action. However Council values its staff and compliments are an important feedback mechanism to organisational performance as well as a good sign of an engaged and active community.

Under the Compliments and Complaints Handling Policy the following applies:

"What is a Complaint?"
- A complaint is an expression of dissatisfaction, made in respect to:
  - A Council Officer's role in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified or not.
  - The quality of service provided by council.
  - Council failing to act upon a request from the public,
  - The policies adopted by council.
  - Dissatisfaction with Council's action following the lodgement of a request for service (management through Council's customer request management system) or a request for information (managed through Government Information Public Access Act).

"What is not a Complaint?"
- A request for service is covered by the customer request management (CRM) process. Examples are; reporting of road potholes, water leaks, dust and noise, overgrown allotments and dog issues.
- A request for information or an explanation of a policy or procedure.
- Objections to a development application before Council determination or appeals in relation to the determination by council.
- Concerns raised regarding decisions of the elected council.

It is not a request for service (customer request management), or information, or an explanation of a policy or procedure, or objections to a development application before Council determination.

A complaint analysis report is presented to Council, detailed by type and outcomes/actions on a quarterly basis, without personal identifying particulars of complainants or associated persons or properties.
The complaint type has been categorised in accordance with the Council's organisational structure. This methodology assists in monitoring the effectiveness of Council's handling of complaints and improving service delivery.

Council received 61 Compliments for the period 1 July to 30 September 2018, as follows:

<table>
<thead>
<tr>
<th>Compliment Type</th>
<th>Ref</th>
<th>Details of Compliment</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 General Manager</td>
<td>1.1</td>
<td>1 Compliment Appreciation for supporting Cancer Council Pink Ribbon.</td>
<td>Noted by General Manager.</td>
</tr>
<tr>
<td>People, Communication and Governance</td>
<td>2.1</td>
<td>3 Compliments For excellent customer service and being helpful.</td>
<td>Noted by Supervisor and referred to nominated Staff.</td>
</tr>
<tr>
<td>Finance &amp; Information Technology</td>
<td>3.1</td>
<td>2 Compliments For excellent customer service for rates enquiries.</td>
<td>Noted by Supervisor.</td>
</tr>
<tr>
<td>Planning and Regulation</td>
<td>4.1</td>
<td>1 Compliment Excellent customer service for planning enquiries.</td>
<td>Noted by Division Director.</td>
</tr>
<tr>
<td></td>
<td>4.2</td>
<td>2 Compliments For investigating real estate signage issues in Kingscliff and addressing homeless issue Coral St, Tweed Heads.</td>
<td>Noted by Compliance Team Leader.</td>
</tr>
<tr>
<td></td>
<td>4.3</td>
<td>1 Compliment For exemplary service in relation to a development application.</td>
<td>Noted by Division Director.</td>
</tr>
<tr>
<td></td>
<td>4.4</td>
<td>1 Compliment For an informative, consultative and extremely effective facilitation of Kingscliff Locality Plan meeting.</td>
<td>Noted by Division Director.</td>
</tr>
<tr>
<td>Engineering</td>
<td>5.1</td>
<td>4 Compliments For Removal of 'No Parking' signs Proudfoots Lane, Murwillumbah, Remedial Water Easement Stormwater Works Garden Ave, Nuderi, prompt installation of driveway signage Tweed Coast Road, Chinderah and trimming of roadside trees Summer Hill Close, Stokers Siding.</td>
<td>Noted by Unit Manager and referred to relevant Staff.</td>
</tr>
<tr>
<td></td>
<td>5.2</td>
<td>2 Compliments For amazing job on the town's roads and Performing duties in a courteous and professional manner Pioneer Parade Banora Point.</td>
<td>Noted by Unit Manager and referred to relevant Staff.</td>
</tr>
<tr>
<td>Compliment Type</td>
<td>Ref</td>
<td>Details of Compliment</td>
<td>Comments</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----</td>
<td>-----------------------</td>
<td>----------</td>
</tr>
<tr>
<td><strong>5.3 Water and Wastewater Unit</strong></td>
<td>5 Compliments</td>
<td>For Speed and manner Council responded to a repair request at Tweed Valley Way South Murwillumbah, using initiative to identify water leak at Moorabinda Place, Bilambil Heights, fantastic job in repairing sewer issue The Quarterdeck Tweed Heads, consideration and care investigating a water leak Elizabeth St Pottsville and prompt response to water meter request Oakbank Terrace Murwillumbah.</td>
<td>Noted by Unit Manager and referred to relevant Staff.</td>
</tr>
<tr>
<td><strong>5.4 Engineering Multiple Units</strong></td>
<td>6 Compliments</td>
<td>For Tumbulgum Rd realignment, assisting a member of the public whose vehicle stopped suddenly, filling pothole at Uurlup Rd Uurlup and Resealing of Murwillumbah roads.</td>
<td>Noted by Division Director and/or relevant Unit Managers.</td>
</tr>
<tr>
<td><strong>Community and Natural Resources</strong></td>
<td><strong>6.1 Recreation Services Unit</strong></td>
<td>14 Compliments</td>
<td>For use of Council Facilities in Bogangar, Pruning of trees Tweed Coast Rd Pottsville, Appreciation of Rowan Robinson Park, Kingscliff, Installation of park equipment at Keith Compton Drive, Tweed Heads, Tree planting in Murwillumbah CBD, Prompt and efficient work to clean up fallen tree at Discovery Cove, Tweed Heads, Pruning of trees along Gold Leaf Crescent &amp; Lamington Way Murwillumbah, Pruning of trees at William Street Tweed Heads South, Clearing of camphor laurel trees Frangela Drive Reserve Murwillumbah, Maintenance and presentation of the Tweed Valley Cemetery, Prompt removal of the graffiti from the croquet club and Great condition of Rabjones Oval Murwillumbah.</td>
</tr>
<tr>
<td><strong>6.2 Community and Cultural Services Unit</strong></td>
<td>13 Compliments</td>
<td>For wonderful and informative Art Gallery experience, Tweed Regional Gallery 30th Anniversary Dinner, Venue Hire Tweed Civic Centre Auditorium and free music concert at Rowan Robinson Park, Kingscliff.</td>
<td>Noted by Unit Manager.</td>
</tr>
<tr>
<td><strong>6.3 Waste Management Section</strong></td>
<td>3 Compliments</td>
<td>For waste initiatives with regard to organic and recycling waste, Waste Management Presentation at Kingscliff Ratepayers and Progress Association meeting and addressing the waste collection problem Old Ferry Rd Park.</td>
<td>Noted by Section Coordinator.</td>
</tr>
</tbody>
</table>
## Compliment Type

<table>
<thead>
<tr>
<th>Compliment Type</th>
<th>Ref</th>
<th>Details of Compliment</th>
<th>Comments</th>
</tr>
</thead>
</table>
| 6.4             |     | **Natural Resources Management Section**  
|                 |     | 3 Compliments  
|                 |     | For Love Pets Love Wildlife Event, ‘My Local Native Garden’ booklet and presentation at Uki Garden Club, and Support shown to the Murwillumbah High Show Team program. | Noted by Section Coordinator. |

During this quarter 16 subject complaints (there may be numerous complaints made on any one subject) have been recorded as follows:

## Complaint Type

<table>
<thead>
<tr>
<th>Complaint Type</th>
<th>Ref</th>
<th>Details of Complaint</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Office of General Manager</strong></td>
<td>1.1</td>
<td>NIL</td>
<td></td>
</tr>
</tbody>
</table>
| **People, Communication and Governance.** | 2.1 | **Issuing of Rates Notice**  
| | | Complainant has indicated displeasure with receiving a rates notice for a nominal amount on an ongoing basis. | Completed  
| | | Council responded to complainant explaining the requirement to provide a bill detailing charges related to the water and sewer usage charged on a property on a quarterly basis. | |
| | 2.2 | **Interest on Late Payment of Rates Notice and Unrepaired Fence**  
| | | Complainant has indicated displeasure with receiving a letter indicating that interest will be charged on unpaid rates. The complainant believes that Council should pay for his fence to be repaired as it was damaged by trees from Council land in the 2017 flood event. | Completed  
| | | Council has sent a letter to the complainant advising that Council is not liable for the fence damage to their property. | |
| **Planning and Regulation** | 3.1 | **Handling of Dog**  
| | | Complainant advised that her dog was handled in a rough manner when being scanned for a microchip. | In Progress  
| | | A response is being prepared. | |
| | 3.2 | **Subdivision 21 Winchelsea Way Terranora**  
| | | Two complaints received from the same complainant advising that Council has failed to adequately act in regards to an objection lodged about the location of a proposed driveway. | Completed  
| | | The applicant has modified the location of the driveway, refer DA17/0326.01. | |
| | 3.3 | **Overgrown Block 31 Daybreak Blvd Casuarina**  
| | | Complainant advised that there has been inaction by Council to address a request in relation to an overgrown block. | Completed  
| | | Council has advised complainant that the block has been deemed not overgrown. Council had tried unsuccessfully to advise complainant of this outcome. | |
| | 3.4 | **47 Lorikeet Drive Tweed Heads South**  
| | | Complainant believes that two development consent conditions attached to this property are overly onerous and that Council did not respond in a timely manner to requests for information. | Completed  
| | | Council contacted complainant to discuss their concerns. The applicant chose to withdraw the modification application. | |
### Complaint Type

<table>
<thead>
<tr>
<th>Ref</th>
<th>Details of Complaint</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.5</td>
<td><strong>Illegal Camping Boyd St Tweed Heads</strong>&lt;br&gt;Complainant is unhappy that Council has not taken action in relation to homeless person whose vehicle is parked in Boyd St.</td>
<td>Completed&lt;br&gt;Council contacted complainant to advise Council actions are in accordance with the Homelessness Policy.</td>
</tr>
<tr>
<td>3.6</td>
<td><strong>Assessment of DA16/0936 350 Rowlands Creek Road, Rowlands Creek</strong>&lt;br&gt;Complainant advised that Council failed to act on a request to consider a report from prepared by Professor Cook when assessing DA16/0936. A second letter from the complainant advised that there were omissions in the DA16/0936 report.</td>
<td>Completed&lt;br&gt;Council responded to the complainant that the information was received after the report had been prepared. There was insufficient time to for Council’s officers to analyse and consider Professor Cook’s report and obtain expert advice prior to the Planning Committee meeting. Councillors were furnished a copy on 1 September it was at their discretion to defer the item for review. In relation to the complaint on omissions, Council provided a response to the complainant refuting this suggestion.</td>
</tr>
<tr>
<td>3.7</td>
<td><strong>Illegal Parking Duranbah Beach</strong>&lt;br&gt;Complainant has advised that Campervans are being parked illegally.</td>
<td>Completed&lt;br&gt;In response to complaint Council officers have undertaken additional patrols of the area.</td>
</tr>
</tbody>
</table>

### Engineering

<table>
<thead>
<tr>
<th>Ref</th>
<th>Details of Complaint</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td><strong>Rubbish after Cycling Event Stokers Siding</strong>&lt;br&gt;Complainant has advised that after the cycling event each year there is large quantities of rubbish left behind.</td>
<td>In Progress&lt;br&gt;Council officer to contact event organiser to discuss the issue.</td>
</tr>
<tr>
<td>4.2</td>
<td><strong>Tree Pruning Clifford Crescent Banora Point</strong>&lt;br&gt;Complainant is unhappy with Council’s assessment that pruning is not required for a tree located in the unformed public road at the rear of Clifford Crescent, Banora Point.</td>
<td>Completed&lt;br&gt;Council’s Arborist has inspected the tree and determined that some deadwood does exist that requires removal. This work has now been scheduled for when the tree gang next visits that area of Banora Point.</td>
</tr>
<tr>
<td>4.3</td>
<td><strong>Damage to House Pheeny Lane Casuarina</strong>&lt;br&gt;Complainant has advised that the stone ripple strip on road is causing damage to house.</td>
<td>Completed&lt;br&gt;Council has advised the complainant that work is scheduled to be undertaken to remove the stone ripple strip.</td>
</tr>
<tr>
<td>4.4</td>
<td><strong>Traffic Control Murwillumbah</strong>&lt;br&gt;Complainant advised that the traffic controller displayed inappropriate behaviour.</td>
<td>Completed&lt;br&gt;Following an investigation, staff and Council contractors have been reminded of their obligations when dealing with members of the public.</td>
</tr>
<tr>
<td>4.5</td>
<td><strong>Road Condition Overall Drive Pottsville</strong>&lt;br&gt;Complaint about the poor state of Overall Drive.</td>
<td>Completed&lt;br&gt;Council sent a response noting that the circumstances that have prevented more comprehensive repair works.</td>
</tr>
<tr>
<td>Complaint Type</td>
<td>Ref</td>
<td>Details of Complaint</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----</td>
<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Community and Natural Resources</td>
<td>5.1</td>
<td><strong>Bike Path - Casuarina</strong> Safety issue identified with the removable bollards on the bike path.</td>
</tr>
<tr>
<td></td>
<td>5.2</td>
<td><strong>Events at Duranbah Beach</strong> Complainant has advised that the number of surfing events at Duranbah beach are too common and making the beach too congested.</td>
</tr>
</tbody>
</table>

**OPTIONS:**

1. Receive and note the Compliments and Complaints Analysis Report for the period 1 July to 30 September 2018.

2. Do not receive and note the Compliments and Complaints Analysis Report for the period 1 July to 30 September 2018.

**CONCLUSION:**

Compliments and Complaints received during the Period 1 July to 30 September 2018 as required by the Compliments and Complaints Handling Policy.

**COUNCIL IMPLICATIONS:**

a. **Policy:**
Compliments and Complaints Handling v1.4

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.
30 [PCG-CM] Policy Update - Secondary Employment

SUBMITTED BY: Human Resources

Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4   Behind the scenes
4.1  Assurance
4.1.1 Governance - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: Leader

SUMMARY OF REPORT:

Council implemented a formal Secondary Employment Protocol in 2004 in accordance with the provisions of the Local Government Act 1993, and the “Other Business or Employment” obligations of the Model Code of Conduct. This Protocol was later converted to a Council Policy in November 2007.

Recommendation to vary the policy is made as a consequence of best practice recommendations received from the Office of Local Government.

RECOMMENDATION:

That Council adopts the revised Secondary Employment Policy version 1.5 as attached to this report.
REPORT:

Council’s Secondary Employment Policy has been implemented in accordance with the combined requirements of Section 353 of the *Local Government Act 1993* and the “Other Business or Employment” obligations of the Model Code of Conduct.

Under Council’s current Policy, secondary employment applications considered and where appropriate approved on a permanent basis. Recent feedback received from the Office of Local Government is however that although not a legislative requirement, best practice in this area is for applications to be reconsidered on an annual basis. The rationale behind this approach is to ensure sufficient visibility and transparency around secondary employment approvals, and to provide a mechanism for the consideration of changed or evolving circumstances.

Accordingly, it is proposed that Council’s Secondary Employment Policy be revised requiring the annual submission of Secondary Employment applications. This recommendation has been incorporated into the draft revised Secondary Employment Policy v 1.5, which is attached for Council consideration.

OPTIONS:

1. Approve the Policy variation as recommended; or
2. Propose alternate or additional amendment to the Policy

CONCLUSION:

Council’s Secondary Employment Policy complies with the legislative obligations provided under Section 353 of the *Local Government Act 1993* as well as the ‘Other Business or employment’ obligations of the Model Code of Conduct.

COUNCIL IMPLICATIONS:

a. **Policy:**
Secondary Employment v1.4

This report proposes an amendment to Council’s Secondary Employment Policy with the introduction of v1.5.

b. **Budget/Long Term Financial Plan:**
Not Applicable

c. **Legal:**
Council is required as a minimum to comply with the secondary employment requirements of the *Local Government Act 1993* and the ‘Other Business or employment’ obligations of the Model Code of Conduct.

d. **Communication/Engagement:**
Inform - We will keep you informed.

On endorsement of the Policy variation communication will be distributed to impacted staff.
UNDER SEPARATE COVER/FURTHER INFORMATION:
Attachment 1. Draft Secondary Employment Policy v 1.5 (ECM 5649705).
[PCG-CM] Annual Code of Conduct Reporting - 1 September 2017 to 31 August 2018

SUBMITTED BY: Corporate Governance

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

ROLE: Leader

SUMMARY OF REPORT:

The Office of Local Government and the Administration of the Model Code of Conduct Procedure requires annual reporting of Code of Conduct Complaints made about councillors and the general manager. The report covers the period from 1 September 2017 to 31 August 2018 and as well as being submitted to the Office of Local Government by 31 December 2018, it is also to be reported to council.

This report highlights the Code of Conduct Complaints made about the councillors and the general manager for the required period.

RECOMMENDATION:

That the Code of Conduct Complaints for the period 1 September 2017 to 31 August 2018 be received and noted and the return be submitted to the Office of Local Government.
REPORT:

The Office of Local Government and the Administration of the Model Code of Conduct Procedure requires annual reporting of Code of Conduct Complaints made about councillors and the general manager. The report covers the period from 1 September 2017 to 31 August 2018 and as well as being submitted to the Office of Local Government by 31 December 2018, it is also to be reported to council.

The following information has been requested by the Office of Local Government and must be submitted as part of the collection form.

<table>
<thead>
<tr>
<th>Model Code of Conduct Complaints Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tweed Shire Council</td>
</tr>
</tbody>
</table>

### Number of Complaints

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a</td>
<td>The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct</td>
<td>15</td>
</tr>
<tr>
<td>1b</td>
<td>The total number of complaints finalised in the period about councillors and the GM under the code of conduct</td>
<td>12</td>
</tr>
</tbody>
</table>

### Overview of Complaints and Cost

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2a</td>
<td>The number of complaints finalised at the outset by alternative means by the GM or Mayor</td>
<td>7</td>
</tr>
<tr>
<td>2b</td>
<td>The number of complaints referred to the Office of Local Government under a special complaints management arrangement</td>
<td>2</td>
</tr>
<tr>
<td>2c</td>
<td>The number of code of conduct complaints referred to a conduct reviewer</td>
<td>2</td>
</tr>
<tr>
<td>2d</td>
<td>The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer</td>
<td>0</td>
</tr>
<tr>
<td>2e</td>
<td>The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer</td>
<td>0</td>
</tr>
<tr>
<td>2f</td>
<td>The number of finalised code of conduct complaints investigated by a conduct reviewer</td>
<td>0</td>
</tr>
<tr>
<td>2g</td>
<td>The number of finalised code of conduct complaints investigated by a conduct review committee</td>
<td>0</td>
</tr>
<tr>
<td>2h</td>
<td>The number of finalised complaints investigated where there was found to be no breach</td>
<td>2</td>
</tr>
</tbody>
</table>
The number of finalised complaints investigated where there was found to be **a breach** | 0
---|---
The number of complaints referred by the GM or Mayor to **another agency** or body such as the ICAC, the NSW Ombudsman, the Office or the Police | 1
The number of complaints being investigated that are **not yet finalised** | 3
The **total cost** of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs | $53,182

### Preliminary Assessment Statistics

3 The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:

<table>
<thead>
<tr>
<th>Action</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>To take no action</td>
<td>0</td>
</tr>
<tr>
<td>To resolve the complaint by alternative and appropriate strategies</td>
<td>0</td>
</tr>
<tr>
<td>To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies</td>
<td>0</td>
</tr>
<tr>
<td>To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police</td>
<td>0</td>
</tr>
<tr>
<td>To investigate the matter</td>
<td>2</td>
</tr>
<tr>
<td>To recommend that the complaints coordinator convene a conduct review committee to investigate the matter</td>
<td>0</td>
</tr>
</tbody>
</table>

### Investigation Statistics

4 The number of investigated complaints resulting in a determination that there was **no breach**, in which the following recommendations were made:

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>That the council revise its policies or procedures</td>
<td>0</td>
</tr>
<tr>
<td>That a person or persons undertake training or other education</td>
<td>0</td>
</tr>
</tbody>
</table>

5 The number of investigated complaints resulting in a determination that there was **a breach** in which the following recommendations were made:

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>That the council revise any of its policies or procedures</td>
<td>0</td>
</tr>
</tbody>
</table>
b  That the subject person undertake any training or other education relevant to the conduct giving rise to the breach 0

c  That the subject person be counselled for their conduct 0

d  That the subject person apologise to any person or organisation affected by the breach 0

e  That findings of inappropriate conduct be made public 0

f  In the case of a breach by the GM, that action be taken under the GM’s contract for the breach 0

g  In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 0

h  In the case of a breach by a councillor, that the matter be referred to the Office for further action 0

6  Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures 0

Categories of misconduct

7  The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:

a  General conduct (Part 3) 0

b  Conflict of interest (Part 4) 0

c  Personal benefit (Part 5) 0

d  Relationship between council officials (Part 6) 0

e  Access to information and resources (Part 7) 0

Outcome of determinations

8  The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation 0

9  The number of investigated complaints resulting in a determination that there was a breach in which the council’s decision was overturned following a review by the Office 0
OPTIONS:

This reporting and the submission of the collection form is a mandatory requirement and there are no other options available.

CONCLUSION:

That the Code of Conduct Complaints for the period 1 September 2017 to 31 August 2018 be received and noted and the return be submitted to the Office of Local Government.

COUNCIL IMPLICATIONS:

a. Policy:
   Code of Conduct (Model) v2.0
   Code of Conduct Administration (Procedure) v1.0

b. Budget/Long Term Financial Plan:
   Due allowance is made within the budget for expenditure incurred on Code of Conduct Complaint investigations.

c. Legal:
   The Code of Conduct and the Administration of the Model Code of Conduct Procedure contains confidentiality conditions that do not allow the details of the Code of Conduct Complaints to be released.

d. Communication/Engagement:
   Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

32 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 22 August 2018

SUBMITTED BY: Communication and Customer Services

People, places and moving around

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3 People, places and moving around
3.2 Places
3.2.6 Museum - To preserve and share the history of the Tweed for the benefit and enjoyment of visitors and the community.

ROLE: Leader

SUMMARY OF REPORT:

The Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 22 August 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 22 August 2018 be received and noted.
REPORT:

The Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 22 August 2018 are reproduced as follows for the information of Councillors.

Venue:
Tweed Regional Museum Murwillumbah

Time:
4:00pm

Present:
Cr Warren Polglase; Judy Kean (Museum Director); Gary Fidler (Community); Sandra Flannery (Community); Christian Ellis (Community); Marion Mewett (Community); Max Boyd (Murwillumbah Historical Society); David Taylor (Murwillumbah Historical Society); Helena Duckworth (Uki & South Arm Historical Society); Brian O’Keeffe (Tweed Heads Historical Society); Observer: Fay O’Keeffe (Tweed Heads Historical Society)

Apologies:
Robyn Grigg (Manager Community & Cultural Services); Tracey Stinson (Director Community and Natural Resources); Marion Roberts (Uki & South Arm Historical Society); Ian Fox (Community); Chris Core (Community); Ceanne Cane (Tweed Heads Historical Society).

Minutes of Previous Meeting:

Moved: Max Boyd
Seconded: Marion Mewett
RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee meeting held 28 February 2018 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

A2. Strategic and Business Plan update
An update on progress of the Museum’s new Strategic and Business Plan was dealt with as business arising from the previous Minutes.

Judy Kean, Museum Director (MD), spoke to a tabled paper which provided a brief update on progress and consultation to date.

Two major consultations based around a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis have been undertaken in relation to development of the Plan.

A dedicated meeting of the Museum Advisory Committee, (17 April); and a dedicated meeting of staff representing areas of Council, with existing or anticipated collaborative relationships with the Museum (1 August), namely: Cultural Planning, Community Development; Natural Resource Management; Recreation Services; Strategic Planning and Urban Design (Heritage); Economic Development, and Communication and Engagement.

There were a number of common themes to emerge from both discussions, namely:
Strengths
- Quality programs and displays – ‘go to place’, ‘one of a kind’;
- Core collections – richness and management;
- Quality of staff – capacity, collaborations and partnerships.

Weaknesses
- Visibility, profile – ‘not seen as a destination’, ‘not easy to find’;
- Understaffed and underfunded;
- Lack of cooperation/complementary activity with Gallery.

Opportunities
- Education and public programs potential;
- New partnerships, collaborations;
- Expanding audiences (population growth, greater potential reach);
- Technology-based opportunities.

Threats
- Resources, capacity to deliver;
- Perception and understanding of a ‘museum’;
- Partnership, relationship constraints.

Arising from the SWOT, a review of programs and priorities identified in the previous Strategic Plan; a review of the Museum’s current capacity; and scoping of potential future directions and opportunities, the Museum Director advised that further conversations and research would be of significant benefit given the importance of the next phase of the Museum’s development.

Given the current workload of Museum staff, and the nature of the work required to develop a draft framework for the new Strategic Plan, an extended timeframe will be required. It is unlikely that a new plan would be drafted for Advisory Committee members to consider before the scheduled November meeting.

Committee members held an extended discussion regarding some of the common issues summarised in the tabled paper. In particular, the inadequate staffing levels directly impacting on the current viability and sustainability of Museum operations, and significantly limiting future potential; and, the lack of visibility of the Museum due to a range of factors, most significantly, inadequate signage in and around Murwillumbah, a lack of promotion to Gallery visitors of the Museum as a sister institution; particularly on site at the Gallery, and a lack of broader promotion.

The discussion highlighted and acknowledged the importance of the Museum’s ongoing role as a primary visitor destination. Committee members also discussed and acknowledged the importance of supporting the Museum’s capacity for ‘contemporary collecting’, through collection and program activities documenting and preserving the dynamic and changing face of the Tweed community, and the significant demands of collection care and public programs.

Committee members also discussed and agreed that a number of these issues should be further discussed and explored as part of the process of developing the new Museum Strategic and Business Plan; even if this meant a delay in the scheduled delivery of this Plan.
Moved: Warren Polglase  
Seconded: Max Boyd  
RESOLVED that the:
1. Chair of the Museum Advisory Committee, Gary Fidler and Committee member Max Boyd, together with the Museum Director, as appropriate, on behalf of all members of the Advisory Committee, make representations to the General Manager regarding the significant current under resourcing of the Museum and in particular inadequate staffing resources.
2. General Manager be requested to convene a Councillor Workshop to discuss key issues impacting the Museum’s current viability and future potential.

All members of the Museum Advisory Committee expressed their willingness to attend such a workshop.

Committee members further agreed that the suggestion be put forward that the Councillor Christmas function this year, be held at the Tweed Regional Museum Murwillumbah.

Museum Deductible Gift Recipient (DGR) Report and proposed expenditure
The Chair, Gary Fidler and the Museum Director spoke to a tabled paper outlining the current status of funds in the Museum’s DGR account and proposed expenditure of some of these funds.

Gary Fidler advised that a draft of this paper recommending expenditure from the DGR fund toward a permanent display, and a full financial report had been previously distributed to the MAC sub-committee delegated to provide oversight of the DGR funds – namely himself, Max Boyd and Robyn Grigg.

The Museum Director provided background to the successful grant application that had resulted in $110,000 in grant funds toward the Museum’s development of a permanent display devoted to the natural history of the Shire. The application had identified a contribution by Council of $60,000, anticipating that a portion of this would come from Museum DGR donations. The Museum Director further advised that detailed design development and costing was still to occur and that further fundraising toward the project may be undertaken.

Moved: Max Boyd  
Seconded: Sandra Flannery  
RESOLVED that the Museum Advisory Committee endorse the Museum Director’s recommendation that funds totalling $40,000 currently held in the Museum’s DGR accounts, be earmarked for contribution toward the development of a permanent display focussed on the Tweed’s natural environment.

Agenda Items:

A1. Museum Director’s Report
Report distributed prior to the meeting.

Moved: Max Boyd  
Seconded: David Taylor  
RESOLVED that the Museum Director’s Report be accepted by the Committee.
Max Boyd requested an update regarding the status of the collection activity relating to the 2017 floods. Judy Kean provided an update on the project including: the compilation of a range of relevant documents, reports and images, oral history interviews with Council employees directly involved in responding to the flood crises. The Museum has also applied for a Community Heritage Grant through the National Library of Australia, to undertake a significance assessment of the collection to help better understand how this collection represents the community’s experience of floods, and to help guide collecting around any future events of this nature.

Gary Fidler commented on the decision to discontinue meetings of the Museum Coordination Group. The Museum Director clarified the function of this group – to coordinate primarily research activity across the Museum and the three historical societies, and outlined the challenges currently being faced by each of the Societies in relation to volunteer resources.

Gary Fidler further commented on the number and size of significant projects being undertaken by the Museum, most grant-funded, and their impact on resources.

The Museum Director reiterated, as detailed in her report that the limits of available staff resources combined with major project commitments meant that key Museum KPIs identified in the Delivery Plan would not be met.

**A2. Strategic and Business Plan update**

Dealt with under Business Arising

**A3. Proposed Accessions**

Report distributed prior to the meeting.

Moved: Max Boyd
Seconded: Helena Duckworth
RESOLVED that the proposed accessions be endorsed by the Committee.

**A4. Proposed De-accessions**

Report distributed prior to the meeting. Additional paper tabled at the meeting.

Moved: Max Boyd
Seconded: Marion Mewett
RESOLVED that the de-accessions proposed in the list distributed prior to the meeting be endorsed by the Committee and that the 90 day cooling off period be waived. That the de-accessions proposed in the tabled paper (TH2000.5 and TH2004.123) be endorsed by the Committee and that the 90 day cooling off period be observed.

**General Business:**

**GB1. 200 Year Anniversary of John Oxley’s Journey up the Tweed River**

Max Boyd reminded the Committee that 2023 would mark 200 years since John Oxley journeyed up the Tweed River in 1823, and gave it the name by which it is now commonly known. This anniversary is now only five years away and consideration should be given to appropriate activities making the occasion.

**Next Meeting:**
The next meeting of the Tweed Regional Museum Advisory Committee will be held Wednesday 28 November 2018 at 4pm at Tweed Regional Museum Murwillumbah.

The meeting closed at 5.30pm

EXECUTIVE LEADERSHIP TEAM COMMENTS:

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:
   Code of Meeting Practice.
   Terms of Reference - Reviewed 21 August 2012 (ECM3283132).

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.
SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 October 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 October 2018 be received and noted; and

2. The Executive Leadership Team's recommendations be adopted as follows:

   A1. Tweed Heads Cultural Plaza Workshop – site visit and discussion (Stewart Brawley and Warren Boyd, Tweed Shire Council)

      That Council commissions Christine Slabb to:

      1. Consult with the project management team and architect; and

      2. Consult with members of the Aboriginal Advisory Committee to articulate concept designs to be incorporated into the architectural plans.
A2. Robert Appo (Tweed Shire Council)
(a) Aboriginal Statement of Commitment Policy

That:

1. Council recognises the Aboriginal Advisory Committee as the primary source of advice under the Terms of Reference for the Aboriginal Advisory Committee.

2. The Aboriginal Advisory Committee recommends the insertion of an additional paragraph into the Aboriginal Statement of Commitment Policy as follows: 'Council is committed to the continuation of the Aboriginal Advisory Committee as the conduit for shared learning and work in partnership with the Aboriginal community'.

GB5. Letter of Support for coffee van at Duranbah

That the Aboriginal Advisory Committee provides a letter of support to Rob Smith supporting his application to operate his mobile coffee van at Duranbah.
REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 October 2018 are reproduced as follows for the information of Councillors.

Venue:
   Mike Rayner Room, Tweed Heads Administration Office

Time:
   9.30am

Present:
   Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Victor Slockee (Canowindra representative), Leweena Williams (Tweed Aboriginal Corporation for Sport representative), Des Williams (Tweed Byron Local Aboriginal Land Council representative), Cr Chris Cherry (Tweed Shire Council).

Ex-officio:
   Tracey Stinson, Robyn Grigg, Chantelle Howse, Robert Appo, Gabby Arthur (Minutes) (Tweed Shire Council).

Guests (in order of arrival):
   Stewart Brawley, Warren Boyd (Tweed Shire Council) (arrived at 9.30am),

Apologies:
   Desrae Rotumah (Tweed Aboriginal Co-operative Society representative), Marvette Logan (Australian Unity Home Care Services-North Coast Aboriginal Branch representative), Dale Williams (Bugalwena), Mayor Katie Milne (Tweed Shire Council)

Business suspended for Agenda Item A1.

Agenda Items:
A1. Tweed Heads Cultural Plaza Workshop – site visit and discussion (Stewart Brawley and Warren Boyd, Tweed Shire Council)
Stewart and Warren were introduced to the AAC and provided background information and an overview of the project. Council has received Federal Government funds to upgrade the plaza area between the Tweed Heads Civic Centre and Tweed Heads Administration Office which will include a social enterprise café. The upgrade of the current plaza will include universal access. Aspects that relate to public safety and security along with environmental sustainability will be included.

Robyn reminded the AAC that in 2015, discussions were held regarding an Aboriginal acknowledgement at both Civic Centres. As the Tweed Heads site is currently in a design phase, it is a good opportunity to discuss an appropriate Aboriginal acknowledgement being incorporated into the design. It was noted that there are timeframes associated with the funding contract.

Business suspended for election of chairperson and Welcome to Country.
Chair:          Victor Slockee  
Moved:         Leweena Williams  
Seconded:      Des Williams

RESOLVED that the Chair was declared vacant and nominations were called. Victor Slockee was nominated and was unanimously elected to Chair the meeting.

Victor opened the meeting with a welcome to all present and paid respect to Elders past, present and those emerging.

Minutes of Previous Meeting:
Moved:         Des Williams  
Seconded:      Jackie McDonald

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 3 August 2018 be accepted as a true and accurate record of the proceedings of that meeting.

Resumption of Business.

A1. Tweed Heads Cultural Plaza Workshop – site visit and discussion (Stewart Brawley and Warren Boyd, Tweed Shire Council)

Following the site visit and the summary of the scope of works, a number of ideas containing Aboriginal cultural values were identified by AAC members which included:

- Traditional Cultural Story elements
- Bush tucker/Native landscaping
- Aboriginal design elements incorporated into hard surface areas
- Use of water/waterway elements, plants, animals, food sources
- Recognition of Aboriginal camps located nearby
- Contemporary Aboriginal cultural values - NAIDOC, Meeting Place etc.
- Connection to Joongurrah (Razorback)

The AAC requested that local graphic designer, Christine Slabb be considered to assist the AAC to articulate the concepts and design elements for inclusion in the construction specifications, subject to procurement and contractual elements being confirmed by Council's Contracts team. Christine is a local Aboriginal artist who understands and can appropriate translate the community's stories into design and artworks.

Moved:         Leweena Williams  
Seconded:      Jackie McDonald

RECOMMENDATION:
That Council commissions Christine Slabb to:
1. consult with the project management team and architect; and
2. consult with members of the Aboriginal Advisory Committee to articulate concept designs to be incorporated into the architectural plans.

Action: CDO-Aboriginal to email update to AAC regarding the outcome of initial discussions with the Contracts team and Christine Slabb.
Business Arising:

Business Arising from meeting held on 3 August 2018 (Item A4)
BA1. Cobaki Update
Action: CDO-Aboriginal to arrange for a copy of the Development Application for Precinct 12 at Cobaki to be emailed to TBLALC and Jackie McDonald.
Rob advised that the document was distributed at the recent site meeting.

Business Arising from meeting held on 3 August 2018 (Item GB3)
BA2. NOROC - Northern Rivers Joint Organisation
Mayor Milne has advised the next Northern Rivers Joint Organisation (NRJO) meeting will be held on 4 February 2019 at the Tweed Heads Administration Office, which coincides with the first AAC meeting for 2019. The General Manager will be briefed to participate in the discussion.

Action: CDO-Aboriginal to arrange a planning meeting at the next AAC meeting to discuss items to be raised at the Northern Rivers Joint Organisation meeting on 4 February 2018 including the AAC’s 20 year anniversary, Aboriginal Statement of Commitment, organisation perspectives, Council support of NAIDOC etc.

Action: CDO-Aboriginal to liaise with Mayor Milne to ensure the AAC is included on the Northern Rivers Joint Organisation Agenda on 4 February 2019.

A2. Robert Appo (Tweed Shire Council)
(a) Aboriginal Statement of Commitment Policy
Rob distributed a copy of the draft Aboriginal Statement of Commitment Policy to the AAC and advised that no comments were received during the exhibition period. Council invites the AAC to provide a comment regarding the policy. A report will be prepared for the November 2018 Council meeting to adopt the policy.

Leweena suggested that the AAC should attend the Council meeting which will be adopting the Policy as it is the overarching document for the Aboriginal Cultural Heritage Management Plan and Reconciliation Action Plan. It is also the overarching document for Council staff to include the Aboriginal community in every policy and plan that is being developed. The policy highlights the relationship and exchange of learning from both sides from AAC to Council and Council to AAC, which has led to the embedding in documents.

Jackie asked whether the Statement of Commitment recognised the AAC as the elected representatives from Tweed Aboriginal organisations and that they are the primary source of advice. Rob advised that it is imbedded in the Code of Meeting Practice.

Robyn advised that the AAC is articulated in the policy in all bodies of work however there would be no harm in having a heading in the policy stating that the AAC is the conduit for the shared learning and work.
Moved: Jackie McDonald
Seconded: Lewena Williams

RECOMMENDATION:
That:
1. Council recognises the Aboriginal Advisory Committee as the primary source of advice under the Terms of Reference for the Aboriginal Advisory Committee.

2. The Aboriginal Advisory Committee recommends the insertion of an additional paragraph into the Aboriginal Statement of Commitment Policy as follows: ‘Council is committed to the continuation of the Aboriginal Advisory Committee as the conduit for shared learning and work in partnership with the Aboriginal community’.

Action: CDO-Aboriginal to arrange for the Aboriginal Advisory Committee to attend Community Access on 15 November 2018.

Action: Cr Cherry to discuss with Mayor Milne, the possibility of the Aboriginal Statement of Committee Policy item being brought forward on the Council Meeting Agenda on 15 November 2018.

(b) AAC ‘Celebrating Our 20 Year Journey’ video
The AAC watched the 20 minute video presentation ‘Our 20 Year Journey’. Tracey requested that a condensed version of the video be prepared for use at staff inductions.

Tracey suggested that a get-together event be held at least yearly. Rob advised that the community was very impressed with the 20 year celebration and that he received positive feedback in relation to the discussion sessions. Council could be involved in a future event which could be included during NAIDOC. It would be beneficial to invite a Byron Shire Council representative to any future event.

Action: CDO-Aboriginal to send copy of the ‘Our 20 Year Journey’ presentation (20 minute version and full version) and photographs to the AAC members.

Action: CDO-Aboriginal to provide a copy of the ‘Our 20 Year Journey’ video (20 minute version) to the State Aboriginal Land Council.

Action: CDO-Aboriginal to liaise with Human Resources and to arrange for a condensed version of the ‘Our 20 Year Journey’ video to be created and used at Council staff inductions.

(c) LGAN Conference, Narrabri update
Rob advised that he attended the 30th LGAN conference in Narrabri with Des. Victor was unwell and unable to attend.

Rob advised that the following themes came across at the conference:
• Collaborate Professional Engagement Package - LGNSW initiative - ‘how to’ for councils wanting to build a better relationship with their Aboriginal community. Could be used by Tweed for induction of new staff.
• Stand for Council - provides Aboriginal community members interested in running for council access to existing councillors.
• Link to Local Government Aboriginal Network and the role it plays.
• Language revitalisation.
• Planning NSW - making the unlocking of economic benefits for Aboriginal owned land less onerous (ie. zoning of land for activities).

Action: CDO-Aboriginal to share with the AAC the 'Collaborate Professional Engagement Package' link and provide a copy of the Planning NSW presentation.

The 2019 LGAN Conference will be held at Nambucca Heads. The AAC discussed the possibility of all AAC members attending the next LGAN conference, and to present the 'Our 20 Year Journey' video at the conference. Rob advised he can submit a request to LGAN for the AAC to present.

Action: That the AAC considers opportunities to present to the 2019 LGAN conference (ie. showing of the 'Our 20 Year Journey' video). Item to be added to next AAC meeting Agenda.

(d) Aboriginal Affairs Local Decision making update

Rob provided some background and reminded the AAC that a workshop was previously held at Minjungbal Aboriginal Museum and Cultural Centre.

Rob advised that the Local Decision Making Working Group is effectively an Aboriginal Advisory Committee to State Government which provides information and identifies priorities for the region. Some Aboriginal communities have embraced it as they don’t have Aboriginal Advisory Committees. Tweed would be part of the Northern Rivers region covering from Tweed Heads to Grafton however the group has not yet been set up. There are currently seven groups running across the state. There is some resourcing for project officers or support staff for the region. It is not mandatory for Tweed to participate; it could choose to lobby the State government separately. The AAC advised that it would need more information to enable it to make a decision.

Action: CDO-Aboriginal to contact Aboriginal Affairs to arrange for an officer to attend an AAC meeting regarding the Local Decision Making Working Group.

Action: CDO-Aboriginal to provide some examples and information regarding Local Decision Making Working Groups that are running well to the next AAC meeting.

Incoming Correspondence:
IC1. Email from Cr Simon Richardson to Mayor Milne dated 14/8/18 providing update re Byron Rail Trail tender process
Email read out to AAC.

IC2. Email from Cheree Toka to Mayor Milne dated 27/8/18 re Bridge-ing the Gap - Campaign to have the Indigenous Australian flag placed on the Harbour Bridge
Email read out to AAC. Petition signatures are required before 13 November 2018.

Action: CDO-Aboriginal to circulate a copy of the Bridge-ing the Gap Campaign petition to the AAC.
IC3. Letter from Department of Primary Industries dated 24 September 2018 – Final Marine Estate Management Strategy
Letter read out to AAC. Des, Leweena and Jackie all confirmed that they have received the correspondence and Marine Estate Management Strategy 2018-2028.

The AAC were reminded that the next fishing meeting is coming up and members are encouraged to invite anyone who is interested in obtaining a cultural fishing licence to attend the meeting.

Action: CDO-Aboriginal to forward a reminder of the upcoming Department of Primary Industries Fishing Meeting to the AAC.

Cr Cherry left the meeting at 1.10pm

Outgoing Correspondence:
Nil

General Business:
GB3. Public Open Space Strategy Consultation
Tracey advised that community conversations are being held in local precincts in October and November to prioritise what the community would like in our public open spaces. A copy of the schedule is included in these minutes:

- Monday 22 October – Chillingham Hall
- Tuesday 23 October – Tumbulgum Hall
- Wednesday 24 October – Uki Hall

- Monday 29 October – Burringbar Hall
- Tuesday 30 October – Stokers Siding Hall
- Thursday 1 November – Tyalgum Hall

- Monday 5 November – Murwillumbah CC
- Thursday 8 November – Tweed Heads CC

- Monday 12 November – Banora Point CC
- Tuesday 13 November – Cabarita Surf Club

- Monday 19 November – Crabbes Creek Hall
- Tuesday 20 November – Pottsville St Ambrose Primary

- Monday 26 November – Casuarina Rec Club
- Tuesday 27 November – Kingscliff Community Hall
- Wednesday 28 November – Bilambil Hall

Leweena advised that she is participating by being interviewed in Goorimahbah, providing a different perspective on public open spaces.

GB4. Lions Park, Kingscliff - Cultural Heritage
Rob advised that Council is in the process of engaging an archaeologist regarding the Aboriginal Cultural Heritage material located in Lions Park, Kingscliff. Rob advised that he has circulated photographs to the AAC by email and also distributed hard copies at the
meeting. The park will be reopened before Christmas, excluding the affected section. Council will put out a media release explaining the situation.

**Action:** CDO-Aboriginal to arrange for a copy of the Due Diligence Report for Lions Park, Kingscliff to be provided to Jackie McDonald.

**GB5. Letter of Support for coffee van at Duranbah**
Rob Smith has requested a letter of support from the AAC to help with an application to operate his coffee van at Duranbah.

**Moved:** Des Williams  
**Seconded:** Victor Slockee

**RECOMMENDATION:** That the Aboriginal Advisory Committee provides a letter of support to Rob Smith supporting his application to operate his mobile coffee van at Duranbah.

**Next Meeting:**  
The next meeting of the Aboriginal Advisory Committee will be held on 2 November 2018.

The meeting closed at 1.25pm.

**EXECUTIVE LEADERSHIP TEAM COMMENTS:**

**A1. Tweed Heads Cultural Plaza Workshop – site visit and discussion (Stewart Brawley and Warren Boyd, Tweed Shire Council)**

Nil.

**A2. Robert Appo (Tweed Shire Council)**

(a) Aboriginal Statement of Commitment Policy

Nil.

**GB5. Letter of Support for coffee van at Duranbah**

Council's policy in relation to mobile food vans is that these are not generally supported on public road reserves or parks unless they relate to an approved market or specific event.

**EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:**

A1. Tweed Heads Cultural Plaza Workshop – site visit and discussion (Stewart Brawley and Warren Boyd, Tweed Shire Council)

That Council commissions Christine Slabb to:

1. **Consult with the project management team and architect; and**

2. **Consult with members of the Aboriginal Advisory Committee to articulate concept designs to be incorporated into the architectural plans.**
A2. Robert Appo (Tweed Shire Council)  
(a) Aboriginal Statement of Commitment Policy  

That:  
1. Council recognises the Aboriginal Advisory Committee as the primary source of  
   advice under the Terms of Reference for the Aboriginal Advisory Committee.  

2. The Aboriginal Advisory Committee recommends the insertion of an additional  
   paragraph into the Aboriginal Statement of Commitment Policy as follows: 'Council  
   is committed to the continuation of the Aboriginal Advisory Committee as the  
   conduit for shared learning and work in partnership with the Aboriginal  
   community'.

GB5. Letter of Support for coffee van at Duranbah  

That the Aboriginal Advisory Committee provides a letter of support to Rob Smith  
supporting his application to operate his mobile coffee van at Duranbah.

COUNCIL IMPLICATIONS:  

a. Policy:  
   Code of Meeting Practice.

   Terms of Reference - Aboriginal Advisory Committee adopted 19 September 2013  
   (ECM3146605).

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.
34  [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 November 2018

SUBMITTED BY: Community and Cultural Services

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3  People, places and moving around
3.1  People
3.1.2  Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

ROLE: Leader

SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 November 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 November 2018 be received and noted; and

2. The Executive Leadership Team's recommendation be adopted as follows:

   A2(a) Aboriginal Statement of Commitment

   That Council notes the Aboriginal Advisory Committee recommendation that the names of each organisation making up the Aboriginal Advisory Committee are listed under the heading of 'Definitions' in the Aboriginal Statement of Commitment.
REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 November 2018 are reproduced as follows for the information of Councillors.

Venue: Minjungbal Aboriginal Museum and Cultural Centre

Time: 10.20am

Present: Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Leweena Williams (Tweed Aboriginal Corporation for Sport representative), Desrae Rotumah (Tweed Aboriginal Co-operative Society representative), Dale Williams (Bugalwena), Cr Chris Cherry (Tweed Shire Council), Des Williams (Tweed Byron Local Aboriginal Land Council representative) (arrived at 10.44am).

Ex-officio: Robyn Grigg, Chantelle Howse, Robert Appo, Gabby Arthur (Minutes) (Tweed Shire Council).

Guests (in order of arrival): Christine Slabb (arrived at 10.00am).

Apologies: Victor Slockee (Canowindra representative), Marvette Logan (Australian Unity Home Care Services-North Coast Aboriginal Branch representative), Mayor Katie Milne, Tracey Stinson (Tweed Shire Council).

Chair: Jackie McDonald
Moved: Leweena Williams
Seconded: Desrae Rotumah

RESOLVED that the Chair was declared vacant and nominations were called. Jackie McDonald was nominated and was unanimously elected to Chair the meeting.

Jackie opened the meeting with a welcome to all present and paid respect to Elders past, present and those emerging. A minute silence was observed for community member Peter Schnierer and other community members who have passed.

Business suspended for Agenda Item A2.

A2. Tweed Cultural Plaza Workshop (Christine Slabb)
Christine provided details of the plan for the site and advised of the following opportunities:

- etchings on the glass panelling on the walkway up to the library which will be replacing the existing white block wall (approximately 20 metres).
- manholes currently covered in with cement could be covered by a design specific to the Tweed.
- mullet run covers over drains.
• panel and lighting on the large wall.
• bush tucker garden.

Due to the funding conditions, there are only opportunities for artworks on the building structure. Christine has been contracted to undertake the concept design works with the architects. Christine will be liaising with the architects regarding the discussions from today’s meeting. The architect will provide plans incorporating the vision for artwork. Robyn provided details of the scope of the work and reminded the AAC of the tight deadlines. A brief will be formulated for Christine.

Des Williams arrived at 10.44am

Rob advised that a social enterprise café is included in the upgrade. Robyn and Chantelle provided details in relation to the café operations confirming that Council will own the café. An operator will provide on the job training to people based on demographics and partnerships.

Christine suggested that it would be best to regroup and discuss which parts of the cultural story the AAC would like to tell in the artwork.

Resumption of business.

Minutes of Previous Meeting:
Moved: Leweena Williams
Seconded: Desrae Rotumah
RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 3 August 2018 be accepted as a true and accurate record of the proceedings of that meeting, with the following amendment:

IC3. Letter from Department of Primary Industries dated 24 September 2018 - Final Marine Estate Management Strategy. ‘The AAC were reminded that the next fishing meeting is coming up and members are encouraged to invite anyone interested in being identified as a cultural fisher to attend the meeting’.

Business Arising:

Business Arising from meeting held on Friday 5 October 2018

A2(a) Aboriginal Statement of Commitment
The Aboriginal Statement of Commitment will be considered at the Council meeting on 15 November 2018. The AAC advised it would like to attend Community Access however some members will be unable to attend.

Action: CDO-Aboriginal to book the AAC into Community Access on 15 November 2018.

Leweena requested that the Aboriginal organisations that make up the AAC be listed in the Aboriginal Statement of Commitment under the ‘Definitions’ heading.

Moved: Leweena Williams
Seconded: Des Williams
RECOMMENDATION that the Aboriginal Advisory Committee recommends that the names of each organisation making up the Aboriginal Advisory Committee are listed under the heading of 'Definitions' in the Aboriginal Statement of Commitment.

Business Arising from meeting held on 5 October 2018

A2(c)  LGAN Conference Narrabri Update
Action:  CDO-Aboriginal to email to AAC the Collaborate Professional Engagement Package link and provide a copy of the Planning NSW presentation.

Business Arising from meeting held on 3 August 2018 and 5 October 2018

BA1 Cobaki Update
Action:  CDO-Aboriginal to arrange for a copy of the DA for Precinct 12 at Cobaki to be emailed to TBLALC and Jackie McDonald.

Business Arising from meeting held on 5 October 2018

A2(b)  AAC 'Celebrating Our 20 Year Journey' Video
Action:  CDO-Aboriginal to arrange for the full video and photographs of the 20 year celebration to be copied onto USB sticks for distribution at the next AAC meeting.

Action:  CDO-Aboriginal to arrange for each organisation to receive a further copy of the 'Celebrating our 20 year journey' publication for sharing with their members.

Business Arising from meeting held on 5 October 2018

GB3.  Public Open Space Strategy Consultation
Cr Cherry advised that the interview provided by Leweena is being shown at the Public Open Space Strategy consultations and provided positive feedback.

Agenda Items:

A1. (a)  Aboriginal Affairs Local Decision Making - Information re Working Groups which are working well
Rob has contacted the Department of Aboriginal Affairs which would welcome the opportunity to come up and meet with the AAC regarding the Local Decision Making Working Groups in February or March 2019. A couple of dates will be distributed to the AAC and the meeting will be held at Minjungbal Aboriginal Museum and Cultural Centre.

Action:  CDO-Aboriginal to liaise with Department of Aboriginal Affairs and provide dates to the AAC for a meeting to discuss the Aboriginal Affairs Local Decision Making Working Groups.

(b)  Northern Rivers Joint Organisation Planning for meeting on 4 February 2019
Rob confirmed that Mayor Milne is arranging for the AAC to be placed on the Northern Rivers Joint Organisation Planning meeting Agenda on 4 February 2019 and will confirm shortly. The AAC will be provided the opportunity to advocate for other councils to form a better relationship with the Aboriginal community. An allocation of 30 minutes will be provided on the Agenda.
AAC agreed that it would show the 20 minute AAC ‘Celebrating our 20 year journey’ video with 5 minutes before and after as an introduction and question time.

(c) 2019 LGAN Conference - Presentation opportunities
Discussion in relation to possible presentation opportunities including relationship with Council and employment of CDO-Aboriginal positions. The presentation will enable to AAC to advocate for other councils to form a better relationship with the Aboriginal community.

Incoming Correspondence:

AAC members encouraged to complete the survey individually. The survey was completed collectively on behalf of AAC.

Action: CDO-Aboriginal to provide an email version or link to the Jack Evans Boat Harbour survey to Jackie McDonald so she can send out to TWAECG members.

Leweena Williams left the meeting at 12.15pm

Outgoing Correspondence:
Nil

General Business:

GB4. Christmas meeting on 7 December 2018
Next meeting to be held at Kingscliff Hall and Rowan Robinson Park. The meeting will commence at 9.30am with a Christmas morning tea outside and then move into the hall at 10.30am.

GB5. Australian Unity Home Care Services-North Coast Aboriginal Branch
Letter to be sent advising that a representative has not been attending the AAC meetings and requesting that it encourage an alternate to attend the meetings.

Action: CDO-Aboriginal to arrange for a letter to be sent to Australian Unity Home Care Services-North Coast Aboriginal Branch requesting it encourage an alternate to attend the AAC meetings.

GB6. Aboriginal Cultural Mapping project
Following the success of the Aboriginal Cultural Mapping project in the Tweed Shire, Des Williams and Ian Fox are speaking with Clarence Valley Council and Coffs Harbour Council regarding their Aboriginal Cultural Mapping projects.

GB7. Tweed Shire Road Strategy 2018
Jackie requested that the AAC members review the Tweed Shire Road Strategy 2018. Jackie raised concerns about a major change in the West Tweed area. The strategy is available on Council's website.

Action: CDO-Aboriginal to distribute link to Tweed Shire Road Strategy 2018 to AAC.

Next Meeting:
The next meeting of the Aboriginal Advisory Committee will be held 7 December 2018.
The meeting closed at 12.34pm.

EXECUTIVE LEADERSHIP TEAM COMMENTS:

A2(a) Aboriginal Statement of Commitment

_The addition recommended below was included in the Aboriginal Statement of Commitment adopted by Council at its meeting of 15 November 2018._

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

A2(a) Aboriginal Statement of Commitment

_That Council notes the Aboriginal Advisory Committee recommendation that the names of each organisation making up the Aboriginal Advisory Committee are listed under the heading of 'Definitions' in the Aboriginal Statement of Commitment._

COUNCIL IMPLICATIONS:

a. **Policy:**
   Code of Meeting Practice.

   Terms of Reference - Aboriginal Advisory Committee adopted 19 September 2013 (ECM3146605).

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.
[SUB-FMC] Minutes of the Floodplain Management Committee Meeting held 2 November 2018

SUBMITTED BY: Roads and Stormwater

Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1. Leaving a Legacy
2. Asset Protection
   1.2.1 Floodplain Management - To manage the risk of flooding and its impacts for property owners and the community.

ROLE: Leader

SUMMARY OF REPORT:

The Minutes of the Floodplain Management Committee Meeting held 2 November 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Floodplain Management Committee Meeting held 2 November 2018 be received and noted; and

2. The Executive Leadership Team's recommendations be adopted as follows:

   3. Voluntary House Purchase Scheme Update

      That Council notes the Committee's recommendation for a 9th step to be added to the presented Voluntary House Purchase scheme rollout strategy to explore policy options to:

      1. Rezone and develop flood free residential land in the Murwillumbah locality.

      2. Require residential land developers to set aside land for potential land swap opportunities.
REPORT:

The Minutes of the Floodplain Management Committee Meeting held 2 November 2018 are reproduced as follows for the information of Councillors:

Venue:
Canvas and Kettle Meeting Room, Murwillumbah Civic Centre

Time:
9.00am

Present:
Cr James Owen, Danny Rose, Leon McLean, Brenda Hannigan (Tweed Shire Council), Martin Rose, Caroline Ortel, Toong Chin (arrived 10am) (Office of Environment and Heritage), Peter Mair (NSW State Emergency Service), Felicia Cecil, Max Boyd, Dion Andrews, Mike Allen, Steven Smith (Tumbulgum Community Association).

Guest: David Tetley (Catchment Simulation Solutions).

Apologies:
David Oxenham, Doreen Harwood, Lindsay McGavin, Stuart Russell (Tweed Shire Council), Robert Quirk.

Minutes of Previous Meeting:
Moved: Peter Mair
Seconded: Steven Smith
RESOLVED that the Minutes of the Floodplain Management Committee meeting held Friday 15 June 2018 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

From meeting held 15 June 2018

4. Performance of M1 during 2017 Flood (Tumbulgum Community Association)
Council officers have liaised with NSW Office of Environment & Heritage (OEH) and Roads and Maritime Services (RMS) with regard to any planned review of the performance of the Pacific Motorway during the March 2017 flood event. Neither agency has any plans to revisit this area at this time.

RMS inspected the highway opening south of the Chinderah Service Station and undertook vegetation management in this vicinity to ensure proper hydraulic function. Remaining vegetation is located on private land, with evidence that it existed prior to the highway construction.

Council officers have earmarked this area for further intelligence gathering in future flood events
Agenda Items:


Consultant David Tetley from Catchment Simulation Solutions presented the work performed to date on the South Murwillumbah Floodplain Risk Management Study and Plan, specifically work done to define the existing flood risk in the area.

The study is now at the stage of identifying risk management measures for detailed investigation. A preliminary list of recommended options was presented to the Committee for discussion and comment.

Mike Allen enquired as to whether the “dredging” option (not recommended for further investigation) considered the possibility of a commercial entity completing the works at their cost, also generating royalties for the State Government, as reportedly occurred in the past. Danny Rose explained the limitations of dredging, from a flood risk management perspective. The committee resolved to include dredging into the list of options to be further investigated, given the community would likely raise the issue in public submissions.

The study will now enter the detailed investigation of risk management options phase. Additional community consultation will also be performed to gauge community opinions on the proposed options. A draft study report will be presented to the next Floodplain Management Committee meeting outlining the results of these detailed investigations.

A copy of David’s presentation is attached to the minutes.

2. High Hazard Flood Areas Policy and Development Controls

Danny Rose presented draft High Hazard Flood Areas Policy and proposed amendments to Development Control Plan Section A3 – Development of Flood Liable Land.

The policy and amendments aim to limit residential development in the highest risk areas of South Murwillumbah, Bray Park, Burringbar and Mooball. The policies are intended as an interim “stop-gap” measure until such time as the Tweed Valley Flood Study can be updated with improved hazard data and other planning recommendations from previous studies can be incorporated into the DCP.

The implications of the policy were discussed in relation to limitations applied to development, Council’s land acquisition obligations, current Voluntary Purchase Schemes and previous Council programs (i.e. back zoning). The committee expressed concern with regard to the lack of vacant, urban zoned, flood free land available in the Murwillumbah area as an alternative or destination for relocating residents. Danny Rose suggested that Council’s Strategic Planning Unit be invited to a future Committee meeting to provide an update on the status of urban land release areas in the area.

Caroline Ortel suggested that the proposed policies be extended to cover caravan parks and movable dwellings.
COMMITTEE ACTION:
That Council’s Strategic Planning and Urban Development Unit to provide an update on the status of urban land release areas in the Murwillumbah area to a future Floodplain Management Committee Meeting.

3. Voluntary House Purchase Scheme Update
Danny Rose presented progress to date rolling out Council’s new and expanded Voluntary House Purchase (VHP) schemes. Funding limitations were outlined as well as interfaces with planning controls and regulation (i.e. LEP, High Hazard Flood Areas Policy). An 8 step strategy was proposed to roll out the VHP (and VHR) schemes.

Dion Andrews enquired as to the possibility of implementing a developer contribution scheme to provide or fund land for the scheme to offer to relocate VHP recipients. Danny Rose explained the requirement for “nexus” for Development Contribution Plans. However it could be feasible to request that in future rezonings land be set aside / purchased by Council to be able to offer land swaps for residential properties. This idea would be referred to Council’s Strategic Planning Unit for investigation of policy options.

Max Boyd asked what funding Council is allocating to these schemes and provided examples from the past where Council has found alternative sources of funding for similar large scale schemes (i.e. Tweed District Water Supply). Danny Rose explained current budget allocations and limitation on NSW OEH funding. In order to increase funding / borrowings for VHP, funding would need to be cut from other budget areas / services.

Moved: Steven Smith
Seconded: Max Boyd

RECOMMENDATION that a 9th step be added to the presented Voluntary House Purchase scheme rollout strategy to explore policy options to:

Rezone and develop flood free residential land in the Murwillumbah locality.
Require residential land developers to set aside land for potential land swap opportunities.

FOR VOTE: Unanimous

4. Gauges Projects Update
Leon McLean provided a brief update on the OEH grant funded Tumbulgum Warning Gauge and Burringbar/Mooball/Crabbe’s Creek Gauge Network Augmentation projects. Council is working closely with the Bureau of Meteorology, OEH, SES and Community representatives to deliver both projects. The projects are due for completion in December and early next year respectively.

General Business:

5. 2018 NSW Get Ready Community Award – Tumbulgum Community Association
Danny Rose congratulated the Tumbulgum Community Association (TCA) (Steven Smith) on being recently awarded the 2018 NSW Get Ready Community Award.
The NSW Get Ready Community Award is an annual award that recognises and celebrates a NSW community that, by working together, has done exceptional work to make their community more prepared and better able to respond and recover from disasters.

Since Cyclone Debbie, the Tumbulgum Community, led by the TCA, has gathered together in a project to develop resilience by increasing confidence in information quality and timeliness of communication, and community-led planning and recovery efforts. This award is recognition of this hard work, and is to be commended.

6. Mooball Creek Outlet
Danny Rose reported on the recent natural closing of the mouth of Mooball Creek and subsequent mechanical opening. The intervention was primarily due to rural flooding that threatened agricultural production in the mid-catchment floodplain areas.

Uncertainties with regards to the ownership and responsibility for maintenance of the training walls was also noted. Council continues to work with State Government agencies (Crown / OEH) to resolve this matter.

7. “Riva Vue” Murwillumbah in the March 2017 Flood
Max Boyd enquired as to how new dwellings in the “Riva Vue” estate (new urban land release area) faired during the March 2017 flood event. The flooding of recently approved and constructed dwellings would suggest a problem with Council’s current flood modelling and/or development controls.

It was noted that the flood levels occurring in the areas of the Rous River to the North-West of Murwillumbah were among the highest magnitudes recorded and greater than the (approximate) 1% AEP levels that other affected areas experienced. Leon McLean reported that he was not aware of any new dwellings in the “Riva Vue” estate that were flooded over floor, but expects that the streets and park area would have experienced flooding. It is likely that the 0.5m freeboard requirement for habitable buildings was the difference for many of the lower lying new houses.

8. Property Specific Flood Information
Max Boyd enquired if Council had any plans to distribute flooding information from the recent studies directly to residents through media such as attachments to rates notices. Brenda Hannigan outlined plans for next week’s TweedLink including flood related “it is coming into flood season” type message.

Leon McLean noted the planned Automatic Property Flood Reports system project currently underway and suggested that, once the system is in place, Council Officers present a strategy to a future Committee meeting on how best to distribute this information.

9. Condong Creek Management Plan – Offer of Works In-Kind
On behalf of Robert Quirk, Max Boyd asked if Council would write to parties (Brims/Bartlett) who have verbally offered to complete works identified in the DRAFT Condong Creek Management Plan at their cost, in order to confirm these commitments.

Danny Rose explained that discussions are ongoing outside of the Floodplain Management Committee with regards to the management of Condong Creek as the issue is primarily an agricultural drainage one. Nevertheless, the South Murwillumbah Floodplain Risk Management Study and Plan are set to evaluate the proposed works from a Flood Management perspective.

The potential to complete the works at no cost to Council or OEH was noted and this will be included in the economic analysis of the option in David Tetley’s assessment under the South Murwillumbah Floodplain Risk Management Study.

10. Tumbulgum Motel Development
Steven Smith asked if an expected future DA for a motel in Tumbulgum could be conditioned to require booking cancellation based on flood watches or warnings and if the building could be required to provide refuge for other residents

Danny Rose explained that dealing with specific DA’s was outside of the scope of the Floodplain Management Committee. While these may be good community ideas, they are outside of the planning framework to impose on developers.

Next Meeting:
The next meeting of the Floodplain Management Committee will be held around February 2019 at a date to be confirmed.

The meeting closed at 12:30pm.

EXECUTIVE LEADERSHIP TEAM’S COMMENTS:

3. Voluntary House Purchase Scheme Update

    That the Committee’s recommendation below will be included in a future report to Council on the proposed voluntary house purchase scheme.

EXECUTIVE LEADERSHIP TEAM’S RECOMMENDATIONS:

3. Voluntary House Purchase Scheme Update

    That Council notes the Committee’s recommendation for a 9th step to be added to the presented Voluntary House Purchase scheme rollout strategy to explore policy options to:

    1. Rezone and develop flood free residential land in the Murwillumbah locality.
2. Require residential land developers to set aside land for potential land swap opportunities.

COUNCIL IMPLICATIONS:

a. Policy:
Code of Meeting Practice v2.6.
Terms of Reference - Reviewed by Council 21 August 2013.

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:

[SUB-LTC] Minutes of the Local Traffic Committee Minutes Meeting held Thursday 22 November 2018

SUBMITTED BY: Roads and Stormwater

People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3 People, places and moving around
3.3 Moving around
3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: Advocate

SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee Minutes Meeting held Thursday 22 November 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Local Traffic Committee Minutes Meeting held Thursday 22 November 2018 be received and noted; and

2. The Executive Leadership Team's recommendations be adopted as follows:


That the proposed Envirobank Country Surf Life Saving Championships on 2 to 3 February 2019 be supported subject to standard conditions of approval, NSW Police approval being obtained, community and business consultation and advertising in the Tweed Link.

1. NSW Police approval being obtained.
2. The applicant should consider larger capacity park and ride options to minimise potential congestion and confusion in Kingscliff CBD.
3. An updated Traffic Management Plan needs to be submitted by 18 December 2018 for approval.

5. Community and affected business consultation including Kingscliff Chamber of Commerce, addressing raised concerns including a letterbox drop to directly affected residents.

6. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.

7. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.

8. Adequate public liability insurance being held by the event organiser.

9. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.

10. Consultation with emergency services and any identified issues addressed.

11. Arrangements made for private property access and egress affected by the event.

12. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to www.tweed.nsw.gov.au and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.

13. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.

14. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.

A2  [LTC] Zephyr Street and Kingscliff Street, Kingscliff

That:

1. Yellow 'No Stopping' lines be installed from the end of the parking bays in Marine Parade to the kerb ramps on Beach Street.

2. Edge lines be installed on Zephyr and Beach Streets at the intersections off Kingscliff Lane to guide drivers on the appropriate distance to be parking from the intersection.

3. Double centre lines on Beach Street and Zephyr Street approaching Kingscliff Street be reduced to approximately 15 metres to allow additional parking.
REPORT:

The Minutes of the Local Traffic Committee Minutes Meeting held Thursday 22 November 2018 are reproduced as follows for the information of Councillors.

VENUE:
Mt Warning Meeting Room

TIME:
Commencing at 9.30am

PRESENT:
Committee Members:  Cr Chris Cherry, Ms Linda Makejev, Roads and Maritime Services of NSW, Mr Col Brooks on behalf of Mr Thomas George MP, Member for Lismore, Ms Amanda Hall on behalf of Mr Geoff Provest MP, Member for Tweed, Snr Sgt Luke Blissett.

Informal:  Ms Alana Brooks (Chairperson), Mr Shane Davidson, Ms Judith Finch (Minutes Secretary), Ms Cheryl Jackson (training).

APOLOGIES:
Snr Constable Chris Davis, NSW Police, Mr Thomas George MP, Member for Lismore, Mr Geoff Provest, Member for Tweed, Mr Ray Clark.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MIN1 [LTC] Confirmation of Minutes of Previous Meeting held 18 October 2018

ORIGIN:
Roads & Stormwater

RESOLVED that the Minutes of the Local Traffic Committee meeting held 18 October 2018 be adopted as a true and accurate record of proceedings of that meeting.

SCHEDULE OF OUTSTANDING RESOLUTIONS

SCH1 [LTC-SOR] Schedule of Outstanding Resolutions - 22 November 2018

From Meetings held 27 September 2018

[LTC] Bay and Wharf Streets, Tweed Heads (B4)

Applicant's Information:
Request received for the timing of the traffic lights at the intersection of Bay and Wharf Streets, Tweed Heads to be investigated. The customer has suggested the installation of a right hand turn arrow on the lights when turning right from Wharf Street into Bay Street. The customer sometimes has to wait for a couple of light changes before they can turn right. They have also suggested a right hand turn arrow when turning right from Bay Street into Wharf Street.
Officer's Comment:
Previous advice from Roads & Maritime Services (RMS) was that the warrants for a right turn phase from Wharf Street into Bay Street was not met given the volume of traffic carrying out the turn.

The Chairperson requested that this item be moved to the Schedule of Outstanding Resolutions.

COMMITTEE ADVICE:
That the RMS provide advice on current best practice for installation of a right turn phase from Wharf Street into Bay Street, Tweed Heads and from Bay Street into Wharf Street.

From meeting held 18 October 2018:
RMS advised that warrants are not required and it is Council and RMS responsibility to determine. Noted that further traffic modelling needs to be done. Further information to be received from RMS.

From meeting held 22 November 2018:
The Police Rep advised that between 9.00am and lunchtime the phasing is not functioning appropriately and requested that the RMS check the phasing. The RMS noted that there are faulty detectors at this intersection and undertook to follow up on the problem.

BUSINESS ARISING
Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

Nil.

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS


ORIGIN:
Roads & Stormwater

FILE NO: ECM 5386351; 5645718; Traffic - Committee; Festivals/Events - Other; Community Events on Council Administered Land; Surf Life Saving Club - Cudgen; Parks - Faulks - Kingscliff
SUMMARY OF REPORT:

**Applicant's Information:**
Application received for the 2019 Envirobank Country Surf Life Saving Championships on Saturday 2 February to Sunday 3 February (6.00am to 6.00pm).

Start date is Tuesday 29 January (including set up).
End date is Monday 4 February (including pack up).

It is proposed that there will be 1,600 competitors, 150 volunteer officials, 50 volunteers from Cudgen Headland SLSC, with an audience of 3,000 including parents, supporters and spectators. The competition caters for U8 to 70+ years.

Evidence of Public and Products Liability insurance ($20,000,000) has been provided with a Certificate of Currency and an expiry date of 7 October 2018.

**Officer's Comment:**
Whilst some information has been provided on traffic management for the event it is recommended that the event organiser and Council's events officer be invited to the meeting to discuss the impact of the event on the adjacent road network.

The events officer joined the meeting at 10.00am.

The Surf Life Saving Club representative was unable to attend.

**COMMITTEE ADVICE:**

That the representative from Cudgen Surf Life Saving Club and the TSC events officer be invited to the meeting to provide an overview of the event, traffic management and mitigation of the expected traffic impacts.

**RECOMMENDATION TO COUNCIL:**

That the proposed Envirobank Country Surf Life Saving Championships on 2 to 3 February 2019 be supported subject to standard conditions of approval, NSW Police approval being obtained, community and business consultation and advertising in the Tweed Link.

1. NSW Police approval being obtained.
2. The applicant should consider larger capacity park and ride options to minimise potential congestion and confusion in Kingscliff CBD.
3. An updated Traffic Management Plan needs to be submitted by 18 December 2018 for approval.
5. Community and affected business consultation including Kingscliff Chamber of Commerce, addressing raised concerns including a letterbox drop to directly affected residents.
6. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the
operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.

7. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.

8. Adequate public liability insurance being held by the event organiser.

9. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.

10. Consultation with emergency services and any identified issues addressed.

11. Arrangements made for private property access and egress affected by the event.

12. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.

13. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.

14. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.

The events officer left the meeting at 10:25am.

FOR VOTE - Amanda Hall on behalf of Mr G Provest, MP Member for Tweed, Ms Linda Makejev, Roads & Maritime Services, Snr Sgt Luke Blissett

A2  [LTC] Zephyr Street and Kingscliff Street, Kingscliff

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5611756; Traffic - Committee; Traffic- Safety; Zephyr Street; Kingscliff Street; Beach Street

SUMMARY OF REPORT:

Applicant 1 Information:
I would like to bring to your attention a matter which is of concern to myself, my family and other residents who live in Zephyr Street on the western side. When attempting to turn right into Kingscliff St from the western side of Zephyr St it is impossible to see if any traffic is coming. Most times there are vehicles parked on Kingscliff St. which obstruct the view.

You have to stop at least a vehicle length up Zephyr St and look at the round-a-bout on Beach St to see if vehicles are coming. When the last vehicle you see coming around the round-a-bout has passed you think it is safe to go. This works ok until a car pulls out that has been parked in Kingscliff St. before Beach St as of course the person in Zephyr St. cannot see it pulling out.

Two neighbours have commented to me that that were nearly wiped out.
Applicant 2 Information:
Parking - I am writing on behalf of owners at 180 and 182 Marine Parade who have serious concerns about the vehicles that are parking on the side streets of beach and Zephyr street. when residents are trying to turn into Kingscliff Lane way to exist or enter their dwellings they can't see traffic coming along Beach or Zephyr St (whichever end of Kingscliff Lane) for vehicles that are parking right up to the edge of the laneway. On Beach St they are parking over the footpath outside the complex over 172 Marine Parade so anyone walking from Marine Parade onto Beach St (along the southern side footpath) has to try and walk between vehicles and onto the road to cross to the northern side (the footpath ends on Beach St).

Officer's Comment:
Council officers have received numerous requests to review parking and install yellow lines in the vicinity of Beach Street, Zephyr Street and Kingscliff Lane.

The reported issues are:
- Vehicles parked in Beach and Zephyr Streets are parking right up to Kingscliff Lane and making it difficult for cars to safely navigate the intersections,
- Vehicles are unable to turn out of Kingscliff Lane because cars parked in Beach and Zephyr Street are blocking lane,
- Vehicles on Beach Street are parking across kerb ramps connecting footpaths,
- Vehicles on Kingscliff Street are parking too close the intersection with Zephyr Street and motorists leaving Zephyr Street have poor sight distance

RECOMMENDATION TO COUNCIL:

That:

1. Yellow 'No Stopping' lines be installed from the end of the parking bays in Marine Parade to the kerb ramps on Beach Street.
2. Edge lines be installed on Zephyr and Beach Streets at the intersections off Kingscliff Lane to guide drivers on the appropriate distance to be parking from the intersection.
3. Double centre lines on Beach Street and Zephyr Street approaching Kingscliff Street be reduced to approximately 15 metres to allow additional parking.

FOR VOTE - Amanda Hall on behalf of Mr G Provest, MP Member for Tweed, Ms Linda Makejev, Roads & Maritime Services, Snr Sgt Luke Blissett

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE - MURWILLUMBAH

B1  [LTC] Tyalgum Road, Eungella

ORIGIN:
Roads & Stormwater
SUMMARY OF REPORT:

Applicant's Information:
Roads & Maritime Services having received requests from Council and the community for a review of the location of the school zone on Tyalgum Road servicing the Bhaktivedanta Swami Gurukula School. This school isolated on a private access road with the school zone some distance away on Tyalgum Road. See attached map.

The LTC to review the proposal to relocate the flashing lights to the entry to the service road to the community (still in the Road Reserve).

A further attachment is from the RMS survey team (green shaded area) to indicate where the boundary of the road reserve is located.

Officer's Comment:
The 40km/h school zone on Tyalgum Road is quite remote from the school and Council officers regularly receive complaints from motorists on the need for the speed limit reduction in an isolated area. Officer observations and reports have noted poor compliance with the 40km/h school zone and having a zone that is not complied with devalues other school zones.

RMS Officers have provided feedback from the school’s principal. The following advice was provided:

- The school would rather keep the school zone on Tyalgum Road,
- the school buses drop off on site and not on Tyalgum Road,
- some children get picked up at the entrance to the private road just off Tyalgum Road
- very occasionally the weather restricts safe access and teachers walk students out to Tyalgum Road

COMMITTEE ADVICE:

That the removal of the 40km/h school zone on Tyalgum Road is supported because it does not meet the current RMS guidelines for a school zone.

B2 [LTC] ANZAC Day - Pottsville

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5601125; Traffic - Committee; Ceremonies - ANZAC Day; Coronation Avenue, Tweed Coast Road, Berkleys Lane, Pottsville

SUMMARY OF REPORT:

Applicant’s Information:
RSL Pottsville and District Sub-Branch is today requesting an ONGOING approval to conduct our ANZAC Day march and assembly in Pottsville. An ongoing approval to conduct the ANZAC Day march, without the need to make a request each year, would have the benefit of
reducing the administrative burden for the RSL and it would also save time and resources for the Council.

If an ongoing approval is granted by the Council's Local Traffic Committee, the approval will continue from year to year unless rescinded by the Council.

Nevertheless, in the light of possible future changes in the safety and security environment, a separate police approval would be sought annually for each parade. I anticipate that police from Tweed-Byron Local Area Command will continue to manage the road closures associated with the Pottsville ANZAC Day march as they did last year. All police instructions will be followed.

A diagram of the march route is attached. The march details are:

- Marchers assemble at 7:30 am outside the chemist on the corner of Berkley's Lane and Coronation Avenue Pottsville.
- The march departs at 7:45 am East along Coronation Avenue and then proceed North along Tweed Coast Road to The Pottsville Beach Cenotaph at ANZAC Park.
- The ANZAC Day Service then commences at 8:00 am at the cenotaph.

Officer's Comment:

Police managed marches do not require Council approval. This is being put forward to the committee for any comments on the event's impacts on the adjacent road network. The march will only last 15 minutes and will occur on a public holiday and there are no concerns raised.

*Col Brooks left the meeting at 10:55am.*

The RMs Representative advised that the Local Traffic Committee should still be notified about the event occurring each year.

COMMITTEE ADVICE:

That the ANZAC Day March is supported, and does not require Council approval as long as road closures continue to be managed by NSW Police. However, the Local Traffic Committee will still need to be notified that the event is occurring each year. Any use of Council owned/managed parks would require a community event application to reserve those areas.

GENERAL TRAFFIC ADVICE - TWEED HEADS

B3  [LTC] Moss Street, Kingscliff

ORIGIN:
Roads & Stormwater

FILE NO:  ECM 5467562; Traffic - Committee, Safety; Moss Street

SUMMARY OF REPORT:
Applicant's Information:
Moss St. Kingscliff is very narrow and carries heavy traffic for this area. The entry from Casuarina is downhill and has a blind curve as you enter. There are many cars coming out of the resorts and units on the river. I was reminded just how dangerous this street is for traffic recently when I was behind a caravan that had stopped and the only way I could get around was on the rhs of the road with no view whatever of any cars coming down the hill towards me. I believe that there is a very high potential for serious collisions on this street and that it should be made one way only as soon as possible.

Officer's Comment:
Moss Street, although narrow and cars have to at times pull over and allow traffic to pass, it is 40km/h speed limited and has no reported crash history. Designating Moss Street as one-way would inconvenience residents and motorists, increase speeds, and some drive ways would be difficult to negotiate. These factors may lead to non-compliance with the proposed one-way configuration. This has been considered several times previously and converting the street to one-way has not been supported.

COMMITTEE ADVICE:

That designating Moss Street as one-way is not supported.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 20 December 2018 in the Mt Warning Meeting Room commencing at 9.30am.

There being no further business the Meeting terminated at 11:05am.

EXECUTIVE LEADERSHIP TEAM COMMENTS

    Nil.

A2  [LTC] Zephyr Street and Kingscliff Street, Kingscliff
    Nil.

EXECUTIVE LEADERSHIP TEAM RECOMMENDATIONS

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A.  FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS


That the proposed Envirobank Country Surf Life Saving Championships on 2 to 3 February 2019 be supported subject to standard conditions of approval, NSW
Police approval being obtained, community and business consultation and advertising in the Tweed Link.

1. NSW Police approval being obtained.
2. The applicant should consider larger capacity park and ride options to minimise potential congestion and confusion in Kingscliff CBD.
3. An updated Traffic Management Plan needs to be submitted by 18 December 2018 for approval.
5. Community and affected business consultation including Kingscliff Chamber of Commerce, addressing raised concerns including a letterbox drop to directly affected residents.
6. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
7. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.
8. Adequate public liability insurance being held by the event organiser.
9. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.
10. Consultation with emergency services and any identified issues addressed.
11. Arrangements made for private property access and egress affected by the event.
12. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to www.tweed.nsw.gov.au and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.
13. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.
14. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.

A2 Zephyr Street and Kingscliff Street, Kingscliff

That:

1. Yellow 'No Stopping' lines be installed from the end of the parking bays in Marine Parade to the kerb ramps on Beach Street.

2. Edge lines be installed on Zephyr and Beach Streets at the intersections off Kingscliff Lane to guide drivers on the appropriate distance to be parking from the intersection.
3. Double centre lines on Beach Street and Zephyr Street approaching Kingscliff Street be reduced to approximately 15 metres to allow additional parking.

COUNCIL IMPLICATIONS:

a. Policy:
   Code of Meeting Practice.

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.
CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C1 [CNR-CM] Update on Negotiations with Solo Resource Recovery on Proposed Variation to Collections Contract, and Negotiation with Polytrade on Sharing Return for Container Deposit

REASON FOR CONFIDENTIALITY:

The report contains financial information on a contract variation which is currently being negotiated.

Local Government Act
This report is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(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.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1 Leaving a Legacy
   1.3 Utility Services
   1.3.1 Rubbish and Recycling Services - To collect, recycle and dispose of residential and commercial waste, manage landfill sites and deliver community education so as to divert rubbish from landfill.

ROLE: Provider
C2 [CNR-CM] Proposed Renaming of Park at Burringbar

REASON FOR CONFIDENTIALITY:

Council has previously resolved to receive nominations for park naming in confidential so as to avoid potential offence to the nominee if the proposal is not supported.

Local Government Act

This report is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(a) personnel matters concerning particular individuals (other than councillors).

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3 People, places and moving around
3.2 Places
3.2.7 Parks and Gardens - To provide and manage quality and accessible public parks and gardens for the enjoyment and wellbeing of the community and visitors to the Tweed.

ROLE: Provider
REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] Development Servicing Plans for Water Supply and Sewerage Services

REASON FOR CONFIDENTIALITY:

The matter deals with the setting of charges by Council. Legal advice has been sought to confirm a position recommended to Council. Access to the legal advice and the discussion within the report may provide an opportunity for large developers to challenge Council in the setting of developer charges.

Local Government Act

This report is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1 Leaving a Legacy
1.3 Utility Services
1.3.2 Sewerage Services - To provide high quality and reliable sewage collection and treatment services that meet health and environmental requirements.
1.3.4 Water Supply -- To provide secure, high quality and reliable drinking water which meets health and environmental requirements.

ROLE: Provider