

Chair: Tr K Milne

Trustees: G Bagnall (Deputy Chair)
C Byrne
B Longland
W Polglase
P Youngblutt

Agenda

Tweed Coast Reserve Trust Meeting Thursday 16 June 2016

held at **Council Chambers, Murwillumbah Civic & Cultural
Centre, Tumbulgum Road, Murwillumbah**
commencing at 5.00pm

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Items for Consideration of the Trust:

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CONFIRMATION OF MINUTES

- 1 [CONMIN-TCRT] Confirmation of Minutes of Ordinary Tweed Coast Reserve Trust Meeting held Thursday 21 April 2016

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.2 Improve decision making by engaging stakeholders and taking into account community input
 - 1.2.2 Decisions made relating to the allocation of priorities will be in the long-term interests of the community
-

SUMMARY OF REPORT:

The Minutes of the Ordinary Tweed Coast Reserve Trust Meetings held Thursday 21 April 2016 are attached for information and adoption by the Trust.

RECOMMENDATION:

That the Minutes of the Ordinary Tweed Coast Reserve Trust Meetings held Thursday 21 April 2016 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 Version 2.5.

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 Tweed Coast Reserve Trust Meeting held Thursday 21 April 2016 (ECM 4035554).

REPORTS THROUGH THE EXECUTIVE MANAGER OF THE TRUST

REPORTS FROM DIRECTOR PLANNING AND REGULATION

2 [PR-TCRT] Community Markets

SUBMITTED BY: Building and Environmental Health

SUMMARY OF REPORT:

The Market Policy and Events Strategy were adopted by Council at its 17 March 2016 meeting.

During the review process for this Strategy it was considered important to seek development consent for the existing community market sites at Knox Park Murwillumbah, Philip St Reserve Pottsville, Recreation Ground Tweed Heads and Jack Bayliss Park Kingscliff to ensure the ongoing operation of the community markets are for the benefit of the community and are conducted safely.

This report seeks Council, as Trustee, support for a series of concurrent processes to allow:

- the more immediate activation of the Jack Evans Boat Harbour and Salt Central market sites through an expressions of interest process;
- the temporary, ongoing operation of the other markets currently in operation Kingscliff (Jack Bayliss Park), Kingscliff (Lions Park), Tweed Heads (Recreation Ground), and Pottsville (Philip Street) to enable sufficient time for the required development application and modification processes for these markets;
- to gain development approval for the Murwillumbah (Knox Park), Kingscliff (Jack Bayliss Park), Tweed Heads (Recreation Ground), and Pottsville (Philip Street) sites; and
- following the completion of these application processes, to conduct a broader expressions of interest process to establish new operational approvals for a 3 year period, in accordance with Council's adopted Market Policy.

The current status of the development consents and operational approvals for each of the markets are as follows (**sites relevant to this report in red**):

Community Market Sites	DA Consent	Operational	Current Approval Expiration Date
Tweed Heads - Jack Evans Boat Harbour	DA12/0394	No - Relinquished	Not Applicable
Tweed Heads - Recreation Ground	Required	Yes	30 June 2016
Kingscliff – Jack Bayliss Park	Required	Yes	30 June 2016
Kingscliff – Lions Park	DA12/0480	Yes	30 June 2016

Community Market Sites	DA Consent	Operational	Current Approval Expiration Date
Casuarina - Salt central	DA13/0634	No	Not Applicable
Pottsville – Philip St Reserve	Required	Yes	30 June 2016
Murwillumbah – Knox Park	Required	No - Relinquished	Not Applicable

NB. *The current market operators for the Kingscliff Lions Park (the Kingscliff Night Markets) have been operating in breach of their development consent by allowing 10 food vendors (instead of 4 approved). The modification of the relevant conditions of consent would be needed to enable this arrangement to continue. Consideration of the impact these additional food vendors is having on established food premises in Kingscliff is necessary.*

RECOMMENDATION:

That the Tweed Coast Reserves Trust consents to:

1. Extends the current community market operating approvals for the community market sites of Kingscliff (Jack Bayliss Park), Kingscliff (Lions Park), and Pottsville (Philip Street); for a period of 9 months from 1 July 2016 to 31 March 2017 to provide sufficient time for:
 - (a) the completion of the relevant development application and modification and determination processes for each site; and
 - (b) the completion of a subsequent expressions of interest process to establish a new three year operating approval for these markets between July 2017 and June 2020.
2. Immediately proceed with the expression of interest process for the community market site with existing development consents being Salt Central.

REPORT:

At the Council Meeting held on 19 November 2015 it was resolved:

"that, subject to the endorsement by the Tweed Coast Reserves Trust, Council extends the current approvals to operate each of the markets located at Kingscliff (Jack Bayliss Park), Kingscliff (Lions Park), Tweed Heads (Recreation Ground), and Pottsville (Philip Street) from 31 December 2015 for a further period of six months until 30 June 2016."

The extension allowed for the finalisation of Council's Events Strategy and Market Policy. The Market Policy and Events Strategy were adopted in March 2016.

Council Considerations

During the review process it was considered important for Council, as the land manager/owner, to seek development consent for the existing community market sites of Knox Park Murwillumbah, Philip St Reserve Pottsville, Recreation Ground Tweed Heads and Jack Bayliss Park Kingscliff to ensure the ongoing operations of the community markets are for the benefit of the community and conducted safely.

These markets have evolved and grown over many years and have not been subjected to the considerations of the development application process previously.

Sites with Development Consent:

The community market sites of Jack Evans Boat Harbour and Salt Central are currently not operational however, they are subject to development consents DA12/0394 and DA13/0634 respectively, with the current operating community market at Kingscliff (Lions Park) being subject to DA12/0480.

In respect of the Kingscliff Night Markets (Lions Park), there are development consent conditions which restrict the maximum number of food vendors to 4. Over the last two years, there have been up to 10 food vendors operating at this market.

Following the receipt of a public complaint, the matter was discussed at a Councillors Workshop, where it was determined to allow a six month trial of this increased number of food vendors, subject to the operator submitting a Section 96 application to seek approval to modify the relevant conditions. To date this approval has not been sought, and it is therefore now appropriate for Council to pursue this approval.

DA12/0480 also includes the following conditions requiring that these Markets be subject to a future Expressions of Interest (EOI) process:

1. → ~~The approval is granted for Aria Events and Entertainment to operate the market (once a month on the 1st Friday of the month) until the next call for tenders for all markets on public land occurs in 2015.~~¶
2. → ~~This temporary market is to be incorporated into the tender process for all markets on public land from 2015.~~¶

Timing

The current approval to operate markets at Kingscliff (Lions Park), Kingscliff (Jack Bayliss Park), Tweed Heads (Recreation Ground), and Pottsville (Philip Street) expire on 30 June 2016. It is recommended that these markets to continue to operate while other actions, like the development application process and market management guidelines for the EOI process are advanced.

It is considered the development application and determination process for the community market sites along with the expression of interest process will take approximately 9 months.

Consideration has been given as to whether these processes can occur concurrently and there are pros and cons in either scenario.

Pros: the EOI process that has already been delayed twice can commence and be decided.

Cons: There is concern that if the EOI process is conducted before the development application and determination process there could be new conditions within a develop consent that would not be known to a prospective market operator when they lodged their EOI.

Any new consent conditions could also not be reflected within the market management guidelines that Council distributes as part of the expression of interest process. Examples could be the costs associated with traffic control or the number of permissible food stalls.

Jack Evans Boat Harbour (Anzac Memorial Precinct) and Salt Central Community Market Sites

These market sites are subject to development consent provisions. A market previously operated at the Harbour site however had been surrendered as the market failed to establish for one reason or another. There has been recent interest in the re-establishment of a market at Harbour site and new market at Salt Central.

The options below therefore reflect the current approvals expiry date, the periods of time for both the application and determination process and the expression of interest process and taking into account the new market sites of Jack Evans Boat Harbour and Salt Central.

OPTIONS:

Seek Council Resolution and relevant Trust endorsement to either:

Option 1:

1. Extends the current community market operating approvals for the community market sites of Kingscliff (Jack Bayliss Park), Kingscliff (Lions Park), Tweed Heads (Recreation round), Pottsville (Philip Street) and Murwillumbah (Knox Park) (noting that Knox Park approval has been relinquished); for a period of 9 months from 1 July 2016 to 31 March 2017 to provide sufficient time for:
 - (a) the completion of the relevant development application and modification and determination processes for each site; and

- (b) the completion of a subsequent expressions of interest process to establish a new three year operating approval for these markets between July 2017 and June 2020
- 2. Immediately proceed with the expression of interest process to establish new operating approvals for the community market sites with existing development consents being Jack Evans Boat Harbour and Salt Central.

Option 1 is recommended.

Option 2:

Concurrently advance the development and modification application processes (where required) and conduct a broader expressions of interest process for all market sites in a more immediate timeframe.

This option is not supported, given that the relevant development approvals are considered necessary before proceeding with a broader EOI process. It is considered more appropriate to conduct these processes in a staged manner, as identified in the recommended Option 1.

CONCLUSION:

Option 1 is recommended to ensure the ongoing operation of current markets and allowing enough time to undertake the application and determination process for the community market sites of; Kingscliff (Jack Bayliss Park), Tweed Heads (Recreation Ground), Pottsville (Philip Street) and Murwillumbah (Knox Park) whilst taking advantage of the current interest shown in the new market sites of Jack Evans Boat Harbour and Salt Central.

Note: All markets will be aligned to expire together on 30 June 2020.

To facilitate Option 1 endorsement is required by the Trust to consent to:

- 1. Extending the current community market operating approvals for a period of 9 months to allow the application and determination process for the community market sites of Kingscliff (Jack Bayliss Park), Kingscliff (Lions Park), and Pottsville (Philip Street) and also the subsequent expression of interest process for these markets.
- 2. Immediately proceed with the expression of interest process for the community market site with existing development consents being Salt Central.

IMPLICATIONS:

a. Policy:

Markets v1.1

b. Budget/Long Term Financial Plan:

Option 1 – Increased income from rents paid for Jack Evans Boat Harbour and Salt Central.

Option 2 – Increased income from rents paid for Jack Evans Boat Harbour and Salt Central.

c. Legal:

Option 2 holds an increased risk of an inadequate EOI process.

d. Communication Engagement

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
