



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes
C Cherry (Deputy Mayor)
R Cooper
J Owen
W Polglase

Agenda

Ordinary Council Meeting Thursday 16 March 2017

held at **Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads** commencing at 5.00pm

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.

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CONFIRMATION OF MINUTES

- 1 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 16 February 2017

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
-

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 16 February 2017 are attached for information and adoption by Council.

RECOMMENDATION:

That:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 16 February 2017 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 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 Council Meeting held Thursday 16 February 2017 (ECM 4418958).
(Confidential) Attachment 2	Minutes of the Confidential Council Meeting held Thursday 16 February 2017 (ECM 4418975).

2 [CONMIN-CM] Confirmation of Ordinary and Confidential Council Meeting held on Thursday 2 March 2017

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
-

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 2 March 2017 are attached for information and adoption by Council.

RECOMMENDATION:

That:

- 1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 2 March 2017 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 Version 2.5.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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Attachment 1	Minutes of the Ordinary Council Meeting held Thursday 2 March 2017 (ECM4437431).
(Confidential) Attachment 2	Minutes of the Confidential Council Meeting held Thursday 2 March 2017 (ECM4437435).

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions at 16 March 2017



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
 - 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
-

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.

16 JULY 2015

ORDERS OF THE DAY

31 [NOM] Parking Requirements for Small Businesses

408

Cr K Milne
Cr P Youngblutt

RESOLVED that Council brings forward a report on the issue of Council's requirements for parking for development approvals for new small business and intensified use of existing, or change of use, small business approvals, including but not limited to:

- a) Council's current requirements and the justification for these requirements,
- b) The potential for these requirements to act as a disincentive for new or expanding small businesses,
- c) Comparison of Council's requirements with other similar growth Councils requirements,
- d) Options to alleviate the impost on small businesses such as eliminating, reducing or providing deferred payments,
- e) Options to address the implications for Council or the community from the above.

Current Status: This requires a comprehensive amount of investigation and work and sits behind current priorities including Tweed Road Development Strategy - Traffic Study, which will inform the Tweed Road Contribution Plan and a revision of Development Control Plan (DCP), Section A5 - Subdivision Manual.

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 brought back to a future Council meeting which includes the terms and conditions of the future potential lease.

Current Status: The General Manager and Council officers attended an onsite meeting with NSW Transport on 7 December 2016 to further negotiate the lease provisions. A license was agreed upon and commenced on 22 December 2016.

Murwillumbah District Business Chamber entered into a sub-licence which commenced on 21 January for an office on site and will terminate on 19 June 2017.

15 SEPTEMBER 2016

aC1 [GM-CM] Murwillumbah Airfield - Lease Negotiations

That Council:

- a) Bring forward a report investigating all development and leasing options available for the Murwillumbah Airfield; and
- b) Advise the potential lessee that the current lease negotiations for the western side of the Murwillumbah Airfield will be suspended until this report is determined by Council.

Current Status: Airport Projects were appointed to undertake this investigation. A report has been prepared and a workshop held with Councillors on 23 February 2017. The Economic Development Unit are working with Airport Projects to final the recommendations and costings prior to being reported to Council in April. They have commenced the

background research and conducted a meeting with lessees and users at the Airfield on 7 November 2016.

The potential lessee has been notified by letter and invited to participate in the discussions to assist the background research of the report.

17 NOVEMBER 2016

10 [CNR-CM] Licence for Pottsville Men's Shed at Black Rocks

528

**Cr R Cooper
Cr K Milne**

RESOLVED that:

1. The determination of the licence be deferred to a future Council meeting, and that Council:
2. Notes the community's support of a Men's Shed in Pottsville and that Council writes an urgent letter to the State Member Geoff Provest requesting information related to the process by which Crown Lands has to date worked to help the Pottsville and District Men's Shed (PDMS) to find a permanent home as per the Memorandum of Understanding (MOU) between Crown Lands and the Australian Men's Shed Association formulated in 2013, specifically requesting:
 - a) A diagram identifying all potentially available Crown Lands in Pottsville.
 - b) A copy of the assessment made as to the suitability of a permanent home for the PDMS for each of the sites identified.
 - c) A list of the further sites that could be investigated for the purposes of a permanent home for the Pottsville and District Men's Shed and advice on the suitability of these sites.

Current Status: This is the subject of a Notice of Motion to 16 March 2017 meeting.

Meetings have been held with the State Member for Tweed, Mayor, General Manager and Biodiversity Team Leader, Deputy Premier of NSW and Minister for Local Government and Environment on 22 February 2017 looking at two sites for koala habitat. Whilst not directly pertinent to the men's shed, sites considered for acquisition for core koala habitat could double as the alternative site for the men's shed if the land is ultimately acquired subject to development application and landowner's consent.

The Pottsville Men's Shed building is currently being stored at the Kingscliff Wastewater Treatment Plant.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for February 2017

SUBMITTED BY: Cr K Milne, Mayor

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
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 - 1.2.2 Decisions made relating to the allocation of priorities will be in the long-term interests of the community
-

Councillors

COMMITTEE MEETINGS

Attended by the Mayor

- 3 February NOROC Meeting - Ballina Council Chambers, Cnr Tamar and Cherry Streets, Ballina.
 - 14 February Destination Tweed Board Meeting - Santai Retreat, 9 Dianella Drive, Casuarina.
-

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

- 3 February Launch of Regional Communications Koala Plan - Ballina Council Chambers, 40 Cherry Street, Ballina.
 - 9 February Joint Focus Group University of Technology Sydney - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah. Crs Allsop, Cherry, Cooper and Owen also attended.
 - 14 February Richmond Tweed Regional Library Phone App Introduction Event - Murwillumbah Library, 10 Tumbulgum Road, Murwillumbah.
 - 14 February Caldera Environment Centre Meeting - Caldera Environment Centre, 4 Queen Street, Murwillumbah.
 - 17 February General Manager's Performance Review - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah. All Crs attended.
 - 22 February Ministers Meetings - Parliament House, 6 Macquarie Street, Sydney.
-

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

- 22 February Youth Council Meeting - Tweed Civic Centre, Corner Wharf and Brett Streets, Tweed Heads. Cr Cherry attended.

Inability to Attend by or on behalf of the Mayor

- 16 February Alliance for Gambling Reform Briefing - Sydney Mechanics School of Arts, 280 Pitt Street, Sydney. All Councillors invited, none attended as this clashed with the Council Meeting.
-

REQUESTS FOR WORKSHOPS:

Councillors did not request any additional workshops during February 2017.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

Councillors did not attend any conferences during February 2017.

Information on Conferences to be held

- 28-29 March Smart Urban Futures Conference - Melbourne Victoria
How do we position our communities to be resilient and adaptable to whatever comes our way ? Healthy communities and street design that works for everyone. Building community support. Development to be proud of. Integrated transport planning. Bringing economic development and urban design together.
Registration \$594, two flights, two night's accommodation.
www.victoriawalks.org.au/smart-urban-futures-2017
- 29-30 March The 3rd Annual Risk Management in Government Congress – Royce Hotel, Melbourne Victoria (Councillor Owen sits on the Audit and Risk Management Committee)
Embracing Risk Management strategies to achieve organisational objectives in Government.
Registration \$2194, two flights and two night's accommodation.
- 29-31 March Plus 2-3 May Foundations In Public Participation (IAP2) - Sydney
This course will provide you with: the skills to plan for, and effectively engage with the community, the ability to apply frameworks to policy development and the 'Certificate in Public Participation' that can be a requirement of government positions.
Registration 5 days \$2350, module 1 \$1600, module 2 \$1150 separately, two flights, up to five night's accommodation. www.ippg.uts.edu.au

- 28 April PCA Smart Cities Conference - Hobart Tasmania

Covering every business and technology element of the Internet of Things, this once a year event will provide essential opportunities for hands-on instruction, product evaluations, networking and brain-storming. Understand how to best leverage the Australian Governments \$50 million Smart Cities and Suburbs Program. Take away new solutions to your day-to-day business or policy challenges.

Registration \$ 795, two flights, one night's accommodation.
www.petercarradvisory.com/event/smartcities2017

- 25-26 May Future of Local Government National Summit - Melbourne Victoria

In the next ten years, seismic change will transform society and government. To take advantage of this opportunity and remain relevant, the Local Government sector needs to - Truly become the servant of the community and support citizens to build stronger communities, Increase stakeholder trust in local government, Take a bold, more strategic leadership position in the debate about the future of Australia's Federal agenda, Establish local government r and d function where Councils can experiment, pilot and take risks.

Registration \$ 594, two flights, two night's accommodation www.mav.asn.au

- 12-14 July Ecocity World Summit - Melbourne Victoria

Al Gore is the Principal Speaker and the Summit will focus on six major themes - Climate and energy transformations, food and water security, smart cities for people, healthy and caring cities, culturally vibrant cities, Governance, infrastructure and finance.

Early bird registration \$ 860, two fights, three night's accommodation.
www.ecocity2017.com

SIGNING OF DOCUMENTS BY THE MAYOR:

- 21 February Transfer Document - Road Closure Champagne Drive Tweed Heads.
-

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

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.

RECOMMENDATION:

That:

1. The Mayoral Minute for the month of February 2017 be received and noted.
 2. The attendance of Councillors at nominated Conferences be authorised.
-

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions

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:

Under Section 1.5.4 Receipt of Petitions in the Code of Meeting Practice Version 2.5:

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 Version 2.5:

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 Version 2.5.

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:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

6 [GM-CM] Sponsorship - Business Excellence Awards 2017

SUBMITTED BY: Economic Development



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
 - 3.1 Expand employment, tourism and education opportunities
-

SUMMARY OF REPORT:

Council has been approached by the organisers of the Business Excellence Awards Tweed Shire (BEATS) Awards 2017 to become a sponsor of the 2017 event.

Council has been a sponsor of the Business Excellence Awards Tweed Shire (BEATS) since 2013. The Coordinator of The BEATS Awards has invited Council to commit to gold level of sponsorship for this year's event. The event is endorsed by the NSW Business Chamber and is a Murwillumbah and District Business Chamber initiative.

This report recommends that Council provide cash support to this event.

RECOMMENDATION:

That Council endorses the level of Gold Sponsorship of the 2017 Business Excellence Awards Tweed Shire (BEATS) through a cash contribution of \$5,500.

REPORT:

Council has been approached by the organisers of the Business Excellence Awards Tweed Shire (BEATS) Awards 2017 to become a sponsor of the 2017 event. A sponsorship proposal outlining the different levels of sponsorship has been prepared by the organisers and is an attachment to this report.

As a Gold sponsor Council would have naming rights to a category of your choice and presentation of the Award at the event plus a range of other opportunities as outlined in the attached sponsorship proposal.

Council has been a sponsor of the Business Excellence Awards Tweed Shire (BEATS) since 2013. Last year Council was a Silver Sponsor (\$1,300). The Coordinator of The BEATS Awards has invited Council to commit to gold level of sponsorship for this year's event through a combination of cash and in kind support. As a result of Council's ongoing review of in-kind support for events it is recommended that Council not offer any in-kind support. This would mean that any hire fees of Council facilities would be met through the cash component of Council's sponsorship.

The event is endorsed by the NSW Business Chamber and is a Murwillumbah and District Business Chamber initiative.

The Vision of the awards is:

"To showcase, promote and unite businesses within the Tweed Shire, by recognising excellence in innovation, productivity and customer service. Highlighting their ideals and aspirations while applauding their achievements and endeavour to succeed whether large, medium or small in any economic climate. Tweed Business is a diverse landscape that will strive, thrive and survive by recognition."

The Mission identifies that the:

"Business Excellence Awards Tweed Shire (BEATS) will acknowledge businesses in the Tweed Shire that excel in their nominated industry and exceed customer expectations with a professional yearly awards programme."

The event is endorsed by the NSW Business Chamber and is a Murwillumbah and District Business Chamber initiative. This year's category winners, where applicable, will gain automatic entry into the NSW Business Chamber Regional Awards to be held in Lismore on 22 September 2017.

The winners of the Regional Awards go directly to the NSW State Awards of 17 November 2017. Other Award pathways include the NSW WorkCover State Awards and the Tweed Shire Council's Access and Inclusion Awards.

The Gala Night

The BEATS Gala Awards Evening will take place on 29 July 2017 at the Murwillumbah Auditorium. Individual and corporate bookings will be available and up to 220 local business representatives are expected to attend.

The night will be professionally formatted with special ongoing recognition of all sponsors via speaker credits, ongoing audio/visual presentations and through printed credits in the official documentation.

2017 BEATS Categories

- 2017 Excellence in Visitor Experience
- 2017 Excellence in Retail
- 2017 Excellence in Professional service
- 2017 Excellence in Trade construction and Manufacturing
- 2017 Excellence in Aged care and Wellbeing
- 2017 Excellence in Personal Services (including hair & beauty)
- 2017 Excellence in Community and Social Services Award (Not For Profits Only)
- 2017 Excellence in Creative Industries
- 2017 Excellence in Dining
- 2017 Excellence in Sustainability
- 2017 Excellence in Small Business
- 2017 Excellence in Accessibility and inclusion
- 2017 Excellence in Work, Health and Safety sponsored by Work Cover
- 2017 People's Choice Award sponsored
- 2017 Employer of Choice
- 2017 Best Business in the Tweed sponsored by Southern Cross Austereo

Sponsorship Packages

- Platinum – over \$5,500
- Gold – from \$5,500
- Silver – from \$1,100
- Bronze – from \$150
- In-kind

OPTIONS:

That Council:

1. Supports the Business Excellence Awards Tweed Shire (BEATS) 2017 at a different sponsorship tier of Platinum, Gold, Silver, Bronze or in-kind Sponsor.
2. Does not support any sponsorship of the Business Excellence Awards Tweed Shire (BEATS) 2017.

CONCLUSION:

This report recommends that Council become a Gold Sponsor of the 2017 Business Excellence Awards Tweed Shire (BEATS) and the funds be provided from the Economic Development budget.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

This report recommends providing gold sponsorship to the 2017 BEATS Awards. These funds will come from the 2016/17 Economic Development Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Business Excellence Awards Tweed Shire (BEATS) Awards
2017 Sponsors Prospectus (ECM 4431105)

7 [GM-CM] Destination Tweed Quarterly Report - October to December 2016

SUBMITTED BY: Economic Development



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
 - 3.1 Expand employment, tourism and education opportunities
-

SUMMARY OF REPORT:

As required by the current funding and performance agreement with Destination Tweed, a quarterly performance report and summary financial statement are to be provided for Council's review.

This report provides Destination Tweed's quarterly reports for the October to December 2016 quarter.

RECOMMENDATION:

That Council:

1. **Receives and notes Destination Tweed's Quarterly Report for the October to December 2016 quarter.**
2. **Endorses payment of the quarterly contract instalment in accordance with contract AC2010-073 Provision of Services for Economic Development Tourism Promotion.**
3. **ATTACHMENT 2 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:

As required by the current funding and performance agreement with Destination Tweed, a quarterly performance report and summary financial statement are to be provided for Council's review. This report provides Destination Tweed's quarterly report for the October to December 2016 quarter. The quarterly report is an attachment to this Council report.

OPTIONS:

This report to Council presents Destination Tweed's quarterly report for the October to December 2016 quarter, which is required as part of their contract. The options available to Council are:

1. **Receive and note this Quarterly Report** – In receiving Destination Tweed's Quarterly Report Council acknowledges the work performed by Destination Tweed and agree to process payment of the contract instalment in accordance with AC2010-073 Provision of Services for Economic Development Tourism Promotion contract; or
2. **Does not receive and note this Quarterly Report** - If Council is not satisfied with the progress Destination Tweed has made in achieving the milestones identified in their funding contract and the agreed Business Attraction Marketing Strategy and the Tourism Marketing Strategy then it would be prudent to postpone the endorsement and commence discussions with the Board of Destination Tweed regarding the project.

CONCLUSION:

It is recommended that Council receives and notes the October to December 2016 quarterly report from Destination Tweed and endorses the quarterly payment.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

This report is submitted by Destination Tweed along with their quarterly invoice for payment under the current funding agreement.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|------------------------------|---|
| Attachment 1. | Destination Tweed Quarterly Report for October to December 2016 (ECM 4436946) |
| (Confidential) Attachment 2. | Destination Tweed Financial Report October to December 2016 (ECM 4436851) |
-

8 [GM-CM] Closure of River Street Car Parks

SUBMITTED BY: Economic Development



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3	Strengthening the Economy
3.1	Expand employment, tourism and education opportunities

SUMMARY OF REPORT:

At its meeting held 21 August 2014, Council resolved:

- "1. Council prepares concept plans and cost estimates for the following:
 - a) Removal of the South Murwillumbah car park, located on the corner of River Street and Alma Street and replacement with a park; and
 - b) The establishment of a park on the Council owned vacant land located in River Street, South Murwillumbah (opposite Holstons Lane) including a small unsealed car park.
2. The concept plans and cost estimates are to be reported back to council for consideration."

At its meeting held 10 December 2015, Council resolved:

1. Council receives and notes this report on the Concept Plans and Estimates - South Murwillumbah.
2. The stakeholders affected by the three options contained within this report to be consulted through the community engagement process for "Tweed - the Future is Ours".
3. A further report be prepared on the outcome of the consultation process.

At its meeting held 21 July 2016, Council resolved:

1. Council receives and notes this report.
2. Council liaises with the business owners of South Murwillumbah to obtain a better outcome.

Council's General Manager received a letter on 24 January 2017 from the South Murwillumbah Business & Owners Group protesting the proposed closure of two car parks in River Street, South Murwillumbah.

In response to this letter and to accord with the latest resolution of Council, Council's Economic Development / Business Facilitation Officer has conducted consultation with the group and has visited both sites flagged for closure.

After consultation with those stakeholders who will be most affected by the closure of these car parks, this report recommends that Council supports the retention of the two River Street car parks to assist economic growth of South Murwillumbah.

RECOMMENDATION:

That Council following extensive stakeholder consultation takes no action in relation to the removal of the two car parks in River Street, South Murwillumbah as they currently service both customer and employee parking needs of the local business community.

REPORT:

In response to the latest resolution in regards to the future of the car parks in South Murwillumbah, being:

2. *Council liaises with the business owners of South Murwillumbah to obtain a better outcome.*

On 15 February 2017 Council's Economic Development Officer visited Prospero Street, South Murwillumbah to talk with South Murwillumbah Business and Owners Group and to sight the car parks. During a two hour visit, the Council Officer spoke with all available business owners, property owners and one River Street resident, all of whom voiced their total opposition to the closure of the two River Street car parks.

Consultation occurred with the following:

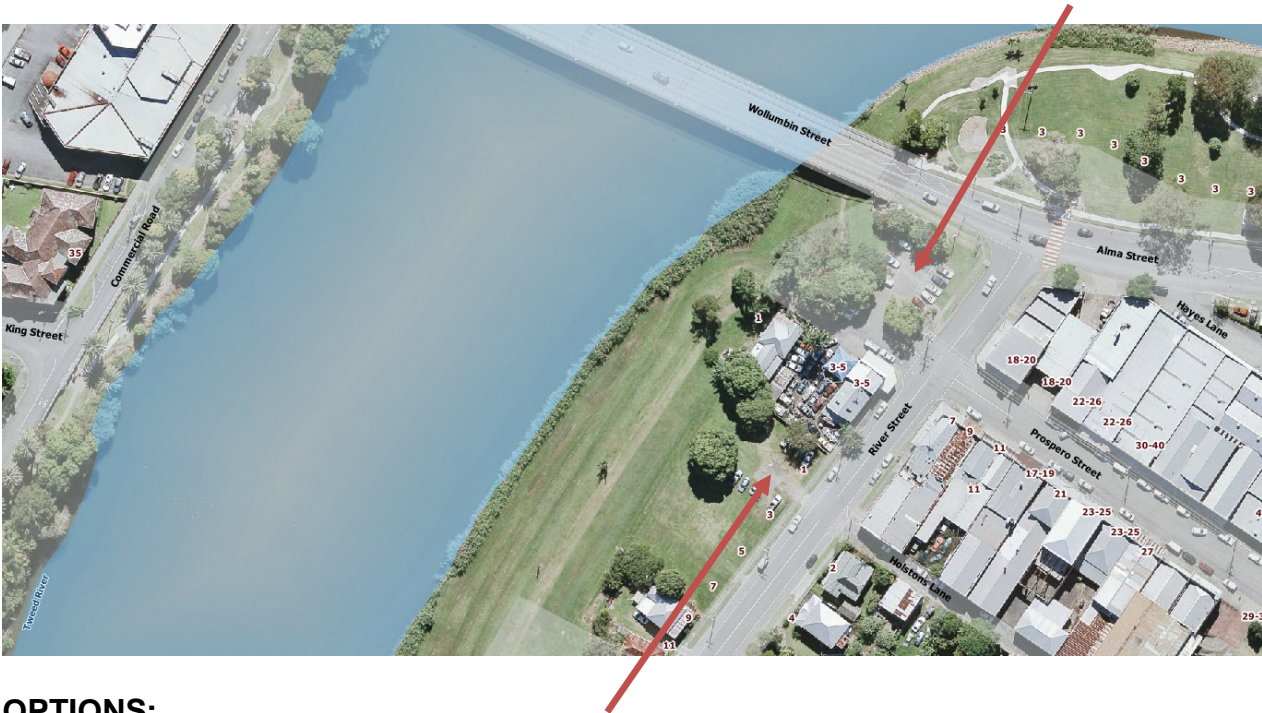
- Bernie Quinn – property owner
- Andrew Moore - property owner
- Cheryl Pryce - property owner
- Narelle Feltham – resident
- Edwards Plumbing
- Southern Cross Butchery
- AJ's Hair Saloon
- Before & After Body Wear
- Jeff Smith Smash Repairs
- Kim Moore Designs
- Boho & Co Fashion
- Work Smart Uniforms
- South Murwillumbah Post Office
- Tweed Valley Automotive
- Murwillumbah Smash Repairs
- Motor Cycle Clinic
- Gary Whittle Autos
- Sunshine Batteries

Council's Economic Development Officer was advised the car parks must be retained for the following reasons:

- Employees use these car parks, keeping the short term street parking available for customers;
- Customers who are parking for longer than 2 hours need to be accommodated;
- The closure of these car parks will disadvantage the elderly and the disabled who currently utilise many of the businesses in Prospero Street because of the ease of parking;
- It makes no sense to decrease car parking when business in South Murwillumbah is increasing;
- With the upgrade of Budd Park and it's increasing usage, these 2 car parking areas are being used more and more as overflow parking for Budd Park;
- Residents are concerned about the possible increase in street parking and the associated risks i.e. obstructed vision when leaving driveways;

- The closure of the car parks will have a detrimental effect on business in Prospero Street - if customers are unable to park, they will move onto the Murwillumbah CBD or to Tweed Heads.

This matter has been reviewed by Council's Economic Development / Business Facilitation Officer and it is recommended that these car parks remain open to maintain easy access for customers, assisting the economic growth of the South Murwillumbah business precinct.



OPTIONS:

That Council:

1. Receives and notes this report and agrees to the proposed action.
2. Close the car two parks in River Street, South Murwillumbah.

CONCLUSION:

After consultation with those stakeholders who will be most affected by the closure of these car parks, it is recommended that Council supports the retention of the two River Street car parks to assist economic growth of South Murwillumbah.

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.

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.

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

Consultation occurred with the South Murwillumbah Business and Owners Group as stated in the body of the report.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

South Murwillumbah Business & Owners Group Letter
(ECM 4389765)

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 79C

79C 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 Director-General 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 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, 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.

The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995 .

- (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 80 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 80 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 85A (3) and (4).

- (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.

9 [PR-CM] Approvals to Operate Markets - Kingscliff, Pottsville and Tweed Heads

SUBMITTED BY: Building and Environmental Health

Valid



Supporting Community Life



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.1	Foster strong, cohesive, cooperative, healthy and safe communities
2.1.6	Provide social, economic and cultural initiatives which enhance access, equity and community well-being
3	Strengthening the Economy
3.1	Expand employment, tourism and education opportunities
3.1.6	Support creative practitioners and entrepreneurs to access professional and business development opportunities, to enhance their contribution to the creative economy
3.1.6.1	Creative economy

SUMMARY OF REPORT:

Council previously extended the current approval to operate markets on community land at Kingscliff, Pottsville and Tweed Heads up until 31 March 2017. Various actions are currently being undertaken in relation to these markets.

It is necessary that the current approvals to operate markets be extended up until 30 June 2017 to allow the markets to continue to operate.

RECOMMENDATION:

That Council approves extension of the current Section 68 market approvals until 30 June 2017 for Pottsville, Tweed Heads, and Kingscliff (Lions Park and Jack Bayliss Park).

REPORT:

Council previously resolved to extend the current approval to operate markets on community land at Kingscliff, Pottsville and Tweed Heads up until 31 March 2017.

Various actions are being undertaken in relation to these markets; development consents were issued for several markets in February, the Market Policy is currently under review and about to be placed on public exhibition prior to coming to Council for approval. At the conclusion of the Expression of Interest (Eoi) process and prior to Council's decision on awarding future market operators a Council workshop is likely to be conducted in May 2017.

Public advertisement will commence in March of the Eoi process seeking any person or party who wishes to operate the public markets for a period of three years from 1 July 2017. The EOI process has been modified to consider community impact and consultation and an information session with all existing and interested market operators will be conducted by Council.

It is necessary that the current approvals to operate markets be extended up until 30 June 2017, to allow the markets to continue to operate while the above actions are completed.

OPTIONS:

1. Not extend the market approvals

The market is an attraction to visitors and residents and provides income sources to the operators and numerous stall holders involved. If the markets were to cease trading for three months this may damage the long term viability of these markets.

Therefore continuation of the market is desirable.

2. Extend the Approval to Operate Market

Continued operation of the community markets is supported up until the end of June 2017 at which time the expression of interest process will have been completed and suitable future market operators will have been identified.

CONCLUSION:

The current Section 68 approvals to operate markets expire on 31 March 2017. It is necessary that these approvals be extended to 30 June 2017 to allow continuing operation of these important economic and cultural events.

COUNCIL IMPLICATIONS:

a. Policy:

Vending of Food on Public Reserves Version 1.1

Markets Policy Version 1.1

The Market Management Plan Guidelines will also be updated to reflect desirable outcomes regarding waste minimisation/sustainability and cultural advancement.

b. Budget/Long Term Financial Plan:

The existing market operators will continue to pay to Council a percentage of market stall income during the respective period.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The three month extension will facilitate public advertisement of any modifications to the Market Policy and also the expression of interest process, which invites submissions from any suitable party.

Consultation with the Kingscliff and Salt business community has been undertaken by Councils Environmental Health Unit and there is a high level of support for markets.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

10 [PR-CM] Review: Environmental Planning and Assessment Amendment Bill 2017 - Council's Issues for Reply

SUBMITTED BY: Strategic Planning and Urban Design

Validms



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
1.2.1	Council will be underpinned by good governance and transparency in its decision making process

SUMMARY OF REPORT:

The purpose of this report is to provide Council with further information and list of issues that may be adopted to inform a submission to the NSW Department of Planning & Environment (DP&E) regarding the planning legislation amendments to the Environmental Planning and Assessment Act 1979, as proposed by the Environmental Planning and Assessment Amendment Bill 2017, which is on exhibition until 31 March 2017.

This report follows a Councillor briefing workshop on key amendments provided on 9 February and subsequent to the DP&E information session held in Ballina on 2 March.

The key areas that Staff have sought to respond on include those raised at the workshop:

- The Act's 'objects'
- Community consultation and participation
- Completing the 'strategic planning framework' at the local planning level
- Modernising and maintaining local strategic planning policy
- Model templates for Development Control Plans and Contributions Plans
- Local planning panels
- Improving local development processes
- Improving complying development pathways
- Clearer building approvals provisions
- Improving compliance
- Improving State significant development processes

Attachment 1 to this report contains a detailed analysis of the above matters, including recommendations of issues to be included in a Council submission to the Department. Whilst the officers' review mainly focuses on the more procedural and practical implementation issues of the proposed Amendments, Council's direction is sought on the following more contentious issues:

Section 2.1 – Objects of the Act – the officers have raised major concerns in respect of the proposed replacement of the term “ecologically sustainable development” with a number of

different related terms, which is inconsistent with other prevailing State and Federal Government legislation and policy positions.

Section 3.1 – Community Participation Plans – the officers have raised concerns with the proposed new mandatory 14 day notification requirement for all development applications.

Section 4.5 – Planning Panels – the officers consider that there are merits in the creation of an independent Local Planning Panel for a certain range of more complex developments, but have some concerns about the appointment of unqualified “local community” panellists and their suitability for the technical assessment of major DAs. In this regard, it should be noted that the previous Council opposed the use of these Panels for Tweed Shire in the consultation on the Green and White Papers for the discontinued NSW Planning Reforms process in 2012/13.

This report also provides advice summarising subsequently released legislation amendments to the Environmental Planning and Assessment Regulation 2000, as proposed by the Environmental Planning and Assessment (ePlanning) Regulation 2017, which is on public exhibition from 15 February until 15 March 2017.

The proposed reforms to the Regulation will reflect online rather than paper-based planning requirements, and will enable the NSW Planning Portal to allow for:

- Online Development Application submission and lodgement; and
- Online exhibition and making of Development Control Plans and Contributions Plans.

RECOMMENDATION:

That Council:

- 1. Approves that a letter of submission containing the itemised list of issues; provided in the document attached to this report titled: *Review - Planning Legislation Amendments Bill 2017*, be prepared and forwarded to the NSW Department of Planning & Environment for their consideration; and**
- 2. Receives and notes the advice summarising the proposed ePlanning Regulation amendments and initial issues noted by staff, that will inform the development of a submission to the Department of Planning and Environment for their consideration.**

REPORT:

Background

The NSW Government's then Minister for Planning Mr Rob Stokes (as at Monday 9 January 2017) released details of proposed amendments to the Environmental Planning and Assessment Act 1979 (NSW) ("the Act") for consultation and public feedback.

The primary purpose of this package of updates to the Act is to promote confidence in the State's planning system, to speed up approvals and reduce costs.

This will be achieved through four underlying objectives:

- to enhance community participation;
- to promote strategic planning;
- to increase probity and accountability in decision making; and
- to promote simpler, faster processes for all participants

It is also quite apparent that strengthening compliance and enforcement powers, and reporting requirements is similarly a key focus of the reforms.

Prior to the release of the final draft, the Department of Planning and Environment (DP&E) undertook stakeholder engagement on the draft legislative proposals. These were targeted stakeholder consultations in: Sydney, Parramatta, Queanbeyan, Gosford, Newcastle, Tamworth, Griffith, Coffs Harbour, Wollongong and Dubbo.

Discussion forums were also held during May and June 2016, attended by more than 370 representatives from councils, practitioners, industry, environmental and community groups; and the views of targeted stakeholders were further sought through a follow-up survey, in addition to direct correspondence being received from a range of other stakeholders and interested parties.

To assist the public with its review and understanding of the proposed amendments the DP&E released the following explanatory information:

- Summary of proposals;
- Draft Bill: Environmental Planning and Assessment Amendment Bill 2017;
- Bill guide; and
- Stakeholder feedback summary

The DP&E has listed the following as key proposed amendments:

- Enhancing community participation: establishing a new part of the Act that consolidates community consultation provisions, and requiring decision-makers to give reasons for their decisions;
- Completing the strategic planning framework: through local strategic planning statements, up-to-date Local Environmental Plans and more consistent and workable Development Control Plans;

- Development pathways: improvements to the various development pathways and preventing the misuse of modifications;
- State significant development: through better environmental impact assessment and more effective conditions of consent;
- Clearer building provisions: simplified and consolidated building provisions, allowing conditions on construction certificates and ensuring consistency with development approvals;
- Elevating the role of design: through a new design object in the act, and a Design-Led Planning Strategy; and
- Improving enforcement: with the introduction of enforceable undertakings in compliance actions.

The key areas of reform that Staff have provided a response to include:

- The Act's 'objects'
- Community consultation and participation
- Completing the 'strategic planning framework at the local planning level
- Modernising and maintaining local strategic planning policy
- Model templates for Development Control Plans and Contributions Plans
- Local planning panels
- Improving local development processes
- Improving complying development pathways
- Clearer building approvals provisions
- Improving compliance
- Improving State significant development processes

The Department of Planning and Environment's exhibition documents are available for download at www.planning.nsw.gov.au/Policy-and-Legislation/Legislative-Updates.

Planning Amendment Review

Staff have undertaken a review of the key planning amendments and provided a discussion of these along with an itemised list of potential issues for submission. This is provided as Attachment 1 to this Report and is titled: *Review - Planning Legislation Amendments Bill 2017*.

ePlanning Regulation Amendment

Subsequent to the above Amendment Bill, the DP&E released on 15 February 2017 the following package of proposed changes to the *Environmental Planning and Assessment Regulation 2000*, relating to ePlanning services including:

1. Draft EP&A Amendment (ePlanning) Regulation 2017

2. A discussion paper
3. Secretary's Standard Forms and Submission Requirements (Secretary's Requirements)
4. Frequently Asked Questions targeting a range of stakeholders – including for Councils industry and the community.

The package can be viewed on the NSW Planning Portal, where submissions can be made online or in hardcopy until **15 March 2017**.

<https://www.planningportal.nsw.gov.au/publications/on-exhibition>

The proposed reforms to the Regulation seek to:

- Reflect online rather than paper-based requirements;
- Allow for online submission and lodgement of DAs through the NSW Planning Portal, and enable the use of standard forms and best practice;
- Replace written consent with legally enforced declarations by applicants that they have permission from land owners to submit a development application; and
- Allow for requirements for making and exhibiting DCPs and Contributions Plans only when published to the NSW Planning Portal.

Planning and Regulation staff have conducted an initial review of the proposed changes and provide in-principle support for the objectives of the proposed ePlanning Regulation amendments, as consistent with Council's online planning services, including:

- *Better digital services* – including cloud-based storage for documents, secure online payment systems and email notifications for applicants;
- *Easier to find information and faster approvals*: Online services enable standardised application processes and encourage well-prepared development applications to be submitted, increasing certainty to homeowners and developers; and
- *A simplified and more transparent planning system* – Online Planning Map Viewers enable users to conduct a property enquiry and investigate development options easily, and can streamline consultations with state agencies.

The following high level issues identified will be included in a formal submission to the DP&E and tabled in upcoming discussions with DP&E ePlanning Branch staff as scheduled for 14 March 2017:

- Request for greater clarity and detail for Council to understand the full change impacts on current assessment processes and digital services. An implementation programme, timeframe and change management strategy would enable Council to account for current technological maturity and maintain its strong customer service focus as it transitions to the proposed services on the NSW Planning Portal.
- Request for greater direction from the DP&E on how the proposed Act amendments for model template for DCPs and Contributions Plans will align with the proposed ePlanning Regulation amendments for standard DA forms,

lodgement processes, and the standard technical requirements for DCP and CP dataset that will drive these online services.

- The impact on Councils resources to meet the technical requirements and prepare spatial datasets is considered significant. Council requests clarity on what resources and support the Department can provide to local government, including an opportunity to access Planning Reform Funding in order to meet ePlanning requirements, as per the Environmental Planning & Assessment Amendment Act 2014.

OPTIONS:

1. Council adopts the itemised list of issues provided in the Staff's document of review either in whole or in part or as further amended by Council as the basis of a submission reply to the Department of Planning and Environment; and receives and notes the summary of proposed ePlanning Regulation amendments, and initial issues considered by Planning and Regulation staff that may inform a subsequent submission to the Department of Planning and Environment by 15 March; or
2. Council adopts Option 1 and adds further issues to a submission to the Department; or
3. Council resolves not to provide a submission reply.

The Staff recommends Option 1.

CONCLUSION:

The proposed planning reforms are many and varied, and of for the most part will improve the planning system both from an operational perspective and also in relation to compliance and enforcement.

As identified and discussed by staff in their review, the draft Amendment Bill 2017 has a broad spectrum of palatability in terms of its proposals relative to Tweed Councils documented values, and it seeks to balance these with a series of objective and constructive issues which may be used to form a submission reply.

It is recommended that the issues raised by staff be used as the basis for Council's submission.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

There are proposals which have the potential to impact on resources and hence the long term financial plan however, as much of the detail of the proposals is to be provided by way of regulation at a future time it is impossible to ascertain what the extent of impact might be.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Staff report titled: *Review - Planning Legislation Amendments Bill 2017*, prepared by the Strategic Planning and Urban Design Unit, March 2017. (ECM 4435190)

11 [PR-CM] Development Application DA16/0550 for an Extension to Preschool and Boundary Adjustment at Lot 509 DP 728257 No. 2-4 Centennial Drive, Pottsville; Lot 3 DP 1062338 and Lot 7021 DP 1113041 Tweed Coast Road, Pottsville

SUBMITTED BY: Development Assessment and Compliance

Validms



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
 - 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
-

SUMMARY OF REPORT:

Council is in receipt of a Development Application for additions and alterations to Pottsville Preschool at the above address which includes a new classroom building featuring two classrooms with an undercover area, extension of the existing building with administration facilities, upgrading the entry from Centennial Drive and formalising car parking.

In pursuing the expansion of the premises, a boundary adjustment is sought to increase the size of the preschool site from lots located to the north and northwest. The boundary adjustment also ensures that the required asset protection zones to the north and west, for bushfire protection are located wholly on the preschool site.

Pottsville Preschool is currently located on Lot 509 and is Council Administered Crown Land. Lot 7021 to the north of the preschool is State Crown Land whilst Lot 3 to the northwest is Council Administered Crown Land. This application has been presented to Council for determination in the interests of transparency. It is noted that no public objections were received following exhibition of the application.

The development proposes an increase in the number of enrolments from 20 to 60 children and an increase in the number of staff to 12 with the proposed hours of operation of 8.30am to 3.30pm Monday to Friday. The development is to be staged as follows:

Stage 1

- Subdivision (boundary adjustment);

Stage 2

- Construction of new classroom building;
- Construction of new sign in foyer;
- Formalise car parking;

- Landscaping of the playground, carpark area, fencing and establishment of asset protection zones;

Stage 3

- Additions to the existing building with construction of new administration area;
- Installation of playground equipment;

The proposed car parking for the development is on the northern side of Centennial Drive within the road reserve. This was the approved location of the car parking that services the site under Development Consent D98/0136 and this proposal involves the formalisation of these spaces and access.

Vegetation removal is proposed to facilitate the construction of the new classroom building and the provision of asset protection zones. Council's Natural Resource Management Unit have recommended conditions of consent to mitigate ecological impacts which include the preparation and implementation of a Habitat Restoration Plan for 820 m² of an eastern portion of the preschool site incorporating Bush Stone-curlew habitat enhancement works which include:

- Fencing of the western and eastern perimeter of Lot 1, in the form of a 1.2m high chain mesh style fence effective at excluding predator species;
- Bush Stone-curlew habitat restoration such as the positioning of large woody debris (or similar non-combustible feature), clusters of low growing plantings, maintenance of existing low cover;
- Installation of signage to improve public awareness.

It is also considered that the proposed buffer area fronting Tweed Coast Road, nominated for habitat restoration will also contribute to improving the amenity outcomes for the development.

During the assessment, the applicant proposed to create a Bush Stone Curlew Habitat compensation area on the adjacent Lot 3 without prior endorsement from NSW Crown Lands. It is noted that Lot 3 was historically used as a materials storage area consistent with the Reserve Purpose of *Rubbish Depot and Sanitation Purposes*. The site has been previously identified as a planting offset opportunity requiring site contamination assessment and potential remediation and therefore Council officers considered the Bush Stone Curlew Habitat Restoration Area and the remediation of the site a good outcome.

Landowner's consent was granted by NSW Department of Primary Industries – Lands (Crown Lands) and Tweed Reserves Trust for the lodgement of the subject application over each lot. However, as a courtesy, Council forwarded the draft condition for the Bush Stone Curlew Habitat Restoration Area on Lot 3 to NSW Crown Lands as landowner who did not support the use of future Lot 3 for that purpose associated with the proposed preschool development. Given the lack of support from Crown Lands, the abovementioned alternative solutions were accepted by Council officers with regard to the mitigation of ecological impacts that result from the preschool expansion.

It is also noted that within Council Report for meeting Thursday 17 November 2016, Lot 3 has been raised as an alternative site for the Pottsville Men's Shed, however the report considered it unlikely that Crown Lands will grant such tenure for this site given required modification to the site's Reserve Purpose and site contamination and remediation required

for future works. Notwithstanding, this matter is considered to be separate from this assessment and is continuing.

RECOMMENDATION:

That Development Application DA16/0550 for an extension to preschool and boundary adjustment at Lot 509 DP 728257 No. 2-4 Centennial Drive, Pottsville; Lot 3 DP 1062338 & Lot 7021 DP 1113041 Tweed Coast Road, Pottsville be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:
 - Proposed Subdivision by Boundary Adjustment dwg no MIS138 prepared by Tweed Shire Council and dated 4 July 2016
 - Site Plan dwg no A-001 prepared by Redfern Lynch Design and dated 14 December 2016;
 - General Arrangement dwg no A-100 prepared by Redfern Lynch Design and dated 14 December 2016;
 - Floor Plan Entry & Admin Building dwg no A-102 prepared by Redfern Lynch Design and dated 14 December 2016;
 - Floor Plan Classroom Building dwg no A-103 prepared by Redfern Lynch Design and dated 14 December 2016;
 - Roof Plan Entry & Admin Building dwg no A-104 prepared by Redfern Lynch Design and dated 14 December 2016;
 - Roof Plan Classroom Building dwg no A-105 prepared by Redfern Lynch Design and dated 14 December 2016;
 - Car Park Layout (amended in red) dwg no A-106 prepared by Redfern Lynch Design and dated 14 December 2016;
 - Vegetation Management dwg no A-108 prepared by Redfern Lynch Design and dated 14 December 2016;
 - Bush Stone Curlew Habitat Restoration Plan dwg no A-109 prepared by Redfern Lynch Design and dated 14 December 2016;
 - Indicative Section 01 dwg no A-200 prepared by Redfern Lynch Design and dated 14 December 2016;
 - Section 02 Classroom Building dwg no A-201 prepared by Redfern Lynch Design and dated 14 December 2016;
 - Sections Administration Building dwg no A-202 prepared by Redfern Lynch Design and dated 14 December 2016;
 - South Elevation (amended in red) dwg no A-300 prepared by Redfern Lynch Design and dated 14 December 2016;
 - North Elevation dwg no A-301 prepared by Redfern Lynch Design and dated 14 December 2016;
 - West Elevation Existing & Admin Building dwg no A-302 prepared by Redfern Lynch Design and dated 14 December 2016;
 - West Elevation Classroom Building dwg no A-303 prepared by Redfern Lynch Design and dated 14 December 2016;
 - Admin Building East Elevation dwg no A-304 prepared by Redfern Lynch Design and dated 14 December 2016;

- Classroom Building East Elevation dwg no A-305 prepared by Redfern Lynch Design and dated 14 December 2016; except where varied by the conditions of this consent.

The development is to be staged as follows:

Stage 1

- Subdivision (boundary adjustment);

Stage 2

- Construction of new classroom building;
- Construction of new sign in foyer;
- Formalise car parking;
- Landscaping of the playground, carpark area, fencing and establishment of asset protection zones;

Stage 3

- Additions to the existing building with construction of new administration area;
- Installation of playground equipment;

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).

[GEN0065]

3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

4. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.

[GEN0125]

5. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

6. Sewer manholes are present on this site. Manholes are not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. Works will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

[GEN0155]

7. Council advises that the land is subject to inundation in a 1 in 100 year event to the design flood level of RL 2.6m AHD.

[GEN0195]

8. 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.

[GEN0300]

9. A 5 metre minimum easement shall be created on the subject lots to preserve full access to the sewer rising main pipeline located within the lots.
10. Where easements in favour of Council are provided through private property no structures or part thereof may encroach into the easement. This includes (but is not limited to) any landscaping works, shelters or playground equipment. The proposed works must conform to the requirements identified in Council's *Easement Policy* and *Sewers - Work in Proximity Policy*.
11. Internal water supply and sewer drainage shall connect to the existing water meter and sewer junction on Lot 509 DP 728257.
12. The preschool is approved for a maximum of 60 enrolments and 12 staff.
13. Subject to submission of an application under s138 Roads Act, Twenty (20) 90° parking spaces are installed on Centennial Drive adjacent to the Childcare Centre conforming to the requirements of AS2890.5 On-street parking. The wearing surface for the road car park shall be an AC7 fine gap graded asphalt of thickness 30mm over a 7mm or 10mm bitumen primer seal.

The parking spaces are to be marked a minimum of 8.3m in length and 2.6m in width and include wheelstops 600mm from the concrete footpath with a minimum space of 1m between each wheelstop.

14. A concrete footpath (1.2m wide) is provided adjoining the parking bays providing sealed access to the Centre from each space.
15. One (1) of the parking spaces is to be designated as parking for the disabled and conform to the requirements of AS2890.5, being a minimum of 3.2m in width and appropriately signed and delineated.
16. The on road car parking spaces are to be unreserved and available to the public with the ongoing responsibility for maintenance the responsibility of the Childcare Centre.

[GENNS02]

17. Waste management at the site shall be carried out in accordance with the approved Waste Management Plan.

[GENNS03]

18. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve as part of Stage 2 works.

Application shall include engineering plans and specifications undertaken in accordance with Council's Development Design and Construction Specifications for the following required works:

- (a) Carparking/roadworks to facilitate 20 fully constructed car parking spaces, inclusive of 1 parking space for the disabled, inclusive of a 1.2m wide concrete footpath along the north side of Centennial Drive.

The abovementioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following:

- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[GENNS04/PCC0895]

19. An application for Stage 1 and/or Stage 2 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, sewerage or drainage works (including connection of a private stormwater drain to a public stormwater drain or installation of erosion and sediment control works). [GENNS04]
20. All trees identified to be retained on Dwg. A-108 Issue G Vegetation Management dated 14 December 2016 prepared by Redfern Lynch Designs and specified on Schedule of trees proposed for retention, Pottsville Preschool submitted to Council on the 15 December 2016 shall be retained and afforded adequate protection during the construction and operational phase of the development in accordance with Australian Standard AS4970-2009 - Protection of trees on development sites unless otherwise approved by Council.
21. To ensure the proposal does not have a significant effect on the local population of the threatened Bush Stone-curlew (*Burhinus grallarius*) a 1.2 metre high wire mesh predator proof (fox, dog and cat) fence shall be installed along the eastern and western boundary of Lot 1. The fencing shall return and connect with the '1.8m non-combustible fence' along the northern boundary and the existing north-south aligned 'existing fence' along the eastern boundary as shown on *Dwg. No. A-001 Issue G Site Plan dated 14 December 2016 prepared by Redfern Lynch Designs*.
22. The area identified as 'Assisted Habitat Restoration Area' shown on *Dwg. No. A-108 Issue G Vegetation Management dated 14 December 2016 prepared by Redfern Lynch Designs* in proposed Lot 1 shall be subject to an ecological restoration program in accordance with an approved habitat restoration plan (HRP). The HRP shall include appropriate Bush Stone-curlew habitat enhancement elements.
23. Site based flora and fauna management measures detailed in 'Section 5 - Recommendations' in the Flora and Fauna Assessment Pottsville Community School 35 Tweed Coast Road Pottsville dated March 2015 prepared by Landmark Ecological Services Pty Ltd shall be implemented during the construction and operational phase of the development.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

24. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment

Regulations, 2000, a Construction Certificate for Stage 2 shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) Tweed Road Contribution Plan:
88.8 Trips @ \$1364 per Trips \$72,673.80

(\$1,284 base rate + \$80 indexation)
(\$48,449.20 has been subtracted from this total as this development is deemed an 'Employment Generating Development')
S94 Plan No. 4
Sector8_4
- (b) Extensions to Council Administration Offices
& Technical Support Facilities \$352.12
0.1844 ET @ \$1909.57 per ET
(\$1,759.90 base rate + \$149.67 indexation)
S94 Plan No. 18

The applicable Developer Contributions may be paid in instalments subject to a written agreement with Council in accordance with Council's *Developer Contributions - Community Organisations Policy*.

[PCC0215]

25. 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 for Stage 2 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:	2.76 ET @ \$13,386	= \$36,945.35
Sewer:	4.6 ET @ \$6,431	= \$29,582.60

[PCC0265]

26. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

27. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

Applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1310]

28. Prior to the issue of a Construction Certificate for Stage 2 works:

- (a) Application shall be made to Council under Section 305 of the Water Management Act 2000 for a certificate of compliance for development to be carried out - i.e: the provision of water and sewerage to the development.
- (b) Following this, requirements shall be issued by Council under Section 306 of the Water Management Act 2000.
- (c) Following this, any works needing to be undertaken will require a further application to be made to Council under Section 68 of the Local Government Act for the relevant water/sewer works. Approval of this application will be required prior to/in conjunction with issuing the Construction Certificate.

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PCC1335]

29. Where natural ground levels are expected to be altered around the structural root zone of those trees identified to be retained pursuant to Condition 20 the

applicant must submit and have approved by Council prior to issue of a construction certificate an arboricultural impact assessment report prepared in accordance with the *Australian Standard AS4970-2009 Protection of trees on development sites*.

30. The detailed landscape plan for proposed Lot 1 being *Dwg. No. Landscape Plan dated 14 December 2016 prepared by Redfern Lynch Design* shall be amended as follows and submitted to and approved by Council's General Manager or delegate prior to the issue of a Construction Certificate for Stage 2. Amendments shall include:
- a. Replacement of *Lepiderema pulchella* with a local native (non-threatened species) tree species;
 - b. Remove the formal access path traversing the nominated 'Assisted Habitat Restoration Area';
 - c. Ensure plantings comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*;
 - d. Indicate an establishment period of six (6) months.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

31. 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.

[PCW0005]

32. The erection of a building 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.
33. 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. [PCW0215]
34. 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: [PCW0225]
- (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.
35. 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. [PCW0255]
36. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development. [PCW0665]
- In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.
-

This sign is to remain in position for the duration of the project.

[PCW0985]

37. Tree protection fencing shall be installed prior to commencement of works in accordance with *Australian Standard AS4970-2009 - Protection of trees on development sites* unless otherwise approved by Council across the following areas of the site:
- a. Around all trees to be retained as shown on *Dwg. A-108 Issue G Vegetation Management dated 14 December 2016 prepared by Redfern Lynch Designs* and specified on *Schedule of trees proposed for retention, Pottsville Preschool* submitted to Council on the 15 December 2016
 - b. At the boundary with proposed Lot 2 and proposed Lot 3
38. Within 24 hours of commencement of works a suitably qualified ecologist who holds a fauna survey licence shall inspect the site for fauna to determine whether:
- a. Native fauna are occupying the site through survey evidence or direct observation of animals
 - b. It is necessary to employ site specific fauna management measures that are additional to those measures prescribed in Section 5 - Recommendations' in the *Flora and Fauna Assessment Pottsville Community School 35 Tweed Coast Road Pottsville dated March 2015 prepared by Landmark Ecological Services Pty Ltd* to avoid adverse impact on the health and wellbeing of native fauna

[PCWNS01]

DURING CONSTRUCTION

39. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved construction certificate, drawings and specifications.
40. 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.
41. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2011.
42. Construction and/or demolition site work including the entering and leaving of 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.

[DUR0205]

43. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem

to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

- 44. 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).**

[DUR0375]

- 45. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:**

- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.**
- (b) The chute shall be located in a position approved by the Principal Certifying Authority.**
- (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.**

[DUR0385]

- 46. 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.**

[DUR0395]

- 47. 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 81A of the Environmental Planning and Assessment Act 1979.**

[DUR0405]

- 48. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.**

[DUR0415]

- 49. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.**

[DUR0815]

50. 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.

[DUR1005]

51. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

52. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

53. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.

[DUR1695]

54. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.

[DUR1705]

55. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.

[DUR1725]

56. 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.

[DUR2015]

57. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]

58. 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.

[DUR2485]

59. 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.

[DUR2495]

60. 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.

[DUR2535]

61. 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.

[DUR2545]

62. 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:-

- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50°C 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.

[DUR2555]

63. Should acid sulfate material be identified and/ or disturbed during construction, work is to cease until further soil investigation has been carried out and, where required, an acid sulfate soil management plan has been provided to the satisfaction of the general manager or delegate.

[DURNS01]

64. Works in the vicinity of public infrastructure must comply with the following requirements;

- a) No portion of any structure may be erected within any easement for public infrastructure over the subject site. All structures shall be designed and sited such that all structure loads will be transferred to the foundation

- material outside of the zone of influence of any public infrastructure.
- b) Surface treatment in the road reserve of Centennial Drive shall not include concrete and be limited to soft landscaping, noninterlocking paving, asphalt or similar treatments works as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.
 - c) Any fencing erected across the sewer main shall be designed and constructed with removable panels and footings located at least 1.0 metres horizontally clear of sewer main.
 - d) Trees and other landscaping that will grow to over one meter in height at maturity are not permitted within the sewer easement to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping within sewer easements shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.
65. A suitably qualified ecologist who holds a fauna survey licence is required to manage wildlife onsite during vegetation removal. It is the responsibility of the proponents to ensure all relevant licences have been obtained prior to any fauna interactions.
66. All vegetation management measures specified in Condition 37 shall be complied with during the construction phase. Tree protection fencing may be temporarily removed during establishment of asset protection zones and landscape works.
67. Where an arboricultural impact assessment is required pursuant to Condition 29 the applicant must undertake all arboricultural management measures prescribed in the approved report and ensure a suitably experienced and qualified Project Arborist (Minimum AQF Level 5 Arborist) is appointed prior to commencement of any works. The Project Arborist is to be responsible for overseeing all vegetation management works and completing certification of tree management in accordance with any approved arboricultural impact assessment report and *Australian Standard AS4970-2009 Protection of trees on development sites*.
68. Where an arboricultural impact assessment is required pursuant to Condition 29 the applicant must comply with any directions given by the Project Arborist or Council's General Manager or delegate during the construction phase in respect to vegetation management measures employed onsite.
69. In the event that any threatened species, populations, ecological communities or their habitats are detected during operations with a high likelihood of negative impact appropriate Plans of Management for those species must be formulated to the satisfaction of the General Manager or delegate and/or the Office of Environment and Heritage. No further site clearing will take place until the Plan(s) of Management is/are approved.
- [DURNS03]
70. All landscaping shall be carried out in accordance with the approved landscaping plans
-

[DURNS03]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

71. 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 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
[POC0205]
72. The building 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]
73. A satisfactory final inspection of the building is to be carried out by Council prior to occupation or use commencing.
[POC0255]
74. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.
[POC0615]
75. The premises is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.
[POC0635]
76. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

77. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:
[POC0675]
- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway / easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

[POC0860]

78. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council. Written approval from Councils General Manager or his delegate must be issued prior to the issue of an Occupation Certificate. [POC0865]
79. Prior to the issue of a final occupation certificate, all conditions of consent are to be met. [POC1055]
80. The pre-school is to register with Council (food premises register) prior to commencement of operations. [POCNS01]
81. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to the issue of an Occupation Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of an Occupation Certificate. [POCNS02/PSC0725]
82. Where an arboricultural impact assessment is required pursuant to Condition 29, an arboricultural certification report prepared by the Project Arborist (Minimum AQF Level 5 Arborist) shall be submitted to Council prior to the issue of the occupation certificate demonstrating compliance with:
- a. Vegetation management measures specified in Condition 37
 - b. *Australian Standard AS4970 - 2009 Protection of trees on development sites*; and
 - c. Any other tree management measure to protect retained vegetation as directed by Council's General Manager or delegate or Project Arborist during the construction period
83. All landscaping must be completed in accordance with the approved landscaping plans.
84. Habitat restoration works shall be completed to a level specified in the approved Habitat Restoration Plan prior to the issue of occupation certificate for Stage 2 and shall be maintained at all times to the satisfaction of Council's General Manager or delegate. [POCNS03]

USE

85. 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]
86. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise. [USE0175]
87. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation

which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

88. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

89. 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.

[USE0245]

90. All plant and equipment installed or used in or on the premises:

(a) Must be maintained in a proper and efficient condition, and

(b) Must be operated in a proper and efficient manner.

In this condition, "plant and equipment" includes drainage systems, infrastructure, pollution control equipment and fuel burning equipment.

[USE0315]

91. 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 Councils Environmental health Officer included in this approval.

[USE0835]

92. The Leq15 min noise level emitted from the outdoor play area shall not exceed the background noise level by more than 10 dB at the assessment location for 'residential use', and shall not exceed 65 dB(A) when assessed at the most affected point at or within any commercial property boundary.

[USE0801]

93. Domestic dogs and cats shall not be kept on the subject site for the life of the development.

[USE0802]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

94. The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

(a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.

- (b) **Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire Protection 2006 Guidelines and the General Terms of Approval of the Consent as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.**

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway / easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.

[PSC0835]

95. **Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.**

The following information must accompany an application:

- (a) **original plan of subdivision prepared by a registered surveyor and 2 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.**
- (b) **all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Council's Application for Subdivision Certificate including the attached notes.**

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

96. **A Habitat Restoration Plan ('HRP') must be submitted and approved by Council prior to the the issue of subdivision certificate for the following areas of Lot 1:**

- a. **Assisted Habitat Restoration Area' as shown on *Dwg. No. A-108 Issue G Vegetation Management dated 14 December 2016 prepared by Redfern Lynch Designs.***
- b. **All asset protection zones and the playground as shown on *Dwg. No. A-001 Issue G Site Plan dated 14 December 2016 prepared by Redfern Lynch Designs* for Bush Stone-curlew habitat enhancement works only.**

The HRP shall be prepared by a suitably qualified professional in accordance with Council's *Draft Habitat Restoration Plan Preparation Guideline dated*

February 2012 (attached) for the identified ecological restoration areas to include the following information:

- a. An appraisal of the present condition of remnant vegetation
 - b. A plan overlaying an aerial photograph of the site which divides the area into management zones where appropriate
 - c. A management strategy for each of the zones, including:
 - i. The adoption of an 'Assisted Natural Regeneration' approach
 - ii. Habitat enhancement works targeting Bush Stone-curlew
 - iii. Bush Stone-curlew fencing requirements as stipulated in Condition 21
 - d. A program of works to be undertaken to remove invasive weed species (noxious and environmental weeds) and carry out Bush Stone-curlew habitat enhancement works
 - e. A schedule of any materials required for Bush Stone-curlew habitat enhancement such as; fencing, positioning of large woody debris (or similar non-combustible feature), clusters of low growing plantings, maintenance of existing low cover - where consistent with the NSW RFS Standards for Asset Protection Zones
 - f. A schedule of timing of proposed works
 - g. Any fencing/signage requirements to restrict access and increase landholder/public awareness
 - h. Nomination of key performance indicators/criteria for monitoring purposes
 - i. A maintenance, monitoring and reporting schedule with developer commitment for a period not less than two (2) years for all areas the subject of the HRP
 - j. An adaptive management statement detailing how potential problems arising may be overcome and requiring approval of the General Manager or delegate for such changes.
- 97. A letter of authority from the NSW Department Primary Industries - Lands (or relevant agency responsible for the management of Crown Land) for any habitat restoration works occurring on proposed Lot 1 must be obtained prior to approval of the habitat restoration plan pursuant to Condition 96 and prior to the issue of construction certificate or the issue of subdivision certificate, whichever occurs first.**

[PSCNS01]

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire area of proposed Lot 1 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones', except the area identified as 'Assisted Habitat Restoration Area' on the drawing titled 'Vegetation Management' prepared by Redfern Lynch Design (Drawing No. A-108, Issue G) dated 14.12.2016.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

3. To aid in fire fighting activities, pedestrian access shall be maintained at all times around the classroom building to the northern and western asset protection zones.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency / evacuation plan consistent with the NSW RFS document titled 'A guide to developing a bush fire emergency management and evacuation plan'. A copy of the plan shall be provided to the consent authority and the local Bush Fire Management Committee prior to occupation of the development.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.
6. Construction of the classroom building shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection', except the southern elevation which shall comply with Sections 3

- and 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
7. Construction of the covered walkway shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
 8. Construction of the administration building additions shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection', except the southern and western elevations which shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
 9. The existing building on proposed Lot 1 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
 10. The proposed non-combustible fencing along the northern boundary, to the north of the classroom building and north of the sandpit, as shown on the plan titled 'Site Plan' prepared by Redfern Lynch Design (ref: Drawing No. A-001, Issue G) dated 14.12.2016, shall be constructed as a minimum 1.8 metre high radiant heat shield made of non-combustible materials. All posts and rails shall be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

Landscaping

11. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

REPORT:

Applicant: Pottsville Community Preschool
Owner: Land and Property Management Authority
Location: Lot 509 DP 728257 No. 2-4 Centennial Drive, Pottsville; Lot 3 DP 1062338 & Lot 7021 DP 1113041 Tweed Coast Road, Pottsville
Zoning: RE1 - Public Recreation, RE1 - Public Recreation, 6(a) Open Space, RE1 - Public Recreation
Cost: \$700,000

Background:

Proposal

Council is in receipt of a Development Application for additions and alterations to Pottsville Preschool at the above address which includes two new classrooms, administration rooms and undercover area with associated civil works and car parking.

In pursuing the expansion of the premises, a boundary adjustment is sought to increase the size of the preschool site from lots located to the north and northwest. The boundary adjustment also ensures that asset protection zones required for bushfire protection are located wholly on the preschool site.

The development is to be staged as follows:

Stage 1

- Subdivision (boundary adjustment);

Stage 2

- Construction of new classroom building;
- Construction of new sign in foyer;
- Formalise car parking;
- Landscaping of the playground, carpark area, fencing and establishment of asset protection zones;

Stage 3

- Additions to the existing building with construction of new administration area;
- Installation of playground equipment;

The proposal involves an increase in enrolments from 20 to 60 children and increase in the number of staff to 12. The proposed hours of operation are 8.30am to 3.30pm Monday to Friday.

The new classroom building to the north west of the site is contemporary in design featuring two classrooms, covered walkways and an undercover play/learning area. The new building faces eastward toward the new additional playground area. The required asset protection zones for bushfire protection are located between the new classroom building and the proposed northern and western boundaries of the allotment. The proposal also involves extending the existing building eastward and upgrading the entry located with Centennial Drive frontage.

The proposed car parking for the development is on the northern side of Centennial Drive within the road reserve. This was the approved location of the car parking that services the site under Development Consent D98/0136 and this proposal involves the formalisation of these spaces and access.

No signage is proposed for approval as part of the application.

Vegetation removal is proposed to facilitate the construction of the new classroom building and the provision of asset protection zones. Council's Natural Resource Management Unit have recommended conditions of consent to mitigate ecological impacts which include the preparation and implementation for two years of a Habitat Restoration Plan for 820 m² of an eastern portion of the preschool site incorporating Bush Stone-curlew habitat enhancement works which include:

- Fencing of the western and eastern perimeter of Lot 1, in the form of a 1.2m high chain mesh style fence effective at excluding predator species;
- Bush Stone-curlew habitat restoration such as the positioning of large woody debris (or similar non-combustible feature), clusters of low growing plantings, maintenance of existing low cover;
- Installation of signage to improve public awareness.

Additional ecological impact mitigation measures include:

- Retention of selected canopy trees within the Asset Protection Zones (APZ). Trees have been nominated on a vegetation management plan and referenced in a schedule;
- Additional arboricultural/tree management measures to ensure trees nominated for retention are managed appropriately and that native vegetation around the development footprint remains undisturbed during construction;
- Landscaping of the site to achieve 100% local native species with an establishment period of six (6) months;

It is also considered that the proposed buffer area fronting Tweed Coast Road, nominated for habitat restoration will also contribute to improving the amenity outcomes for the development.

Council sewer infrastructure is located within the proposed preschool allotment. Council's Water Unit have advised that the proposed development will not conflict with the sewer rising main (SRM), and any consent will require the creation of a 5m easement over the SRM where it traverses the subject land.

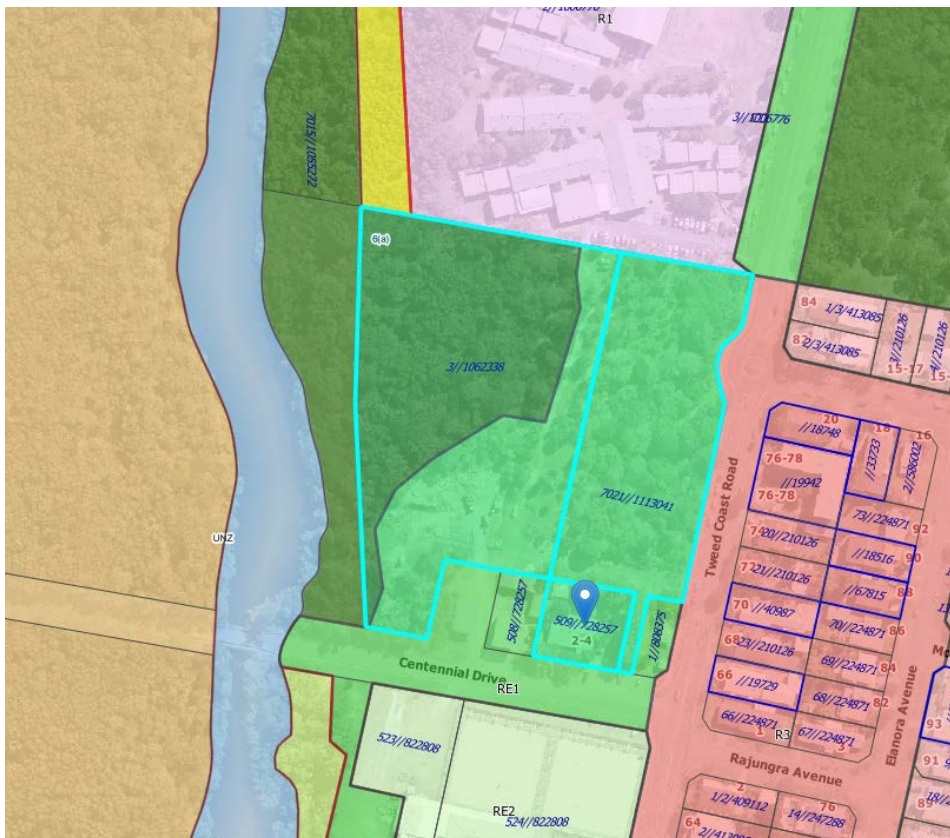
Subject Site

Pottsville Preschool is currently located on Lot 509 and is Council Administered Crown Land, Crown Reserve 140049 of approximately 1399m² in area. Lot 7021 to the north of the preschool is State Crown Land and approximately 8,665m² in area featuring native coastal vegetation whilst Lot 3 to the northwest is Council Administered Crown Land and 1.673 hectares in area featuring native coastal vegetation to the north and west and a cleared area no longer utilised materials depot to the south. It is noted that the Reserve Purpose for Lot 3 is *Rubbish Depot and Sanitation Purposes*.

Tweed Coast Road runs along the eastern boundary of the site with residential development located across the road, whilst to the north is the Pottsville Beach Public School. Pottsville

Sports club is located to the south of Centennial Drive with a sewer pump station located on the north corner of Centennial Drive and Tweed Coast Road. To the west with Centennial Drive frontage, is Council Administered Crown land occupied by NSW Rural Fire Service (RFS) and NSW State Emergency Services (SES). On the western boundary of the subject site is a vegetated road reserve which borders Cudgera Creek.

It is noted that Lots 509 and 7021 are zoned RE1 Public Recreation under Tweed Local Environmental Plan (TLEP) 2014 whilst Lot 3 is split zoned including land zoned RE1 Public Recreation (light green) under TLEP 2014 to the east and land zoned 6(a) Open Space (dark green) under TLEP 2000 to the west as shown in the mapping below. As such, the subject application requires assessment against both TLEP 2014 and TLEP 2000.



Zoning of the subject site under TLEP 2014 and TLEP 2000

With regard to the relevant approval history at the subject site, Development Consent D87/0949 was granted for the erection of a preschool in 14 January 1988. Additions to the preschool were approved under D98/0136 on 12 May 1998 with an awning also approved 5 October 2004 pursuant to DA04/1213.

Landowner's consent was granted by NSW Department of Primary Industries – Lands (Crown Lands) and Tweed Shire Council for the lodgement of the subject application over each lot.

Tweed Reserves Trust meeting held 19 June 2014 resolved to:

1. *Support the lodgement of a development application over Lot 509 in DP 728257 being Crown Reserve 140049 for Kindergarten; and*

2. *Approved the addition of part of Lot 3 in DP 1062338 Crown Land to Crown Reserve 140049.*

Further at the Tweed Reserves Trust meeting held 21 August 2014 it was resolved:

“That the Reserves Trust approved the addition of part of Lot 7021 in DP 1113041 Crown Land to Crown Reserve 140049 for Kindergarten”.

During the assessment, consideration was given to compensate for the selective removal of vegetation and disturbance of native coastal habitat required to facilitate the development, the creation of a Bush Stone Curlew Habitat compensation area of minimum 1700 m² on the adjacent Lot 3 in addition to the Assisted Habitat Restoration Area along the eastern boundary of Lot 1.

It is noted that Council’s Recreation Services Unit historically used Lot 3 as a materials storage area whilst Council’s Natural Resource Management Unit undertakes weed control works and vertebrate pest control on an ad hoc basis. The storage area on the site has been previously identified as a planting offset opportunity requiring site contamination assessment and potential remediation and therefore Council officers considered the Bush Stone Curlew Habitat Restoration Area and the remediation of the site was a good outcome.

As a courtesy, Council forwarded the draft condition for the Bush Stone Curlew Habitat Restoration Area on Lot 3 to Crown Lands as landowner who responded with the following:

We have discussed Council’s proposal and how it relates to current policies relating to development on Crown land. It is the department’s position that the proposed Lot 3 remains unencumbered from development on adjoining land. The department will therefore not consent to, nor authorise, the use of proposed Lot 3 for any purpose (including offset plantings) associated with the proposed preschool development.

Given the lack of support from Crown Lands, alternative solutions were accepted by Council officers with regard to the mitigation of impacts to flora and fauna that result from the preschool expansion.

It is also noted that Lot 3 has been raised as an alternative site for the Pottsville Men’s Shed. The following statement was made with regard to Lot 3 within Council Report for meeting Thursday 17 November 2016 with regard to the Licence for Pottsville Men’s Shed at Black Rocks.

This parcel is managed by Council as Trustee of Reserve 74096 for Rubbish Depot and Sanitation Purposes and is known to be contaminated. The parcel is also affected by Tree Preservation Order 2011 (Koala Habitat) and will require the removal of trees for any development, as well as clarity on the contamination and remediation required, which should be undertaken by the Crown prior to any consideration of this parcel for development. Further, any tenure, must be for activities that fall within the reserve purpose, if Council, as Trustee grants a lease or licence. Any other activity, such as the Men’s Shed, will require a direct lease or licence from the Minister, and as the land requires remediation before any tenure can be extended, it is considered unlikely that the Crown will grant such tenure for this site.

Council Meeting Thursday 17 November 2016, Council made the following resolution:

1. *The determination of the licence for the Pottsville Men's Shed at Black Rocks be deferred to a future Council meeting, and that Council:*
2. *Notes the community's support of a Men's Shed in Pottsville and that Council writes an urgent letter to the State Member Geoff Provest requesting information related to the process by which Crown Lands has to date worked to help the Pottsville and District Men's Shed (PDMS) to find a permanent home as per the Memorandum of Understanding (MOU) between Crown Lands and the Australian Men's Shed Association formulated in 2013, specifically requesting:*
 - a) *A diagram identifying all potentially available Crown Lands in Pottsville.*
 - b) *A copy of the assessment made as to the suitability of a permanent home for the PDMS for each of the sites identified.*
 - c) *A list of the further sites that could be investigated for the purposes of a permanent home for the Pottsville and District Men's Shed and advice on the suitability of these sites.*

At the time of writing this report, no response has been received from Mr Provest.

SITE DIAGRAM:



Locality Plan

Lot 7021 DP 1113041, Lot 3 DP 1062338 and Lot 509 DP 728527
Tweed Coast Road, Pottsville.

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and of a general nature only. It should not be used for survey or construction purposes and prior to any excavations a "Dig before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 90 days only from the date of supply.

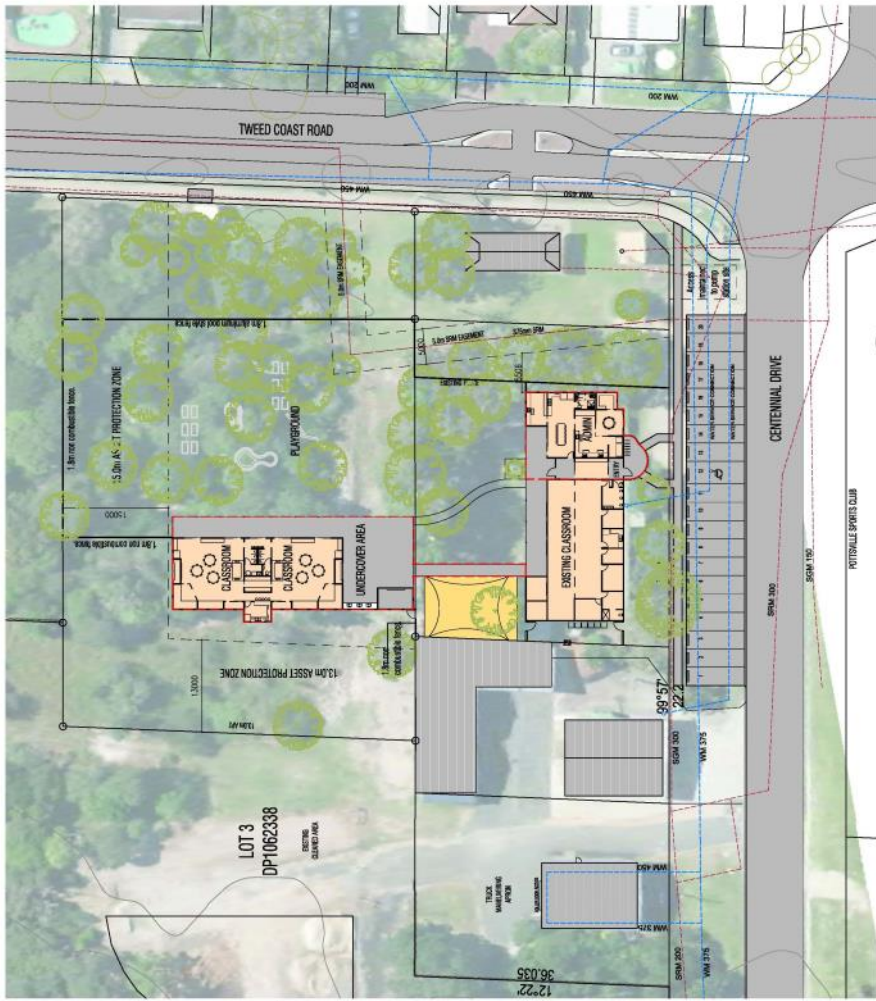
Cadastral: 07 March, 2017
© Land and Property Information (LPI) & Tweed Shire Council.
Boundaries shown should be considered approximate only.

0 1 2 Km
1:100,000 @ A4 Portrait
DO NOT SCALE
COPY ONLY - NOT CERTIFIED
Map Projection: Universal Transverse Mercator
Geoid: Geoid Datum of Australia 1994
Map Grid of Australia, Zone 56
GDA

Civic and Cultural Centre
3 Tumbulgum Road
Murrumbidgee NSW 2484
PO Box 816
Murrumbidgee NSW 2484
T | (02) 6670 2400 | 1300 292 872
F | (02) 6670 2429
W | www.tweed.nsw.gov.au
E | planning@tweed.nsw.gov.au



Date Printed: 07 March, 2017



Site Plan - 1:400 @ A2

- Delineates extent of proposed new building works
- Existing water infrastructure
- Existing sewer infrastructure

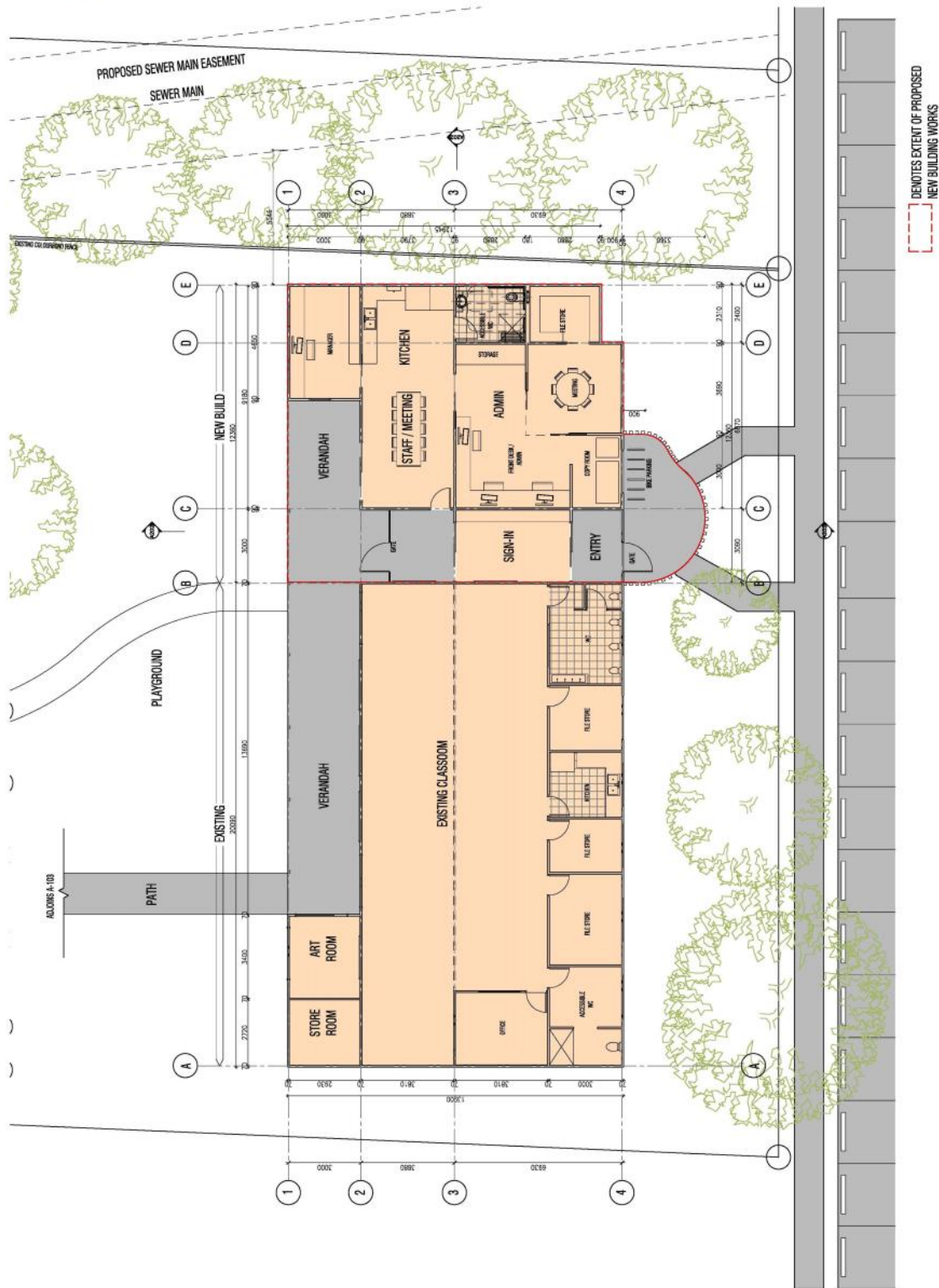


Locality Plan - Not to scale

DATE: 14/12/2016
 DRAWN BY: A.201
 CHECKED BY: T.ROBERTS
 PROJECT: POTTSVILLE COMMUNITY PRESCHOOL - NEW CLASSROOMS
 SHEET NO.: 6
 DEVELOPMENT APPLICATION NO.: 15/00624

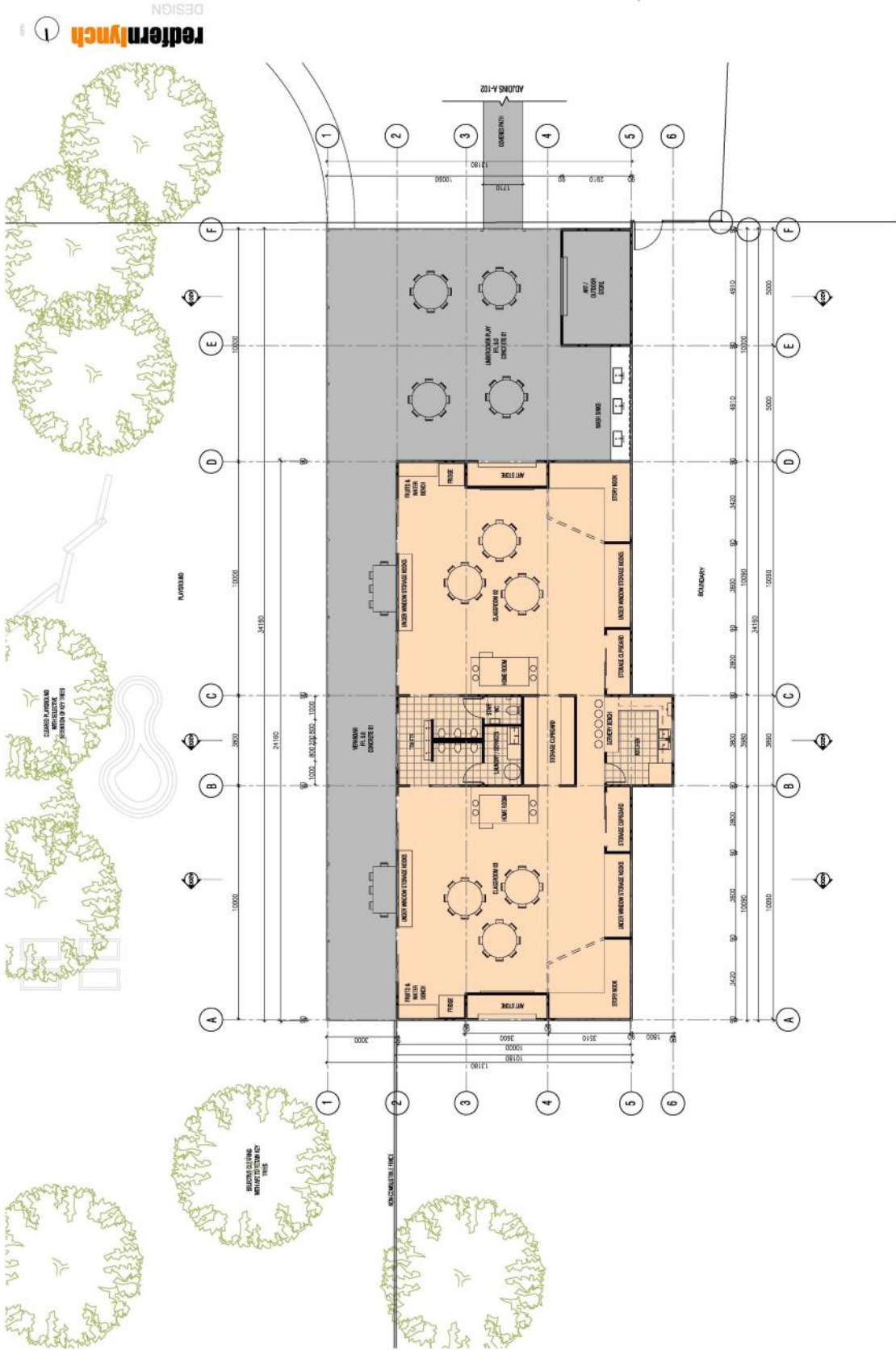


14/2/2016
 DEVELOPMENT APPLICATION
 13/30/042
 GENERAL ARRANGEMENT
 POTTSVILLE COMMUNITY PRESCHOOL
 NEW CLASSROOMS
 POTTSVILLE COMMUNITY PRESCHOOL
 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

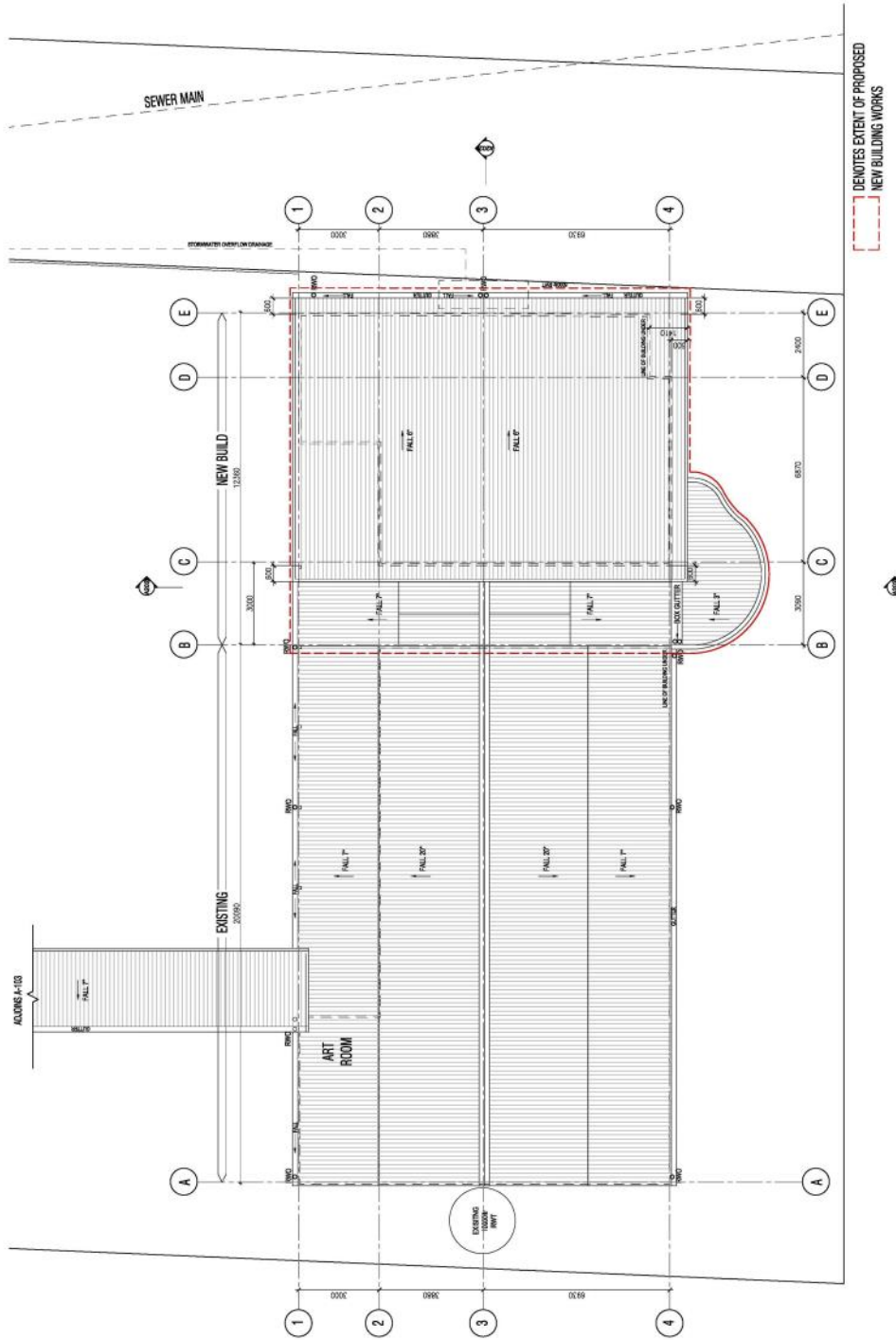


--- DENOTES EXTENT OF PROPOSED NEW BUILDING WORKS

POTTSVILLE COMMUNITY PRESCHOOL
 POTTSVILLE COMMUNITY PRESCHOOL
 POTTSVILLE COMMUNITY PRESCHOOL
 FLOOR PLAN
 ENTRY & ADMIN BUILDING
 11/04/2016
 DEVELOPMENT APPLICATION 07
 14/12/2016

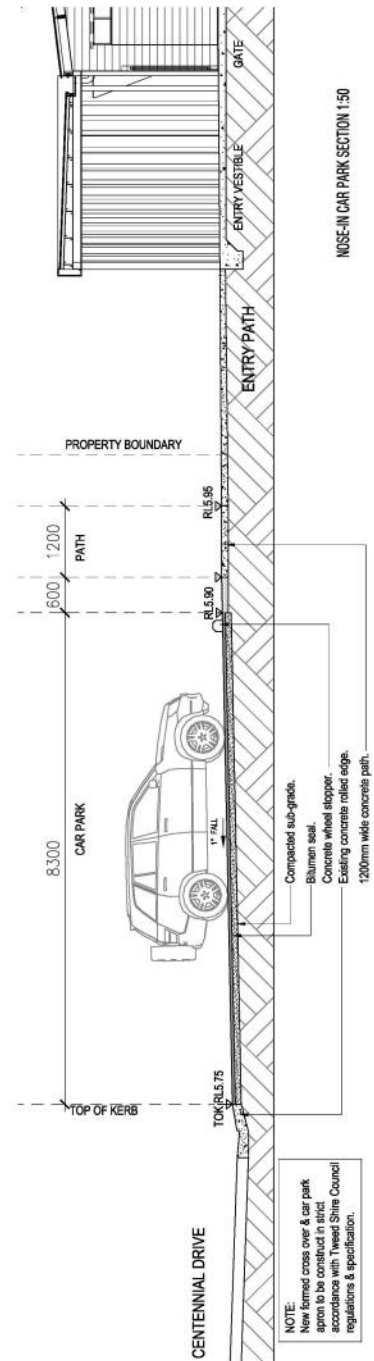
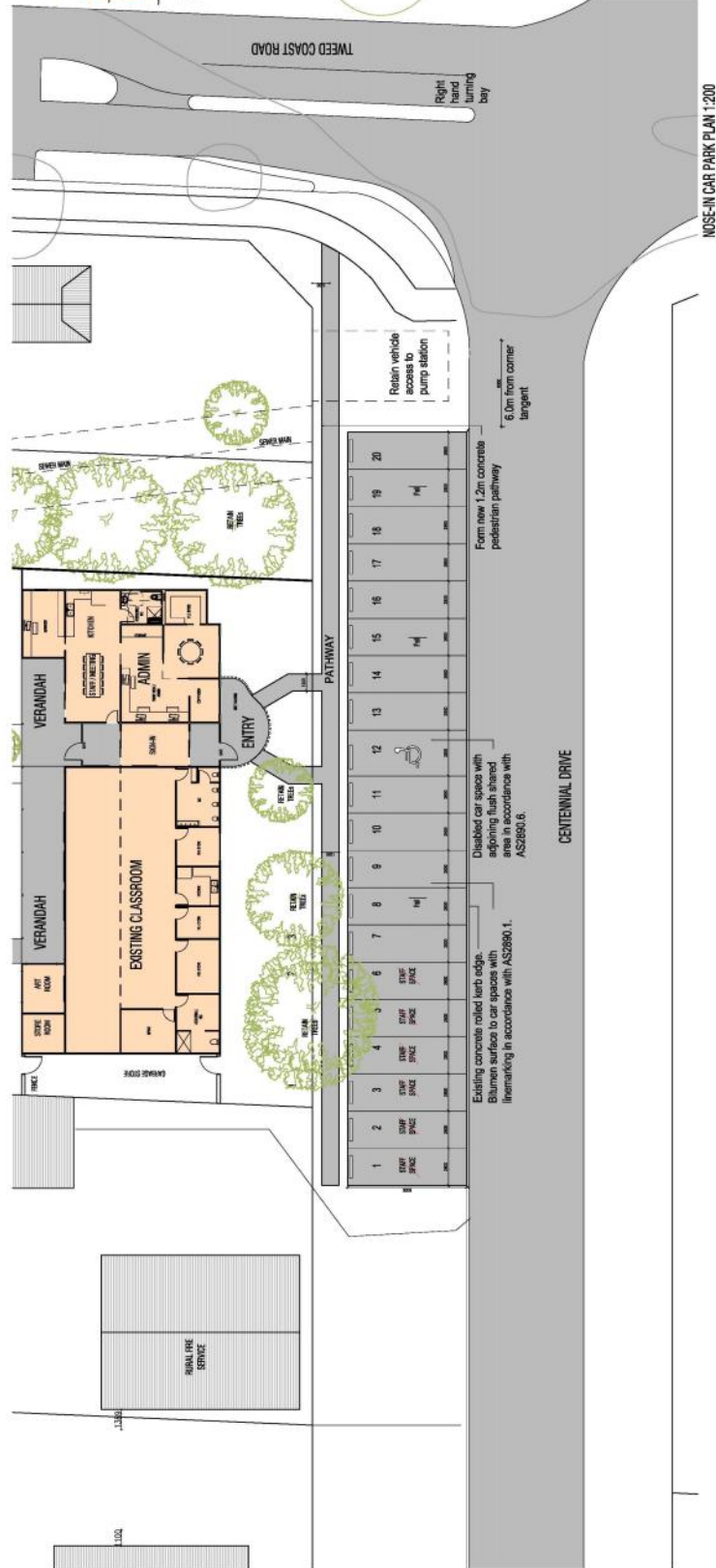


235 POTTSVILLE COMMUNITY PRESCHOOL
 235 POTTSVILLE COMMUNITY PRESCHOOL
 ROOM 105
 CLASSROOM BUILDING
 1:100/042
 DEVELOPMENT APPLICATION 04
 14/12/2016



--- DENOTES EXTENT OF PROPOSED NEW BUILDING WORKS

POTTSVILLE COMMUNITY PRESCHOOL
 POTTSVILLE COMMUNITY PRESCHOOL
 NEW CLASSROOMS
 ENTRY & ADMIN BUILDING
 11/08/2016
 DEVELOPMENT APPLICATION C
 14/12/2016



CAR PARKING SCHEDULE

Rate Required:
 1 space per staff
 1 space per 7.5 children
 0.3 bite space per staff
 1 service

Existing Building:
 20 children
 6 staff

Proposed New Building:
 40 children
 6 staff

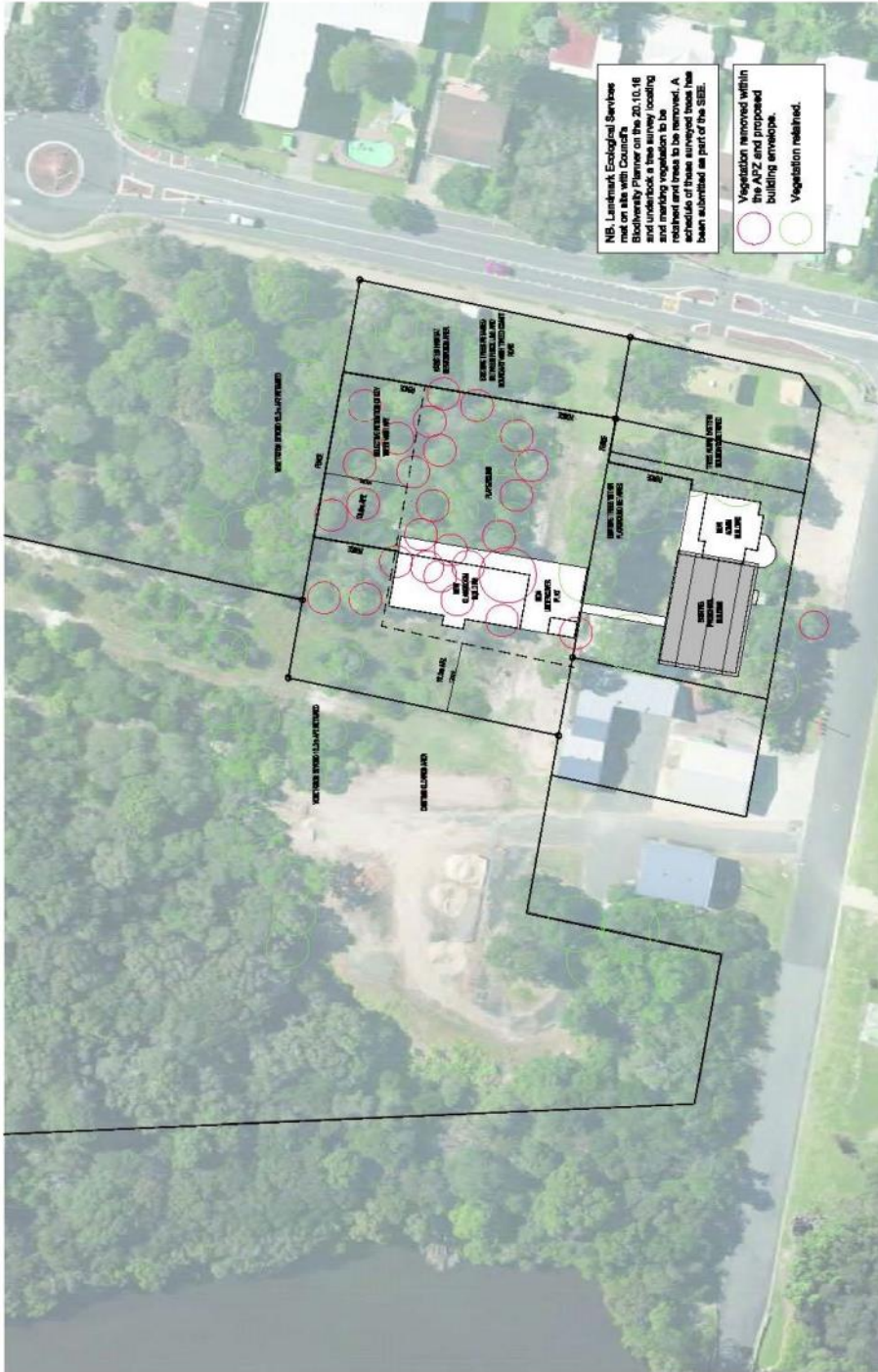
TOTAL CAR PARKING REQUIRED: 21 spaces
TOTAL CAR PARKING PROVIDED: 22 spaces
TOTAL BITE PARKS (EAST ELEV): 6 bite parks

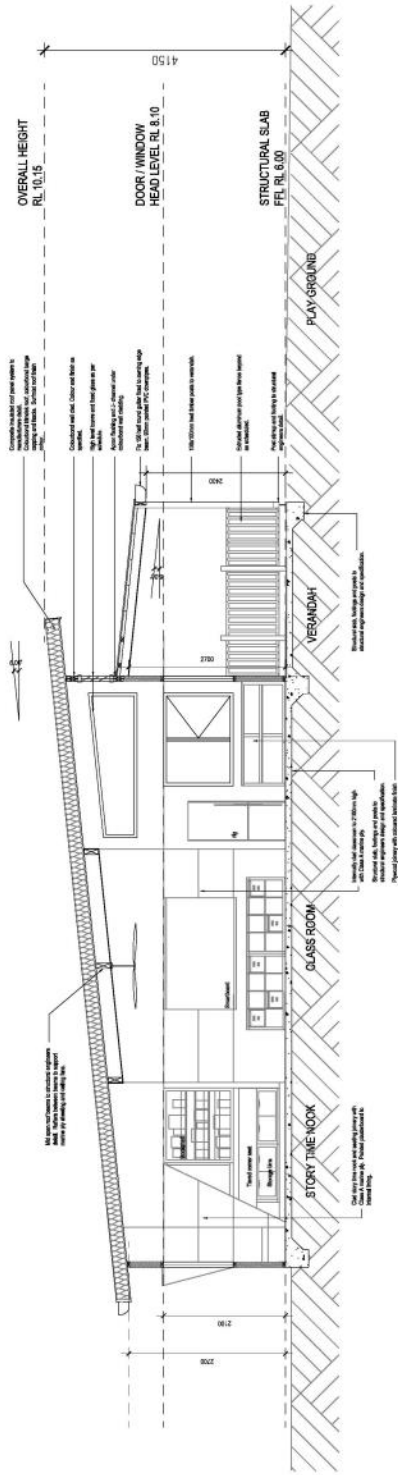
3 spaces
 8 spaces
 6 spaces
 6 spaces

NOTE:
 New formed cross over & car park apron to be constructed in strict accordance with Tweed Shire Council regulations & specification.

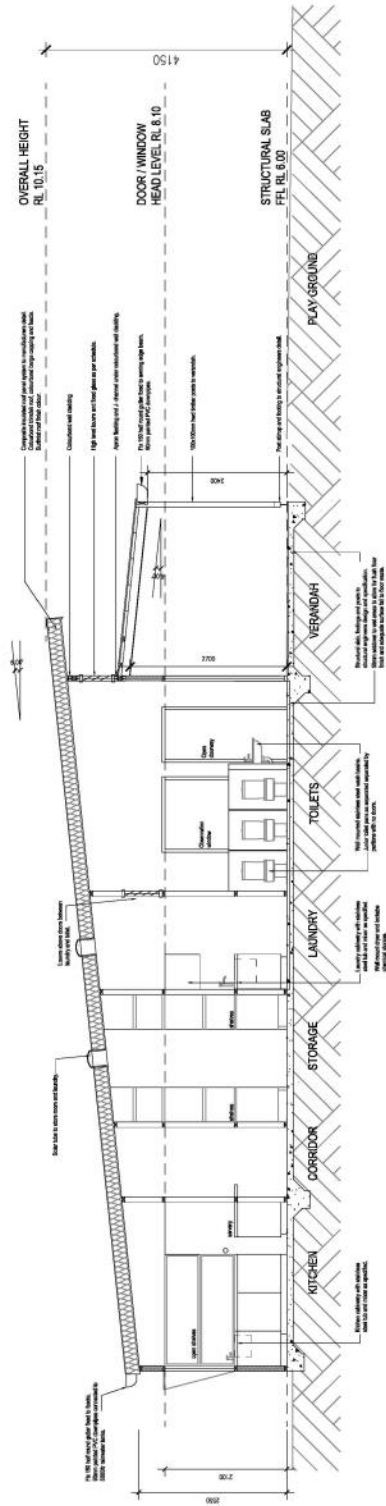
NOSE-IN CAR PARK SECTION 1:50

NOSE-IN CAR PARK PLAN 1:200



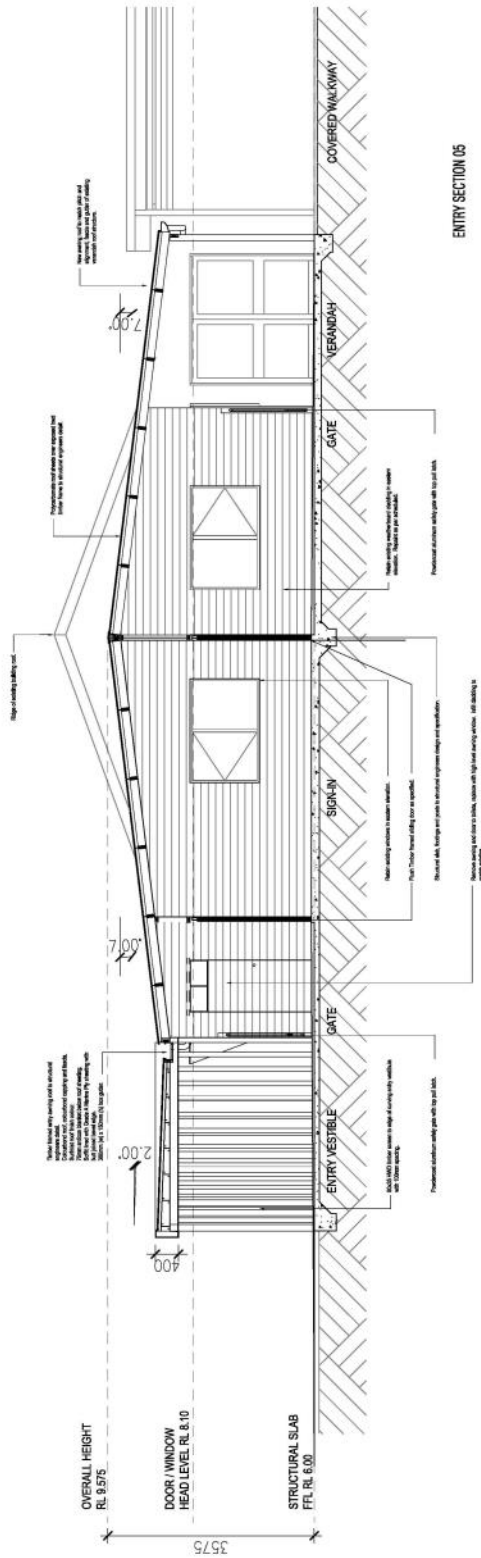


SECTION 01

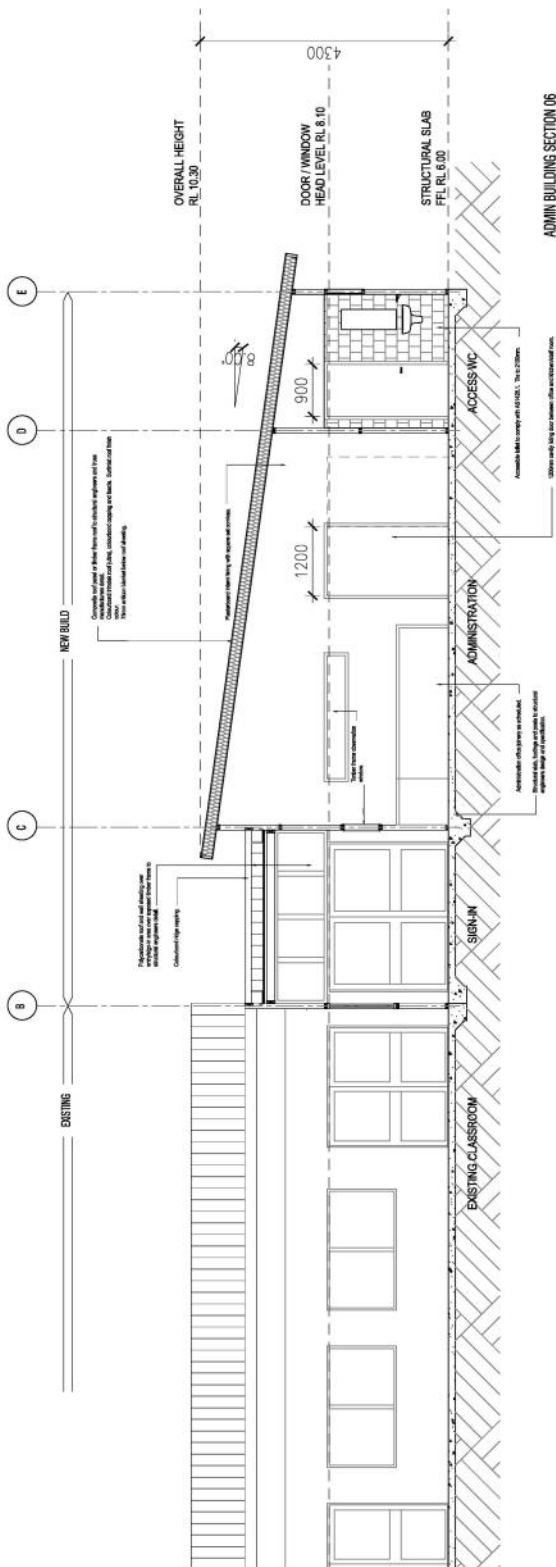


SECTION 02

POTTSVILLE COMMUNITY PRESCHOOL
 NEW CLASSROOMS
 POTSVILLE COMMUNITY PRESCHOOL
 A-300
 INDICATIVE SECTION 01
 T350627
 DEVELOPMENT APPLICATION 01
 14/12/2016

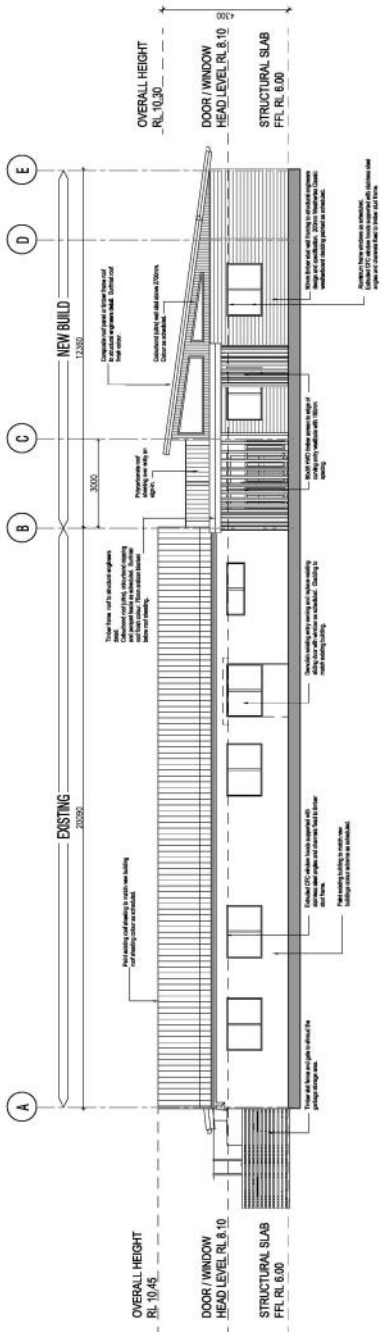


ENTRY SECTION 05



ADMIN BUILDING SECTION 06

PROJECT	POTTSVILLE COMMUNITY PRESCHOOL	PROJECT NO.	15084C	DATE	14/12/16
SECTION	ADMINISTRATION BUILDING	SECTION NO.	15084C	DEVELOPMENT APPLICATION NO.	G
EXTENSION	ADMINISTRATION BUILDING	EXTENSION NO.			



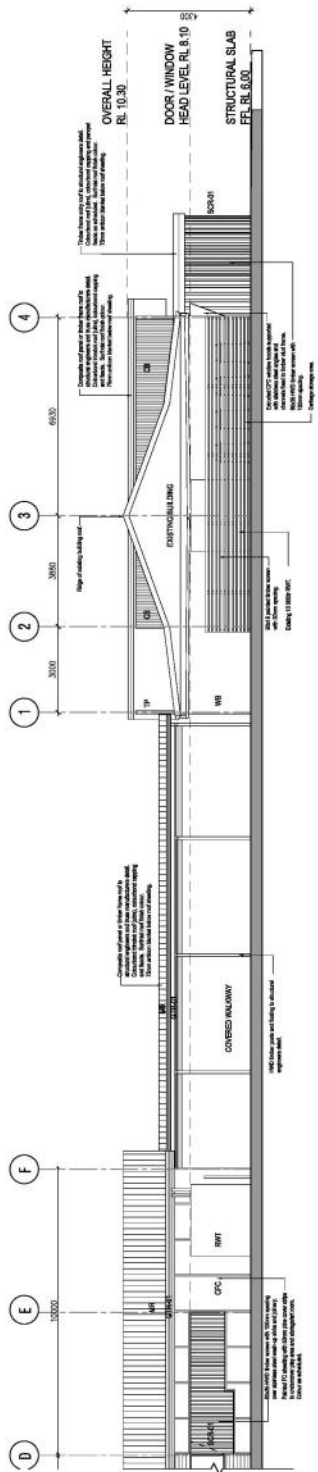
SOUTHERN (STREET) ELEVATION



ILLUSTRATIVE SOUTHERN (STREET) ELEVATION

GENERAL NOTES

1. COMPRESSIVE STRENGTH
2. CONCRETE TO BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE SUPPLIER AND AS SHOWN ON THE DRAWINGS.
3. ALL CONCRETE TO BE SUPPLIED AND CAST IN ACCORDANCE WITH THE SPECIFICATIONS OF THE SUPPLIER AND AS SHOWN ON THE DRAWINGS.
4. ALL CONCRETE TO BE SUPPLIED AND CAST IN ACCORDANCE WITH THE SPECIFICATIONS OF THE SUPPLIER AND AS SHOWN ON THE DRAWINGS.
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10. ALL CONCRETE TO BE SUPPLIED AND CAST IN ACCORDANCE WITH THE SPECIFICATIONS OF THE SUPPLIER AND AS SHOWN ON THE DRAWINGS.



WESTERN ELEVATION (EXISTING & ADMIN)

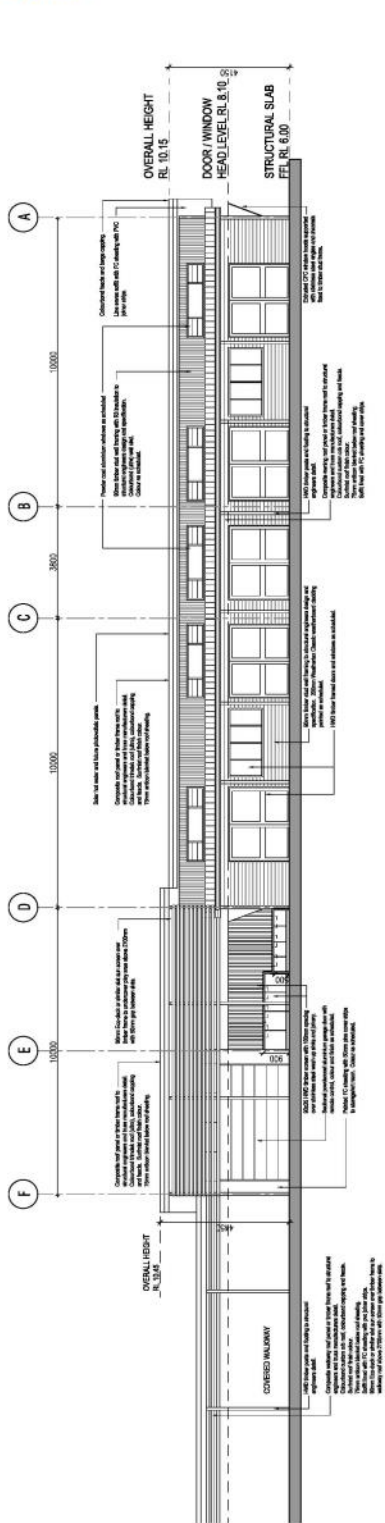


ILLUSTRATIVE WESTERN ELEVATION (EXISTING & ADMIN)

MATERIAL LEGEND

01	COMPRESSED POLYURETHANE FOAM
02	CONCRETE
03	GLASS
04	ALUMINIUM
05	STEEL
06	WOOD
07	BRICK
08	CONCRETE
09	CONCRETE
10	CONCRETE
11	CONCRETE
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DATE	13/03/2017	BY	KL2289
DESCRIPTION	WEST ELEVATION EXISTING & ADMIN BUILDING	DATE	13/03/2017
PROJECT	POTTSVILLE COMMUNITY PRESCHOOL	DATE	13/03/2017
CLIENT	POTTSVILLE COMMUNITY PRESCHOOL	DATE	13/03/2017
LOCATION	POTTSVILLE COMMUNITY PRESCHOOL	DATE	13/03/2017
SCALE	1:100	DATE	13/03/2017
PROJECT NO.	13/03/2017	DATE	13/03/2017
PROJECT NAME	POTTSVILLE COMMUNITY PRESCHOOL	DATE	13/03/2017
PROJECT ADDRESS	POTTSVILLE COMMUNITY PRESCHOOL	DATE	13/03/2017
PROJECT CONTACT	POTTSVILLE COMMUNITY PRESCHOOL	DATE	13/03/2017
PROJECT PHONE	POTTSVILLE COMMUNITY PRESCHOOL	DATE	13/03/2017
PROJECT EMAIL	POTTSVILLE COMMUNITY PRESCHOOL	DATE	13/03/2017
PROJECT WEBSITE	POTTSVILLE COMMUNITY PRESCHOOL	DATE	13/03/2017
PROJECT SOCIAL MEDIA	POTTSVILLE COMMUNITY PRESCHOOL	DATE	13/03/2017
PROJECT OTHER	POTTSVILLE COMMUNITY PRESCHOOL	DATE	13/03/2017



EAST ELEVATION (CLASSROOMS)



EAST ILLUSTRATIVE ELEVATION (CLASSROOMS)

MATERIAL CODES

C1	CONCRETE - PRECAST
C2	CONCRETE - CAST IN PLACE
C3	CONCRETE - POLISHED
C4	CONCRETE - STAIN
C5	CONCRETE - STAIN
C6	CONCRETE - STAIN
C7	CONCRETE - STAIN
C8	CONCRETE - STAIN
C9	CONCRETE - STAIN
C10	CONCRETE - STAIN
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C13	CONCRETE - STAIN
C14	CONCRETE - STAIN
C15	CONCRETE - STAIN
C16	CONCRETE - STAIN
C17	CONCRETE - STAIN
C18	CONCRETE - STAIN
C19	CONCRETE - STAIN
C20	CONCRETE - STAIN

DATE	14.12.2016
DEVELOPMENT APPLICATION	G
DATE	11.10.16/16
PROJECT	CLASSROOM BUILDING EAST ELEVATION
CLIENT	POTTSVILLE COMMUNITY PRESCHOOL
PROJECT	POTTSVILLE COMMUNITY PRESCHOOL EXTENSION
PROJECT	POTTSVILLE COMMUNITY PRESCHOOL

Considerations under Section 79C of the Environmental Planning and Assessment Act 1979:

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

Tweed Local Environmental Plan 2014

Part 1 Preliminary

Clause 1.2 – Aims of the Plan

The aims of this plan as set out under Section 1.2 of this plan are as follows;

- (1) *This Plan aims to make local environmental planning provisions for land in Tweed in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) *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, small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed Shire,*
 - (c) *to promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, the 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, geological and ecological integrity of the 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 proposed development is considered to be generally in accordance with the aims of this plan having regard to its nature, permissible at this location.

Clause 1.4 – Definitions

Under this Plan, the proposed preschool development would be a 'child care centre' defined as follows;

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the Children and Young Persons (Care and Protection) Act 1998), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

Part 2 Permitted or prohibited development

Clause 2.3 – Zone objectives and Land use table

The Objectives of Zone RE1 Public Recreation are as follows:

- To enable land to be used for public 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.

Child Care Centres are permitted with consent in the RE1 Public Recreation zone.

Part 4 Principal development standards

Clause 4.1 to 4.2A - Principal Development Standards (Subdivision)

The objectives of this clause are to ensure minimum lot sizes are appropriate for the zones to which they apply and for the land uses permitted in those zones,

The clause goes on to state that the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. The subject site is not identified on the Lot Size Map and as such, this clause does not apply.

Clause 4.3 - Height of Buildings

The objectives of this clause include provisions to establish the maximum height for which a building can be designed and ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity.

This clause states that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. In this instance the proposed development site is identified as having a maximum building height of 10m (Control K), as identified on the building height map.

The existing building is approximately 4.5m high. The proposed new building is single storey in design with a maximum stated height of approximately 4.15m whilst the extension to the existing building is 4.3m high, thus complying with this development control.

As such, the proposed development is considered acceptable and the proposal does not contravene the provisions of this Clause.

Clause 4.4 – Floor Space Ratio

The objectives of this clause are *to define the allowable development density of a site and for particular classes of development,*

This clause goes on to further state that the maximum floor space ratio (FSR) for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The subject site is not identified on the Floor Space Ratio Map and as such, this clause does not apply.

Clause 4.6 - Exception to development standards

No exceptions to development standards are proposed as part of this application.

Part 5 Miscellaneous provisions

Clause 5.5 – Development within the Coastal Zone

This clause states that development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered the following;

- (a) *existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:*
 - (i) *maintaining existing public access and, where possible, improving that access, and*
 - (ii) *identifying opportunities for new public access, and*

The subject application does not propose any amendments to existing public access to or along the coastal foreshore.

- (b) *the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:*
 - (i) *the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and*
 - (ii) *the location, and*
 - (iii) *the bulk, scale, size and overall built form design of any building or work involved, and*

The proposed development is permissible on the subject site and is generally consistent with the prescribed development requirements as outlined throughout this report. As such the proposal is considered to be acceptable at this location.

- (c) *the impact of the proposed development on the amenity of the coastal foreshore including:*
 - (i) *any significant overshadowing of the coastal foreshore, and*
 - (ii) *any loss of views from a public place to the coastal foreshore,*

The proposed development is located approximately 300m from the coastal foreshore and is not considered to impact on the amenity of the foreshore by virtue of overshadowing or a loss of views. The subject application is considered to be acceptable having regard to the above considerations.

- (d) *how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and*

The proposed development is not considered to compromise the scenic qualities of the coast as it represents an acceptable development on appropriately zoned land. Beyond this, the subject development is not considered to generate any specific opportunities to protect the visual amenity and scenic qualities of the coast.

- (e) *how biodiversity and ecosystems, including:*
 - (i) *native coastal vegetation and existing wildlife corridors, and*

- (ii) rock platforms, and*
- (iii) water quality of coastal waterbodies, and*
- (iv) native fauna and native flora, and their habitats, can be conserved, and*

The subject application has been reviewed in detail by Councils' Natural Resource Management Unit elsewhere in this report, with it being determined that the proposal is acceptable subject to the application of appropriate conditions of consent. It is therefore considered that the proposal will have a minimal impact on the local biodiversity or ecosystems in this regard.

- (f) the cumulative impacts of the proposed development and other development on the coastal catchment.*

The proposed development is not considered to result in an unacceptable cumulative impact on the coastal catchment given the sites zoning and the permissibility of the development at this location.

This clause goes on to further state;

- (3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:*

- (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and*

As outlined elsewhere in this report, the proposal will not impede or diminish the right of access of the public either to or along the public foreshore.

- (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

The subject site would maintain connection to Councils reticulated sewer system.

- (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

Stormwater management is detailed elsewhere in this report, with no untreated stormwater being discharged to the sea, beach or the like. Having regard to this, it is considered that the subject application would be in accordance with the above controls.

- (d) the proposed development will not:*
 - (i) be significantly affected by coastal hazards, or*
 - (ii) have a significant impact on coastal hazards, or*
 - (iii) increase the risk of coastal hazards in relation to any other land.*

The proposed development is considered to be acceptable having regard to coastal impacts as outlined above due to its nature, permissibility and the spatial separation between the site and coastal hazards at this location.

Clause 5.9 – Preservation of Trees or Vegetation

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. As detailed elsewhere in this report, Council's Natural Resource Management Unit have reviewed this application with respect to potential ecological impacts, with it being determined, that subject to the provision of appropriate conditions of consent, the development would be acceptable from an ecological perspective. Therefore, the proposal is considered to comply with this clause.

Clause 5.10 - Heritage Conservation

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Tweed,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

A search of the proposed subdivision site has been undertaken on the NSW Government Office of Environment & Heritage website through the Aboriginal Heritage Information Management System (AHIMS) tool which has identified that there are no Aboriginal sites recorded or Aboriginal places declared at or near the proposed development site. Further the subject site is not mapped as a predictive site on Council's Aboriginal Cultural Heritage Locality Plan and is not within proximity to a Heritage Item or within a Heritage Conservation Area. In this regard the proposal is not considered to impact negatively on the provisions of this clause.

Clause 5.11 - Bush fire hazard reduction

The proposed site is located on land which is identified as being bushfire prone. As the proposal constitutes a special fire protection purpose (child care centre) an Integrated referral to NSW Rural Fire Service (RFS) was required as part of this application. Council has received General Terms of Approval conditions from the RFS and these are to be attached to any consent for this proposal. Having regard to the application being reviewed by NSW RFS and General Terms of Approval being provided, the proposed development is considered to be generally acceptable with respect to bush fire protection.

Part 7 Additional local provisions

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 demonstrates Class 3 Acid Sulfate Soils (ASS) in accordance with the provisions of this clause.

The application has been reviewed by Councils Environmental Health Section who have provided the following comment with respect to Acid Sulfate Soils;

The land is mapped as ASS Class 3 on the Tweed LEP 2014 where consent is needed for works more than 1.0m below the natural ground surface or works by which the water table is likely to be lowered by more than 1.0m the natural ground surface require consent to carry out the works.

The applicant is proposing minimal earthworks. The preliminary structural design of the new buildings has indicated that the required footings for the proposed concrete slab will only be 400mm deep (ref: SEE Rev B Prepared by Pottsville Community Preschool dated May 2016).

No further investigation or information required in relation to ASS but condition that ASS not to be disturbed during construction.

In this regard, the proposal is considered to be acceptable with respect to the acid sulfate soils on site and the provisions of this clause subject to the application of the recommended condition of consent.

Clause 7.3 – Flood Planning

The objectives of this clause are to minimise the flood risk to life and property associated with the use of land and avoid significant adverse impacts on flood behaviour and the environment.

The clause applies to land identified as Flood Planning Area on the Flood Planning Map. As the subject site is not mapped as Flood Planning Area, this clause does not apply.

Clause 7.4 - Floodplain risk management

The objectives of this clause are to ensure particular evacuation or emergency response issues are addressed to enable evacuation of land in extreme flood events and protecting the operational capacity of emergency response facilities and critical infrastructure. The subject site includes is mapped as having an area of approximately 16m² subject to the Probable Maximum Flood. As child care centres are not listed as a nominated purpose subject to this clause, the development is considered acceptable in this regard.

Clause 7.5 - Coastal risk planning

The objectives of this clause are to avoid significant adverse impacts from coastal hazards. As the subject site is not identified on the Coastal Risk Planning Map, this clause does not apply.

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.

This clause outlines that 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 designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) *includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) *avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The proposed development was reviewed by Council's Development Engineering Unit with respect to stormwater provisions and the following comments were provided:

The current and proposed legal points of discharge would technically be to the public road reserves. It is proposed to capture and manage the discharge of stormwater in a consistent arrangement as what prevails with the current preschool. That is via rainwater tanks and on site infiltration into the sandy ground. Any overflow is then directed to the public road reserves.

The stormwater from the new classroom building is proposed to be captured by two 5000 litre rain water tanks and any overflow to be directed to infiltration pits along the north side of the building. This is a satisfactory arrangement.

The stormwater from the new administration building is proposed to be captured by one 5000 litre rainwater tank and any overflow being directed overland to the carpark in Centennial Drive. The proposed discharge arrangement from the rainwater tank overflow is not acceptable... It is recommended that the over flow from the rainwater tank be directed to an infiltration pit, (as per arrangements for the new classroom).

Given the above, the proposal is considered to satisfy the requirements of Clause 7.6 subject to conditions of consent.

Clause 7.10 - Essential Services

This clause outlines that consent must not be granted to development unless the consent authority is satisfied that essential services such as water, electricity, sewerage, stormwater drainage and vehicular access are available or that adequate arrangements have been made to make them available when required.

The subject application has been reviewed by Council's Development Engineering and Water with respect to the above services with it being considered that adequate arrangements are in place, or are to be provided for each. As such the proposal is acceptable with respect to the provisions of this clause.

Having regard to the above assessment, the subject application is considered to be generally in accordance with the provisions of the Tweed Local Environmental Plan 2014.

Tweed Local Environmental Plan 2000

It is noted that the land subject to Tweed Local Environmental Plan (TLEP) 2000 is only affected by the proposed boundary adjustment as the proposed preschool development is located on land under TLEP 2014 as assessed elsewhere in the report. As such, the application will be assessed against TLEP 2000 with regard to the boundary adjustment only.

Clause 4 - Aims of the Plan

Clause 4 illustrates that the aims of the Tweed Local Environmental Plan (TLEP) 2000 are to give effect to the desired outcomes, strategic principles, policies and actions of the Tweed Shire 2000+ Strategic Plan. The vision of the plan is "*the management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced*". Clause 4 further aims to provide a legal basis for the making of a development control plan to provide guidance for future development and land management, to give effect to the Tweed Heads 2000+ Strategy and Pottsville Village Strategy and to encourage sustainable economic development of the area which is compatible with the Shire's environmental and residential amenity qualities.

The subject development application is considered suitably in keeping with the above, as it is not considered likely to result in a reduction of access or amenity for nearby properties or the shire as a whole.

Clause 5 - Ecologically Sustainable Development

The TLEP aims to promote development that is consistent with the four principles of ecologically sustainable development, being *the precautionary principle, intergenerational equity, conservation of biological diversity and ecological integrity and improved valuation, pricing and incentive mechanisms*.

The subject boundary adjustment is considered consistent with the above criteria, as the boundary adjustment is not likely to have significant impacts in this regard.

Clause 11 - Zone Objectives

As noted above, the subject site is zoned 6(a) Open Space uses under TLEP 2000. The objectives of the zone are as follows:

Primary objective

- *to identify existing public land, and land that is proposed to be acquired for public ownership, to satisfy the open space and recreational needs of local residents and visitors to the area of Tweed and to enable its development to encourage or assist their recreational use and enjoyment of the land..*

Secondary objective

- *to allow other development that is compatible with the recreational use of the land.*

The proposed subdivision associated with the preschool development is permissible development at the subject site and is not considered inconsistent with the zone objectives. As the preschool development is not located within land

zoned under this Plan, consideration is only given to ensure the boundary adjustment and resultant lot configuration is consistent with the zone objectives and this regard the proposal is considered acceptable.

Clause 15 - Essential Services

The objectives of this clause are:

- to ensure that development does not occur without adequate measures to protect the environment and the community's health.
- to ensure that development occurs in a coordinated and efficient manner.

The subject preschool development site has access to essential services including water and sewer infrastructure, however the land under this plan is currently undeveloped with essential services available in the vicinity if required in the future.

Having regard to the provisions of this clause, the proposed development is considered to be acceptable.

Clause 16 - Height of Building

Clause 16 of the TLEP 2000 ensures development is undertaken in accordance with the building height plan. The subject land is identified as being in an area where development of up to three storeys is allowed. No buildings are proposed for land under this plan and as such the proposal complies with this clause.

Clause 17 - Social Impact Assessment

The objective of this clause is "*to ensure proper consideration of development that may have a significant social or economic impact*". Council has prepared Section A13 - Socio-Economic Impact Assessment within Tweed Development Control Plan 2008 which outlines development proposals which require a socio-economic impact assessment to be prepared. Boundary adjustments and preschools of the proposed scale are not listed as a development that requires socio-economic impact assessment and as such, it is considered that the proposal satisfies Clause 17.

Clause 19 – Subdivision (General)

This clause allows subdivision to take place on the subject land with development consent. As the submitted application seeks consent for the proposed boundary adjustment, the proposal is considered to be in accordance with this clause.

Clause 22 – Designated Roads

The site subject to this application have frontage to Tweed Coast Road, which is a Designated Road. However, the land to which TLEP 2000 applies does not have frontage to Tweed Coast Road and as such, this clause does not apply.

Clause 24 – Set Backs to Designated Roads

The objective of this Clause is to control development along designated roads. As stated above, the land to which TLEP 2000 applies does not have frontage to Tweed Coast Road and as such, this clause does not apply.

Clause 31 – Development adjoining waterbodies

The objectives of this Clause are as follows:

- *to protect and enhance scenic quality, water quality, aquatic ecosystems, bio-diversity and wildlife habitat and corridors.*
- *to provide adequate public access to waterways.*
- *to minimise the impact on development from known biting midge and mosquito breeding areas.*

This clause applies to land that adjoins the mean high-water mark (or the bank where there is no mean high-water mark) of a waterbody. Cudgera Creek and the subject site are separated by an unnamed road reserve and therefore this clause does not apply in this instance.

Clause 34 – Flooding

The objectives of the Clause are as follows:

- *To minimise future potential flood damage by ensuring that only appropriate compatible development occurs on flood liable land.*
- *To minimise the adverse effect of flooding on the community.*

The subject site is indicated as being flood prone, being partially located in the 1 in 100 year (Q100) flood area to the north west corner of Lot 3, as well as being partially affected by the Probable Maximum Flood (PMF) level. The proposed preschool development is located outside both the PMF and Q100 flood areas.

Given no works are proposed for within areas subject to flood hazards and the new lot configuration does not impact access for Lot 3, it is considered that the subject application is acceptable having regard to the provisions and objectives of this clause.

Clause 35 - Acid Sulfate Soils

The objective of this Clause is to to manage disturbance of acid sulfate soils to minimise impacts on water quality, ecosystems, infrastructure and agricultural and urban activities.

The subject site demonstrates predominately Class 3 Acid Sulfate Soils (ASS) which includes the area of the proposed works with a minor section of the site to the west, away from the development (disturbance) location demonstrating Class 2 Acid Sulfate Soils.

ASS has been addressed elsewhere in the report under TLEP 2014 which applies to the area of the soil disturbance. No soil disturbance is proposed for land subject to TLEP 2000 and therefore this clause is considered satisfied.

Clause 39 – Remediation of contaminated land

The objective of this clause is *'to ensure that contaminated land is adequately remediated prior to development occurring.'* The Clause goes onto require the development address the provisions of State Environmental Planning Policy (SEPP) No 55 – Remediation of Land.

The application has been reviewed in terms of land contamination by Council's Environmental Health Unit who have advised that:

“The local area, including the school site, was subject to past sand-mining activity. The applicant has submitted a gamma radiation survey report (ref: Tweed Shire Council dated June 2014).”

The applicant provided a *Gamma Radiation Survey Report* (June, 2014) which concludes the following:

The results of the surface gamma radiation survey at the site of a proposed Community Preschool centre and carpark, Centennial Drive Pottsville recorded surface radiation levels that were below relevant action level criteria specified by both ARPANSA and the IRCP for the general public, inclusive of Community Preschool centres.*

Based on the results above, it is considered that there would be little environmental or health hazard associated with the potential development of the site and subsequently, the site is considered suitable for the proposed use.

Council’s Environmental Health have concluded that *given that minimal earthworks are proposed for site preparation and utilities (400mm for footings), no further information or investigation is required into residual radioactive sands.*

The application is assessed against SEPP No 55 elsewhere in the report, however given the above, the proposed development is not considered to contravene the provisions of this clause.

Clause 39A – Bushfire Prone land

The objective of this clause is to minimise bushfire risk to built assets and people and to reduce bushfire threat to ecological assets and environmental assets.

The subject site is mapped as bushfire prone and therefore the provisions of this clause apply.

As the subject proposal included a child care centre development, was referred to NSW Rural Fire Service (RFS) for comment as Integrated Development in accordance with Section 100B of the Rural Fires Act 1997.

NSW RFS had no objections to the proposal subject to conditions of consent which related to asset protection zones, access, design and construction and landscaping.

No clearing or works are proposed or are required for within the land under TLEP 2000. Given the lot affected by this Plan is only involved in the boundary adjustment part of the application, access is not affected and is zoned 6(a) Open Space, the proposal is considered acceptable with regards to the provisions of this clause subject to conditions of consent.

Clause 54 – Tree Preservation Order

The objective of this clause is ‘*to enable the protection of vegetation for reasons of amenity or ecology.*’ The subject site is covered by Council’s 2004 and 2011 Tree Preservation Orders empowered by this clause.

As detailed elsewhere in this report, the proposed development necessitates the removal of a number of trees on the development site, however these are not located on land affected by TLEP 2000. As such, Clause 54 is considered satisfied.

Having regard to the above assessment, the subject application is considered to be generally in accordance with the provisions of the Tweed Local Environmental Plan 2000.

State Environmental Planning Policies

SEPP No. 14 - Coastal Wetlands

The subject site is not mapped as being in proximity to wetlands subject to this Policy.

SEPP No. 26 - Littoral Rainforests

The subject site is not mapped as being in proximity to rainforests subject to this Policy.

SEPP No. 44 - Koala Habitat Protection

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

Council's Natural Resource Management Unit have reviewed the application considering the provisions of the Policy and stated that upon field assessment, it was concluded that the vegetation onsite does not qualify as 'potential koala habitat' for the purposes of the SEPP 44.

However, the proposal was further considered with regard to the Tweed Coast Comprehensive Koala Plan of Management (TCCPoM) 2015 and Council's Biodiversity Planner has provided the following comments:

- *The site occurs within the Southern Tweed Coast Koala Management Area and Koala beach Koala Activity Precinct.*
- *Lot 3 supports Preferred Koala Habitat*
- *Koala observations have been made to the north west of Lot 3.*
- *No Preferred Koala Food Trees are to be removed to facilitate the development.*
- *No Preferred Koala Habitat is to be removed to facilitate the development.*
- *10% of the development area equating to approximately 300m² shall be rehabilitated on Lot 1. Opportunities for installation and natural recruitment of Koala food trees shall be provided within the 820m² restoration area.*
- *It is expected that the nominated regeneration area is to be protected by way of conditions of consent for the life of the development.*
- *A condition is to be imposed restricting the keeping of dogs and cats onsite*
- *A suitably qualified ecologist is to be required to inspect the site pre-construction and during vegetation removal to avoid disturbance to Koala.*

Given the above, it was concluded that, *the proposal meets the provisions of the TCCKPoM where appropriate avoidance and mitigation measures are applied and implemented through conditions of consent.*

SEPP No. 55 - Remediation of Land

The object of this Policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by specifying certain considerations that are relevant in determining development applications.

Clause 7 of this Policy outlines considerations with regard to contamination and remediation. The application was referred to Council's Environmental Health Unit who considered the site history, land uses, proposed works and submitted reports.

The area of proposed Lot 1 is for preschool use. Residual radiation was considered given the local area was subject to past sand-mining activity in addition to the area of proposed Lot 3 historically being used as a rubbish or materials depot.

The applicant submitted a gamma radiation survey report (ref: Tweed Shire Council dated June 2014). The report concludes with the following statement:

The results of the surface gamma radiation survey at the site of a proposed Community Preschool centre and carpark, Centennial Drive Pottsville recorded surface radiation levels that were below relevant action level criteria specified by both ARPANSA and the IRCP for the general public, inclusive of Community Preschool centres. Based on the results above, it is considered that there would be little environmental or health hazard associated with the potential development of the site and subsequently, the site is considered suitable for the proposed use.*

* International Commission on radiological Protection (ICRP).

Council's Environmental Health Unit stated:

Given that minimal earthworks are proposed for site preparation and utilities (400mm for footings), no further information or investigation is required into residual radioactive sands.

It is noted that the proposed preschool buildings or playground are not located in the area of the previous rubbish or material depot. During the assessment of the subject application, proposed Lot 3 was considered for compensatory native coastal habitat restoration however as this was not supported by Crown Lands, this is not the final recommendation.

As part of the consideration of Lot 3 for habitat restoration concerns were raised in relation to whether further investigation is required regarding the past potentially contaminating activities within the area of the proposed compensatory

habitat. Council officers raised the concern that if excavation at depth was undertaken it is possible soil contaminants could be exposed and present an environmental or public health risk (for users of the site).

However, it was concluded that should the works in establishing and maintaining the bush stone-curlew habitat within proposed Lot 3 be conditioned to prohibit excavation and earthworks, no further information or investigation in relation to past potentially contaminating activities on Lot 3 is required.

Although works within Lot 3 are no longer proposed, given the above, adequate consideration was given for the provisions of SEPP No 55 which therefore, satisfies this Policy.

SEPP No. 64 – Advertising and Signage

No signage is proposed for approval as part of the application.

SEPP No 71 – Coastal Protection

The aim of this Policy is to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast and to manage the coastal zone in accordance with the principles of ecologically sustainable development. As the subject site is within the Coastal Zone, this Policy applies. Following is an assessment of the proposal against the matters for considerations outlined in Clause 8:

(a) *The aims of this Policy set out in Clause 2:*

The proposed development is considered to be consistent with the aims of the policy as set out in clause 2.

(b) *Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved*

The proposal development will not alter or restrict the public's access to the foreshore reserve areas.

(c) *Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability*

The proposal does not generate any additional opportunities to improve public access to foreshore reserve areas and the like, nor is it considered that there are any physical opportunities to do so given the spatial separation between the site and foreshore reserve.

(d) *The suitability of the development given its type, location and design and its relationship with the surrounding area*

The proposed development is sited and designed in general accordance with the relevant Council controls and is considered unlikely to create any form of adverse imposition upon the immediate area in terms of size, scale or design.

(e) *any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal*

foreshore and any significant loss of views from a public place to the coastal foreshore

The proposed development is not considered impact on the amenity of the coastal foreshore, given it is located over 300m from the foreshore. In particular there is considered to be no loss of views or overshadowing associated with this application.

- (f) *the scenic qualities of the New South Wales coast, and means to protect and improve these qualities*

The proposal is unlikely to impact upon the scenic quality of the NSW coast, with the development being spatially separated from the coastal foreshore.

- (g) *measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats;*

The proposal is not considered to impact negatively animals or their habitats subject to conditions of consent. The subject development site is the location of an existing preschool, rubbish depot and coastal vegetation. As vegetation is proposed for removal, conditions of consent include habitat restoration to mitigate the overall impact of the development. It is noted that Council's Natural Resource Management Unit have reviewed the application with respect to ecological matters and raised no objection, subject to the imposition of conditions of consent.

- (h) *measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Act), and their habitats*

The proposal is unlikely to have an adverse impact upon marine environments or habitats.

- (i) *existing wildlife corridors and the impact of development on these corridors,*

Council's Natural Resource Management Unit have reviewed the application with respect to wildlife corridors and raised no objection, subject to the imposition of conditions of consent and as such, the proposal is considered acceptable in this regard.

- (j) *the likely impact of coastal process and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards;*

The subject site is not located within an area affected by coastal hazards and the development is unlikely to have an adverse impact upon Coastal Processes or be affected by coastal processes.

- (k) *measures to reduce the potential for conflict between land-based and water-based coastal activities;*

The proposal is not considered to cause any conflict between land-based and water-based activities.

- (l) *measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals;*

The subject site is not identified as a confirmed or predictive site of Aboriginal cultural significance.

- (m) *likely impacts of development on the water quality of coastal waterbodies,*

The subject application is not considered to have any significant impact upon the water quality of coastal waterbodies.

- (n) *the conservation and preservation of items of heritage, archaeological or historic significance,*

The subject site is not identified as land containing items of heritage, archaeological or historical significance.

- (o) *only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities;*

Not applicable to the subject application.

- (p) *only in cases in which a development application in relation to proposed development is determined:*

- (i) *the cumulative impacts of the proposed development on the environment; and*

The proposed development is not considered to have a negative cumulative impact on the environment.

- (ii) *measures to ensure that water and energy usage by the proposed development is efficient.*

The subject application has outlined climatic consideration in the building design. It is noted that the proposed development is not residential in nature and as such a BASIX certificate is not required to be submitted, however the subject application is considered to be acceptable in this regard.

Whilst a portion of the site is located within a sensitive coastal location as per the definition of this SEPP, it is noted that subdivision is proposed for land zoned RE1 Public Recreation and 6(a) Open Space which is not considered residential or rural residential in nature. Therefore the provisions of Clause 18 relating to master plans and waivers from the Minister are not of relevance to this application.

The proposal is generally consistent with the matters for consideration as it does not impede public access to the foreshore nor result in any unacceptable loss of view or overshadowing. The proposal has a minimal impact on flora or fauna subject to conditions of consent and the proposed development site is not known to contain any items of Aboriginal significance. The provisions of SEPP 71 are considered satisfied.

SEPP (Building Sustainability Index: BASIX) 2004

As the proposed development is not residential in nature, the proposal is not considered to be BASIX affected development and therefore this Policy does not apply.

SEPP (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. The subject development is defined as a child care centre which is not required to meet the provisions of Part 3 Division 3 Educational establishments.

However, the development has frontage to Tweed Coast Road which is a Classified Road and as such the following clauses require consideration.

Clause 101 Development with frontage to classified road

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*

The subject development is accessed from Centennial Drive and therefore the proposal complies with this clause.

- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

The application was referred to Council's Traffic Engineer who stated that the impact on the adjacent road network is acceptable, as the development is not a significant traffic generator in its own right with customers generally continuing on their journey to work, in addition to access being from Centennial Drive rather than the Classified Road.

- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The application was referred to Council's Environmental Health Unit for consideration in this regard who provided considered the relevant guidelines with regard to vehicle noise, volume and emissions and concluded that no further information or investigation in relation to traffic noise or air-quality impacts is required and as such the proposal is acceptable in this regard. A detailed assessment in this regard is on file.

Clause 102 Impact of road noise or vibration on non-road development

Although child care centres are a nominated development type for consideration of this clause, Tweed Coast Road does not have the traffic volumes specified and therefore, this clause is considered satisfied.

Clause 104 Traffic-generating development

This clause requires the application to be referred to NSW Roads and Maritime for comment if the development meets the thresholds listed in Schedule 3.

The proposal is defined as a child care centre and includes a 3 lot subdivision (boundary adjustment) which is not listed within Schedule 3 as requiring further investigation under Clause 104.

Given the above, the proposal is not considered to contravene the provisions of State Environmental Planning Policy (Infrastructure) 2007.

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

The Draft State Environmental Planning Policy (Coastal Management) 2016 applies to the site with the intent of replacing the current SEPP No 14 – Coastal Wetlands, SEPP No 26 (Littoral Rainforests) and SEPP No 71 (Coastal Protection). The proposal is not considered to contravene the provisions of the Draft Policy.

The Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 applies to the subject development with the intent of creating a standalone SEPP for all child care and educational establishments to consolidate and update applicable planning provisions.

The aims of the Draft SEPP are to streamline approval processes, facilitate high quality infrastructure and provide greater certainty in the planning system. The Draft SEPP aligns the National Quality Framework for Early Childhood Education and Care Facilities into the NSW planning system and intends to simplify and streamline the planning approval process by allowing certain early childhood education and care facilities to be assessed as exempt or complying developments. The proposal is not considered to be inconsistent with the Draft Policy.

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

Tweed Development Control Plan 2008

Section A2 - Site Access and Parking Code

Car parking is proposed within the road reserve of Centennial Drive. This was the approved location of the car parking that services the site under Development Consent D98/0136.

Council's Traffic Engineer reviewed the subject application and has provided the following comments with regard to traffic and car parking considering the provisions of Section A2.

This Application is to increase the size of the preschool by constructing 2 new classrooms in 1 building and an administration building. The number of children attending will increase from 20 to 60 and the number of teachers from 4 to 12.

The impact on the adjacent road network as the Development is not a significant traffic generator in its own right with customers generally

continuing on their journey to work etc. No external road improvements are required.

TRCP levies are provided in Table 3.6.1A item 3, being 3.7 trips per enrolment with a modification factor from table 3.6.1B of 0.6. The additional enrolments for this DA are 40 resulting in additional trips of 88.8 (40 x 3.7 x 0.6).

Council's car parking code A2 at item F1 requires 1 car park per staff member and 1 parking space per 7.5 children. Therefore parking required is $12 + 8 = 20$. The code also provides that preferably the development site should provide separate entry/exit access with drive through set down/pick up provision for 3 vehicles and parking should be provided on site. The site is constrained and providing off road parking would be difficult. The adjacent road, Centennial Drive has very low traffic volumes and the construction on angle parking, effectively formalising the current practice, can be supported.

[In considering the originally proposed parking arrangements] Adjacent to the school it is proposed to install 22 spaces, three of which is tandem and one disabled. Whilst tandem parking can be allowed for staff parking in an off road situation it is not supported in this instance as it inhibits access for pedestrians and any manoeuvring to access the spaces must be carried out on the road reserve.

The applicant has advised that informal parking is available on the south side of Centennial Drive adjacent to the Bowling Club site. However, this land is partially on private property and cannot be approved as parking for the Childcare Centre. It should also be noted that parking in this area should be close and parallel to the kerb as per the NSW road rules. Customers to the Centre should not be directed to park on the south side of Centennial Drive.

The applicant provided a revised car parking plan that nominated the required 20 car parking spaces to the north of Centennial Drive consistent with the above and as such is considered to be acceptable subject to the following conditions of consent as recommended by Council's Traffic Engineer.

- 1. Subject to submission of an application under s138 Roads Act, Twenty (20) 90° parking spaces are installed on Centennial Drive adjacent to the Childcare Centre conforming to the requirements of AS2890.5 On-street parking. The wearing surface for the road car park shall be an AC7 fine gap graded asphalt of thickness 30mm over a 7mm or 10mm bitumen primer seal.
The parking spaces are to be marked a minimum of 8.3m in length and 2.6m in width and include wheelstops 600mm from the concrete footpath with a minimum space of 1m between each wheelstop.*
- 2. A concrete footpath (1.2m wide) is provided adjoining the parking bays providing sealed access to the Centre from each space.*

3. *One (1) of the parking spaces is to be designated as parking for the disabled and conform to the requirements of AS2890.5, being a minimum of 3.2m in width and appropriately signed and delineated.*
4. *The on road car parking spaces are to be unreserved and available to the public with the ongoing responsibility for maintenance the responsibility of the Childcare Centre.*

Given the above, the proposal is considered to be acceptable with regard to Section A2.

Section A4-Advertising Signs Code

No signage is proposed for approval as part of this application. The application states the signage proposed is exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Section A5-Subdivision Manual

The aim of this Section is to provide guidelines and development standards for the development of subdivisions. As the proposed boundary adjustment is defined as a subdivision, this Section requires consideration.

The application was referred to Council's Development Engineering Unit who reviewed the application, considering the proposal with regard to Section A5 and have no objection to the proposal subject to conditions of consent.

It is noted that many provisions of this Section address larger subdivisions and/or commercial or residential development. As the proposal is related to public open space and a child care centre located on Council Administered Crown Land, many clauses do not apply.

As addressed elsewhere in this report, as the proposed boundary adjustment involves land not zoned rural or residential, a Master Plan Approval under SEPP No 71 is not required. Environmental constraints including contaminated land, flora and fauna impacts, flooding hazard and bushfire risk has been considered in detail elsewhere in this report. Measures to compensate for the loss of significant vegetation have been provided with asset protection zones minimised to avoid disturbance to ecological values. The proposal with respect to these issues are considered to be acceptable subject to conditions of consent.

Access to each future lot is considered acceptable with each lot having road frontage to Centennial Drive or Tweed Coast Road. Access to the preschool site will continue to be off Centennial Drive. A concrete footpath is proposed to be extended along Centennial Drive from the existing footpath along Tweed Coast Road, for the frontage of the proposed car parking bays. The proposal is considered acceptable in this regard.

No significant earthworks are proposed as part of the application.

With regard to stormwater drainage (Clause A5.4.7), the following comments were provided by Council's Development Engineer:

The current and proposed legal points of discharge would technically be to the public road reserves. It is proposed to capture and manage the discharge of stormwater in a consistent arrangement as what prevails with the current preschool. That is via rainwater tanks and on site infiltration into the sandy ground. Any overflow is then directed to the public road reserves. The stormwater from the new classroom building is proposed to be captured by two 5000 litre rain water tanks and any overflow to be directed to infiltration pits along the north side of the building. This is a satisfactory arrangement.

The stormwater from the new administration building is proposed to be captured by one 5000 litre rainwater tank and any overflow being directed overland to the carpark in Centennial Drive. The proposed discharge arrangement from the rainwater tank overflow is NOT accepted, as this would have water flowing over the new concrete footpath and carpark surface in Centennial Drive, and result in adverse conditions for all attendees of the preschool to negotiate. It is recommended that the overflow from the rainwater tank be directed to an infiltration pit, (as per arrangements for the new classroom).

Any consent issued will include a condition to ensure the above recommendation is implemented.

Overall, the proposed boundary adjustment is considered to not contravene any objectives or performance criteria related to urban structure and movement network.

With regard to the provision of public open space, it is considered that the resultant lot layout of the open space is consistent with Clause A5.4.11 and is considered to continue to be *Environmental Open Space* given the existing vegetation and proposed restoration for habitat purposes.

With regard to Lot Layout, the proposed preschool lot is considered to be in accordance with Clause A5.4.12(c) Child Care Centre and Table A5-9.10 where the *size, shape, dimensions and orientation* of the lots commensurate with proposed uses and zone objectives, taking into account; access, setback, landscaping, car parking and water sensitive design.

Council's Development Engineer considered the application with regard for the provision of infrastructure in accordance with Clause A5.4.13 and stated that water supply, effluent disposal, electricity and telecommunication currently service the preschool site and are acceptable subject to standard conditions of consent.

It is noted that Lots 7021 and Lot 3 are currently not serviced with reticulated water and sewer. Table A5-10 states urban lots are to have these services provided. However, with regard to infrastructure provision of future Lots 2 and 3, Council's Development Engineer and Water Unit considered the following factors:

- No additional lots are proposed as part of the application;
- The land is zoned RE1 Public Recreation or 6(a) Open Space zoning under Tweed Local Environmental Plans;
- Tweed Development Control Plan 2008 does not nominate the Lots for development; and
- the current landowner, NSW DPI - Lands raised no concerns with the lack of infrastructure proposed when referred the application as part of the assessment.

Given the above, it was considered unreasonable to burden the applicant, Pottsville Community Preschool, with providing additional services to the proposed Crown land lots, not the site of the preschool development.

Council's Water Unit has noted that an existing sewer rising main (SRM) runs through the subject site, and currently no easement for the protection of access to the SRM exists, as the pipeline is presently on Crown Land and Council controlled land. Any consent will be conditioned to create an easement to ensure the protection of access to maintenance and repair of the SRM pipeline.

Overall, given the above assessment, the proposed boundary adjustment is considered to be consistent with Section A5.

Section A7-Child Care Centres

The aim of this Section is to outline requirements for the siting of Child Care Centres. Although the subject site is not zoned residential, residential zoning and development exists along with eastern side of Tweed Coast Road and as such, the proposal will be considered against Clause A7.2.1.

A7.2.1 Residential Areas

- (a) *In residential zones Council shall strongly favour the location of child care centres adjacent to non-residential uses such as retailing uses (neighbourhood shopping centres), schools, community facilities and the like.*

The preschool site is located to the north of Pottsville Bowls Club and to the south of open space and Pottsville Beach Primary School and as such is considered to be consistent with this clause.

- (b) *The development of child care centres on "infill" sites within low density residential areas shall not be favoured unless:*
- (i) *The lot has a minimum area of 800m², a 3.0 metre perimeter landscape buffer with adjacent properties and a minimum 1.8 metre high intervening fence. If the proposed building and play areas comprising the Child Care Centre are 10 metres or more from any adjacent dwelling, then the 3.0 metre landscape buffer and 1.8 metre high fence is not required. Some landscaping and fencing will still be required, however, each application will be treated on its own merits;*

The subject site is 5367m² and a buffer of greater than 3m exists around the perimeter of the development. A landscaped area of approximately 15m wide in addition to road reserve separates the play area from nearby residential allotments. Therefore the proposal complies with this clause.

- (ii) *The applicant can demonstrate that noise emanating from the use of the child care centre will not be detrimental to the amenity of adjacent residents;*

The application was referred to Council's Environmental Health Unit who provided comments with regard to amenity impacts to adjacent residents. As detailed elsewhere in this report, it is considered that the proposal is acceptable in this regard subject to conditions of consent.

- (iii) *Car parking is provided in such locations that will minimise disturbance to adjacent neighbours by the frequent arrival and departure of cars; and;*

Car parking is proposed on Centennial Drive which is not directly adjacent to residential development and as such is acceptable in this regard.

- (iv) *The overall traffic impact to the immediate neighbourhood is not detrimental to the amenity.*

The application was referred to Council's Traffic Engineer who reviewed the Traffic Assessment and Parking Survey submitted as part of the application. No objections were raised in this regard particularly given parking and access to the site is from Centennial Drive which not adjacent to residential developments and therefore the amenity impacts from traffic is not considered unacceptable.

Given the above assessment, the proposal is considered acceptable with regard to Section A7 of TDCP 2008.

Section A11-Public Notification of Development Proposals

The application was advertised in the Tweed Link for a period of 14 days from Wednesday 10 August 2016 to Wednesday 24 August 2016, in accordance with Clause 8(3) of TLEP 2000 and Section A11 of TDCP 2008.

Section A13-Socio-Economic Impact Assessment

The objective of this Plan is to ensure that social and/or economic factors are properly considered for certain developments that are likely to have a significant impact and provide socio-economic impact assessment guidelines.

Boundary adjustments and preschools (child care centres) of the proposed scale are not listed as a development that requires a formal socio-economic impact assessment. Nonetheless, the application submitted addressed socio-economic factors particularly highlighting a shortfall in preschool enrolment availability, resultant employment creation, and increased synergy with nearby educational

facilities creating 'strong educational relationship'. Overall, it is considered that the proposal satisfies Section A13.

Section A15-Waste Minimisation and Management

Section A15 aims to minimise the generation of construction/demolition waste and facilitate effective ongoing waste management practices consistent with the principles of Ecologically Sustainable Development.

The applicant has provided a Waste Management Plan which includes details relating to vegetation clearing, construction and the ongoing operation of the proposed development.

The application was referred to Council's Waste Unit for consideration. It was acknowledged that as this is considered to be a commercial business, waste services can be provided by any waste collections contractor at any frequency deemed necessary. No objections were raised in this regard subject to the application of standard conditions of consent requiring the development to be in accordance with the Waste Management Plan.

As such, the proposal is considered to be acceptable having regard to waste management and the provisions of this section of TDCP 2008 subject to standard conditions of consent.

Section A16-Preservation of Trees or Vegetation

The purpose of this Section of the DCP *is to protect, insofar as it is reasonably possible, the biodiversity, amenity and cultural values of the Tweed Shire through the preservation of trees and vegetation.* Council's Natural Resource Management Unit have reviewed the application considering the provisions of this Section and have advised that the Plan does not apply as the site is zoned RE1 Public Recreation and is considered urban.

Section B21-Pottsville Locality Based Development Code

The subject site is located in Pottsville North and given the nature of the development and zoning of the subject site, the proposal is not required to meet the residential development provisions. The subject development is consistent with the key strategic planning issues and relevant planning documents raised in Part 2 of this Plan.

With regard to Part 3 of the Plan, the subject development is considered to be consistent with the Urban Structure Plan (figure 3.1) being nominated as outside the *Village Centre* within land nominated as urban. The western part of Lot 3 is nominated as *Green Corridor* which is consistent with the proposal.

Most of the matters raised with regard to Traffic and Transport relate to the village centre and therefore not related to the subject development. It is considered that the car parking proposed minimises bicycle, pedestrian and vehicular conflict whilst the subject site and development is not considered to offer any significant transport opportunities.

In relation to Clause 3.3 Community Facilities, the Plan acknowledges that as the population of the area grows, the demands placed on existing facilities will clearly increase and states that while the Plan itself cannot directly implement additional community facilities, it can provide a framework for their location and operation when provided. Similar with regard to Clause 3.4 Education, the Plan acknowledges that the age profile of Pottsville is such that there are a significant number of school age children currently residing in the area, however does not detail any further controls with regard to the development on the subject site.

As the subject site is located within, Pottsville North the development is required to be consistent with the Area Specific Strategies in Part 4.

Pottsville North is one of the older more established parts of Pottsville. Apart from a range of housing types from medium density to single detached dwellings, other key landuses in this precinct include the Pottsville Primary School, Pottsville North Caravan Park, Pottsville Hotel and the Pottsville Sports Club. The Headquarters for the Rural Fire Service and access to the Pottsville Environment Cent is also within this precinct.

2.2 Strategy – Principle Themes

The Pottsville North precinct is slowly undergoing an evolution of built form via the gradual redevelopment of sites which is the case with this proposal. The redevelopment of sites to closer align with the objectives and the Tweed LEP and contemporary urban design controls is encouraged within this Plan.

2.3 Development Control and Implementation

The Plan sets the following building design controls:

1. *Buildings are to incorporate the use of screening, sun shading devices and deep recesses to create deep shadows and shading on building facades.*
2. *Buildings, wherever possible, achieve a high degree of integration between indoor and outdoor spaces.*
3. *Front and return fences are not to exceed 600mm in height and have a minimum openness ratio of 60%.*
4. *Landscape is integrated with built form and should be of a subtropical character with strong textures and colours and where practical, local or endemic species.*
5. *Buildings incorporate composite construction, combining lightweight and masonry elements, and avoid a predominance of brick and tile or tile and rendered masonry.*

The applicant has addressed the above criteria with the following:

The new preschool buildings have been designed to:

- *To promoted best practice site and building design through consideration of site opportunities, constraints and integration of passive design principles including optimising solar orientation. Natural sunlight access and cross ventilation.*
- *Building form with deep roof eaves, overhangs and verandas.*
- *The use of appropriate lightweight building materials.*

- *Classrooms design to achieve a high degree of integration between indoor and outdoor spaces.*
- *The landscape design integrated with the built form and is of a subtropical character with predominate use of native species.*

Overall it is considered that the proposed building design meets the relevant development controls and given the above assessment it is considered that the proposal is consistent with the strategies and controls within Section B21 – Pottsville Locality Based Development Code.

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

Clause 92(1)(a)(ii) Government Coastal Policy

The proposed development is located within the area covered by the Government Coastal Policy, and has been assessed with regard to the objectives of this policy. The Government Coastal Policy contains a strategic approach to help, amongst other goals, protect, rehabilitate and improve the natural environment covered by the Coastal Policy. It is not considered that the proposed development contradicts the objectives of the Government Coastal Policy, given its permissible nature on a site identified for development works.

Clause 92(1)(b) Applications for demolition

There is no demolition proposed as part of this application.

Clause 93 Fire Safety Considerations

The application was referred to Council's Building Services Unit who have no objections to the proposal in this regard subject to standard conditions of consent.

Clause 94 Buildings to be upgraded

Council's Building Services Unit have not raised any concerns with the proposal in relation to Clause 94 subject to standard conditions of consent.

(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 primary objectives of the Coastal Management Plan are to protect development; to secure persons and property; and to provide, maintain and replace infrastructure.

The proposed development is not considered to 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.

Under this plan, the subject site is not identified as having any key management actions or specific management strategies. The proposal is assessed as being generally consistent with the objectives of the Management Plan.

Tweed Coast Estuaries Management Plan 2013

The subject site is located a minimum of 14m from Cudgera Creek separated by road reserve. Vegetation removal and construction works for the preschool extension are proposed for approximately 100m from the estuary. The proposal subject to conditions of consent is considered to be consistent with the Strategies and Actions outlined within the Plan.

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 an area that is affected by the Coastal Zone Management Plan for the Cobaki and Terranora Broadwater.

(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

Amenity and Noise

Residential tenants living on Tweed Coast Road, and Council, SES and RFS staff are likely to be affected by construction activity, noise and vehicle movements. The proposed hours of operation are from 8.30am to 3.30pm.

The applicant has included the following statement in the SEE:

The nearest residence, located to the east of Tweed Coast Road is 55m away from the proposed works. The Pottsville Beach Primary School is approximately 125m away from the proposed development site. Given this separation between adjoining land uses, there is unlikely to be any significant noise impacts as a result of the subject development proposal.

The scale and nature of the proposal is unlikely to have adverse effects on other neighbouring properties due to distance from the proposed works.

The application was referred to Council's Environmental Health Unit who provided the following comments with regard to playground noise:

There are no specific State or Federal criteria for noise from childcare centres. However, the NSW Industrial Noise Policy provide guidelines for many industrial, commercial and domestic types of noise sources with the aim minimising the occurrence of offensive noise) in the community (amenity and intrusive noise criteria assessment). The intrusiveness criterion is given as: $L_{Aeq, 15 \text{ minute}} \leq \text{rating background level plus 5.}$

The Association of Australian Acoustical Consultants (AAAC) (Guideline for Child Care Centre Acoustic Assessment 2010) provides the following information in consideration of noise impacts (and in relation to the NSW Industrial Noise Policy), from child care centres, on residential and commercial receptors:

“For most centres, as the duration of time that children are allowed to play outside is reduced then the overall noise impact reduces. Therefore, it is reasonable to allow a higher level of noise impact for a shorter duration of outdoor play. AAAC members regard that a total time limit of approximately 2 hours outdoor play per day (e.g. 1 hour in the morning and 1 hour in the afternoon) should allow an additional emergence above the background of 5dB.”

The proposed criteria suggested by AAAC appear to be reasonable and is generally in agreement with the intrusive noise criteria proposed by the NSW Industrial Noise Policy. However, either method requires a noise assessment to establish background noise levels, but the applicant has not carried out that assessment.

Further, with regard to Traffic Noise, the Environmental Health Unit provided the following assessment:

The applicant has submitted a traffic assessment and parking survey (ref: SEE Annexure 11 dated August 2015).

The traffic assessment did not include an acoustic report or consideration of noise impacts from increased traffic movements. The report predicted that peak vehicle movements could be expected to double in comparison with current children numbers.

The proposed expanded pre-school facility will be located at the intersection of Tweed Coast Rd and Centennial Avenue. Immediately to the north is the Pottsville Public School (150m) and facing the facility on the southern side of Centennial Avenue is the Pottsville Bowls Club.

Pottsville Public School had a student intake of ~700 in 2015, and 40 staff. The school is a substantially larger facility than the proposed pre-school. When combined with vehicle movements to and from the adjacent Bowls Club, and other commercial services based at Centennial Avenue, the increase in peak vehicle trips and associated noise, might be indistinguishable from existing background noise.

Access to the pre-school, and pre-school parking, will be from Centennial Avenue. There is no residential property on Centennial Avenue, and it is worth noting that noise from increased vehicle movements was not raised as an issue of concern at the DAP meeting 22 February 2012.

No further consideration or investigation into noise associated with predicted increased vehicle movements is required.

Additionally, 16m wide vegetation buffer is proposed for restoration between the playground and Tweed Coast Road Reserve contributing to minimising the visual impact and distance between the development and residential properties to the east.

Overall, amenity impacts as a result of proposal during the construction and operational phases are not considered unreasonable and are considered adequately mitigated by conditions of consent, particularly with regard to hours of operation, lighting, dust, odour generation and equipment, traffic and playground noise.

Access, Transport and Traffic

As addressed elsewhere in this report, a *Traffic Assessment and Parking survey* was provided as part of the application which was referred to Council's Traffic Engineer for review.

It was considered that the impact on the adjacent road network is acceptable as the development is not a significant traffic generator in its own right and as such, no external road improvements are required.

Car parking is proposed within the road reserve of Centennial Drive. This was the approved location of the car parking that services the site under Development Consent D98/0136. Given the very low traffic volumes of Centennial Drive, Council officers support the required 20 car parking spaces being constructed on the north side of Centennial Drive, formalising the existing arrangements and improving pedestrian access at the site.

Further, formal use of the south side of Centennial Drive for the subject development was not supported due to potential access issues and the area being partially private property not related to the development. It was further advised to the applicant that *customers to the Centre should not be directed to park on the south side of Centennial Drive.*

Bus stops service by north and south bound traffic are located on Tweed Coast Road at the subject site.

It is further noted that the intersection with Centennial Drive and Tweed Coast Road is in close proximity to the School Zone associated with the Pottsville Beach Primary School to the north of Lot 7021 where several traffic safety measures are in place at peak times consistent with the demand of the subject development.

Overall, the proposal is considered to be acceptable in this regard.

Flora and Fauna

The proposed preschool extension involves the selective removal of vegetation affecting an area of 1655m². Council's Natural Resource Management (NRM) Unit have provided the following assessment of the site with regard to impacts to

flora and fauna particularly considering Section 5A of the Environmental Planning and Assessment Act 1979. A more detailed analysis with regard to flora and fauna impacts can be located on file.

In order to facilitate the development, an area of approximately 320 m² of low-closed forest to woodland coastal vegetation is to be removed. To enable establishment of asset protection zones and the proposed playground facility a further 1335 m² shall be disturbed through selective removal of canopy trees and simplification of the mid-lower stratum.

The unit of vegetation to be removed and disturbed is regarded as preferred threatened fauna habitat for species such as:

- Bush Stone-curlew (*Burhinus grallarius*); and*
- Common Planigale (*Planigale maculata*)*

Additional existing open/low growing regularly maintained areas, offering habitat for the Bush Stone-curlew, shall form part of the asset protection zone to the west of the proposed classroom (approximately 885 m²) and undercover area and playground immediately to the north of the existing Lot 509 northern boundary (425 m²).

In order to compensate for the loss of native vegetation and ensure the proposal does not have a significant effect on local threatened species, the following flora and fauna management measures are recommended to be implemented:

- Retention of selected canopy trees within the Asset Protection Zones (APZ). Trees have been nominated on a vegetation management plan and referenced in a schedule. The trees were selected based on habitat value, health and structural integrity whilst considering the requirement to meet APZ vegetation management standards (i.e. reduced canopy projection and crown separation)*
- Ecological restoration of an area of 820 m² of disturbed low-closed forest to woodland coastal vegetation to the east of proposed Lot 1. The applicant shall be responsible for the preparation of a Habitat Restoration Plan (HRP) and implementation of the HRP and maintenance of the area for a period of two (2) years*
- Bush Stone-curlew habitat enhancement works to be incorporated into the habitat restoration plan involving the following:*
 - Fencing of the western and eastern perimeter of Lot 1, in the form of a 1.2m high chain mesh style fence effective at excluding predator species such as dogs, cats and foxes to provide a low risk habitat environment for Bush Stone-curlew during the day (assisted restoration area) and at night (the entire site)*
 - Integration of Bush Stone-curlew habitat enhancement to the HRP such that restoration ensures ongoing provision of required habitat*

- *Inclusion of habitat elements within the site such as the positioning of large woody debris (or similar non-combustible feature), clusters of low growing plantings, maintenance of existing low cover - where consistent with the APZ standards*
- *Installation of signage to improve public awareness*
- *Additional arboricultural/tree management measures to ensure trees nominated for retention are managed appropriately and that native vegetation around the development footprint remains undisturbed during construction*
- *Landscaping of the site to achieve 100% local native species with an establishment period of six (6) months.*

NRM are satisfied that any adverse ecological impacts likely to be associated with the proposed development can be avoided, minimised and managed to an acceptable level where conditions of consent are implemented.

Given the above, the application is considered acceptable subject to conditions of consent for the mitigation of any impacts to flora and fauna.

Food Premises

Council's Environmental Health Unit advises that no information has been provided on the level of food preparation which currently occurs or will be provided from the existing kitchen. As such, standard conditions of consent will be applied to ensure compliance with the relevant controls.

(c) Suitability of the site for the development

Surrounding Landuses/Development

Residential development located along the eastern side of Tweed Coast Road, whilst to the south of Centennial Drive is the Pottsville Sports club. To the west on Centennial Drive, is Council Administered Crown land occupied by NSW Rural Fire Service and NSW State Emergency Services. On the western boundary of the subject site is a vegetated road reserve which borders Cudgera Creek. On the corner of Centennial Drive and Tweed Coast Road is a sewer pump station. To the north is the Pottsville Beach Public School on Tweed Coast Road. The expansion of the existing preschool is considered acceptable in this regard given many surrounding land uses are similarly educational, community or recreation facilities.

Flora and Fauna

As addressed elsewhere in this report, the anticipated impacts with regard to flora and fauna at the subject site are considered acceptable and as such, subject to conditions of consent that include the establishment of compensatory native coastal habitat area, the site is considered suitable for the proposal in this regard.

Site Contamination

The application was referred to Council's Environmental Health Unit who provided the following comments with regard to potential site contamination:

A search of Council's GIS shows:

- *There are or were no cattle dip-sites in the vicinity of the school.*
- *Historic aerial photograph (ref: 1944_run8) shows that the site was undeveloped back dune/ littoral forest.*
- *Historic aerial photograph (ref: 1962_run12) shows that the site was adjacent sand mining operations.*

Residual Radiation

The local area, including the school site, was subject to past sand-mining activity. The applicant has submitted a gamma radiation survey report (ref: Tweed Shire Council dated June 2014).

The survey referenced the NSW Radiation Control Branch Radiation Safety Information Series No 12 (1984) document, and found that the proposed carpark and proposed Community Preschool centre land were below the investigation threshold of 0.7µSv/hour.*

Data	Carpark land	Preschool Land	Combined results
Mean	0.094µSv/hour	0.097µSv/hour	0.096µSv/hour
Maximum value	0.20 µSv /hour	0.21 µSv/hour	0.21 µSv/hour
Minimum value	0.05 µSv/hour	0.04 µSv/hour	0.04 µSv/hour
readings	122	144	266

Survey Results – Surface Radiation at 1m above ground level

** The Action Level Criteria from the 1984 report are:*

For dwellings, schools (including playground), businesses, factories, etc. where occupancies by the same individuals occur regularly on a day by day basis, the remedial action level should be 0.7µGy h⁻¹ (or 70µR h⁻¹) for all points at 1 metre above the area of concern on the property.

The report concludes with the following statement:

The results of the surface gamma radiation survey at the site of a proposed Community Preschool centre and carpark, Centennial Drive Pottsville recorded surface radiation levels that were below relevant action level criteria specified by both ARPANSA and the IRCP for the general public, inclusive of Community Preschool centres. Based on the results above, it is considered that there would be little environmental or health hazard associated with the potential development of the site and subsequently, the site is considered suitable for the proposed use.*

** International Commission on radiological Protection (ICRP).*

Given that minimal earthworks are proposed for site preparation and utilities (400mm for footings), no further information or investigation is required into residual radioactive sands.

Further, concerns were raised in relation to past potentially contaminating activities at the location of a previously proposed compensatory habitat within proposed Lot 3 which was historically used as a rubbish or materials depot. As addressed elsewhere in this report considering SEPP No 55 – Remediation of Land, Council's Environmental Health Unit considered that as no works are proposed on Lot 3, no further investigation or remediation is required and as such, the proposal is considered acceptable in this regard.

Given the above, the proposal is considered suitable for the subject site with regard to site contamination.

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

The application was advertised in the Tweed Link for a period of 14 days from Wednesday 10 August 2016 to Wednesday 24 August 2016, in accordance with Clause 8(3) of TLEP 2000 and Section A11 of TDCP 2008. During this time, one public submission was received in support of the proposal.

NSW Rural Fire Service (RFS)

The proposed development required an integrated referral to NSW RFS as the site is bushfire prone and the use (child care centre) is listed as a special fire protection use. General terms of approval have been received from the RFS with respect to the proposed development. These would be attached as conditions of consent on any approval issued.

NSW Department of Primary Industries – Lands (Crown Lands)

NSW Crown Lands is considered the landowner of each of the subject lots however, Lots 509 and Lot 3 are Council Administered Crown Land.

The applicant outlined the process required in order to enable the development which commenced with a licence for investigation which was granted for the proposed development from formerly NSW Crown Lands Division in February 2013.

Landowner's consent was granted by NSW Crown Lands 7 June 2016 for the lodgement of the subject application over each lot.

A number of conditions will need to be met prior to commencement of construction works.

The subject application was referred to NSW Crown Lands as part of the assessment on 1 August 2016 as requested by the Department. No comments were received at that time.

Subsequent to Council's request for further information dated 29 September 2016, the applicant proposed a Bush Stone-curlew habitat restoration area within Lot 3 as part of the proposal for the mitigation of flora and fauna impacts of the development. However, the applicant did not seek prior endorsement from Crown Lands in this regard.

As a courtesy, Council forwarded the draft condition for the Bush Stone Curlew Habitat Restoration Area on Lot 3. NSW Crown Lands responded with the following by email dated 1 March 2016:

We have discussed Council's proposal and how it relates to current policies relating to development on Crown land. It is the department's position that the proposed Lot 3 remains unencumbered from development on adjoining land. The department will therefore not consent to, nor authorise, the use of proposed Lot 3 for any purpose (including offset plantings) associated with the proposed preschool development.

As such, alternative mitigation measures as detailed elsewhere in this report, are devised and recommended by Council's NRM Unit. These measures are restricted to within Lot 1 only, satisfying NSW Crown Lands requirements.

It is noted that Tweed Coast Regional Crown Reserve Plan of Management nominates Lots 3 and 7021 as *Infrastructure or Government Services* whilst Lot 509 is nominated as *Public or Community Building or Facility*. The proposal is considered to be consistent with the Objectives and Strategies of the Plan of Management.

(e) Public interest

The proposed preschool development and associated subdivision is generally consistent with the applicable environmental planning instruments and the Tweed Development Control Plan. The development is therefore considered to be in the public interest by providing an expansion to an existing preschool development that services the growing Pottsville area.

Developer Contribution Charges

The subject application proposes the following:

- An increase the size of the preschool by constructing a new classroom building (248m²) and additions to the existing preschool building with administration areas (120m²).
- The number of children attending will increase from 20 to 60 and the number of teachers to 12.
- No additional lots are proposed with resultant lots zoned either RE1 Public Recreation or 6(a) Open Space where residential use of the land is generally prohibited.

Therefore Section 64 charges apply in addition to Section 94 Plans 4 and 18 apply in relation to the preschool intensification at Stage 2 of the proposal.

Section 94 Plan 4 – Tweed Road Contribution Plan

Council's Traffic Engineer provided the following advice with regard to Plan 4 charges:

TRCP levies are provided in Table 3.6.1A item 3, being 3.7 trips per enrolment with a modification factor from table 3.6.1B of 0.6. The additional enrolments for this DA are 40 resulting in additional trips of 88.8 (40 x 3.7 x 0.6).

Further, under Council's *Business Investment Policy*, the development is considered to meet the Employment Generating Incentive criteria for a 40% discount on TRCP charges. As the proposal involves construction of the floor area, the development is not considered an Eligible Business Enterprise.

Therefore the following TRCP charges apply:

88.8 Trips @ \$1364 per Trips	\$72,673.80
(\$1,284 base rate + \$80 indexation)	
(\$48,449.20 has been subtracted from this total as this development is deemed an 'Employment Generating Development')	
S94 Plan No. 4	
Sector8_4	

Section 94 Plan 18 – Council Administration Offices and Technical Support Facilities

An additional 368m² of GFA is proposed and as such the following charges apply.

0.1503ET/ 300m ² of additional commercial floor area.	
368m ² /300m ² x 0.1503 = 0.1844ET	
0.1844ET @ \$1,909.57 per ET =	\$352.12

Section 64 Water and Sewer Developer Contributions

The application was referred to Council's Water Unit who provided the following assessment of the additional demand and applicable developer contribution charges under Section 64 of the Water Management Act 2000.

As indicated in the Statement of Environmental Effects, the development will increase the number of students by 40 students and 6 staff which shall attract the following Section 64 Developer Contributions:

Community Facilities – Child Care Centre/Pre-school (46 additional persons):

<i>Water: 0.06 ET per person x 46 persons = 2.76 ET</i>	<i>= \$36,945</i>
<i>Sewer: 0.10 ET per person x 46 persons = 4.6 ET</i>	<i>= \$29,583</i>

As a not for profit organisation operating over Crown Land administered by Tweed Shire Council, the applicable Section 64 Developer Contributions may be paid in instalments subject to a written agreement with Council in accordance with Council's *Developer Contributions – Community Organisations Policy*.

Any consent issued will include conditions requiring the payment of contributions prior to construction of Stage 2.

OPTIONS:

1. Approve the application in accordance with the recommendation; or
2. Refuse the application with stated reasons for refusal.

CONCLUSION:

The proposed development is considered suitable for the site as it is a permissible form of development and the relevant planning considerations have been taken into account in the assessment of the application. The proposed development does not present any issues that are considered to be contrary to the public interest and generally aligns with the applicable development legislation, as outlined in this assessment report.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

12 [PR-CM] Kingscliff Locality Plan Community Consultation

SUBMITTED BY: Strategic Planning and Urban Design

FILE REFERENCE: GT1/DCP/B26 Pt2



Civic Leadership



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.2	Improve decision making by engaging stakeholders and taking into account community input
1.2.4	Involve communities including youth, elderly and aboriginal groups in decision making that affects their area and the wider Tweed community
2	Supporting Community Life
2.6	Improve urban design
2.6.1	Design new urban areas to be sustainable, complement existing environmental values and the Tweed's scenic beauty

SUMMARY OF REPORT:

The purpose of this report is to provide an update on the progress of the Kingscliff Locality Plan (KLP) and to gain direction on the format and structure of upcoming community consultation.

Various methods of community consultation on the KLP have been undertaken since 2014 and have included among others: a two day Enquiry by Design Workshop, community conversation workshop and the Kingscliff Shopfront exhibition, which ran for over two weeks. All of these consultations were well received, attracting very positive feedback. However, the program has also received some criticism that has questioned the impartiality in the way the range of options and alternative key KLP concepts were communicated, in particular the way in which potential impacts were presented relative to surrounding building height and developer incentives.

In addition to this community consultation undertaken by Council, Councillor Cooper has also undertaken significant consultation to date (both prior to and after being elected to Council) with local residents, businesses and visitors in respect of the Kingscliff Locality Plan process. It has been reported that a Petition gaining over 14,000 signatures to date, with the intent of retaining an 11 metre or three storey height limit.

With reference to Community Consultation it is noted that a key priority for the new Council is their input into the review of Council's Community Engagement Strategy. This is a pivotal policy for all staff responsible for engaging with the Shire's community and its participatory review is intended to provide a broader direction to the preferred consultation techniques across the community to be employed in future.

In the meantime the KLP needs to be advanced to avoid further and unnecessary delay, and staff have been preparing for a further community workshop to readdress the building height

concepts on the back of the concerns expressed from the additional community consultation undertaken by Councillor Cooper prior to his election to Council. This report presents a range of options to take the process forward.

Council's direction on a preferred model of consultation is sought.

The five main options are:

Option 1 - A Council led workshop which specifically looks at relationship between building height and community benefit presented as a series of building height options.

Option 2 – A series of resident meetings be organised to progressively gain input and guide the direction of a new Locality Plan.

Option 3 - An external facilitator led workshop with expert panellists to review the relationship between locality character, community benefit, development outcomes and building height. This Option seeks to include a key round table style meeting format proposed from the feedback within the work undertaken by Councillor Cooper.

Option 4 – Apply the same consultation methodology as Option 02 to a site specific redevelopment proposal for the site owned by Chen-Yu Pty Ltd, Pearl Street Kingscliff.

Option 5 - Progress the draft Kingscliff Locality Plan to formal public exhibition without addition community based workshop.

It is recommended that Council determine a preferred option for consultation.

RECOMMENDATION:

That Council determine a preferred option for consultation from those five options identified in this report.

REPORT:

Background: Kingscliff Locality Project and Communications Planning

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

In reference to the Community Engagement Strategy, the Kingscliff Locality Plan was identified as being *locality based* but with a *high impact*. In recognition of this defined project categorisation, the stages of engagement for the project was to *Involve, Collaborate, Consult and Inform* with the communications objective being:

"To partner with the community to create a shared strategic vision and develop alternatives and preferred solutions for a strategic planning framework for the Kingscliff locality."

Given the multitude of community, business and landholder stakeholder involvement within the project, it was imperative as part of the consultation strategy to pursue a diverse range of consultation formats and techniques to elicit community and stakeholder feedback at key milestone stages of the project. Each of the consultation stages was designed to inform and direct the development of a subsequent stage of the KLP production process.

As such, the method of communications and communications which was identified within the Kingscliff Locality Plan - Project Plan directly references the engagement matrix contained within Council's Community Engagement Strategy. An extract of this matrix is provided in Attachment 1 to this report.

Kingscliff Locality Plan Methodology and Consultation Progress

The Kingscliff Locality Plan has to date progressed through three stages of a five stage process represented as outlined in Attachment 2 including:

Stage 1 - Project Inception - Project initiation stage established a project plan, communications plan, defined the study area as well as establishing internal and external reference panels. The external reference panel comprised of 14 members representing local community and business and were selected for demonstrating a diverse range of local knowledge, planning and built environment experience with strong links, and networks with 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 - Initial community consultation included a community vision workshop attended by more than 150 people who sought to understand 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 background and community visioning opportunity 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 - The purpose of Stage 03 was to establish a comprehensive background context, the preparation of issues and opportunities report to serve as a platform to understand the locality and directly inform draft strategies within the draft precinct plans. This was also supplemented with the findings of the previous community vision workshop and survey. A stakeholder and community invited Enquiry by Design Workshop was also 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 – Council officers are currently refining the draft strategies from Stage 03, following a review of public and stakeholder submissions, into a format which will ultimately be developed into a draft Kingscliff Locality Plan and Development Control Plan. The key deliverables from this stage include:

- Draft Kingscliff Locality Plan and Development Control Plan.
- Formal exhibition of the Draft Kingscliff Locality Plan and Development Control Plan.

Stage 5 - Final Locality Plan and Development Control Plan (DCP) - Following a formal exhibition and submission review period, the draft Kingscliff Locality Plan and DCP is further refined into the final Kingscliff Locality Plan and DCP, formally adopted and implemented by Council. The key deliverables for this stage will include:

- Final Kingscliff Locality Plan and Development Control Plan.
- Council adoption and implementation of the Plan.

Measure Building Height Workshop – Following the Kingscliff Shopfront Exhibition, it was evident that there was an element of confusion within the community in terms of how building height was measured in the context of statutory definitions under the Tweed Local Environmental Plan (LEP). In response, the Strategic Planning and Urban Design Unit

hosted workshop meetings at Murwillumbah, Tweed Heads, Kingscliff and Pottsville. The workshop covered the history of building height within the Tweed including the different ways in which building height has been defined and measured according to different statutory instruments and development control plans clarifying that building height is now measured in metres rather than storeys. Attendance at the workshops was relatively low with less than 20 people across the four venues despite advertising within the Tweed Link, media release and Council's website. The deliverables of the workshop included:

- Production of static exhibition panels and exhibition factsheets
- Production of a narrated PowerPoint uploaded to the Tweed Shire Council website.

FUTURE CONSULTATION OPTIONS:

The progress of the draft Kingscliff Locality Plan and Development Control Plan is now at a critical milestone stage of the process. To date a thorough and detailed communications plan and community engagement strategy has ensured opportunity for the broader community as well as other stakeholder groups to have direct input into each project milestone stage. This culminated in the public exhibition of draft material at the Kingscliff Shopfront Exhibition in March 2016.

Whilst many of the key strategies and ideas exhibited received strong support by those who visited the shopfront exhibition, there was a mixed view in particular relating to building height review within the town centre.

Following this feedback review, Council project officers felt an appropriate course of action to progress the plan was to undertake an additional community consultation workshop which looks more closely at the relationship between character, public domain and building height presented as a series of building height options. The intent and broad scope of this additional workshop was presented at a Councillor Workshop on 24 January 2017. (Option 1).

A major priority in the initial period of the new Council has been to gain the input of the new Councillors on the review of Council's Community Engagement Strategy, which is intended to provide a broader direction to the preferred consultation techniques across Council's main service areas, including new planning policy projects, such as the KLP. In addition to externally facilitated workshop with Councillors and senior staff, the views of Councillor Cooper (who has been a local advocate), have been sought to present to Council an alternative model for community consultation for the next stage of the KLP process. Councillor Cooper has submitted a proposal (See Attachment 3 for the proposal in full) for a series of consultation meetings with Kingscliff residents. (Option 2)

In reviewing this proposed course of action, it is considered that there is an opportunity to integrate some of these engagement ideas by bringing together the broader community within a round table workshop event hosted by a professional facilitator supported by two external design professionals skilled in workshopping complex planning and design issues with community groups. (Option 3).

An option which could be pursued either simultaneously or in lieu of a whole of locality building height review workshop or externally facilitated workshops is to focus on building height and development opportunities over the Kingscliff Shopping Village site. This is one

of the key development sites within the town centre precinct where building height increases have been foreshadowed within draft strategies presented to date along with a number of community public benefit outcomes. Council is also aware that the owners of this site, who have been recently been undertaking conceptual design work across this site, have expressed a strong interest in participating in community consultation events (Option 4).

An additional option for consideration is to progress the development of the Kingscliff Locality Plan and Development Code to formal public exhibition to seek formal public feedback without further community based workshop event(s) prior to this formal exhibition. (Option 5)

These five options are summarised in table form below.

Table: Summary of workshop Options

	Option 1	Option 2	Option 3	Option 4	Option 5
Aim	<ul style="list-style-type: none"> • A Council led workshop which specifically looks at relationship between building height and community benefit presented as a series of building height options. 	<ul style="list-style-type: none"> • Proposes a series of resident meetings be organised to progressively gain understanding and review the KLP concepts to date. 	<ul style="list-style-type: none"> • An external facilitator led workshop with expert panellists to review the relationship between locality character, community benefit, development outcomes and building height. 	<ul style="list-style-type: none"> • A resident based workshop focussing on development options over the Kingscliff Shopping Village site. 	<ul style="list-style-type: none"> • Progress the draft Kingscliff Locality Plan to formal public exhibition without addition community based workshop.
Facilitator	<ul style="list-style-type: none"> • Led by Council's Strategic Planning and Urban Design Team. • External reference panel members as moderators at round tables. 	<ul style="list-style-type: none"> • An external facilitator or Council's Communications team will frame the discussion using Plain English. • Round table meeting format. • Four rotating round table moderators. • Strategic Planning & Urban Design staff to attend to respond to any technical or legal questions. 	<ul style="list-style-type: none"> • Led by an external facilitator with an external expert architect and urban designer. • Strategic Planning & Urban Design staff to attend to respond to any technical or legal questions. 	<ul style="list-style-type: none"> • Led by Council's Communications team. • Non-Council staff round table moderators. • Strategic Planning & Urban Design staff in attendance to answer technical questions arising at the workshops. 	<ul style="list-style-type: none"> • Not required
Type	<ul style="list-style-type: none"> • A workshop event(s). • A display exhibition. 	<ul style="list-style-type: none"> • A series of meetings to achieve a greater community understanding and confidence in KLP process. 	<ul style="list-style-type: none"> • A workshop event(s). • A display exhibition 	<ul style="list-style-type: none"> • A site specific workshop. 	<ul style="list-style-type: none"> • 28 day exhibition. • A display exhibition.
Format	<ul style="list-style-type: none"> • Static 	<ul style="list-style-type: none"> • A 'Plain English' 	<ul style="list-style-type: none"> • Static 	<ul style="list-style-type: none"> • Presentation by 	<ul style="list-style-type: none"> • Formal

	Option 1	Option 2	Option 3	Option 4	Option 5
	<p>exhibition of presentation material prior to workshop with Council staff in attendance.</p> <ul style="list-style-type: none"> • Workshop introduction, outline, format and expectations • Presentation of building height options. • Round table workshop activities to discuss height options. • Feedback of each table to the workshop of outcomes. • Overall workshop summary. • Production of a workshop summary report. 	<p>series of meetings, in round table format, based on identification of community/resident ideas and aspirations.</p> <ul style="list-style-type: none"> • Enable residents to identify what tools and techniques can best assist them to understand the more technical elements of planning and development. • Provide capacity for further feedback arising from the meetings through a web site link and email. • Graphic and visual communication aids to be determined through discussions with the facilitator. • Maximum of 90 minutes for each meeting, with addition time for light refreshments. 	<p>exhibition of presentation material prior to workshop with Council staff in attendance.</p> <ul style="list-style-type: none"> • Workshop introduction, outline, format and expectations • Design presentation of key themes and precedents to establish design and character context. • Q&A style panel with community questions. • Design led round table workshop activities. • Feedback of each table to the workshop of outcomes. • Overall workshop summary. • Production of a workshop summary report. 	<p>Chen Yu Pty Ltd and architects of overall vision and concepts across the site.</p> <ul style="list-style-type: none"> • Table based workshop with resident participants, each table with a moderator from Council's community engagement network group. 	<p>notification and exhibition of Draft Locality Plan and Development Code for a 28 day period.</p> <ul style="list-style-type: none"> • Static exhibition at the Sustainable Living centre. • Staff availability throughout designated times during the exhibition period.
Advert	<ul style="list-style-type: none"> • 2 x Tweed Link • Notice in school newsletters. • Presentation at Chamber of Commerce. 	<ul style="list-style-type: none"> • Direct mail out to all Cudgen, Chinderah and Kingscliff residents calling for meeting participation registration. • The meeting invite shall acknowledge Council's desire that they contribute based on their life experience, their imagination and their common sense. 	<ul style="list-style-type: none"> • 2 x Tweed Link. • Notice in school newsletters. • Presentation at Chamber of Commerce. • Option for direct mail out to all residents. 	<ul style="list-style-type: none"> • Direct mail out to all Kingscliff and Cudgen residents calling for meeting participation registration. 	<ul style="list-style-type: none"> • Formal notice of exhibition. • Tweed Link advert. • Council's website.
Budget	Estimate: \$3000	Estimate: \$7500 Dependent on number	Estimate: \$18000-\$22000	Estimate: \$7500 Dependent on	Estimate: \$2500

	Option 1	Option 2	Option 3	Option 4	Option 5
	<p>Dependent on number of meetings. Cost include:</p> <ul style="list-style-type: none"> • Tweed Link adverts • Council staff time • Venue • Catering • Printing 	<p>of meetings. Cost include:</p> <ul style="list-style-type: none"> • External Facilitator • Direct mail out • Council staff time • Venue • Catering • Printing 	<p>Dependent on number of meetings. Cost include:</p> <ul style="list-style-type: none"> • Tweed Link adverts • Facilitator • Two design experts • Council staff time • Venue • Catering • Printing 	<p>number of meetings. Cost include:</p> <ul style="list-style-type: none"> • Direct mail out • Council staff time • Venue • Catering • Printing 	<p>28 day exhibition Cost include:</p> <ul style="list-style-type: none"> • Tweed Link adverts • Council staff time • Venue • Printing
Outcome	<ul style="list-style-type: none"> • Direct building height feedback input into next stage of Locality Plan. • Community education on relationship between building height and community benefit. 	<ul style="list-style-type: none"> • Broader staged feedback on various aspects of the Locality Plan. • A commitment to incorporate engagement outcomes or return to the community to negotiate changes. 	<ul style="list-style-type: none"> • Direct building height feedback input into next stage of Locality Plan. • Community education on relationship between building height and community benefit. 	<ul style="list-style-type: none"> • Direct community feedback on Chen Yu Pty Ltd development vision and concepts. • Direct community feedback on preferred town centre building height. • Community education on relationship between building height and community benefit. 	<ul style="list-style-type: none"> • Progression of the draft Kingscliff Locality Plan and Development Code to a formal public exhibition format. • Prompt public submissions in response to the draft strategies and development controls.
Risk	<ul style="list-style-type: none"> • Perception by some attendees of a lack of objectivity if run by Council staff. • Excludes flow on costs that may arise from failing to obtain the information needed to progress the project. 	<ul style="list-style-type: none"> • Perception of re-examining early consultation stages already undertaken. • There will be a greater respect for a professional facilitator. • Lack of formal direction or content of meetings may not lead to useable or 'value added' feedback which may lead to the need for more specific targeted and professionally led community based workshop(s) at addition time and budgetary cost • Absence of strategic 	<ul style="list-style-type: none"> • Additional cost of consultation event may raise expectation for all future community engagement. • This is perceived to be the least costly of Option 1 and 2 when weighed against the potential benefits and very low risk of not addressing the key 	<ul style="list-style-type: none"> • Site specific nature of the workshop may be perceived to not adequately contextualise development options and understanding of height across the whole town centre precinct. • Site specific workshop may fail to generate discussion and feedback on other development sites within the town centre precinct including Marine 	<ul style="list-style-type: none"> • Perception of circumventing a key issue which was flagged during a previous stage of community consultation. • An outcome of formal exhibition may result in need to undertake additional community consultation which would prompt a further formal exhibition

	Option 1	Option 2	Option 3	Option 4	Option 5
		<p>planning / technical Council staff contrary to integrated consultation objectives and could be perceived as creating an 'us and them' divide.</p> <ul style="list-style-type: none"> • Excludes the flow on costs that may arise from failing to obtain the information needed to progress the project. The risk is perceived to be high; the cost of delay to this project, cost of redoing consultation on the current subject matter as well as addressing any new misunderstanding or prior issue is high, and will impact on the delivery of other projects. • Reviewing not redoing. • Modifying not changing. 	<p>concerns in a meaningful and useable way for the project.</p>	<p>Parade and green field development sites fronting Turnock St.</p> <ul style="list-style-type: none"> • Possible misalignment of overall vision and development aspirations between developer and community which may lead to an antagonistic meeting. 	<p>period.</p> <ul style="list-style-type: none"> • The risk of additional costs arising from this option is considered low, in-part because the locality plan will provide a fuller picture of proposals and public benefits, which has not been presented holistically before.

CONCLUSION:

The progress of the draft Kingscliff Locality Plan and Development Code is at a critical milestone stage of the process. To date a thorough and detailed communications plan and community engagement strategy has ensured opportunity for the broader community as well as other stakeholder groups to have direct input into each project milestone stage. A range of community consultation techniques and formats have been employed to yield valuable input which to date has directly informed and directed each subsequent stage of the project.

Given the *Kingscliff Shopfront Exhibition* covered a broad range of both locality wide as well as precinct specific strategies, there is an opportunity to further test and interrogate the key issue of building height review through a more focussed community based workshop(s).

Option 1 proposes to examine specific building height options over specific building height review areas and set those options against anticipated community benefit outcomes. This workshop would be facilitated by Councils Project team and would seek to build on previous community consultation events as part of the overall project plan and methodology. The intent of this workshop would be focussed on getting direct feedback on building height to inform the next stage of the locality plan process.

Option 2 proposes to revisit resident based consultation through a series of new meetings to provide an opportunity for the community to re-engage in a more general way with the

locality plan process. Whilst affording addition time to further understand the communities' broader ideas and aspirations is a positive, this needs to be balanced with anticipated outcomes and how that consultation will direct and inform the plan. A series of meetings which lack formal direction or content, risks a lack of 'value added' feedback being generated. This may lead to the need for more specific targeted and professionally led community based workshop(s) which has an addition resource, time and budgetary cost. Further, given the project commenced with a broader community vision survey and workshop, it would be advantageous if these meetings established a point of difference to 'value add' to the consultation process and avoid covering the same ground.

Option 3 seeks to integrate the key ideas of both Option 1 and Option 2. The inclusion of an external professional facilitator together with an external design expert working together with Council and the community in an interactive workshop format will ensure a greater level of transparency, dissemination of information and ability to collect valuable feedback and contributions to inform the next stage of the process. The focus of which will be to present information in an interactive and easy to follow format and maintain a degree of objectivity to the process by utilising the services of external professional experts.

An option which could be pursued either simultaneously or in lieu of a whole of locality building height review workshop or externally facilitated workshops is to focus on building height and development opportunities over the Kingscliff Shopping Village site. This is one of the key development sites within the town centre precinct where building height increases have been foreshadowed within draft strategies presented to date along with a number of community public benefit outcomes. Council is also aware that the owners of this site, who have been recently been undertaking conceptual design work across this site, have expressed a strong interest in participating in community consultation events (Option 4).

Option 5 seeks to progress the development of the Kingscliff Locality Plan and Development Code to formal public exhibition to elicit formal public feedback without further community based workshop event(s) prior to this formal exhibition. The intent of this option is to enable Council to clearly document the draft vision, objectives, strategies and controls in a clear and unambiguous format. As such, community and stakeholders are provided the opportunity to similarly provide unambiguous and direct feedback to exhibited material. Based on that level of response, Council then has a clearer direction in terms of communities' level of acceptance or unacceptance prior to committing to additional consultation.

Whilst each consultation option has various advantages and disadvantages in terms of the anticipated outcomes and risks, these need to be considered against optimising an efficient and effective means of yielding community feedback to directly inform the development of the Kingscliff Locality Plan, project timing and project budget.

COUNCIL IMPLICATIONS:

a. Policy:

Community Engagement Strategy v1.1

b. Budget/Long Term Financial Plan:

A revised consultation budget will be prepared based on Council resolved consultation option.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

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

Involve-We will work directly with you throughout the process to ensure your concerns and aspirations are understood and considered.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|---------------|---|
| Attachment 1. | Community Engagement Strategy Matrix (ECM 4431666) |
| Attachment 2. | Kingscliff Locality Plan Methodology Diagram (ECM 4431667) |
| Attachment 3. | Cr Coopers' Preferred Consultation Model from additional Community Consultation (ECM 4431679) |
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REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

13 [CNR-CM] Draft Commercial Recreation Use of Public Open Space Policy

SUBMITTED BY: Recreation Services

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.3	Provide well serviced neighbourhoods

SUMMARY OF REPORT:

Council has had an increasing issue of conflict between commercial use of open space and recreational users including impacts to neighbouring residents. A recent workshop was held with Councillors, where a draft Policy was discussed. There is no clear preference on how best to deal with or respond to this conflict. An opportunity therefore exists to trial a community engagement methodology espoused by Cr Cooper. The trial is supported as it provides an opportunity to test the methodology and have the community assist formulate the development of a Policy to respond to the broad community and key stakeholder interests.

Examples of commercial activities include: personal fitness trainers, surf schools, circuses, pony rides, camel rides and major tourist items such as inflatable water parks and temporary water slides. It is envisaged that the Policy would exclude use of jetties for water based tour operations and commercial tours of a transitory nature (tour stop overs).

The report outlines the issues and responses that a draft policy should consider and recommends proceeding to community engagement to develop the Draft.

RECOMMENDATION:

That Council endorses the Draft Commercial Recreation Activities on Public Open Space Policy to trial the following engagement process:

- **Pottsville will be selected as the discrete locality to conduct the engagement process. Pottsville appears to have a reasonable size population for the process, and has also experienced the issues the Policy aims to address.**
 - **Letters will be sent to each residence in Pottsville outlining the draft Policy with an invitation to attend a meeting.**
 - **Individual stakeholders directly affected by the Policy will also be invited.**
-

- **Based on the number of acceptances, Council will then determine how many meetings will be required based on a maximum capacity of 100 people per meeting with ten tables with ten participants at each table.**
- **The meetings will be facilitated by one of Council's Communication Unit staff or a contracted facilitator with Recreation Services staff in attendance to respond to any technical questions.**
- **The facilitator needs to present in a plain English style. Moderators will rotate around tables to ensure that less assertive participants receive a fair hearing.**
- **The meeting times (if multiple meetings are proposed) will be varied to enable a diverse range of attendees.**
- **A data base will be created at the initial meeting to facilitate feedback and along with the Link allow other future communications.**
- **A report on the outcomes of the process and the meeting(s) will be prepared for Council's consideration on the next steps in advancing the Policy.**

REPORT:

Introduction

Council has had an increasing issue of conflict between commercial use of open space and recreational users including impacts to neighbouring residents. A recent workshop was held with Councillors, where a draft Policy was discussed. There is no clear preference on how best to deal with or respond to this conflict. An opportunity therefore exists to trial a community engagement methodology espoused by Cr Cooper. The trial is supported as it provides an opportunity to test the methodology and have the community assist formulate the development of a Policy to respond to the broad community and key stakeholder interests.

Examples of commercial activities include: personal fitness trainers, surf schools, circuses, pony rides, camel rides and major tourist items such as inflatable water parks and temporary water slides. It is envisaged that the Policy would exclude use of jetties for water based tour operations and commercial tours of a transitory nature (tour stop overs).

Consultation to date

An extensive public consultation process was undertaken in early 2015 including 200 letters to stakeholders and three targeted workshops. Twelve submissions were received. Key outcomes were:

- Strong support for a licensing system if:
 - Fees are kept low
 - Strong compliance action for non-complying operators
- There should be equity in the fees charged, and consideration be given to the size of the group and the impacts when determining the fee
- A strong preference to support local operators and to avoid tenders.

Policy considerations

The development of a draft Policy should consider the following key elements:

- Is a license required for group activities of a commercial nature (personal trainers, yoga etc.) and should there be a threshold of participants before a license is required.
- Development of criteria such as 'not within 50m of a residence'.
- Which activities will be assessed and determined by Council staff under delegation?
- Which activities should be considered and determined by Council?
- When will a tender process be required.

Aspects of drafting the Policy that may prove contentious are:

- Fees
- Determining the suitability of activities that provide an economic rather than a social benefit (camel rides, dinner in the sky, inflatable water parks) and the acceptable number of such licenses that can be issued without unacceptable impacts.

Fees

Currently, in the absence of an adopted policy Council is devoting resources to deal with individual proposals for commercial activities on an ad hoc basis, together with responses to complaints about individual activities.

While fees are not nominated in the policy and will be determined as part of the annual Council fees and charges process, determining a practical and equitable fee structure will be

critical in the success of the policy. Some options to explore for setting fees are outlined below:

1 Full cost recovery:

This option would defray the administrative costs of a licencing system by setting application fees sufficient to cover those costs. This would equate to an annual licence fee of around \$700.

Given the magnitude of this figure it may not be considered equitable that all operators pay the same fee, irrespective of the duration, frequency and intensity of an activity. Commercial activities vary considerably ranging through aquatic hire operations, surf schools, commercial boat operators, and occasional commercial dog walkers together with a range of personal trainer activities.

Whilst it would certainly be equitable to have a fee structure which reflected duration, frequency and intensity of an activity, the actual determination of such a structure would require:

- detailed research and justification.
- the nomination of all anticipated activities likely to be the subject of a licence application; and
- impose additional compliance responsibilities to ensure on any particular occasion the correct fee has been paid.

One consequence of these issues is that such a fee structure is likely to generate a great deal of community interest and debate.

2 Revenue generation:

A further consideration is whether revenue created from licencing with a fee structure greater than that required simply to cover licencing management costs, could be used for the maintenance of the open space network.

This would magnify the issues concerning equity between the varying duration, frequency and intensity of activities discussed in respect of 1. above.

The resultant fee structure would depend on the amount Council considers would be appropriate for operators to contribute towards maintenance. However, a significant add-on component would be required to contribute any significant resources to the maintenance budget. For example based on 50 applications a year each \$100 additional fee would yield only \$5,000.

3 Nominal fee structure to encourage compliance:

Some Councils interviewed during early consultation and research indicated that in order to encourage compliance they simply charge a flat rate rather than go for full cost recovery. This avoids the risk of proponents of activities not seeking a licence because of costs thereby increasing the resources required by Council to enforce compliance of the Policy.

This option may assist in the minimisation of compliance costs to Council.

4 Tiered fee structure:

There are no easy responses to the issues raised above. The factors that influence the determination of an approach to setting fees include:

- encouraging outdoor recreational activities in the open space network;
- ease of administration and associated costs (including effective compliance);
- equity between the various levels of usage of the open space network by operators;
- user-pay principles reflecting the true cost of the community to administer and maintain the facility used by operators; and
- the opportunity to create an income stream on behalf of the community in recompense for the use of a significant community asset.

From an administrative perspective the preferred structure is a nominal flat rate across all activities. Such a structure would also maximise the incentive to encourage outdoor activities in the open space network. However, do the community and stakeholders believe this is equitable?

If Council wish to reflect the intensity of an activity in the fee structure and still retain a degree of administrative simplicity a fee structure which provides a discount on current fees for infrequent or casual use may be considered to be acceptable, perhaps along the following lines:

- a fixed nominal application fee (\$50); and
- an activity fee
 - for infrequent or casual use, say for 3 or less half day activity uses in any week (\$25 per week); and
 - a higher activity component for more than 3 half day uses (\$60 per week).

Policy community engagement process

Council's general process for developing a draft Policy is for staff to consider the issues at hand, do some initial consultation (which has already been undertaken) and then also utilise research of other council practices and seek any regulatory or best practice measures already in place. A Draft Policy is then created which is then considered by Council before being placed on exhibition for a prescribed period inviting submissions, and depending on the subject of the Policy, undertake a targeted engagement process.

Since his election to Council in October 2016, Cr Cooper has identified a priority for Council to revise its methods of community engagement with a trial of a new consultation model. Cr Cooper is seeking to trial an alternative model which facilitates a more personable kind of meeting in local venues using a round-table format. Cr Cooper believes that this format enables residents to be exposed to each other's views in a supported and informed manner. It also gives residents the satisfaction of knowing that their life experience, their imagination and their common sense is valued by Council in the future planning of the Tweed. This will, in turn, foster a greater community spirit and faith in Council processes.

The development of a draft Policy may be an opportunity to trial this method. The proposed process is outlined below:

- A discrete locality such as Pottsville will be selected to conduct the process. Pottsville appears to have a reasonable population for the process, and has also experienced the issues the Policy aims to address.
- Letters will be sent to each residence outlining the draft Policy with an invitation to attend a meeting.
- Individual stakeholders directly affected by the Policy will also be invited.

- Based on the number of acceptances, Council will then determine how many meetings will be required based on a maximum capacity of 100 people per meeting with 10 tables with ten participants at each table.
- The meetings will be facilitated by one of Council's Communication Unit staff or a contracted facilitator.
- The facilitator needs to present in a plain English style. Moderators will rotate around tables to ensure that less assertive participants receive a fair hearing.
- The meeting times (if multiple meetings are proposed) will be varied to enable a diverse range of attendees.
- A data base will be created at the initial meeting to facilitate feedback and along with the Link allow other future communications.
- A report on the outcomes of the process and the meeting(s) will be prepared for Council's consideration on the next steps in advancing the Policy.

It should be noted that the Local Government Act requires Council policies to be advertised for 28 days allowing 42 days for submissions. This process will still be required prior to final adoption of the Policy.

OPTIONS:

1. That Council undertakes a trial engagement process for drafting a Commercial Recreation Activities on Public Open Space Policy as per the recommendation;
2. That Council request Officers to prepare a Draft Policy to bring back to Council for consideration prior to undertaking an engagement process in accordance with Council's currently adopted community engagement strategy.

CONCLUSION:

The development of a draft Commercial Recreation Activities on Public Open Space Policy would seek to address emerging conflicts with the increasing use of Council open space areas for commercial activities. While many of these activities may be considered beneficial to the community, the increasing numbers of activities and corresponding increasing conflict with casual park users and residents.

Currently Council officers are making determinations in the absence of a considered and adopted Policy framework and have limited capacity to adequately respond to complaints. The resource impacts of implementing a Policy in comparison to resources currently applied to managing these issues are uncertain, but it is anticipated additional resources will be required to manage the increased administration requirements and expectation for compliance.

Generally the process for developing a Draft Policy Council's general process for developing a draft Policy is for staff to consider the issues at hand, do some initial consultation (which has already been undertaken) and then also utilise research of other council practices and seek any regulatory or best practice measures already in place. A Draft Policy is then created which is then considered by Council before being placed on exhibition for a prescribed period inviting submissions, and depending on the subject of the Policy, undertake a targeted engagement process.

The engagement process would then typically include a variety of methods including use of the community engagement network at various events and a series of stakeholder meeting.

However, this Policy may present an opportunity to trial a process proposed by Cr Cooper as outlined in this report.

COUNCIL IMPLICATIONS:

a. Policy:

Development of a Draft Commercial Recreation Activities on Public Open Space Policy.

b. Budget/Long Term Financial Plan:

The impact of the Policy in terms of potential income from the introduction of a licencing system and fee structure is uncertain and dependent upon which approach Council adopts.

Through the consultation with the stakeholder groups and comparison with other councils fees it is clear that the fees acceptable to potential licensees will be less than the costs of administration and compliance. Assuming this to be the case, it is anticipated the annual net cost for administration and compliance will be in the order of \$30,000.

The engagement process as recommended will cost approximately \$7,500 for venue hire and facilitation costs including postage (limited to one mail out).

c. Legal:

Not Applicable.

d. Communication/Engagement:

Involve/Collaborate

Generally the engagement process for a Policy of this nature would include a variety of method including use of the community engagement network at various events and a series of stakeholder meeting. However, this Policy may present an opportunity to trial a process proposed by Cr Cooper as outlined in this report.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

14 [CNR-CM] Australian Lifeguard Services Tweed Shire Council Summer Report 2016-2017

SUBMITTED BY: Recreation Services

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Australian Lifeguard Service (ALS) is contracted by Council to undertake the Shire's beach lifeguard services.

The ALS has provided the summer report 2016-2017. The main season statistics are summarised in this report with the full report provided as an attachment.

RECOMMENDATION:

That the Australian Lifeguard Service Summer Report 2016-2017 be received and noted.

REPORT:

The Australian Lifeguard Service (ALS) is contracted by Council to undertake the Shire's beach lifeguard services.

ALS has submitted the summer report 2016-2017. The following extract provides the main patrol season statistics and the full report is provided as an attachment to this report.

Service Summary

The beginning of the summer holiday period brought some ideal conditions to Tweed Shire beaches as the region had the second warmest day and night temperatures on record. The surf across much of the state including the Tweed Shire was small and provided some favourable conditions to the lifeguards, the Tweed Shire community and visitors alike.

Due to the good conditions, lifeguards were only required to undertake 35 rescues despite an increase of over 31,000 additional beach visitors when compared to the same period last season. Of the 35 rescues, 14 of them were conducted at Kingscliff and Kingscliff North Beaches and is an increase of two rescues when compared to the summer period last season.

Attendance across the Tweed Shire beaches was similar to last year across most of the patrolled locations with the exception of Duranbah and the Kingscliff beaches which saw a combined increase of 16,680 beach visitors. Lifeguards also performed 9,481 preventative actions and 281 first aid cases during the summer patrol period which is up from the 7,301 preventative actions that lifeguards made during the summer period last season and double the amount of first aid cases lifeguards responded to last summer.

Season Highlights

Beach Visitation:	157,679 people were recorded visiting Tweed Shire Council patrolled beaches, the highest number at Duranbah Beach (33,058)
Prevention:	9,481 preventative actions
Rescues Performed:	35 rescues
First Aid:	281 first aid treatments
Law Enforcement:	195 law enforcement actions
Public Relations:	14,905 cases of providing information and advice to the public

Service Statistics

A full summary of statistics for the summer contract period are included below:

Beach	Rescue	Preventative Actions	First Aid Treatments	Law Enforcement	Public Relations
Cabarita	0	843	21	15	1,951
Casuarina	0	787	7	0	1,160
Flagstaff (Duranbah)	5	1,413	48	114	2,108
Fingal	2	716	72	26	634
Hastings Point	4	984	19	3	1,569
North Kingscliff	10	1,254	30	22	2,090
Kingscliff/Cudgen	4	627	26	1	1,016
Pottsville (North)	7	890	16	8	1,268
Pottsville (South)	2	1,074	13	6	1,623
Salt Beach	1	893	29	0	1,486
Total	35	9,481	281	195	14,905

Beach Visitations

Lifeguards are required to capture an aggregate beach attendance figure over the course of the day in the daily logs. Below is an overall summary of the beach visitations during the summer contract period.

Beach	Attendance
Cabarita	26,961
Casuarina	8,533
Flagstaff (Duranbah)	33,058
Fingal	9,854
Hastings Point	15,734
North Kingscliff	18,078
Kingscliff/Cudgen	18,588
Pottsville (North)	9,684
Pottsville (South)	9,850
Salt Beach	7,339
Total	157,679

OPTIONS:

1. Receive and note the Australian Lifeguard Service Season Report 2015-2016.
2. Provide comment on the Australian Lifeguard Service Season Report 2015-2016.

CONCLUSION:

The Australian Lifeguard Service have been providing contract lifeguard services to Tweed Shire Council for over 25 years continue to provide a professional, community based service.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The annual Lifeguard Contract is funded in the long term financial plan. The annual cost of the contract is \$581,681 (ex GST).

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Australian Lifeguard Services Tweed Shire 2016/2017
Summer Report (ECM 4427336)

15 [CNR-CM] Council Nursery

SUBMITTED BY: Recreation Services

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council operates a nursery in Lundberg Drive, Murwillumbah to service Council's requirement for street and park trees and also rehabilitation and restoration programs and projects.

In 1992 Council agreed to a proposal to commence the sale of limited plants from the Council nursery.

An internal audit of the nursery operations was undertaken in December 2016. With respect to the sale of plants to the public, a number of issues were identified which require a response. With consideration to the original rationale for the sale of plants, the issues to be addressed to continue the program and the operational impact of the program it is recommended that Council cease to sell plants to the public.

RECOMMENDATION:

That:

1. Council discontinues the sale of plants to the public from the Council Nursery from 30 June 2017.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:
 - (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the council, or
 - (iii) Reveal a trade secret.

REPORT:

Introduction

Council operates a nursery in Lundberg Drive Murwillumbah to service Council's requirement for street and park trees and also rehabilitation and restoration programs and projects.

In 1992 Council agreed to a proposal to commence the sale of *limited plants* from the Council nursery. The proposal was in response to a number of requests received from the public for rainforest and rare and endangered species. This reflects the fact that at the time the general awareness and availability of local species was very limited. A number of local specialist nurseries now exist that provide these plants.

The proposal was intended to be cost neutral with the adopted price being \$4 for an individual plant and \$16 for a kit of five, and the costs to be reviewed annually.

An internal audit of the nursery operations was undertaken in December 2016. With respect to the sale of plants to the public a number of issues were identified which require a response.

Internal Audit Findings

Sale price of plants:

Since the introduction of plant sales from the nursery in 1992 there has only been one minor change to the sale price with the current price being \$4 for an individual plant and \$17.60 for a kit of five. With the introduction of GST in 2000 factored in, the cost of a single plant has actually decreased and the kit of five remains unchanged.

Insufficient detailed information is available to provide a reliable estimate on the costs of producing plants that are sold to the public. In the absence of reliable internally collected data, a price comparison with private nurseries was undertaken. A sample of 31 plant prices was obtained with the average price being \$14.63.

Council nursery staff purchase plants on a regular basis and confirm that the Council's current sale price for 70mm super tubes (the containers the plants are sold in) is at least 50% below the retail sale price.

Point of Sale (POS) system:

In the 2015/16 financial year Council sold plants to the public which generated \$11,389 in income.

The current system records a narration in Council's finance system against the sales. This narration includes the name of the customer and in most instances, the customer's address. There is no record of the quantity and type of plant/s sold. There is no formal record kept of the inventory. This does not meet the Australian Tax Office requirements and does not enable reporting on inventory trends, tracking and disposal.

The audit recommends that a system with inventory management functionality be implemented at the nursery.

The introduction of a POS system would represent a significant cost to the nursery and further distract the nursery staff from undertaking nursery management and maintenance tasks.

Site Security and layout:

The layout of the Murwillumbah Nursery presents a number of control weaknesses in relation to security.

The nursery buildings, including the office workshop and chemical shed, are located at the rear of the property with the plants mostly located between the entrance and the office workshop. There is a very restricted view of the front of the nursery from the office workshop. This presents significant challenges for nursery staff working throughout the nursery to be aware that customers have entered the nursery and also provide any level of security to this section of the nursery. This exposes the risk of theft or personal injury and if the number of customers was to increase, the risk would also increase with this site.

Given the site layout, the available options to address these issues are limited. Council's Network and Telecommunications Administrator indicated that the cost of installing closed circuit television at the entrance would, at a minimum, cost around \$15,000.

A less effective but more economical option may be a motion sensor at the entrance that alerts the staff when a person has entered the site.

If Council is to continue to allow access to the public, ideally the office workshop would be located at the entrance point with good sightlines to allow staff to monitor when people enter and exit the site. This is not possible with the current layout and would be a costly exercise.

Nursery staff time:

The nursery staff are fully occupied managing the operational aspects of the nursery. They have reported that constant interruptions to attend to customers significantly impacts on their capacity to manage the nursery efficiently and some customers tend to take up a lot of time seeking general advice.

Limited Nursery Space:

The nursery has limited storage space and the provision of sale plants consumes a large area that could otherwise be utilised for storage and 'growing on' of plants for Council purposes.

Discussion

The introduction of plant sales to the public was intended to promote local rainforest species and make available plants that may not have been commercially available. A number of local specialised nursery's now supply these plants and general awareness has increased significantly over the years. Based on the limited sales and awareness of Council's plant sales, it is questionable how much this program contributes to this awareness.

Anecdotally, a significant portion of sales from the nursery are repeat sales to individuals taking advantage of the cheap sale price. At a minimum, Council should be matching the commercial price for plants to aim for both cost recovery and to not unfairly compete with private businesses. Given the limited range available from Council's nursery and the accessibility of the nursery, it could be anticipated that raising the plant cost to match the commercial price would see a significant downturn in sales.

The nursery site is not physically conducive to function as a public facing facility. To continue sales to the public would require a significant capital investment to introduce a POS system and improve security at the nursery. Given the scenario discussed above and the potential downturn in business, it is questionable whether this investment could be justified.

OPTIONS:

1. Discontinue the sale of plants from Council nursery to the public.
2. Continue the sale of plants from Council nursery to the public including:
 - Installation of a point of sale systems;
 - Installation of a sensor at the nursery entry to alert nursery staff when a customer has entered the nursery;
 - Increase the unit price of 70mm super tube plants to \$8 and kit of five to \$36;
 - Allocate \$30,000 for the installation of a point of sale system and improving security at the nursery;
 - Include the proposed plant sale prices in the draft 2017/2018 fees and charges.

CONCLUSION:

Council's nursery provides an efficient and effective internal service to Councils street and park trees programs and also rehabilitation and restoration programs and projects. The financial, risk and human resource costs of running the public plant sales program outweigh potential benefits. Discontinuing this service will allow nursery staff to concentrate resources on improving their internal service and eliminate the risks identified in the internal audit.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Option 1 should result in a 'saving' to Council in the order of \$11,000. This figure is based on the finding that the income from plant sales in 2015/16 was \$11,389 and an assumption that the sales price is in the order of 50% of the costs of production. It will also increase efficiency through the reduction in nursery staff time spend on plant sales.

Option 2 may result in an increase in income of approximately \$11,000. This will only be achieved if the increase in price does not affect sales.

A capital investment of approximately \$30,000 will be required to install a point of sale system and improve security at the nursery.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Provide notification to the community through the Tweed Link that plant sales from Council's nursery will cease at 30 June 2017. Erect signage at Council nursery advising of the termination of sales to the public and for nursery staff to verbally advise customers attending the nursery.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Nursery Operations Internal Audit Report (ECM 4407903)

16 [CNR-CM] Community Centres Business Model

SUBMITTED BY: Community and Cultural Services

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.1	Foster strong, cohesive, cooperative, healthy and safe communities
2.1.1	Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities

SUMMARY OF REPORT:

A review in 2016 of Council Community Centres has identified a need to establish guiding principles to support best practice and to ensure the facilities provided by Council continue to be managed sustainably and meet community needs. This report proposes the principles be applied to the four existing Community Centres: Banora Point Community Centre, Murwillumbah Community Centre, Pottsville Beach Neighbourhood Centre, and South Tweed Community Centre and Hall. The principles would also be the basis for the management of future Community Centres as they are identified for development under the Community Infrastructure Framework.

The six guiding principles will be collaboratively implemented for the following aspects of Community Centre Management and sustainable maintenance:

- Public participation
- Planning, design and co-location
- Community needs, promote social outcomes and provide a range of community services, activities and programs
- Collaboration
- Good governance and centre management practices
- Good asset management practices

Many of the principles are already being met by the existing Community Centres; however the proposed common set of principles will form the basis for Council to work in partnership with Community Centres and their management committees and staff to ensure that the centres are working towards best practice and strong community outcomes. It is important to acknowledge that Community Centres thrive, and Councils rely on the engagement of services, volunteers and community commitment.

RECOMMENDATION:

That:

- 1. Council adopts the guiding principles in this report as the basis for the management of the Banora Point Community Centre, South Tweed Community Centre and Hall, Murwillumbah Community Centre and Pottsville Beach Neighbourhood Centre.**
- 2. Council implements the guiding principles in collaboration with Banora Point Community Centre, South Tweed Community Centre and Hall, Murwillumbah Community Centre and Pottsville Beach Neighbourhood Centre.**
- 3. Future Council Community Centres be planned and established based on the guiding principles in this report.**

REPORT:

Council provides a range of community buildings and meeting spaces to meet community needs. Community Centres are a segment of the buildings which are planned for under the Community Infrastructure Framework as adopted at the Council Meeting on 16 October 2014. There are currently four Council owned Community Centres and population increases and new development will demand new facilities in the near future. A review of the business model and asset management was undertaken by Thao Ashford Planning Consultant during 2016 to advise Council on best practice and a sustainable model of management for existing and future Community Centre provision. The review has identified a set of Guiding Principles to apply to existing and future Council Community Centres to promote best practice and to ensure Centres are meeting local community needs.

The review examined the operational models and governance of the four existing Council Community Centres: Banora Point Community Centre (BPCC), South Tweed Community Centre and Hall (STCCH) (previously known as the Home and Community Care (HACC) Centre & Hall), Murwillumbah Community Centre (MCC) and Pottsville Beach Neighbourhood Centre (PBNC). The impetus for the study was that the centres were experiencing impacts on service delivery as a result of changes to State and Federal government funding. There are significant policy changes happening at the federal and state government levels, including the National Disability Insurance Scheme (NDIS), the review of HACC Services and not-for-profit industry reforms.

Council has a wide range of community buildings and it is important to review ongoing building maintenance and whole of asset lifecycle planning. The estimated replacement cost of the buildings was identified in a building condition report in 2013 and is outlined in the table below along with the average building maintenance costs for each.

Table 1. Average maintenance and replacement costs

	Banora Point Community Centre	Murwillumbah Community Centre	South Tweed Community Centre and Hall	Pottsville Beach Neighbourhood Centre
Approx floor area	1000m ²	1500m ²	855m ²	1500m ²
Replacement Cost	\$1,477,843	\$2,783,560	\$1,834,560	\$1,794,886
Average Annual maintenance cost	\$21,784	\$33,873	\$17,613	\$35,817

The Guiding Principles and background to this report have been drawn from the work of Thao Ashford Planning Consultant and Associates. Many of the principles are already being met by the existing community centres and this report is to propose a common set of standards to ensure that all aspects of the Community Centres are working towards best practice and strong community outcomes. It is important to acknowledge that Community Centres thrive, and Councils rely, on the engagement of services, volunteers and community commitment.

The Importance of Community Centres:

Community Centres provide focal points for community activity and places for people to meet and connect. They are an important asset to the community and often provide meeting space for social interaction as well as a range of services and information to the local community.

Relevant research indicates that:

- On average a Neighbourhood House delivers 173% on its funding and raises \$5.29 for every \$1 invested by the Neighbourhood House Coordination program (further work is currently being undertaken to identify savings to government in other areas such as health, family violence, mental health, physical health) (*Association of Neighbourhood Houses and Learning Centres, 2013*).
- For every \$1 invested in family support, parent education and social development of children, \$7 is saved down the line in less use of welfare, health and justice services (*City of Mitcham, 2003*).

The purpose of Community Centres:

Contemporary planning for Community Centres has seen a trend in the development of flexible multipurpose centres or community hubs rather than stand-alone facilities. Best practice shows that in many cases, it is not feasible or appropriate to provide stand-alone community facilities for the exclusive use of specific community or socio-demographic groups. Wherever possible and appropriate, several services and needs should be delivered via a flexible multi-purpose facility. Multipurpose facility/spaces are often site and community specific, recognising that not 'one size fits all'. In addition to providing multiple community services and functions, consideration should be given to the ability and appropriateness of incorporating commercial functions such as office or studio space, function venues and café/coffee shop that can be leased to community organisations, government agencies or the private sector and can assist in offsetting the capital and operating costs of a community facility.

Council's Community Centres function as community hubs which is essentially a multipurpose building or cluster of buildings catering for a wide range of needs. The primary objectives of community hubs are service coordination and delivery, place making, community building and access for activities, programs, and services to address social needs. The hub concept has proven to be an efficient and effective, sustainable model.

Tweed Council Community Centres:

Local Community Centres vary significantly in their scope, resourcing, services, operating hours, employee structure, level and type of programs depending on very different needs, concerns and interests of the communities they serve. Council currently has four Council-owned Community Centres, two are managed by Community Organisations and two managed by Council staff:

- Banora Point Community Centre
- South Tweed Community Centre and Hall
- Murwillumbah Community Centre
- Pottsville Beach Neighbourhood Centre

A profile of the demography of the local areas around Council's current four Community Centres is provided in Attachment 1 to this report. A description of each of the Community Centres and their governance models and services is also provided in Attachment 2 to this report.

Future Community Centres will be planned as part of the Community Infrastructure Framework which examines population patterns and benchmarks for the provision of Community Centres. Once decisions about the locations of Community Centres have been

made, the guiding principles outlined in this report would be applied to ensure a sustainable management model is adopted.

Guiding Principles for Community Centres:

The following guiding principles will contribute to the planning, development and management of successful Community Centres in the Tweed Shire. They are recommended as the basis for the establishment of community needs, governance models, leases and licences, service agreements, reporting and the management of Council assets.

Guiding Principle 1: Public participation

Public participation needs to be considered for all parts of the governance and operations of shared community facilities. Community participation helps these shared facilities become a part of the fabric of a community, rather than just a place to conduct meetings or obtain services.

Implemented through:

- Providing community members with information they need to participate in a meaningful way.
- Working together with the community to reach a mutual understanding of aspirations and concerns.
- Asking for, acknowledging and considering community feedback, including through an annual community survey.

Guiding Principle 2: Planning, design and co-location

Community Centres will be designed for social inclusion and cater to multiple users of all ages and abilities. They will be multifunctional and flexible spaces that can be adapted and expanded to meet changing needs. Location is one of the primary determinants of function and usage. Successful Community Centres are positioned to integrate with other uses and service centres and to be near open space, schools, shops, public transport or other community facilities such as libraries. Community Centres should engender quality, sustainability, a sense of place; create a community focal point and provide a high level of amenity. By positioning a community centre within or near to a hub of activity, the centre can help to create a true focal point for a community and also increase real and perceived safety for users. Social separation is needed from clubs and other licensed premises.

Co-location refers to compatible services that are located in the same physical space (eg. within Community Centres or within community precincts), though not necessarily fully integrated with one another. Co-location within Community Centres involves shared space or a partnership between various services providers for the purposes of integrated delivery. It is important that the type of services offered under a collocation model reflects the goals of the centre and the needs of the community. In addition, consideration must be given to the service synergies and compatibility to ensure conflicting uses are avoided.

Implemented through:

- Adhering to Council's Community Infrastructure Framework and Network Planning principles.
- A partnership approach to planning and design, with stakeholders and the community.

- Quadruple bottom line project analysis and life-cycle cost analysis to review options and inform project initiation. This encompasses social, economic, environmental and civic leadership objectives and specifically incorporates Universal Design and Ecologically Sustainable Development Principles in the design of all new Community Centres.

Guiding Principle 3: Community needs, promote social outcomes and provide a range of community services, activities and programs

Community Centres will address the needs of the community through a variety of programs, activities and services which foster long term social benefits. A successful community centre is well used, both day and night throughout the week and on weekends. Exemplary Community Centres are often designed to be multi-purpose to better accommodate diverse groups and uses. Community Centres that are too rigid or fixed in their purpose and programs will become redundant as local communities change. Flexibility and adaptability are critical in ensuring that Community Centres remain sustainable and responsive in the future.

Implemented through:

- Annual or bi-annual needs assessments to ensure community needs are reflected in delivery of programs, activities and services.
- A strategic plan and service level agreement that encapsulates an agreed direction for the centre and its users reflected through a strong consultation process.
- An ideal mix of programs, activities and services reflecting community need, social diversity and equitable access to foster long term social benefits.
- A promotional/marketing plan

Guiding Principle 4: Collaboration

Successful Community Centres are managed collaboratively with government, local community groups, organisations, services, and others to ensure the needs of the community are met. Collaboration involves consultation and co-ordination to encourage the equitable sharing of space, open and participatory management, partnerships with other facilities and services. Any governance/management model should be centred on working co-operatively and collaboratively with staff, volunteers, participants and the community.

Implemented through:

- A strategic plan and service level agreement that encapsulates an agreed direction for the centre and its users reflected through a strong consultation process.
- Annual review of management model and KPI's.
- Annual survey of service providers.

Guiding Principle 5: Good governance and centre management practices

Good governance and centre management is a critical factor in the sustainability and success of Community Centres. The following provides examples of good governance practices:

- **Accountability and Transparency** – Clear processes for the allocation of responsibilities to each partner including achievement of service standards, compliance with relevant laws, contractual obligations and the requirements of any regulatory bodies. Mechanisms are needed to promote shared decision making so that decisions are made

and implemented in a transparent manner that follows rules and regulations. Promote transparency through making information available and accessible to those who will be affected by such decisions and their implementation.

- **Financial Sustainability** – Developing a funding model for management and operation of Community Centres is essential to the centres long term sustainability.
- **Responsiveness** – A commitment to responsiveness where partners and processes try to serve all stakeholders within a reasonable timeframe. Responsiveness also relates to the capacity to respond to new circumstances and changing needs.
- **Effectiveness and Efficiency** – Processes to promote effectiveness and efficiency that ensure facilities are managed in a way that meets the needs of the community while making the best use of available resources, this can be determined through user satisfaction and community need surveys.
- **Continuous improvement** – Processes should be embedded in the management cycle of a facility to include planning, implementing, checking and reviewing performance through community and user consultation, and by the establishment of performance indicators to guide and monitor improvement.

Implemented through:

- A strategic plan and service level agreement that encapsulates an agreed direction and clearly defined KPI's for the centre reflected through a strong consultation process.
- Leases/licences articulating shared governance responsibilities.
- Standard policy and operating procedures manuals.

Guiding Principle 6: Good asset management practices

Investment in Community Centres requires a commitment to ensuring both the safe and efficient operation of all elements of the facilities and the optimisation of future budget and expenditure liabilities. As a consequence the planning, management and implementation of asset management within a strategic business framework is fundamental to the long-term efficient and effective performance of facilities and assets. While there are many drivers for the efficient and effective management of assets there are a number of key best practice principles that should form the basis of asset management by custodians and stakeholders.

- **Service Levels** – Required standards of maintenance are set in a way that matches the Desired Service Level/s (DSL) obligations of asset users.
- **Asset Condition** – Physical asset condition is appraised periodically and measured against the established Desired Conditions (DC).
- **Planned Maintenance** – Maintenance planning is undertaken on a strategic, long-term basis, with a high proportion of maintenance work pre-planned.
- **Asset Reporting** – Effective information systems are accessible to asset managers to provide systematic reporting on asset condition and maintenance performance.
- **Financial Reporting** – Financial reporting on assets reflects physical condition as revealed by maintenance works and audit.
- **Record Management** – Complete accurate records of asset configuration and maintenance history are accessible, transparent and updated regularly.

Implemented through:

- Maintenance standards for Community Centres embedded in Council's Building Asset Management Plans.
- Leases/licences articulating shared asset management responsibilities.
- Long-term maintenance plans and budgets which include provision for operational and cyclical maintenance and known major periodic renewal and replacement.

OPTIONS:

1. That the guiding principles in this report be adopted for the Banora Point Community Centre, South Tweed Community Centre and Hall, Murwillumbah Community Centre and Pottsville Beach Neighbourhood Centre; and
2. That the guiding principles be implemented in collaboration with Banora Point Community Centre, South Tweed Community Centre and Hall, Murwillumbah Community Centre and Pottsville Beach Neighbourhood Centre; and
3. That future Council Community Centres be planned and managed based on the guiding principles in this report; and
4. That Council receives further information on the Guiding Principles and Community Centres.

CONCLUSION:

The review of the four existing Community Centres has identified the need for a common set of guiding principles to ensure best practice and a clear understanding between Council, managing community agencies, and the general community regarding the importance of Community Centres and the agreements for their operation. It is also important that the ongoing maintenance of the assets is planned and coordinated between the Council and occupying agencies.

The review of existing centres and best practice in other local government areas has identified a set of guiding principles which can be implemented in collaboration with the Community Centres and Council through a number of practical steps including a needs assessment, strategic plan, service agreement, licences and leases, promotions, and reports to Council and the community. Many of these are already in place and this proposal is to ensure a common set of principles and practice for existing and new Community Centres in the Tweed Shire.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Total combined annual maintenance and operational budgets (2016/17) for the four Community Centres is \$266,448. This includes all insurances, rates, electricity, repairs, cleaning, equipment etc.

Annual budgets for capital sinking funds for each of the four Community Centres is:

- (1) Banora Point Community Centre \$12,356
- (2) South Tweed Community Centre and Hall \$2,977
- (3) Murwillumbah Community Centre \$11,311
- (4) Pottsville Beach Neighbourhood Centre \$6,356

c. Legal:

Community Centres will require current leases or licences to ensure that the tenure and asset management obligations are clear between Council and community organisations. Service agreements will be developed to accompany the conditions established in leases and licences.

- Local Government Act 1993
- Crown Lands Act 1989
- Crown Lands Regulation 2006
- Associations Incorporation Act 2009
- Disability Discrimination Act 1992
- NSW Disability Services Act 1993
- Building Code of Australia
- Disability (Access to Premises-Buildings) Standards 2010
- Workplace Health and Safety Act 2011

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.

The consultants for the review met with each of the Community Centres and they provided background operational and financial information. The guiding principles will be applied to ongoing collaboration with the community and to establish operational agreements for all Council Community Centres.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|---------------|---|
| Attachment 1. | Demographic Profile in Community Centre Areas (ECM4430688) |
| Attachment 2. | Profile of Tweed Shire Council Community Centres (ECM4430702) |
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17 [CNR-CM] Allocation of Community Sponsorship Policy

SUBMITTED BY: Community and Cultural Services

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.1	Foster strong, cohesive, cooperative, healthy and safe communities
2.1.1	Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities

SUMMARY OF REPORT:

The Community Sponsorship Policy offers assistance to local community organisations ensuring priority is given to the objectives identified by the community through the Community Strategic Plan (2013-2023). The Community Sponsorship Policy will be reviewed during the overarching policy review which is mandatory within the first twelve month term of the Council. Council has \$46,503 in the 2016/2017 Budget for donations to eligible community organisations.

RECOMMENDATION:

That:

1. Council reviews the distribution of funds in Attachment 1 for the application of the Community Sponsorship Policy Version 1.0
2. Successful applicants are required to:
 - a) Acknowledge the contribution to the project by Council in all printed, written and promotional items including media releases and social media.
 - b) Sign a sponsorship agreement with Council and at the completion of their project must complete the official Acquittal and Project Finalisation Report Form.
 - c) Provide a copy of Certificate of Currency for Public Liability Insurance or provide evidence of ability to obtain insurance for events which are open to the general public. This will be required prior to the release of funds.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (a) personnel matters concerning particular individuals (other than councillors).

REPORT:

Council has \$46,503 allocated in the 2016/2017 budget for the Community Sponsorship Policy. 36 applications were received for this funding round.

Eligibility for funding was assessed against the following criteria:

1. Groups or organisations must deliver the project, initiative or service to residents in the Tweed Shire Council Local Government Area.
2. Applicants must be not for profit meaning they are a non-government, not for profit, community based group or organisation that is not operating for the profit or gain of its individual members whether these gains would be direct or indirect.
3. No financial assistance will be given to privately owned businesses/companies.
4. Organisations must be either located in the Tweed Shire or demonstrate how they deliver services/activities that benefit the residents of the Tweed Shire.
5. No financial assistance will be given to Government Departments or agencies or for support of Government owned facilities.
6. No financial assistance will be given to sporting organisations as these organisations have other avenues for financial assistance.
7. The funds are not to be used for a social activity for members of the organisation exclusively.
8. Applicant must have formally and fully acquitted any previous grants provided by Tweed Shire Council.
9. Applicants must submit applications on the official application form. Applications must be received by Close of Business (4.30pm) on the advertised closing date.

OPTIONS:

1. Allocate the funds in accordance with the Community Sponsorship Policy Version 1.0.

CONCLUSION:

The objective of the Community Sponsorship Policy is to provide financial assistance by way of a sponsorship agreement to local community groups and organisations that deliver enhancements to the identity and character, environment, health, well-being and connectedness of Tweed Shire Council residents. Applications were assessed against priorities identified in the Community Strategic Plan (2013-2023).

COUNCIL IMPLICATIONS:

a. Policy:

Community Sponsorship Policy v1.0

b. Budget/Long Term Financial Plan:

The total budget available for 2016/2017 is \$46,503.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The funding round, open between 15 November 2016 and 3 February 2017 was advertised in the *Tweed Link* on 15 November 2016 inviting applications from community organisations. Applications were initially reviewed by Council in a confidential workshop on 23 February 2017.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Community Sponsorship Policy Applications - 2016-2017 - Assessment Information (following Council Workshop held Thursday 23 February 2017) (ECM 4431689)

18 [CNR-CM] Canvas and Kettle Meeting Room Fees

SUBMITTED BY: Community and Cultural Services

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities

SUMMARY OF REPORT:

This report is further to the deferred report to Council on 16 February 2017 which followed public exhibition of the proposed new fee for the Canvas and Kettle meeting room as approved by Council on 27 October 2016.

The proposed fee is new as Council has not previously established rates for hire of the meeting room. The proposed new hire fees for the Canvas and Kettle Meeting Room follow the change in management of this room to become a Council managed community facility. At the meeting of 27 October 2017, Council agreed for the following fees to be placed on exhibition in the Tweed Link for 28 days to allow submissions to be received.

Canvas and Kettle	Community rate	Commercial rate
(a) Hourly	\$25	\$50
(b) Half day or evening (4hrs)	\$60	\$120
(c) Full day (8 hrs)	\$120	\$240

with Council/staff use exempt from the fee.

The proposal was published in the Tweed Link on 22 November 2016 and on Council's website in the *On Exhibition* area from 13 to 20 December 2016. Council's Contractor Elliot and Son Venue Management provided a list of regular users of this room and each was contacted advising of the proposed fee and requesting submissions by the closing date of 20 December 2016.

Submissions and comments were received from Tweed Valley Wildlife Carers Inc., Murwillumbah Festival of Performing Arts, and Tweed Palliative Support.

RECOMMENDATION:

- 1. That Council adopts the following rate as the hire fee of the Canvas and Kettle Meeting Room:**

Venue Hire – Canvas & Kettle, Murwillumbah Civic & Cultural Centre	Canvas & Kettle (60 persons)	Community rate (\$)	Commercial rate (\$)
	(a) Hourly	23.00	46.00
	(b) Half day or evening (4hrs)	60.00	120.00
	(c) Full day (8 hrs)	110.00	220.00

2. That the hire rates adopted at this Council meeting for the Canvas and Kettle Meeting Room be included in the Schedule of Fees and Charges for 2017/2018.

REPORT:

This report is further to the deferred report to Council on 16 February 2017 which followed public exhibition of the proposed new fee for the Canvas and Kettle meeting room as approved by Council on 27 October 2016.

The proposed fee is a new fee as Council has not previously established a fee for the hire of the meeting room. The proposed new hire fees for the Canvas and Kettle Meeting Room follow the change in management of this room to become a Council managed community facility. The proposed fees are consistent with other community facilities that Council manages that have similar capacity and amenities. All community facilities fall into the Revenue Pricing Policy Category A:

Significant Partial Cost Pricing – The price for this good/service is set to make a significant contribution towards the cost of providing the service. The remainder of the cost is met from general purpose income.

At the Council meeting on 27 October 2016 Council approved that the following fees to be placed on exhibition in the Tweed Link for 28 days to allow submissions to be received.

Table 1: Proposed Fees placed on exhibition:

Canvas & Kettle	Community rate	Commercial rate
(a) Hourly	\$25	\$50
(b) Half day or evening (4hrs)	\$60	\$120
(c) Full day (8 hrs)	\$120	\$240

Note: Council/staff use exempt from the fee.

The proposal was published in the Tweed Link on 22 November 2016 and on Council's website from 13 to 20 December 2016. Council's contractor Elliot and Son Venue Management provided the following list of regular users of this room:

- Tweed Landcare Group
- Doublemask Theatre
- Murwillumbah Theatre Company
- Experiencing the Oneness
- Elastic Bandz
- Tweed Valley Wildlife Carers
- Banana Festival/Rotary Club
- Beats Awards
- Murwillumbah Festival of Performing Arts
- Tweed Palliative Support
- Meditation Class

Each regular hirer was contacted advising the proposed fee and the closing date for submissions of 20 December 2016.

Submissions were received from Tweed Valley Wildlife Carers Inc., Murwillumbah Festival of Performing Arts, and Tweed Palliative Support. A summary of the responses are in Attachment 1 to this report.

The fees were proposed on the basis that they are comparable with the fees and charges for other Council community facilities. Table 2 below is an extract from the current fees and charges to demonstrate the comparison.

Table 2: Fees and Charges comparison

Item	Activity/Function	Title of Fee/Charge	Fee/Charge levied 2016/17 (\$)	
			Community Use	Commercial/Private Use
93	Hall Hire - Banora Point Community Centre	Large Meeting Room (100 persons) (Coolamon Room)		
		(a) Hourly	28.00	56.00
		(b) Half day or evening (4 hrs)	68.00	136.00
		(c) Full day (8 hrs)	126.00	252.00
94	Hall Hire - HACC South Tweed Heads	Activities Room (20-30 persons)		
		(a) Hourly	19.00	36.00
		(b) Half day or evening (4 hrs)	63.00	126.00
		(c) Full day (8 hrs)	98.00	196.00
97	Venue Hire - Harvard Room Tweed Heads Civic & Cultural Centre			
		(a) Hourly	28.00	56.00
98	Hall Hire - South Tweed Heads Community Hall	Hall (200 persons)		
		(a) Hourly	32.00	87.00
		(b) Half day or evening (4 hrs)	71.00	212.00
		(c) Full day (8 hrs)	120.00	390.00
The former contractors advised they generally charged per meeting with no time limit:				
	Elliot & Son Venue Management	Meetings (no time limit)	*88.00	88.00
	Elliot & Son Venue Management	Council rate	55.00	
<i>*Discounted to Council Rate for community groups such as Wild Life Carers, Bush Regeneration Groups and Palliative Care groups, among others.</i>				

Detailed separate costings on income and expenditure are not available for the Canvas and Kettle as a standalone venue as the venue has been managed and contracted with Murwillumbah Cultural Centre Auditorium, Canvas and Kettle and Kitchen Venue Services combined. However, it is estimated that the cleaning service cost for the Canvas and Kettle is approximately \$6,000 per annum.

Elliot and Son Venue Management were previously charging Council \$55 per booking. Some community groups such as Wildlife Carers, Bush Regeneration Groups and Palliative Care were charged \$55 per booking and others were charged \$88 per booking. The new online community venue booking data shows in the three months from 1 November 2016 to 31 January 2017 there have been 21 separate events booked of which eight have been non-Council and thirteen Council. Table 3 below summarises these bookings, the cost under this proposal and the estimated cost the contractor previously charged.

Table 3: Summary of Canvas and Kettle bookings 1 November 2016 to 31 January 2017:

Hirer	Date	Duration	Cost to hire @ Option 1 rate (\$)	Cost to hire @ Option 2 rate (\$)	Estimated cost to hire under Elliot & Sons previous contract prior to 1/11/16 (\$)
TSC - 13	Various	Various	-	-	715
Tweed Valley Wildlife Carers	12/11/2016	3	75	69	55
Tweed Valley Wildlife Carers	11/12/2016	8	120	110	55
Tweed Valley Wildlife Carers		4	60	46	55
Juvenile Justice	22/11/2016	5	60	46	88
Juvenile Justice	20/12/2016	2	50	46	88
YWCA Northern Rivers - Learning/Development Group	06/12/2016	8	120	110	88
Westpac Life Save Rescue Helicopter	15/12/2016	1	25	23	55
Colin O&C Theresa Fitzgerald	28/01/2016	8	120	110	88
<i>Total</i>			\$ 630	\$ 560	\$ 1,287

Under the proposed fee options, revenue for the three month period would have been Option 1 = \$630 and Option 2 \$560. The cost of cleaning for this period is estimated at \$1200. While this period is not indicative of the occupancy over the whole year and does not take into account periods when both the Auditorium and Canvas and Kettle Meeting Room are concurrently hired such as the Murwillumbah Festival of Performing Arts Inc. (MFPA) event, it is indicative of how the proposed fees along with other Community Facilities fees fall within Councils' Revenue Policy Fees and Charges Category of Pricing Policy A which is *"Significant Partial Cost Pricing – The price for this good/service is set to make a significant contribution towards the cost of providing the service. The remainder of the costs are met from general purpose income"*.

This is a new Council managed community venue and Council officers have not had the opportunity to market and promote it for hire to the community. The users since Council took over the room from 1 November 2016 have been regular previous users. For the three months since 1 November 2016, occupancy, based on availability for a 16 hour day from 8am to midnight, is low at 6%. Of this 69% has been Council usage, 31% community use and no commercial use. This was through the Christmas/New year period where parts of the area have traditionally been closed for short periods.

MFPA have indicated approximately 16,932 competitors/performers attend their events and in their Tweed Shire Council 2016 Events Sponsorship Application it is estimated 8,250 spectators/audience attend and pay an entry fee for their events. Council resolved at the Council Meeting on 21 July 2016 to sponsor MFPA providing multi-year funding of \$7,500 per annum for three years.

Tweed Valley Wildlife Carers Inc. (TVWC) would pay more, as estimated in Table 3 above, compared to the previous fee charged by Elliott and Sons Venue Management. Tweed Shire Council provides \$5,000 per annum untied to TVWC as resolved by Council on 19 July 2011.

Tweed Palliative Support (TPS) comments relate to not being charged a fee since the Canvas and Kettle contract change on 1 November 2016 and that charges could apply in the future. TPS have requested the new fee be waived. Council officers apply the fees and charges uniformly for all organisations and have confirmed with TPS that they would be eligible for community rates as approved by Council.

OPTIONS:

1. That Council adopts the proposed fee as advertised:

Venue Hire – Canvas & Kettle, Murwillumbah Civic & Cultural Centre	Canvas & Kettle (60 persons)	Community rate	Commercial rate
	(a) Hourly	25.00	50.00
	(b) Half day or evening (4hrs)	60.00	120.00
	(c) Full day (8 hrs)	120.00	240.00

Note: Council/staff use exempt from the fee.

2. That Council adopts a reduced rate of:

Venue Hire – Canvas & Kettle, Murwillumbah Civic & Cultural Centre	Canvas & Kettle (60 persons)	Community rate	Commercial rate
	(a) Hourly	23.00	46.00
	(b) Half day or evening (4hrs)	60.00	120.00
	(c) Full day (8 hrs)	110.00	220.00

Note: Council/staff use exempt from the fee.

CONCLUSION:

Council did not have a fee for use of this area, therefore a new fee was required following the renegotiation of the contract for EC2013-174 Murwillumbah Cultural Centre Auditorium, Canvas and Kettle and Kitchen Venue Services which has varied the contract and removed the Canvas and Kettle. A proposed fee was placed on public exhibition with submissions and comments received from Tweed Valley Wildlife Carers Inc., Murwillumbah Festival of Performing Arts, and Tweed Palliative Support.

The proposed fees fall within Council's Revenue Policy Fees and Charges Category of Pricing Policy A which is *“Significant Partial Cost Pricing – The price for this good/service is set to make a significant contribution towards the cost of providing the service. The remainder of the costs are met from general purpose income”*.

The proposed fees are consistent with other community facilities that Council manages that have similar capacity and amenities. The fees will partially contribute to the estimated \$6000 annual cleaning service of the Canvas and Kettle Meeting Room.

In response to community submissions Council could adopt a reduced rate rather than the exhibited fee as proposed in Option 2:

Venue Hire – Canvas & Kettle, Murwillumbah Civic & Cultural Centre	Canvas & Kettle (60 persons)	Community rate	Commercial rate
	(a) Hourly	23.00	46.00
	(b) Half day or evening (4hrs)	60.00	120.00
	(c) Full day (8 hrs)	110.00	220.00

Note: Council/staff use exempt from the fee.

Once Council determines a fee, Council officers will be able to commence marketing/promotion of the venue with the aim to improve community usage and overall occupancy.

COUNCIL IMPLICATIONS:

a. Policy:

Facility Hire and Use v1.0.

b. Budget/Long Term Financial Plan:

Fees will provide a partial recovery of the estimated annual cleaning cost of \$6000. Maintenance costs in addition to this will also be estimated following six months of Council management of the room under the new separate contract.

Tweed Valley Wildlife Carers is funded annually \$5000 from job number A3599.

Murwillumbah Festival of Performing Arts Inc. is receiving \$7,500 three-year funding from Council's Events Sponsorship program.

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.

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

Inform - We will keep you informed.

The proposal was published in the Tweed Link on 22 November 2016 and on Council's website in the *On Exhibition* area from 13 to 20 December 2016. Council's Contractor Elliot and Son Venue Management provided the following list of regular users of this room:

- Tweed Landcare Group
- Doublemask Theatre
- Murwillumbah Theatre Company
- Experiencing the Oneness
- Elastic Bandz
- Tweed Valley Wildlife Carers
- Banana Festival/Rotary Club
- Beats Awards
- Murwillumbah Festival of Performing Arts
- Tweed Palliative Support
- Meditation Class

Each regular hirer was contacted advising the proposed fee and the closing date for submissions of 20 December 2016.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Summary of Responses to Proposed Fees and Charges for
Canvas and Kettle Meeting Room (ECM 4393975)

19 [CNR-CM] Regional Mosquito Management Group - Councillor Representation

SUBMITTED BY: Natural Resource Management

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities

SUMMARY OF REPORT:

Council is a member of the Regional Mosquito Management Group (previously the Contiguous Local Authority Group). Councils represented in the group are City of Gold Coast, Redlands City Council, Logan City Council and Tweed Shire Council.

The Group aims to cooperate and consult with each other with a view to coordinating mosquito management in their respective areas and continually improve their programs.

In accordance with the Agreement, Council is to appoint a Councillor representative to attend two meetings per year.

RECOMMENDATION:

That Council appoints a Councillor representative to the Regional Mosquito Management Group.

REPORT:

Council is a member of the Regional Mosquito Management Group (previously the Contiguous Local Authority Group).

Councils represented in the Group are City of Gold Coast, Redlands City Council, Logan City Council and Tweed Shire Council.

Government agencies that are in the group are:

- Qld Health
- NSW Health
- Qld Institute of Medical Research
- Australian Quarantine and Inspection Service
- Griffith University

The Agreement states that:

The Councils strive to continually improve their programs and performances by research, review, audit and implementation of environmentally sustainable practices to achieve best practice mosquito management.

The Councils have, by this agreement, decided to cooperate and consult with each other with a view to coordinating mosquito management in their respective areas.

OPTIONS:

1. In accordance with the signed agreement, Council is to appoint a representative to the Regional Mosquito Management Group.

CONCLUSION:

In accordance with the Agreement, Council is to appoint a Councillor representative. The time commitment will be attending the two Elected Representatives meetings held each year. The meetings are hosted on a rotational basis by each of the Councils. These meetings are held around April and November each year. The next meeting in April will be hosted by City of Gold Coast.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

Regional Mosquito Management Group Agreement 2016.

b. Budget/Long Term Financial Plan:

There are minimal budget implications for Councillor attendance at two regional meetings per year. The meetings are hosted by the member Councils on a rotational basis and are held within driving distance.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Regional Mosquito Management Group Agreement (ECM
4132599)

20 [CNR-CM] 2016/2017 Quarter 1 and Quarter 2 Energy Update - Council Facilities

SUBMITTED BY: Natural Resource Management

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
 - 1.1.1 Establish sustainability as a basis of shire planning and Council's own business operations
-

SUMMARY OF REPORT:

Significant progress is being made to use more renewable power at Council facilities. '100% Renewables' energy consultants have been appointed to prepare a Renewable Energy Action Plan for Council. Tenders have closed for solar installations at Murwillumbah Depot and Tweed Regional Art Gallery. A pre-feasibility study will investigate options for renewable energy at Banora Point Wastewater Treatment Plant.

Energy use across Council facilities is expected to reduce by 2% in 2016/2017 consistent with similar energy efficiency improvements in the past three years. However this is below Council's energy efficiency target due to constraints including a lack of detailed business cases for energy projects and capacity as well as competing asset management priorities. The Renewable Energy Action Plan aims to address these constraints.

RECOMMENDATION:

That Council notes the 2016/2017 Quarters 1 and 2 energy update for Council facilities.

REPORT:

Background

At the 1 February 2017 meeting, Council's Executive Management Team received an energy update for the Quarter 1 and Quarter 2 2016/2017 period, and recommended an update be provided to Council.

Renewables update

1. *Renewable Energy Action Plan:* '100% Renewables' have been contracted to prepare a Renewable Energy Action Plan for Council. The plan will outline feasible efficiency and renewable energy options and costs for top priority Council sites. The plan will help identify tangible steps to make progress against Council's aspirational goal to be self-sufficient in renewable energy. The plan will be complete by June 2017.

2. *Rooftop solar at the Murwillumbah Depot and Art Gallery:* Tenders closed on 6 January 2017 to appoint providers of rooftop solar installations for the workshop and 'Pizza Hut' buildings at the depot (60 kW and 30kW respectively), and a 100kW system at the Art Gallery. Funding for the installations at the depot is from energy improvements at the site. A grant of \$125,000 from the Federal Community Development Grant will fund the art gallery solar installation. The systems will avoid up to 200 tonnes of grid-power based carbon emissions each year, and create annual energy cost savings of up to:

- \$48,500 at the Gallery, or 30% of the annual bill
- \$8,500 at the Murwillumbah Depot shed, or 25% of the annual bill
- \$7,000 at the Murwillumbah Depot administration building, or 60% of the annual bill

3. *Large solar installation at Banora Point Wastewater Treatment Plant:* a list of potential consultants is being identified to review the business case for solar, with the potential to tender for solar equipment within 6 months.

Large facilities energy use results: Q1 & Q2 16/17 highlights

Water Pump Station (WPS) 03, Chinderah energy use decreased by 51.35%, reducing monthly energy bill costs from \$9,630 to \$3,100.

The Water Team's investigations determined that WPS3 can operate on a minimum speed set point and still maintain pressure and supply volume requirements, resulting in significantly reduced power consumption at this site.

Bray Park Water Treatment Plant energy use increased by 7.1%

July-Sept 2016 experienced higher average raw water turbidity. The variance in feed water quality meant additional treatment operations were needed particularly in the dewatering process area. Despite the increase in use, the facility's average monthly power bills of \$11,700 have dropped from a long term monthly average of \$17,300 since Essential Energy's reduction in demand charges.

Murwillumbah Civic Centre energy use increased by 7%

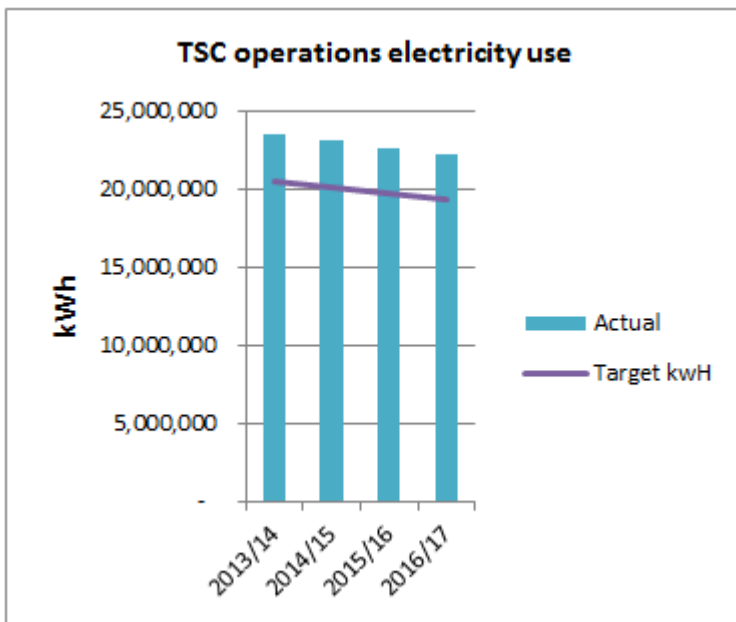
The new chiller has not been able to switch on and off as required, and has been duplicating the effort of existing pumps. Contractors have been working to correct the error. Despite the spike in use, monthly energy bill costs of \$15,700 are well down on the long term average of \$20,500.

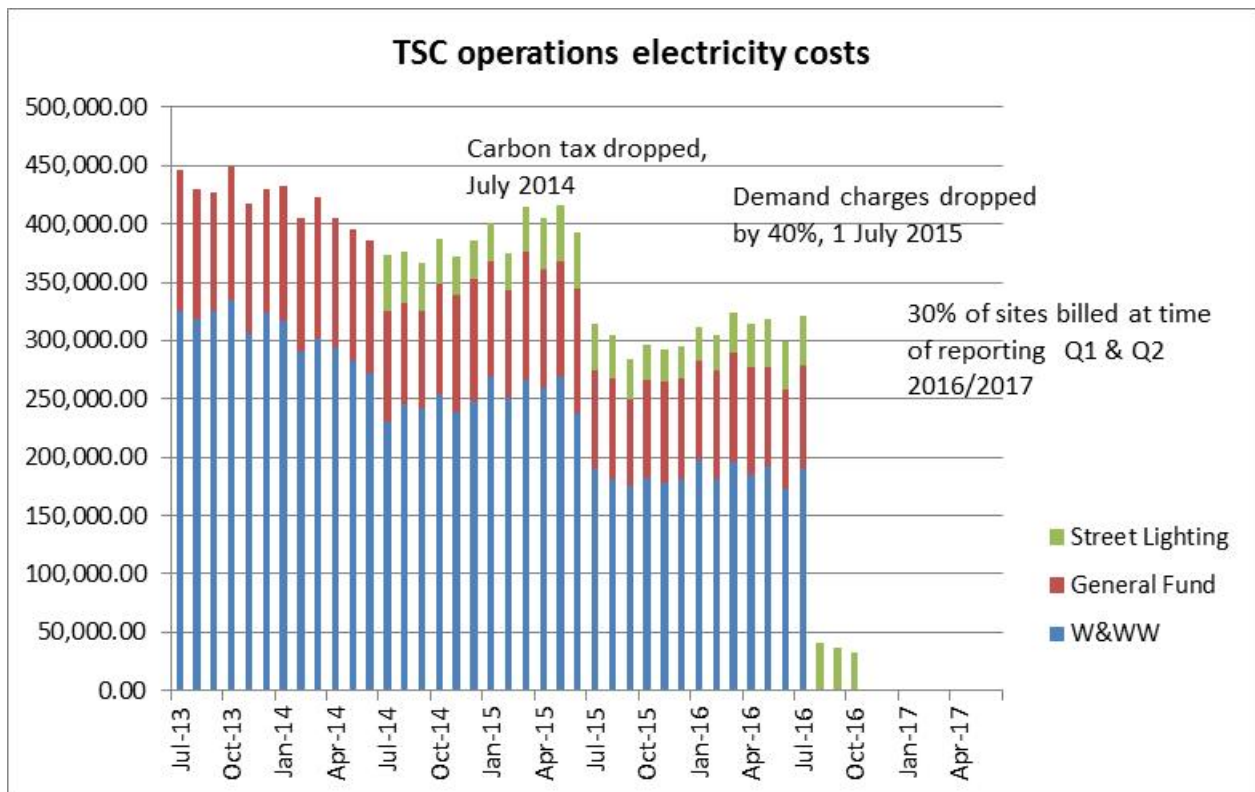
Total use and cost

Total use for the current financial year is expected to reduce by 2% compared to last year, consistent with the trend of the past three years.

At large Council sites, facility managers' focus on efficiency gains and investment in renewable energy projects is expected to contribute to Council's overall power use reduction.

Council is not on track to meet this year's electricity use target due to a range of constraints such as a lack of detailed business cases for energy projects and competing facility management priorities. Council's energy reduction target was set at an annual 2% drop in power use each year based on industry standards for commercial buildings. When setting the target, Council had no analysis of what energy savings were possible across the wide variety of Council's energy-using assets such as commercial buildings, water and wastewater treatment stations, pump stations, public pools, cultural facilities, street lighting and public amenities. The Renewable Energy Action Plan will help inform a review of Council's corporate electricity use targets, and embed energy projects in Council's operational plan.





Year to date energy costs are up by 2% in General Fund and street lighting accounts compared to last year. Water and wastewater facilities have saved energy costs year to date through reducing power demand during peak periods. The end of financial year result for Council's energy costs is expected to be in line with our budget due to savings from energy efficiency projects, solar installations and lower energy costs from the new Energy Australia contract for small energy-using sites.

OPTIONS:

Councillors input will be sought on a range of energy management options through the development of a Renewable Energy Action Plan for Council.

CONCLUSION:

As the organisation embarks on renewable energy projects of different scales and at different sites, project managers are seeking to deliver technical projects that are well researched and executed, and maximise cost and carbon benefits.

COUNCIL IMPLICATIONS:

a. Policy:

Environmental Sustainability Prioritisation Strategy.

b. Budget/Long Term Financial Plan:

2% increase in General Fund and street lighting energy costs year to date.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Major facilities managers contributed to and reviewed this energy update. We will share more information with the community about how Council is tracking towards our energy efficiency target once we have a clearer picture about our energy project priorities in the development of Council's Renewable Energy Action Plan.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

21 [CNR-CM] NSW Environmental Trust Grant 'Love Cats Love Wildlife'

SUBMITTED BY: Natural Resource Management

Validms



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- | | |
|-----|--|
| 4 | Caring for the Environment |
| 4.2 | Conserve native flora and fauna and their habitats |

SUMMARY OF REPORT:

Council has been awarded a \$91,714 grant from the NSW Government's Environmental Trust for an education project entitled '2016/SL/0043: Love Cats Love Wildlife'. In accordance with the application, funding of \$15,000 will be contributed from Council's Coastal Management Program over the two year project period.

The management of impacts from roaming domestic cats is challenging, as current legislation allows for cats to freely roam on most tenures. Council efforts to manage this issue by awareness raising and cage trapping in High Conservation Value Bushland (HCVB) reserves have been resource intensive and yielded poor results.

This project will focus on fostering behaviour change, aiming to reduce the numbers of roaming domestic cats in Tweed Shire and creating a lasting movement towards environmentally responsible cat ownership.

RECOMMENDATION:

That Council:

1. **Accepts the grant offer of \$91,714 from the NSW Government's Environmental Trust for the Love Cats Love Wildlife project 2016/SL/0043.**
2. **Votes the expenditure to implement the project until March 2019.**

REPORT:

Council has been awarded a \$91,714 grant from the NSW Government's Environmental Trust for a project entitled '2016/SL/0043: Love Cats Love Wildlife'. In accordance with the application, funding of \$15,000 will be contributed from Council's Coastal Management Program over the two year project period.

Tweed Shire has one of the highest levels of biodiversity in Australia and one of the fastest rates of coastal development in NSW. To offset the impacts of development, areas of High Conservation Value Bushland (HCVB) which are known Threatened fauna habitat have been set aside for conservation on the Tweed Coast.

Most of these HCVB reserves are immediately adjacent to residential developments. Camera monitoring within these reserves has frequently recorded the presence of roaming domestic cats. A literature review by Tweed Shire Council in 2015 found that roaming domestic cats are a significant threat to native fauna occurring in fragmented bushland reserves, such as the HCVB reserves on the Tweed Coast.

This project will use a targeted behaviour change program to engage the community and empower them to voluntarily participate in environmentally responsible cat ownership, leading to lasting and meaningful behaviour change. The project will involve the following actions:

1. Surveying experts in the field of cat welfare and biodiversity conservation (RSPCA, Cat Prevention Society and researchers and practitioners in the field on Natural resource Management) to determine what behaviours in relation to cat ownership have the greatest influence in reducing impacts to wildlife from roaming cats.
2. Surveying cat owners in the Tweed Local Government Area (LGA) to determine existing participation in responsible cat ownership and the likelihood of changing specific cat ownership behaviours. Surveys with cat owners and experts will be used to identify the behaviour(s) that residents are most likely to adopt which will have the highest impact in reducing impacts to wildlife from roaming cats.
3. Developing effective strategies, which may include incentives, tools, resources and communications, for changing the 'highest impact' behaviour.
4. Focus groups, made up of cat owners in the Tweed LGA, will be used to provide feedback on the incentives, tools, resources and communications (strategies) developed for the project.
5. Selected groups of cat owners will then trial the refined incentives, tools, resources and communications, with strategies for behaviour change refined during this process to determine the strategy which has the highest uptake in changing behaviour and thus reducing the impact to wildlife from roaming cats.
6. The last stage of the project will involve rolling out to the identified behaviour change strategy to all cat owners in the Tweed LGA.

OPTIONS:

1. That Council accepts the grant offer of \$91,714 from the NSW Government Environmental Trust for a project entitled '*Love Cats Love Wildlife*'.
2. That Council declines the grant offer of \$91,714 from the NSW Government Environmental Trust for a project entitled '*Love Cats Love Wildlife*'.

CONCLUSION:

Love Cats Love Wildlife is an innovative project that will apply Community Based Social Marketing to achieve lasting positive behaviour change in the cat owning community of Tweed Shire. This novel approach starts with uncovering specific information about cat owners existing behaviour, and then works back from there to select the tools best suited to altering the behaviour. This will identify barriers and benefits to change that currently exist within the community, with the findings informing project direction.

A program will then be designed that addresses these specific barriers and guides voluntary behavioural change, creating a lasting movement towards environmentally responsible cat ownership.

Therefore it is recommended that Council accepts the NSW Environmental Trust grant offer of \$91,714 for this project.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The \$15,000 in contributing funds will come from existing budget within Council's Coastal Management Program allocated over a two year period.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Communication methods that will be used to promote the project, its aims and events/activities include: media releases; Tweed Link articles; Council's website; social media and direct liaison with members of the community.

Progress briefings will be provided to Councillors and Directors at the completion of each of the two stages of the project.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Letter of grant offer from NSW Minister for the Environment
(ECM 4289318)

22 [CNR-CM] Public Reserves Management Fund Program for the Monitoring and On-Ground Management of Foxes and Rabbits

SUBMITTED BY: Natural Resource Management

Validms



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.2 Conserve native flora and fauna and their habitats

SUMMARY OF REPORT:

Council has been awarded a \$29,677 grant from the NSW Government's Public Reserves Management Fund Program for management of declared pests on the Tweed Coast Reserve. Funding will be contributed from Council's Coastal Management Program and the Recreation Services Unit over the one year project period.

The project will have two main areas of focus. These are:

- raising the awareness of the local community about the need for pest management on the Tweed Coast Reserve and responsible rabbit ownership; and
- developing and implementing a Fox and Rabbit Management Operational Plan for the Tweed Coast Reserve to reduce the impacts on the built, social and natural environment (including Threatened fauna).

RECOMMENDATION:

That Council:

- 1. Accepts the grant offer of \$29,677 from the NSW Government's Public Reserves Management Fund Program for Management of Declared Pests on the Tweed Coast Reserve.**
- 2. Votes the expenditure to implement the project until December 2017.**

REPORT:

Council has been awarded a \$29,677 grant from the NSW Government's Public Reserves Management Fund Program for management of declared pests on the Tweed Coast Reserve. In accordance with the application, funding of \$4,000 will be contributed from Council's Coastal Management Program and \$2,000 will be contributed from Recreation Services Unit over the one year project period.

Foxes and rabbits are both declared as Pest Species under the NSW *Local Land Services Act 2013*. Both species are also listed as a Key Threatening Process under the NSW *Threatened Species Conservation Act 1995*.

Foxes are known to exist across the landscape in Tweed Shire. Camera monitoring data implemented by Council has recorded foxes preying on Bush Stone-curlew eggs on the Tweed Coast, and the detrimental impacts to domestic pets, livestock and other native fauna from foxes are well documented and widely understood.

Rabbits currently occur in isolated locations in and around urban areas on the Tweed Coast. Their physical appearance makes it highly likely that these are descended from escapee/released domestic pet rabbits. Surveys have recorded a large rabbit population using the open parklands and sports fields, dunal systems and adjacent areas of coastal vegetation of Lot 500 DP 727420 of the Tweed Coast Reserve.

In line with legislative requirements, actions will be implemented through this project to try to control the occurrence of these two pest species on the Tweed Coast Reserve, from Murphy's Road Kingscliff in the north, to the coastal Tweed/Byron shire boundary in the south.

The project will include the following activities:

1. Implement surveys and monitoring to inform the development of appropriate management strategies. Surveys will comprise spotlighting; camera monitoring and the use of detection dogs. This will provide information on the distribution of the two pest species, and identify key areas for the implementation of management actions.
2. The development of a detailed Fox and Rabbit Management Operational Plan for the Tweed Coast Reserve prior to the commencement of any management actions. This plan will:
 - a. identify an appropriate and effective combination of management actions for use in the peri/urban environment;
 - b. ensure proposed works comply with all relevant Standard Operating Procedures, Codes of Practices and all relevant licences;
 - c. include a monitoring and evaluation framework that measures the outcomes of the management actions;
 - d. based on the results of monitoring and evaluation, assess the effectiveness of the current management actions, and adapt the program as needed.
3. The awareness raising component of the program will ensure that the local community is aware of the need to control wild rabbits. There will also be a focus on encouraging responsible pet ownership of rabbits, helping to reduce the incidence of rabbit release and escapes, thus removing potential source populations of rabbits.

The project is aiming to achieve a reduction in:

- prey items (i.e. rabbit) for wild dogs. This will significantly reduce the risk of wild dogs entering the urban footprint hunting for food;
- impacts to the built environment from rabbits such as damage to footings of dwellings, boardwalks and other buildings; rock walls; gardens; parklands, and sport fields;
- impacts on threatened fauna from foxes. This should assist in increasing the survivorship of species such as: the Beach Stone-curlew; and Common Planigale; Pied Oystercatcher; Bush Stone-curlew; and Loggerhead and Green Turtles; and
- impacts from rabbits on native flora and fauna and vegetation, including the Endangered Ecological Community - Littoral Rainforest.

The project should also achieve:

- a strengthening of the working relationship between private land owners and adjoining land managers.
- increased levels of awareness by residents of the impacts of declared pests on both the natural and built environment and the need for pest animal management.
- behaviour change around socially and environmentally responsible pet rabbit ownership.

OPTIONS:

1. That Council accepts the grant offer of \$29,677 from the NSW Government's Public Reserves Management Fund Program for management of declared pests on the Tweed Coast Reserve.
2. That Council declines the grant offer of \$29,677 from the NSW Government's Public Reserves Management Fund Program for management of declared pests on the Tweed Coast Reserve.

CONCLUSION:

Council has been awarded a \$29,677 grant from the NSW Government's Public Reserves Management Fund Program for management of declared pests on the Tweed Coast Reserve.

This grant will be utilised to develop and implement a Fox and Rabbit Management Operational Plan for the Tweed Coast Reserve. The implementation of control for these two pest species will provide an increased level of incentive to both government organisations and the local community to implement on-ground works on other tenures.

The education component of the program will make positive steps towards behaviour change in the local community around appropriate care of pet rabbits, and will help to reduce the incidence of rabbit release and escapes, thus removing potential source populations of rabbits.

Therefore it is recommended that Council accepts the NSW Government's Public Reserves Management Fund grant offer of \$29,677 for this project and votes the expenditure.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The \$6,000 in contributing funds will come from existing budget within Council's Coastal Management Program and Recreation Services Unit allocated over a one year period.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Communication methods that will be used to promote the project, its aims and events/activities include: media releases; Tweed Link articles; Council's website; and direct liaison with members of the community.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Letter of Offer (ECM 4182999)

REPORTS FROM THE DIRECTOR ENGINEERING

23 [E-CM] RFO2016164 Supply of 2 x Heavy Commercial 6x4 Truck Cab Chassis and Build and Supply of 2 x 10CM Tipper Bodies

SUBMITTED BY: Infrastructure Delivery

FILE REFERENCE: RFO2016164

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan

SUMMARY OF REPORT:

Request for Offer RFO2016164 for the Supply of 2 x Heavy Commercial 6x4 Truck Cab Chassis' and Build and Supply of 2 x 10CM Tipper Bodies was called to supply Council operations with a replacement for existing aged units as per Councils 10 year asset replacement programme.

At the closing time for Offer submissions, Five (5) Offers were received for supply of the 2 x Heavy Commercial 6x4 Cab Chassis', and Three (3) Offers were received for the Build and Supply of the 2 x 10CM Tipper Bodies.

The evaluation of the offers against the Selection Criteria is contained in the Offer Evaluation Plan Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. The recommendations are based on the evaluation.

RECOMMENDATION:

That in respect to Contract RFO2016164:

1. **Council awards the contract for Supply of 2 x Heavy Commercial 6x4 Truck Cab Chassis' to Gold Coast Isuzu (ABN 47010210723, ACN 010210723) for the amount of \$300,458 (exclusive of GST).**
2. **Council awards the contract for Build and Supply of the 2 x 10CM Tipper Bodies to Vince McNamara Engineering (ABN 58103518878, ACN 103518878) for the amount of \$79,672 (Exclusive of GST)**

3. **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.**

4. **ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:**
 - (d) **Commercial information of a confidential nature that would, if disclosed:**
 - (i) **prejudice the commercial position of the person who supplied it, or**
 - (ii) **Confer a commercial advantage on a competitor of the council, or**
 - (iii) **Reveal a trade secret.**

REPORT:

Offer Background

Offer RFO2016164 Supply of 2 x Heavy Commercial 6x4 Truck Cab Chassis' and Build and Supply of 2 x 10CM Tipper Bodies was called to supply Council operations with a replacement for an existing aged unit as per Councils 10 year asset replacement programme.

Offer Advertising

In accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005, and as per Councils Procurement Protocol Version 1.8, offers were officially advertised for RFO2016164 on 10 January 2017 in the Sydney Morning Herald.

The offer document was also advertised on Councils 'Offers' website.

Offer Addendums

There was no notice to bidders issued before close of offer.

Offer Submissions

At the closing time for offer submissions, the Tender Box was opened and Five (5) offers were recorded at the Tender Box opening for supply of the 2 x Heavy Commercial 6x4 Truck Cab Chassis' and Three (3) Offers were recorded for the Build and Supply of the 2 x 10CM Tipper Body.

Offers were recorded as below:

Bidder	ABN
Gold Coast Isuzu	47010210723
Murwillumbah Truck Centre (2 x Submissions)	72001859454
SciFleet Hino	25057783749
The Brown and Hurley Group Pty Ltd	66010732966
Custom Truck Bodies and Trailers Pty Ltd	23607269483
Lift Industries Pty Ltd	11109172803
Vince McNamara Engineering	58103518878

Offer Evaluation

An Offer Evaluation Plan was developed based on the premise that competitive offers were to be received and scored against specific selection criteria in order to select the best value offer.

The Offer Evaluation Panel consisting of the following expertise who conducted the Offer assessment.

Position
Operations Coordinator Plant and Materials
Fleet Plant Maintenance Technician
Council Truck Operator No1
Council Truck Operator No2

Offers were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offering.

Criterion	Document Reference	Weighting (%)
Value for Money WOL Costs, Resale	Section 18	70
Operational Evaluation	Section 18	10
Maintenance Evaluation	Section 18	5
Operator Evaluation	Section 18	5
Local Content	Section 18	10

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheet are included in ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A(2):

- (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

OPTIONS:

That Council:

1. Accepts the recommendation to award the contract to Gold Coast Isuzu for the Supply of 2 x Heavy Commercial Truck Cab Chassis';
2. Accepts the recommendation to award the contract to Vince McNamara Engineering for the Build and Supply of the 2 x 10CM Tipper Bodies;
3. Awards the contract to another supplier; or
4. Does not proceed with the contract and advises the suppliers of the reasons for not proceeding.

CONCLUSION:

The offer submitted for the supply of 2 x Heavy Commercial 6x4 Truck Cab Chassis' by Gold Coast Isuzu presents the best value to Council.

The offer submitted for the build and supply of the 2 x 10CM Tipper Bodies by Vince McNamara Engineering presents the best value to Council.

COUNCIL IMPLICATIONS:

a. Policy:

The Offer invitation and evaluation have been conducted in accordance with the provisions of:

- The Local Government Act 1993 and the NSW Local Government (General) Regulation 2005.

- Council's Procurement Policy v1.6.

b. Budget/Long Term Financial Plan:
2016/2017 Fleet Budget.

c. Legal:
Not Applicable.

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2016164 - Offer Evaluation Report (ECM 4433111).

(Confidential) Attachment 2. RFO2016164 - Offer Evaluation Score Sheet
(ECM 4432738).

24 [E-CM] RFO2016204 Supply of 1 x Heavy Commercial Truck Cab Chassis and Build and Supply of 1 x 10CM Tipper Body

SUBMITTED BY: Infrastructure Delivery

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Request for Offer RFO2016204 for the Supply of 1 x Heavy Commercial Truck Cab Chassis and Build and Supply of 1 x 10CM Tipper Body was called to supply Council operations with a replacement for an existing aged unit as per Councils 10 year asset replacement programme.

At the closing time for Offer submissions, Four (4) Offers were received for supply of the Heavy Commercial Cab Chassis, and Three (3) Offers were received for the Build and Supply of the 10CM Tipper Body.

The evaluation of the offers against the Selection Criteria is contained in the Offer Evaluation Plan Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. The recommendations are based on the evaluation.

RECOMMENDATION:

That in respect to Contract:

- 1. Council awards the contract for Supply of One (1) Heavy Commercial Truck Cab Chassis to Gold Coast Isuzu (ABN 47010210723, ACN 010210723) for the amount of \$143,018 (exclusive of GST).**
- 2. Council awards the contract for Build and Supply One (1) 10CM Tipper Body to Vince McNamara Engineering (ABN 58103518878, ACN 103518878) for the amount of \$40,090 (Exclusive of GST).**
- 3. 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.**

4. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

REPORT:

Offer Background

Offer RFO2016204 Supply of 1 x Heavy Commercial Truck Cab Chassis and Build and Supply of 1 x 10CM Tipper Body was called to supply Council operations with a replacement for an existing aged unit as per Councils 10 year asset replacement programme.

Offer Advertising

In accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005, and as per Councils Procurement Protocol Version 1.8, offers were officially advertised for RFO2016204 on 10 January 2017 in the Sydney Morning Herald.

The offer document was also advertised on Councils 'Offers' website.

Offer Addendums

There was no notice to bidders issued before close of offer.

Offer Submissions

At the closing time for offer submissions, the Tender Box was opened and four (4) offers were recorded at the Tender Box opening for supply of the Heavy Commercial Truck Cab Chassis and Three (3) Offers were recorded for the Build and Supply of the 10CM Tipper Body.

Offers were recorded as below –

Bidder	ABN
Gold Coast Isuzu	47010210723
Murwillumbah Truck Centre (2 x Submissions)	72001859454
SciFleet Hino	25057783749
Custom Truck Bodies and Trailers Pty Ltd	23607269483
Lift Industries Pty Ltd	11109172803
Vince McNamara Engineering	58103518878

Offer Evaluation

An Offer Evaluation Plan was developed based on the premise that competitive offers were to be received and scored against specific selection criteria in order to select the best value offer.

The Offer Evaluation Panel consisting of the following expertise who conducted the Offer assessment.

Position
Operations Coordinator Plant and Materials
Fleet Plant Maintenance Technician
Council Truck Operator

Offers were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offering.

Criterion	Document Reference	Weighting (%)
Value for Money WOL Costs, Resale	Section 18	70
Operational Evaluation	Section 18	10
Maintenance Evaluation	Section 18	5
Operator Evaluation	Section 18	5
Local Content	Section 18	10

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheet are included in ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A(2):

- (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

OPTIONS:

That Council:

1. Accepts the recommendation to award the contract to Gold Coast Isuzu for the Supply of 1 x Heavy Commercial Truck Cab Chassis;
2. Accepts the recommendation to award the contract to Vince McNamara Engineering for the Build and Supply of the 10CM Tipper Body;
3. Awards the contract to another supplier; or
4. Does not proceed with the contract and advises the suppliers of the reasons for not proceeding.

CONCLUSION:

The offer submitted for the supply of 1 x Heavy Commercial Truck Cab Chassis Unit by Gold Coast Isuzu presents the best value to Council.

The offer submitted for the build and supply of the 10CM Tipper Body by Vince McNamara Engineering presents the best value to Council.

COUNCIL IMPLICATIONS:

a. Policy:

The Offer invitation and evaluation have been conducted in accordance with the provisions of:

- The Local Government Act 1993 and the NSW Local Government (General) Regulation 2005.
- Council's Procurement Policy.

b. Budget/Long Term Financial Plan:

2016/2017 Fleet Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2016204 - Offer Evaluation Report (ECM 4431592).

(Confidential) Attachment 2. RFO2016204 - Offer Evaluation Score Sheet
(ECM 4431625).

25 [E-CM] RFO2016154 Supply of Medium Commercial Truck Cab Chassis and Supply of Tray Body

SUBMITTED BY: Infrastructure Delivery

FILE REFERENCE: RFO2016154

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan

SUMMARY OF REPORT:

Request for Offer RFO2016154 for the Supply of Medium Commercial Truck Cab Chassis and Supply of Tray Body was called to supply Council operations with a replacement for an existing aged unit as per Councils 10 year asset replacement programme.

At the closing time for Offer submissions, Three (3) Offers were received for supply of the Medium Commercial Cab Chassis, and Two (2) Offers were received for the Build and Supply of the Tray Body.

The evaluation of the offers against the Selection Criteria is contained in the Offer Evaluation Plan Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. The recommendations are based on the evaluation.

This report is being referred to Council in accordance with the resolution of 18 June 2015 as follows:

- "1. *Delegated Authority be amended so that all truck purchases are reported to Council for determination.*
2. *Officers tender assessment be based on criteria weightings included in the Councillor's background information."*

RECOMMENDATION:

That in respect to Contract RFO2016154:

1. **Council awards the contract for Supply of One (1) Medium Commercial Truck Cab Chassis to Gold Coast Isuzu (ABN 47010210723, ACN 010210723) for the amount of \$38,736.67 (exclusive of GST).**

2. **Council awards the contract for Build and Supply of the Tray Body to Duralloy Truck Bodies Pty Ltd (ABN 36589631051, ACN 129788192) for the amount of \$9,950.91 (Exclusive of GST)**
3. **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**
4. **ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

REPORT:

Offer Background

Offer RFO2016154 Supply of 1 x Medium Commercial Truck Cab Chassis and Supply of Tray Body was called to supply Council operations with a replacement for an existing aged unit as per Councils 10 year asset replacement programme.

Offer Advertising

In accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005, and as per Councils Procurement Protocol Version 1.8, offers were invited from three (3) potential suppliers for each of the chassis and the body manufacturer.

The offer document was also sent out via Councils 'Etendering process.

Offer Addendums

There was no notice to bidders issued before close of offer.

Offer Submissions

At the closing time for offer submissions, the Tender Box was opened and Three (3) offers were recorded at the Tender Box opening for supply of the Medium Commercial Truck Cab Chassis and Two (2) Offers were recorded for the Supply of the Tray Body.

Offers were recorded as below –

Bidder	ABN
Gold Coast Isuzu	47010210723
Murwillumbah Truck Centre	72001859454
SciFleet Hino	25057783749
Duralloy Truck Bodies Pty Ltd	36589631051
Vince McNamara Engineering	58103518878

Offer Evaluation

An Offer Evaluation Plan was developed based on the premise that competitive offers were to be received and scored against specific selection criteria in order to select the best value offer.

The Offer Evaluation Panel consisting of the following expertise who conducted the Offer assessment.

Position
Operations Coordinator Plant and Materials
Fleet Plant Maintenance Technician
Council Truck Operator No1
Council Truck Operator No2
Council Truck Operator No3
Council Truck Operator No4

Offers were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offering.

Criterion	Document Reference	Weighting (%)
Value for Money WOL Costs, Resale	Section 18	70
Operational Evaluation	Section 18	10
Maintenance Evaluation	Section 18	5
Operator Evaluation	Section 18	5
Local Content	Section 18	10

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheet are included in ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A(2):

- (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*

OPTIONS:

That Council:

1. Accepts the recommendation to award the contract to Gold Coast Isuzu for the Supply of 1 x Medium Commercial Truck Cab Chassis.
2. Accepts the recommendation to award the contract to Duralloy Truck Bodies Pty Ltd for the Build and Supply of the Tray Body.
3. Awards the contract to another supplier, or
4. Does not proceed with the contract and advises the suppliers of the reasons for not proceeding.

CONCLUSION:

The offer submitted for the supply of 1 x Medium Commercial Truck Cab Chassis Unit by Gold Coast Isuzu presents the best value to Council.

The offer submitted for the supply of the Tray Body by Duralloy Pty Ltd presents the best value to Council

COUNCIL IMPLICATIONS:

a. Policy:

The Offer invitation and evaluation have been conducted in accordance with the provisions of -

- The Local Government Act 1993 and the NSW Local Government (General) Regulation 2005.
- Council's Procurement Policy v1.6.

b. Budget/Long Term Financial Plan:

2016/2017 Fleet Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2016154 - Offer Evaluation Report (ECM 4433466).

(Confidential) Attachment 2. RFO2016154 - Offer Evaluation Score Sheet
(ECM4433577).

26 [E-CM] Classification of Land as Operational - 683 Doon Doon Road, Doon Doon

SUBMITTED BY: Design

Validms



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
 - 3.4 Provide land and infrastructure to underpin economic development and employment
 - 3.4.3 Manage Council business enterprises to provide economic stimulus and maximise returns to the community
-

SUMMARY OF REPORT:

At its meeting of 15 December 2016 Council resolved to purchase Lot 4 DP 605354, being 683 Doon Doon Road, Doon Doon.

Settlement of the purchase occurred on 16 January 2017 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 31 January 2017, with a submission period of 28 days, which expired on 28 February 2017 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, classifies Lot 4 DP 605354 being 683 Doon Doon Road, Doon Doon as Operational Land.

REPORT:

At its meeting of 15 December 2016 Council resolved to purchase Lot 4 DP 605354, being 683 Doon Doon Road, Doon Doon.

Settlement of the purchase occurred on 16 January 2017 and 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 31 January 2017, with a submission period of 28 days, which expired on 28 February 2017 and no submissions were received.

OPTIONS:

As the classification of land is a statutory obligation, it is recommended the land be classified.

CONCLUSION:

Council is required to classify all land held by it and the purpose of this report is to fulfil its 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.

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:

Corporate Policy Not Applicable.
Section 31 of the Local Government Act 1993.

b. Budget/Long Term Financial Plan:

No future budget implications.

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:

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

Advertised in the Tweed Link on 31 January 2017 seeking written submissions from the public.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

27 [E-CM] Landscaping - Northbound Service Centre, Chinderah

SUBMITTED BY: Director

Validms



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
1.2.1	Council will be underpinned by good governance and transparency in its decision making process

SUMMARY OF REPORT:

At its meeting of 2 February 2017 Council resolved as follows:

"RESOLVED that Council brings forward a report to the Council meeting on 16 March 2017 that includes:

1. *The potential to enhance the landscaping at the new north bound service station at Chinderah.*
2. *The capacity for Council to require/request the developer to undertake this enhancement.*
3. *Preliminary cost estimates if Council was to undertake this enhancement.*
4. *Developing a policy to ensure dense landscaping, where appropriate, is prioritized in the future."*

There is potential to enhance the landscaping at this location on those areas controlled by Council, namely the roundabout and southern approaches and possibly those areas controlled by the Roads and Maritime Services (RMS), namely the northern approaches to the roundabout.

The Applicant has met all of their obligations for landscaping as required by the Development Consent with the exception of clarification of Lilli Pilli species being free from Myrtle Rust and the minimum percentage of locally occurring native species. The Applicant is unwilling to undertake any additional enhancement given the significant level of landscaping completed to date.

Cost to undertake additional landscaping would be in the order of \$20,000 to \$100,000 depending of the level of embellishment including the cost of preparing a landscape plan and community consultation.

The development of a policy to ensure dense landscaping where appropriate is not considered necessary as there would be limited application of such a policy and each site would have differing requirements. The implementation of such a policy would also be open to significant interpretation.

RECOMMENDATION:

That Council note the report and officers monitor the progress of growth of the landscaping work and determine at a future date the need or otherwise for enhancement of the landscaping on the public land surrounding the northbound service centre on the motorway at Chinderah.

REPORT:

Development Application and Strategic Planning Context

Council received a combined Planning Proposal and Development Application on 28 August 2013 for a Highway Service Centre and was first reported to the Planning Committee Meeting of 21 November 2013. The matter was deferred for a workshop which took place on Thursday 5 December 2013.

A further report to the Planning Committee Meeting of 12 December 2013 addressed matters raised by Council and generally in relation to the key evaluation aspects of the combined land rezoning and development application (DA). Council resolved to prepare a planning proposal and concurrently exhibit the proposal and DA.

At the Planning Committee Meeting of 7 August 2014 Council considered a report detailing the public submissions received during its public exhibition between Wednesday 23 April and Monday 26 May. The report noted that a total of seven submissions were received; three from community members and four from public agencies. In particular, two submissions raised concern, among others, about visual impact. One was more specifically related to the visual impact on the adjacent Melaleuca Station Crematorium and Memorial Gardens, but noted there was a lack of appropriate detail in the visual impact assessment and landscaping plan that would otherwise ensure the visual impact would be adequately addressed. The second more specifically objected to there being a likely visual impact on the rural landscape, based on the proposal / information provided.

While there is a further discussion of these points in the 7 August report, the salient aspect is that Council resolved to proceed with making the draft LEP zoning to facilitate the new highway service centre, subject to an additional resolution to those recommended by the Planning staff to specifically address those concerns and to ensure that further consideration of the landscaping was undertaken as part of the DA assessment. Notably, the landscaping was to have a local context reflecting the areas landscape 'values', as illustrated in the resolution:

- “3. Council is of the view that a very high standard of landscaping needs to be provided due to the location of this key site and the need to reflect the values of the National Iconic Landscape Values of the Shire.”*

The draft Local Environmental Plan was made on 15 March 2015.

Following Council's resolution, the Applicant prepared and submitted a landscape plan that had a design based on the unique landscape rock formation located in Fingal Head. As noted on the Geological sites of NSW website (<http://www.geomaps.com.au/scripts/finglehead.php>) the area is referred to as a 'mini Giant's Causeway, which is said to boast some of the most spectacular examples of columnar jointing to be found in the whole of NSW. The discussion and photo imagery on the Geological sites of NSW website further elucidates and describes the importance of this landscape and assists with highlighting why the Landscape Architect has elected to base their landscape design for the most prominent public space on the spectacular columnar basalt lava landscape, which was considered to adequately address the concern raised and Council's resolution with respect to showcasing and reflecting the iconic landscape values of the Shire.



Images: Geological sites of NSW (<http://www.geomaps.com.au/scripts/finglehead.php>)

Discussion

Landscaping at the Service Centre site has been undertaken in accordance with the Development Consent and subsequently the landscaping plans prepared and submitted by the Applicant and approved by various authorities. For those sections of landscaping within the private property the landscaping plan was approved by a Private Certifier. The landscaping plan for the slip lane and northern approaches to the roundabout was approved by Roads and Maritime Services (RMS) and the landscaping plan for the roundabout and southern approaches was approved by Tweed Shire Council. There have been over 20,000 plants established on or adjoining the site including Bangalow Palms, Lilly Pillies, Tuckeroos, Blueberry Ashes and Whiteoaks. An inspection of the site indicates compliance with the plans and consent conditions. Approximately 20,205 plants are nominated in the onsite landscaping plan of which 16,164 (80%) are required to be native local species and 4041 (20%) other species. The plan indicates 5159 (25%) other species however it appears that 2122 Liropes (evergreen giants, non-native) have not been planted. Accordingly, if this is the case, the landscaping currently complies with the 80% native species consent requirement. Confirmation has been sought from the Applicant for compliance with this condition along with confirmation that the Lilly Pilly varieties are not potential hosts for Myrtle Rust.

It is the officers' view that given time and the opportunity for the plants to grow and mature, that the landscaping is appropriate for the site and the nature of the development being a large scale motorway car and truck stop. In the assessment of the development and subsequent landscaping plans consideration was not given to this site providing an entry statement to the shire which would appear to be the sentiment expressed by Councillors and the community at the 2 February meeting. The landscaping provided on the public land is considered appropriate from a road maintenance perspective as there is minimal work required to control weeds and vegetation particularly in the roundabout where the rocks are used as an alternative to mulch and grass. From a traffic operations perspective the sight lines in and around the roundabout are also clear providing a safe environment for drivers. It is envisaged that when the trees mature that sight lines will still be appropriate.

Initial contact with the Applicant indicates that they are unwilling to volunteer additional enhancement of the site. The Applicant has met all of their obligations under the Consent and there is no requirement nor can Council enforce a requirement for any further embellishment.

Council could undertake work within the road reserve under Tweed Shire Council (TSC) control, including the roundabout, and with their agreement within the road corridor controlled by RMS. Council would be unable to undertake any work on private property. Work within the public lands could cost anywhere between \$20,000 and \$100,000, depending on the level of embellishment required by Council and could only be undertaken following the completion of the defects period of the development (24 months) unless Council accept ongoing responsibility for the landscaping and waive the defect period. A suitable landscaping plan would need to be prepared by Council and given the level of interest, community engagement would be essential in developing any landscaping embellishment.

As this work would be the embellishment of a road corridor, funding would likely be sourced from Council's Road Program. Whilst not a large amount of money this would have the impact of lowering Council's Renewals Ratio below the 100% required for Fit for the Future or reducing the level of maintenance to roads and road side areas such as mowing, weed control and repair of potholes.

Council could resolve as a policy position for this scale and type of development to provide "dense landscaping". In this situation the density of planting is considered appropriate for the site as over 20,000 trees and shrubs have been planted. It would appear that the level of maturity of the plants is the issue as some sections of the site do look sparsely vegetated. Nonetheless, in time, the site will significantly improve and those species which have been planted will grow to a size and scale suitable for the location. If Council is of the view that more mature plants should be planted for these types of developments then this would improve the initial appearance of a site however would increase the risk of plant mortality and limit the ultimate growing potential of the trees. Experience has shown that younger plants have a higher survival rate and a greater growth potential than more mature plants.

There are limited resources internally to undertake detailed assessments of landscaping plans based on defined Council policies for new development. Currently for developments such as this Council refers plans to qualified staff who have occasional spare capacity to undertake such reviews. There is a heavy reliance on the development industry to develop designs which are appealing and showcase the site.

OPTIONS:

1. Council note the report and officers monitor the progress of growth of the landscaping work and determine at a future date the need or otherwise for enhancement of the landscaping on the public land surrounding the northbound service centre on the motorway at Chinderah.
- 2a. Council officers prepare concept designs in consultation with the community to enhance the landscaping on the public land surrounding the northbound service centre on the motorway at Chinderah including, if possible land, controlled by the Roads and Maritime Services based on a total budget of \$20,000 to be drawn from the 2016/17 Roads program.
- 2b. Council adopts a policy to consider dense landscaping, where appropriate, on public land for development of large scale commercial and business sites where there is a potential impact on the broader natural landscape.

CONCLUSION:

Landscaping for the northern service centre on the motorway at Chinderah includes the planting of over 20,000 plants of which 80% are locally occurring natives. Whilst the design for the site did not give consideration for this to be an entry statement to the Tweed Valley, it does showcase the iconic landscape values of the shire.

Land on the site is controlled by three separate entities namely RMS, TSC and the Applicant for the development. The landscaping plans and works were approved by the various entities, including a private certifier for the work on private land, and are generally in accordance with the Development Consent.

From a road maintenance and traffic operations perspective, the landscaping work is considered appropriate with good sight lines and minimal maintenance required to control weeds and to manage vegetation.

The Applicant is unwilling to undertake any further landscaping enhancement as they have invested a substantial amount of money in the current design and have complied with the Development Consent.

Whilst further enhancement of the site could be undertaken by Council, at its cost, at this stage Option 1 is recommended.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

If Council was to support Option 2a the financial impact would be in the order of \$20,000 plus ongoing maintenance costs in the order of \$1,000 to \$5,000 per year. As this work is contained within the road reserve, the budget for this would likely be drawn from the Roads program and have a negative impact on the Infrastructure Renewals Ratio or reduce the level of maintenance to other roads and road side areas such as mowing, weed control and repair of potholes.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

If Option 2 is chosen, extensive consultation will be required to ensure community support for the enhancement of vegetation in the road corridor.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

28 [E-CM] Provision of Water and Wastewater Services to Kings Forest

SUBMITTED BY: Water and Wastewater

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.3	Provide well serviced neighbourhoods

SUMMARY OF REPORT:

Council has been advised that Northern Water Solutions (NWS) is to provide water and wastewater services to the development at Kings Forest. For NWS to provide water and wastewater services to Kings Forest, NWS needs to obtain a licence from the Independent Pricing and Regulatory Tribunal (IPART) to operate and retail the services. As part of the application for that licence NWS needs a "Letter of Intent" from Council.

Council can advise NWS that it is technically feasible to provide bulk water and receive treated wastewater from NWS. It also needs to advise NWS that before making any commitment to provide bulk water and receive treated wastewater Council needs to determine the impact on Council's infrastructure, develop an agreement which ensures Council is not disadvantaged and that the matter would require the consideration and a resolution of Council.

A letter to that effect has been drafted and is attached for consideration.

RECOMMENDATION:

That:

- 1. Council issues a letter to Northern Water Solutions (NWS) advising it is technically feasible for Council to provide bulk water and receive treated wastewater from NWS for the Kings Forest Development subject to:**
 - a) Determining the impact on Council's infrastructure.**
 - b) Developing an agreement which ensures Council is not disadvantaged.**
 - c) A further resolution of Council approving the negotiated agreement.**

2. **ATTACHMENTS 1 and 2 are 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:

In correspondence from Northern Water Solutions (NWS) on 3 February 2017 and in an email on 16 February 2017, NWS advised Council that NWS is to provide water and wastewater services to the development at Kings Forest. To do so NWS propose to enter into an arrangement for the supply of bulk water and the receipt of excess treated wastewater with Tweed Shire Council.

For NWS to provide water and wastewater services to Kings Forest NWS needs to obtain a licence from the Independent Pricing and Regulatory Tribunal (IPART) to operate and retail the services. NWS is presently preparing the licence applications.

To be able to obtain the required licences, NWS needs to demonstrate to IPART that it could obtain water from Tweed Shire Council and that Tweed Shire Council could receive the excess treated wastewater. NWS has requested a letter from Tweed Shire Council to that effect. NWS referred to the letter as a "Letter of Intent".

The "Letter of Intent" is basically the same as that considered by Council 21st July 2016 and issued to NWS in respect to the Cobaki development.

Although the proposals to supply bulk water to and receive treated wastewater from NWS to service Kings Forest are technically feasible, the details of any agreement with NWS have yet to be developed.

Given that situation, in responding to the request from NWS, the advice that Council can provide is limited to advising NWS that it is technically feasible to provide bulk water to and receive treated wastewater from NWS but:

1. The impact on Council's infrastructure would need to be determined.
2. An agreement between Council and NWS would need to be drafted and it demonstrated to Council that Council would not be disadvantaged.
3. That such an agreement would require the consideration of Council and a resolution of Council.
4. That this advice is not a commitment from Council to provide bulk water and/or receive treated wastewater.

OPTIONS:

There are two broad options. They are:

1. Provide a letter advising that Council is not prepared to provide bulk water supply and/or receive treated wastewater from NWS.
2. Provide a letter advising that it is technically feasible to provide bulk water and/or receive treated wastewater with the above mentioned conditions.

To provide a letter to NWS that Council is not prepared to provide bulk water supply and/or receive treated wastewater from NWS may frustrate the development at Kings Forest. The frustration may cause the intervention of the State Government or litigation.

The alternate of providing a letter advising that the supply of bulk water and/or receive treated wastewater is technically feasible subject to the above mentioned conditions would allow Council to negotiate with NWS for the services and ensure Council was not disadvantaged in any agreements made or directions given.

A draft letter has been prepared and is attached.

CONCLUSION:

Council has been advised that NWS is to provide water and wastewater services to the development at Kings Forest. For NWS to provide water and wastewater services to Kings Forest it needs to obtain a licence from IPART to operate and retail the services. As part of the application for that licence NWS needs a "Letter of Intent".

Council can advise NWS that it is technically feasible to provide bulk water and receive treated wastewater from NWS. It also needs to advise NWS that before making any commitment to provide bulk water and receive treated wastewater Council needs to determine the impact on Council's infrastructure, develop an agreement which ensures Council is not disadvantaged and that the matter would require the consideration and a resolution of Council.

A letter to that effect has been drafted and is attached for consideration.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Any agreement entered into must ensure Council is not disadvantaged.

c. Legal:

No formal legal advice has been sought.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Draft letter to Northern Water Solutions (ECM 4419200).

(Confidential) Attachment 2. Email from Northern Water Solutions dated 16 February 2017 (ECM 4419108).

29 [E-CM] Easements for Support - The Anchorage

SUBMITTED BY: Design

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.3 Existing and future community assets will be properly managed and maintained based on principles of equity and sustainability

SUMMARY OF REPORT:

The Anchorage is a waterfront development in Tweed Heads, developed by Lend Lease. Lend Lease currently lease the water based parcel, Lot 268 in DP 865924, containing a timber boardwalk within an area known as the 'rotunda'.

The boardwalk is supported by a wall that is attached to the land fronting multiple strata properties, and Council is formalising this support by creating Easements for Support.

The Owner Corporations of the affected strata properties have provided certificates evidencing special resolutions to sign the documentation to create an easement affecting their common property. One property is a community title parcel, Lot 1 in DP 270102, and the Community Association has also provided a certificate for the same purpose.

The plans and documentation have been prepared and forwarded for execution by these bodies, and it is now necessary for Council to resolve to approve the creation of the easements and to execute the documentation under Council's Common Seal.

RECOMMENDATION:

That Council:

1. Approves the creation of an Easement for Support 2 wide within the common properties of SP 61332, SP 53964, SP 52408, SP 52406 and within Lot 1 DP 270102 for the benefit of Lot 268 DP 865924;
2. Approves the creation of an Easement for Support Variable Width within the common property of SP 45455 for the benefit of Lot 268 DP 865924; and
3. Executes all documentation under the Common Seal of Council.

REPORT:

The Anchorage is a waterfront development in Tweed Heads, developed by Lend Lease. Figure 1 below shows its location, south of Tweed Southern Boatharbour, outlined in yellow.



Figure 1 – The Anchorage at Tweed Heads.

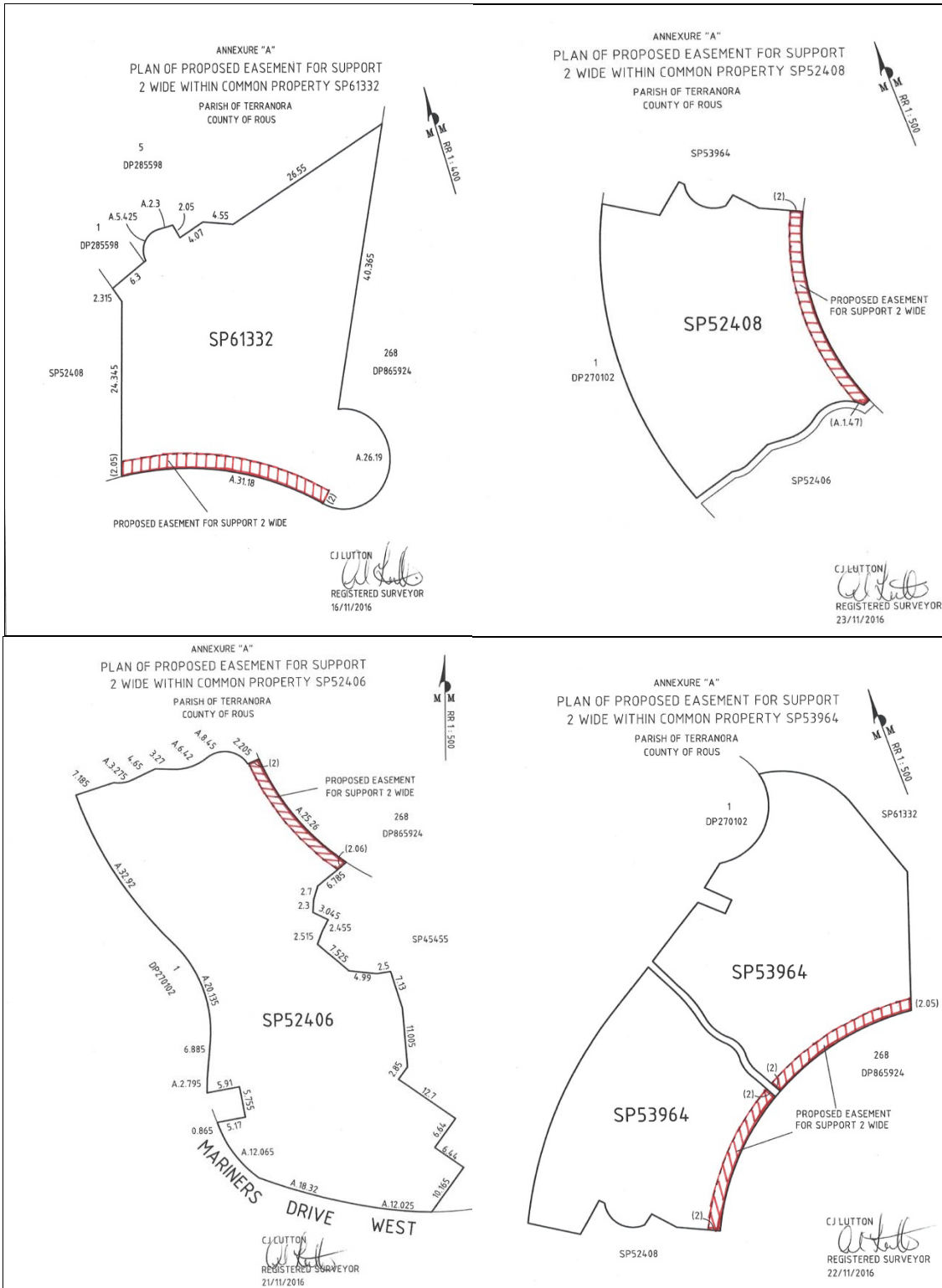
The water based parcel, Lot 268 in DP 865924, is owned by Council as operational land and is currently leased to Lend Lease, who manage the licensing of jetties and pontoons within Lot 268. In the western area of the development, there is a circular waterfront area containing a timber boardwalk, this area is known as the 'rotunda'. Figure 2 below shows the rotunda and boardwalk in more detail:

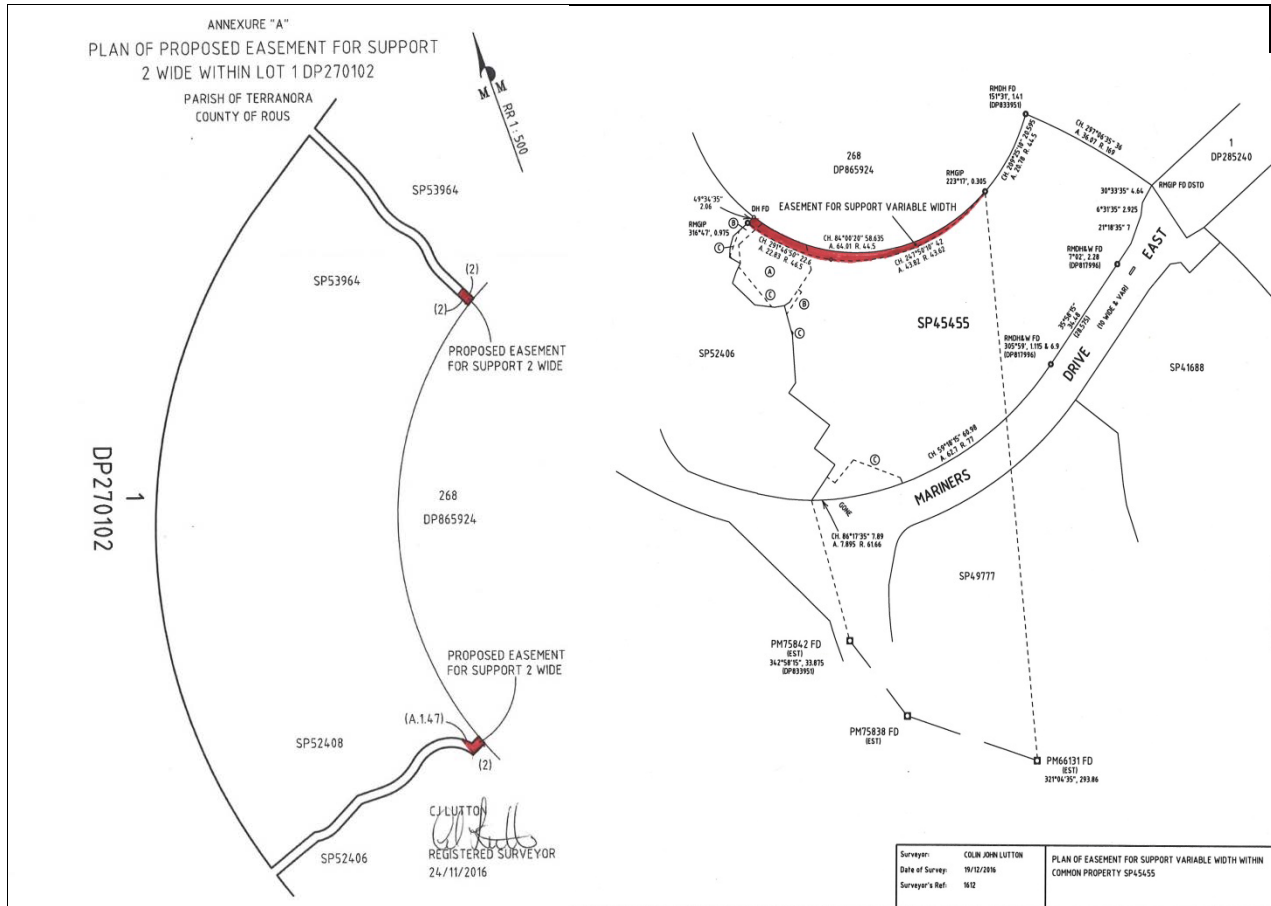


Figure 2.

The boardwalk is supported by a wall that is attached to the land fronting the rotunda, being multiple strata properties, and Council is formalising this support by creating Easements for Support within the common properties of each affected strata property for the benefit of Lot 268, owned by Council.

The Owner Corporations of the affected strata properties, and the Community Association parcel, have provided certificates evidencing special resolutions to sign the documentation to create an easement affecting their common properties. The following are the plans showing the easements to be created, shown in red or red hatching.





The plans and documentation have been prepared and forwarded for execution by the Owner Corporations and Community Association, and it is now necessary for Council to resolve to approve the creation of the easements and to execute the documentation under Council's Common Seal when they are returned to Council.

OPTIONS:

1. To approve the creation of the Easements for Support at the Anchorage.
2. To not approve the creation of the Easements for Support at the Anchorage.

CONCLUSION:

As the creation of the easements are necessary to formalise the existing support of the timber boardwalk and facilitate repairs and maintenance of the boardwalk foundations, it is necessary to approve the creation of the easements to facilitate these actions and protect the asset within Council owned land.

It is to be noted that such works will be undertaken by Lend Lease during the ongoing term of its lease with Council.

COUNCIL IMPLICATIONS:

- a. **Policy:**
Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

No financial implications arise as a consequence of this report.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

As this report relates only to the creation of easements to support infrastructure within Council land, there is no requirement to undertake public engagement in this instance.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

30 [CS-CM] Community Engagement Strategy

SUBMITTED BY: Director Corporate Services

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1. Civic Leadership
- 1.2. Improve decision making by engaging stakeholders and taking community input into account

SUMMARY OF REPORT:

A workshop was held on the review of Council's existing community engagement was held on Saturday 4 February 2017 at the Sustainable Living Centre. This full day workshop was attended by the majority of Councillors, senior staff and members of Council's Communication and Customer Services Unit. Special guests included members of Council's Community Engagement Network and was facilitated by the Managing Director of Articulous Communications and IAP2 trainer, Amanda Newbery.

One of the aims of the workshop was to outline best practice methods in community engagement with a view to Councillors having input into the preparation of a revision of Council's Community Engagement Strategy.

Towards the end of the workshop, there was discussion among the few remaining Councillors, regarding the next step in developing the revised Community Engagement Strategy and the extent of community engagement needed before the draft document is placed on exhibition for community input.

Since the workshop, a number of Councillors have expressed differing viewpoints of how to proceed. Therefore the aim of this report is to determine the way forward to enable the review of the existing Community Engagement Strategy to progress.

RECOMMENDATION:

That:

1. **Councillors determine their preferred option for the required level of community engagement for the development of the revised Community Engagement Strategy.**
2. **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:

A workshop was held on the review of Council's existing community engagement was held on Saturday 4 February 2017 at the Sustainable Living Centre. This full day workshop was attended by the majority of Councillors, senior staff and members of Council's Communication and Customer Services Unit. Special guests included members of Council's Community Engagement Network and was facilitated by the Managing Director of Articulous Communications and IAP2 trainer, Amanda Newbery.

One of the aims of the workshop was to outline best practice methods in community engagement with a view to Councillors having input into the preparation of a revision of Council's Community Engagement Strategy.

Towards the end of the workshop, there was discussion among the few remaining Councillors, regarding the next step in developing the revised Community Engagement Strategy and the extent of community engagement needed before the draft document is placed on exhibition for community input.

Since the workshop, a number of Councillors have expressed differing viewpoints of how to proceed. Therefore the aim of this report is to determine the way forward to enable the review of the existing Community Engagement Strategy to progress.

Following the workshop and agreed outcomes, Articulous Communications has prepared an options report for Council's consideration. It takes into account possible methods, level of engagement required, time, costs, risks and Councillor involvement. Taking into consideration the feedback and desires expressed at the workshop, Articulous Communications believe that Option 3 in the attachment would best meet the views expressed by Councillors at the completion of the workshops. This option though, carries with it significant costs and the requirement of additional resources.

Given Council's requirements to work within a financial sustainability framework, an alternative for Council consideration is Option 2 as a more affordable option which would still provide comprehensive engagement and allow for the public to have their say on how to have their say.

Option 2 would see Council preparing a DRAFT Community Engagement Strategy Version 2 and placement on exhibition accompanied with a comprehensive and robust engagement strategy in line with Council's existing Community Engagement Strategy. The reasons this is recommended are:

- The Community Engagement Strategy is a guiding document for our commitment to our Tweed Community – it is not intended to provide specifics on which engagement method or technique or project specific which differs for every single project.
- We collect engagement feedback on an ongoing basis through all of our engagement and know where we have gaps and need to improve on our existing Policy and believe a draft version is better to engage on so we can demonstrate that we may already be aware of the areas we need to improve on. One example of this gap identification is the low response rate by those community members under 30 years to the recent Service Planning Survey. The next few months will see Council introduce a suite of social media channels as a part of its engagement toolkit, which will work towards addressing this gap.

- We have been engaging with our community on the Community Strategic Plan for many months now, and feedback to the CEN members is also that there is a point where we can over engage.

The Draft of the revised Community Engagement Strategy consultation would comprise of a dedicated project page on Your Say Tweed featuring the brainstorming tools and comments from the community, a quick poll on Your Say Tweed, stakeholder and face to face meetings and much more.

OPTIONS:

The Options presented in the proposal include:

- Option 1: Draft provided to the community for feedback.
- Option 2: Seek input to create a draft strategy which is then sent back to the community for further feedback and refinement.
- Option 3: Deliberative forum of a mix of community members (representative sample, plus stakeholder representatives) to provide input into developing the engagement strategy.
- Option 4: Citizen's panel of randomly selected residents.

CONCLUSION:

Councillors are requested to consider their preferred option for the engagement required for the development of a revised Community Engagement Strategy.

COUNCIL IMPLICATIONS:

a. Policy:

Community Engagement Strategy v1.1

b. Budget/Long Term Financial Plan:

There are currently no funds allocated in the existing 16/17 Financial Year budget to cover the costs involved to implement Option 3 and 4.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Tweed Shire Council Community Engagement Options- Amanda Newberry (ECM 4439529).

31 [CS-CM] Australian Local Government Association 2017 - General Assembly - Call for Motions

SUBMITTED BY: Corporate Governance

Validms



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
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process

SUMMARY OF REPORT:

The Australian Local Government Association General Assembly will be held in Canberra from 18 to 21 June 2017 and Councillors Katie Milne, James Owen and Warren Polglase have been authorised to attend. The theme of this year's General Assembly is 'Building Tomorrow's Communities' and council has been invited to submit motions that accord with the theme by 21 April 2017.

While motions are being encouraged in response to this theme, motions that are relevant to the work of local government nationally are also able to be submitted.

RECOMMENDATION:

That a Councillor Workshop be conducted at an appropriate time to determine suitable motions to be submitted to the Australian Local Government Association 2017 General Assembly.

REPORT:

The Australian Local Government Association General Assembly will be held in Canberra from 18 to 21 June 2017 and Councillors Katie Milne, James Owen and Warren Polglase have been authorised to attend. The theme of this year's General Assembly is 'Building Tomorrow's Communities' and council has been invited to submit motions that accord with the theme by 21 April 2017.

While motions are being encouraged in response to this theme, motions that are relevant to the work of local government nationally are also able to be submitted.

The Association have provided the following information:

"This year, debate at the NGA will focus on the role of Local Government in building tomorrow's communities. The discussions will look at how councils can work in partnership with the Australian Government to meet the current and future needs of local communities.

Tomorrow's communities will undoubtedly be shaped by the ambition and drive of their people, as well as the investments that governments, businesses and individuals make in people, infrastructure and the places we live and work.

In the Australian context, governments at all levels must focus on creating the environment for people and businesses to innovate and prosper in both cities and the regions.

Government service delivery needs to be appropriate and responsive to the needs of communities, and appropriate infrastructure must be provided to drive productivity and social equity.

Local government strives, wherever possible, to assist communities to be productive, innovative and cohesive. Councils can enhance their capacity to respond to new and unforeseen challenges and identify opportunities to help communities build resilience and increase overall prosperity.

The Australian Government has shown that it understands and appreciates that Local Government's strength lies in its capacity to identify and respond to the diverse and emerging needs of communities across Australia. The Australian Government has also shown its commitment to working with Local Government to achieve real and meaningful outcomes for local and regional communities.

ALGA is calling for notices of motions that outline policy suggestions or principles the Australian Government can implement to support Local Government. Notices of motions that meet the criteria will be included in the NGA Business Papers and debated at the NGA. Motions carried at the NGA will be considered by the ALGA Board, and will be forwarded to the Australian Government for their information, response and potential implementation.

Motions can also be framed in line with the following sub-themes:

1. Governance – community driven planning and development.

2. *Innovation – identifying and harnessing the key pillars of growth.*
3. *Liveability – maximising amenity, design and community cohesion.*
4. *Data driven public policy – using high quality data to grow the evidence base.*
5. *Social capital – improving the capacity of citizens and optimising workforce trends.*
6. *Technology and Infrastructure – identifying and investing in tomorrow's foundations."*

At the 2016 National General Assembly the following motions submitted by council were listed for debate within the Agenda:

Resolution 60

Tweed Shire Council NSW

That the National General Assembly call on both the Federal and State Governments to consider providing an amendment to the Income Tax Assessment Act whereby a private land owner with capacity in their home to let a bedroom or perhaps a granny flat would be exempt from both capital gains tax and land tax provisions should the bedroom or granny flat be let to a person deemed in housing crisis by Centrelink.

Lapsed

Resolution 70

Tweed Shire Council NSW

That the National General Assembly calls on Federal and State Governments to consider instituting into the appropriate taxation systems a 'Booking Tax' on online accommodation booking services like Airbnb, in a similar method to the levying of the Hospitality Tax currently being applied in the United States of America.

Lapsed

Resolution 71

Tweed Shire Council NSW

That the Australian Local Government Association on a six monthly basis provides a status update to all member councils on the current situation of each motion considered at the previous National General Assembly.

Lapsed

The reason for each of these motions lapsing was that the delegates had to leave the Assembly prior to the discussion on these motions, for travel back to the Shire and these

matters were delayed on the advertised agenda, as discussion on urgent matters admitted at the Assembly and not listed on the agenda, went over the allocated time.

It is worth noting that council has received a summary of the outcome of the Motions from the General Assembly which is in line with Resolution 71. Council may give consideration to resubmitting those Motions listed as Resolutions 60 and 70 to the 2017 General Assembly.

Consideration of further motions for submission by 21 April 2017 within the theme or sub-themes is at the discretion of council.

OPTIONS:

That a Councillor Workshop be conducted at an appropriate time to determine suitable motions to be submitted to the Australian Local Government Association 2017 General Assembly.

CONCLUSION:

That a Councillor Workshop be conducted at an appropriate time to determine suitable motions to be submitted to the Australian Local Government Association 2017 General Assembly.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Budget considerations may flow from the implementation of any motions adopted at the General Assembly.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

32 [CS-CM] In Kind and Real Donations - October to December 2016

SUBMITTED BY: Financial Services

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
 - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
 - 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
-

SUMMARY OF REPORT:

Details of in kind and real donations for the period October to December 2016 are reproduced in this report for Council's information.

RECOMMENDATION:

That Council notes the total donations of \$140,874.86 for the period October to December 2016.

REPORT:

Council maintains a register of in kind and real donations. Details of these donations for the period October to December 2016 are reproduced as follows:

In Kind and Real Donations - October to December 2016			
Financial Assistance			
Amount	Recipient	Donated Item	Date
\$ 3,952.00	Cudgen Headland Surf Lifesaving Club Ltd	Communtiy Services - Contribution	01/09/2016
\$ 3,952.00	Cabarita Beach Surf Lifesaving Club	Communtiy Services - Contribution	30/09/2016
\$ 5,000.00	Tweed Valley Wildlife Carers Inc	Donation	01/10/2016
\$ 11,500.00	International Riverfoundation	Budget Allocation	11/10/2016
\$ 3,952.00	Salt Surf Lifesaving Club Inc	Communtiy Services - Contribution	12/10/2016
\$ 2,000.00	Twin Towns Friends Association Inc	Budget Allocation - Donation	12/10/2016
\$ 6,209.00	North Coast Acadmey of Sport	Donation	13/10/2016
\$ 10,000.00	Tumbulgum Community Association	Budget Allocation - Events Sponsorship - 150 Years	09/11/2016
\$ 1,500.00	Tweed Ditsrict Orchid Society Inc	Budget Allocation - Events Sponsorship - Annual Orchid Fair & Show	30/11/2016
\$ 5,000.00	Caldera Environmnt Centre Inc	Budget Allocation - Events Sponsorship - World Environment Day	30/11/2016
\$ 4,500.00	Tweed Valley Adventist College	Budget Allocation - Events Sponsorship - Carols by Candlelight	30/11/2016
\$ 2,650.00	Tweed Seniors Committee	Budget Allocation - Seniors Festival	07/12/2016
\$ 1,000.00	Swimming North Coast Inc	Budget Allocation - Events Sponsorship	14/12/2016
\$ 45,000.00	Tweed Valley Adventist College	Budget Allocation - Events Sponsorship - Carols by Candlelight	14/12/2016
\$ 775.00	Tweed Valley Equestrian Group (TVEG)	Budget Allocation - Events Sponsorship	21/12/2016
\$ 7,500.00	Tweed River Agricultrual Show Society Ltd	Budget Allocation - Events Sponsorship - Murwillumbah Show	21/12/2016
\$ 10,000.00	Murwillumbah Tennis Club	Donation - Stronger Communties Program	21/12/2016
\$ 124,490.00			
Goods, Services and/or Materials			
\$ 120.43	You Have a Friend	Dumping Fees - Sttots Creek Landfill	Oct/Nov/Dec
\$ 552.09	Tweed Valley Opportunity Shop	Dumping Fees - Sttots Creek Landfill	Oct/Nov/Dec
\$ 558.35	RSPCA	Dumping Fees - Sttots Creek Landfill	Oct/Nov/Dec
\$ 1,196.46	Tweed Palliative Care	Dumping Fees - Sttots Creek Landfill	Oct/Nov/Dec
\$ 872.71	On-Track Community Programs Inc	Dumping Fees - Sttots Creek Landfill	Oct/Nov/Dec
\$ 660.01	St Vincent de Paul	Dumping Fees - Sttots Creek Landfill	Oct/Nov/Dec
\$ 128.25	Tweed Coast Community Baptist Church	Dumping Fees - Sttots Creek Landfill	Oct/Nov/Dec
\$ 51.61	Men - 36	Dumping Fees - Sttots Creek Landfill	Oct/Nov/Dec
\$ 885.22	Salvation Army	Dumping Fees - Sttots Creek Landfill	Oct/Nov/Dec
\$ 350.00	St Vincent De Paul Society	20 - Family Pass Murwillumbah TRAC (Families in need Christmas Packag	Oct/Nov/Dec
\$ 1,500.00	Local Tweed Schools	500 Slide & Dive passes - Learn to Swim Lessons	Oct/Nov/Dec
\$ 52.50	Tweed Land Care Committee	Printing	Oct/Nov
\$ 40.00	Homeless Connect	Printing	19/10/2016
\$ 105.00	Cudgen Public Scool	30 Shrub Tubes	28/11/2016
\$ 109.00	Murwillumbah High School	27 Shrub Tubes 3 x 6 "	05/12/2016
\$ 105.00	Sathya Sai High School	30 Shrub Tubes	09/12/2016
\$ 84.00	Uki Primary School	24 Shrub Tubes	12/12/2016
\$ 7,370.63			
Provision of Labour and/or Plant & Equipment			
Amount	Recipient	Donated Item	Date
\$ 265.75	Tweed Agricultural Society (Tweed Show)	Provision of Labour & Council Plant	29/10/2016
\$ 122.26	Uki Village & District Residents Association	Provision of Labour & Council Plant	16/11/2016
\$ 819.56	Life Education Van Relocation	Provision of Labour & Council Plant	Nov 2016
\$ 4,564.92	Tweed Coast Holiday Parks - Kingscliff Triathlon	Provision of Labour & Council Plant	Nov/Dec 2016
\$ 44.02	Tweed Food Festival	Provision of Labour & Council Plant	01/12/2016
\$ 228.78	Chamber of Commerce (Street Decorations)	Provision of Labour & Council Plant	09/12/2016
\$ 6,045.29			
Rates			
Amount	Recipient	Donated Item	Date
\$ 279.30	Twin Towns Police and Community Youth Club	Water Usage	11/10/2016
\$ 107.04	Twin Towns Police and Community Youth Club	Sewer Usage	11/10/2016
\$ 386.34			

Rates			
Amount	Recipient	Donated Item	
\$ 279.30	Twin Towns Police and Community Youth Club	Water Usage	11/10/2016
\$ 107.04	Twin Towns Police and Community Youth Club	Sewer Usage	11/10/2016
\$ 386.34			
Tweed Link Advertising			
Amount	Recipient	Donated Item	
\$ 64.80	Community Notices - Art Show Banora Pt Community Centre	Advertising	Oct/Nov/Dec
\$ 65.48	Community Notices - Banora Point and District Residents Association	Advertising	Oct/Nov/Dec
\$ 61.42	Community Notices - Burringbar Community Association	Advertising	Oct/Nov/Dec
\$ 17.10	Community Notices - Cabarita Beach/Bogangar Residents Association	Advertising	Oct/Nov/Dec
\$ 154.57	Community Notices - Casuarina & South Kingscliff Residents Association	Advertising	Oct/Nov/Dec
\$ 31.05	Community Notices - Chillingham Community Association	Advertising	Oct/Nov/Dec
\$ 62.10	Community Notices - Chinderah District Residents Association	Advertising	Oct/Nov/Dec
\$ 17.10	Community Notices - Cudgen Progress Association	Advertising	Oct/Nov/Dec
\$ 27.00	Community Notices - Fingal Head Community Association	Advertising	Oct/Nov/Dec
\$ 65.48	Community Notices - Kingscliff Ratepayers and Progress Association	Advertising	Oct/Nov/Dec
\$ 17.10	Community Notices - Murwillumbah Philharmonic Choir	Advertising	Oct/Nov/Dec
\$ 45.90	Community Notices - Pottsville Community Association	Advertising	Oct/Nov/Dec
\$ 62.10	Community Notices - Stokers Siding and District Community Association	Advertising	Oct/Nov/Dec
\$ 17.10	Community Notices - Tumbulgum Boat Ramp Closed	Advertising	Oct/Nov/Dec
\$ 17.10	Community Notices - Tweed Climate Action needs YOU	Advertising	Oct/Nov/Dec
\$ 17.10	Community Notices - Tyalgum District Community Association	Advertising	Oct/Nov/Dec
\$ 62.10	Community Notices - Uki Residents Association	Advertising	Oct/Nov/Dec
\$ 804.60			
Room Hire			
Amount	Recipient	Donated Item	
\$ 171.00	Twin Towns Friends Association	Room Hire - South Tweed HACC	Oct/Nov/Dec
\$ 462.00	Australian Red Cross	Room Hire - South Tweed HACC	Oct/Nov/Dec
\$ 38.00	Red Cross Emergency Services	Room Hire - South Tweed HACC	15/10/2016
\$ 114.00	Tweed Community Care Forum	Room Hire - South Tweed HACC	Oct/Nov/Dec
\$ 462.00	Tweed Hospital Auxiliary	Room Hire - Tweed Heads Civic Centre	October
\$ 231.00	Jemma Pattermore - Service of Remembrance	Room Hire - Tweed Heads Civic Centre	15/11/2016
\$ 216.00	B.O.K School of Dance	Room Hire - Tweed Heads Civic Centre	29/11/2016
\$ 84.00	Banora Point & District Residents Association	Room Hire - Banora Point Com Centre	Oct/Nov/Dec
\$ 1,778.00			
\$ 140,874.86	Total Donations 2nd Quarter (October,November,December 2016)		

OPTIONS:

Not Applicable.

CONCLUSION:

For Councillor's Information and inclusion in Annual Report.

COUNCIL IMPLICATIONS:

a. Policy:

Donations and Subsidies Version 1.2.

b. Budget/Long Term Financial Plan:

As per Budget estimates.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

33 [CS-CM] Draft Community Strategic Plan 2017/2027 "Living and Loving the Tweed"

SUBMITTED BY: Financial Services

Validms



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
 - 1.2.3 Financial requirements and the community's capacity to pay will be taken into account when meeting the community's desired levels of service
-

SUMMARY OF REPORT:

Section 402 (5) of the *Local Government Act 1993* (NSW) prescribes that following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election.

The attached Draft Community Strategic Plan 2017/2027 "Living and Loving the Tweed" has been developed incorporating engagement with the council, community groups, individuals and other levels of government and takes into consideration feedback received during the public exhibition period from 2 January 2017 to 25 February 2017.

The Community Strategic Plan addresses a broad range of issues and its intent is to identify the main priorities and aspirations for the future of the Tweed local government area.

RECOMMENDATION:

That the Community Strategic Plan 2017/2027 "Living and Loving the Tweed" be adopted.

REPORT:

Section 402 of the *Local Government Act 1993* (NSW) prescribes that:

Clause (5)

"Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election.

The council may;

- endorse the existing plan,*
- endorse amendments to the existing plan or*
- develop and endorse a new community strategic plan as appropriate,*

to ensure that the area has a community strategic plan covering at least the next 10 years."

Clause (6)

"A draft community strategic plan or amendment of a community strategic plan must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the plan or amendment is endorsed by the council."

As the most current election occurred in November 2016, Council has until 30 June 2017 to adopt a ten-year Community Strategic Plan which will encompass the period from July 2017 until June 2027.

A Draft Community Strategic Plan 2017/2027 "Living and Loving the Tweed" (the Draft Plan) was developed following engagement with the council, community groups, individuals and other levels of government.

The Draft Plan was endorsed by Council at its meeting held on 15 December, 2016 and was subsequently placed on public exhibition for the period 2 January 2017 until 25 February 2017 inviting community feedback.

In order to gain as much exposure as possible and to gain valuable community feedback, the following actions were undertaken during the period of public exhibition:

1. The first edition of the Tweed Link of 2017, published on 10 January, featured information on the Draft Community Strategic Plan "Living and Loving the Tweed" and highlighted opportunities for the community to provide comments. Articles on the draft Community Strategic Plan promoting engagement locations and feedback channels were also featured in the following issues of the Tweed Link:

10 January
17 January
24 January
31 January
07 February
21 February; and

28 February.

2. Councillors, staff and the Community Engagement Network participated in a range of activities and events throughout the exhibition period encouraging community feedback on the draft document including:

Location	Date	Duration
<u><i>Councillors and Community Engagement Network</i></u>		
Tweed City Shopping Centre	24 January 2017	9am to 4pm
Caldera Farmers Market, Murwillumbah	25 January 2017	7am to 11am
Australia Day Ceremony, Tweed Heads	26 January 2017	10.30am to 1pm
Casuarina Beach Shopping Village	2 February 2017	9am to 3pm
Pottsville Beach Markets	5 February 2017	7am to 1pm
Murwillumbah Sunnyside Mall	9 February 2017	9am to 4pm
Kingscliff Markets	11 February 2017	7am to 1pm

Staff

Kingscliff Residents and Ratepayers Association	6 February 2017
Banora Points and District Resident and Ratepayers Association	6 February 2017
Kingscliff Rotary Club	7 February 2017
Casuarina/South Kingscliff Residents Association	8 February 2017
Caldera Environment Centre	14 February 2017
Tyalgum District Community Association members	20 February 2017
Team Koala Group Meeting	20 February 2017
Kingscliff & District Chamber of Commerce Breakfast	21 February 2017

Written submissions to the Draft Plan were received from the following organisations and individuals:

Banora Point & District Residents Association Inc.
Robert Budd
Carolyn Byrne
Cabarita Beach Bogangar Residents Association Inc.
Caldera Environment Centre Inc
Jan Cronly
Fingal Head Community Association Inc.
Nola Firth
Lisa Flower, Waste To Resource
Shirley Gill
Adam Guise, Healthy Environments, Northern NSW Local Health District
Martein Jansen in de Wal
Dr Neville and Leonie Jennings
Tweed Heads Environment Group
NSW Cane Growers Association Tweed River Branch
Pottsville Community Association
Menkit Prince
David Stubbin
Glenn Swain
John Sweeney
Team Koala
Leslie Sommenschein

Bryan Threlfall
Tweed Climate Action Now
Rose Watson
Andy Yeomans
Individual Tweed Shire Staff members.

A copy of all submissions received are included in Attachment 2.

All formal written submissions were acknowledged via return mail advising their authors that the submission had been received and would be included for consideration in the finalisation of the Plan.

In some cases, the comments contained within the submissions are more related to the Delivery Program/Operational Plan (which allocates priorities to the goals and actions outlined in the Community Strategic Plan) rather than the Draft Community Strategic Plan. In these cases, the comments will be considered along with any other submission received during the exhibition period for the draft Delivery Program 2017/2021/Operational Plan 2017/2018.

An amended Draft Plan (attached to this report) has now been prepared which contains minor modifications in order to address the content of submissions and any other matters that have arisen during the public exhibition period.

OPTIONS:

1. Adopt the attached Draft Community Strategic Plan 2017/2027 “Living and Loving the Tweed”.
2. Amend and adopt the attached Draft Community Strategic Plan 2017/2027 “Living and Loving the Tweed”.

CONCLUSION:

That Council adopts the Community Strategic Plan 2017/2027 “Living and Loving the Tweed”.

COUNCIL IMPLICATIONS:

a. Policy:

The Community Strategic Plan sits above all other council plans and policies in the planning hierarchy.

The purpose of the Plan is to identify the community’s main priorities and aspirations for the future, and plan actions to achieve them.

These actions will take into consideration the issues and pressures that may affect the community and the level of resources that will realistically be available. While a council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan on behalf of the local government area, it is not wholly responsible for its implementation. Other partners, such as state agencies and community groups may also be engaged in delivering the long term objectives of the Plan.

b. Budget/Long Term Financial Plan:

The Community Strategic Plan provides a vehicle for expressing long-term community aspirations. However, these will not be achieved without sufficient resources – time, money, assets and people – to actually carry them out.

The Resourcing Strategy, due to go out for engagement in mid/late April, consists of three components::

- Long Term Financial Planning
- Workforce Management Planning
- Asset Management Planning.

The Long Term Financial Plan must be:

- for a minimum of 10 years.
- updated at least annually as part of the development of the Operational Plan.
- reviewed in detail as part of the four yearly review of the Community Strategic Plan.

The Long Term Financial Plan is an important part of council's strategic planning process. It is the point where long term community aspirations and goals are tested against financial realities.

c. Legal:

As required by Section 402 of the Local Government Act 1993.

d. Communication/Engagement:

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

Apart from the community engagement and policy formulation to inform the development of the Draft Community Strategic Plan – 2017/2027 as outlined on pages 11 and 30, the following engagement events took place during the exhibition period:-

1. The first edition of the Tweed Link of 2017, published on 10 January, featured information on the Draft Community Strategic Plan "Living and Loving the Tweed" and highlighted opportunities for the community to provide comments. Articles on the draft Community Strategic Plan promoting engagement locations and feedback channels were also featured in the following issues of the Tweed Link:

10 January
17 January
24 January
31 January
07 February
21 February; and
28 February.

2. Councillors, staff and the Community Engagement Network participated in a range of activities and events throughout the exhibition period encouraging community feedback on the draft document including:

Location	Date	Duration
<u><i>Councillors and Community Engagement Network</i></u>		
Tweed City Shopping Centre	24 January 2017	9am to 4pm
Caldera Farmers Market, Murwillumbah	25 January 2017	7am to 11am
Australia Day Ceremony, Tweed Heads	26 January 2017	10.30am to 1pm
Casuarina Beach Shopping Village	2 February 2017	9am to 3pm
Pottsville Beach Markets	5 February 2017	7am to 1pm
Murwillumbah Sunnyside Mall	9 February 2017	9am to 4pm
Kingscliff Markets	11 February 2017	7am to 1pm

Staff

Kingscliff Residents and Ratepayers Association	6 February 2017
Banora Points and District Resident and Ratepayers Association	6 February 2017
Kingscliff Rotary Club	7 February 2017
Casuarina/South Kingscliff Residents Association	8 February 2017
Caldera Environment Centre	14 February 2017
Tyalgum District Community Association members	20 February 2017
Team Koala Group Meeting	20 February 2017
Kingscliff & District Chamber of Commerce Breakfast	21 February 2017

The Draft Community Strategic Plan “Living and Loving the Tweed” is an important milestone in the “Tweed the Future is Ours” program which commenced in January 2015. It is aimed at working with our communities to provide Council with clear direction on the services they want to see delivered in the future and their expectations as to the level of these services and the corresponding costs.

As part of “Tweed the Future is Ours” Council conducted a Service Planning Survey during the months of November and December 2016 to gauge the importance and satisfaction levels that residents have of Council’s 50+ services.

The survey comprised of four sections:

1. Service awareness – understanding what Council does – an introduction to Council’s services, their functions and how they are grouped into four different service streams.
2. Service importance – feedback on how important these services are to the Tweed community, as well as asking what services should be a priority.
3. Service satisfaction – feedback on current satisfaction levels with particular services.
4. Tweed tomorrow – how can we make Tweed even better tomorrow than it is today?

The information and feedback received through these surveys has and will continue to assist Council in the planning and delivery of services into the future and will be outlined in further detail through the Tweed Link and the Delivery Program/Operational Plan.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1. Draft Community Strategic Plan “Living and Loving the Tweed” (ECM4440737).
- Attachment 2. Formal written submissions received in response to the Draft Community Strategic Plan (ECM4441147).
-

34 [CS-CM] RFO2016189 Supply and Maintenance of Multifunction Devices and Printers

SUBMITTED BY: Information Technology

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Request for Offer RFO2016189 Supply and Maintenance of Multifunction Devices (MFDs) and Printers was called for the replacement and maintenance of Council's existing MFD and printer fleet. This will replace the current 5 year contract with BBCdigital.

At the time of closing six (6) Offers were received.

The evaluation of the offers against the Selection Criteria is contained in the Offer Evaluation Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. The recommendations are based on the evaluation.

RECOMMENDATION:

That in respect to Contract RFO2016189 Supply and Maintenance of Multifunction Devices (MFDs) and Printers:

- 1. Council awards the contract to CSG Enterprise Solutions (ABN 52092253702) for the amount of \$685,911 (exclusive of GST).**
- 2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at mid contract and finalisation of the contract.**
- 3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret.**

REPORT:

Offer Background

Council currently has 63 multifunction devices and 6 printers under a 5 year support contract with BBCdigital that has reached the end of the lease term and the effective life of the leased equipment. These devices are located in offices across the organisation, with estimated printing and copying usage of approximately 3.1 million pages per annum.

Offer RFO2016189 Supply and Maintenance of Multifunction Devices (MFDs) and Printers was called for the replacement, maintenance and provision of consumables (i.e.: toner, waste containers, but not paper) of Council's existing MFD and printer fleet together with the implementation of software and procedures to assist in reducing print volumes.

Request for Offer Advertising

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. The Request for Offers was advertised from Tuesday 15th November in The Sydney Morning Herald. The Offer was also advertised on Council's website.

Offer submissions closed at 4.00pm (local time) on Wednesday 7th December in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Addendums

There were two (2) Notices to Bidders issued before close of Offer.

Addendum No. 1 was issued to respond to Bidders regarding five technical questions raised in relation to batch scanning, fax, hardware terminology, authentication and the secure erase methodology.

Addendum No. 2 was issued to respond to Bidders to clarify the time period for the estimated annual usage.

Offer Submissions

At the closing time for Offer Submissions, the Tender Box was opened and six (6) Offers were recorded as below:

Bidder	ABN
BBCdigital (Canon)	14984516327
ComTech (Kyocera)	79050404389
CSG Enterprise Solutions (Samsung)	52092253702
RBC Business Solutions (Ricoh)	70086996170
Staples (Konica Minolta)	94000728398
Fuji Xerox	77155693084

Offer Evaluation

An Offer Evaluation Plan was developed based on the premise that competitive Offers were to be received and scored against specific evaluation criteria in order to select the best value Offer.

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

Name	Position
Chris Collins	Network & Telecommunications Administrator
Ken Holdsworth	Manager Information Technology
Russ Merry	Coordinator - Corporate Records

Offers were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offering.

Criterion	Weighting (%)
<ul style="list-style-type: none"> • Bidder's meeting of Contract requirements (including the Specification) <p><i>Items for consideration will include:</i></p> <ul style="list-style-type: none"> ○ Reliability ○ Ease of use ○ Functionality ○ Integration with Council's systems and software ○ Print quality ○ Efficient problem rectification 	10%
<ul style="list-style-type: none"> • Pricing (whole-of-lifecycle cost) 	40%
<ul style="list-style-type: none"> • Demonstrated capability to perform the Services as specified <p><i>Items for consideration will include:</i></p> <ul style="list-style-type: none"> ○ Transition procedures ○ Timely delivery and implementation of supply items ○ Fax solution ○ Provision of a timely and efficient maintenance/support service 	20%
<ul style="list-style-type: none"> • Relevant experience with contracts/services of a similar nature 	7.5%
<ul style="list-style-type: none"> • Appropriate systems and procedures in place <p><i>Items for consideration will include:</i></p> <ul style="list-style-type: none"> ○ Simple & accurate billing ○ Efficient and easy problem reporting, tracking and closure ○ Service Level reporting ○ Low-involvement procedures 	10%

<ul style="list-style-type: none"> for consumable replenishment o Easy software integration o Ability to monitor and manage the Devices o Address book management required 	
<ul style="list-style-type: none"> • Sustainable procurement and local content <p><i>Items for consideration will include:</i></p> <ul style="list-style-type: none"> o Allows use of 100GSM/recycled paper o Recycling of consumables o Environmental footprint (manufacture, support & disposal) o Smart power management to reduce energy costs o A like-minded organisation with strong ESD commitment o Local providers preferenced 	<p>2.5%</p> <p>10%</p>
	100

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheet are included as ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A(2):

- (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

The information identifies the Bidder in relation to the Offer price and the evaluation of the products offered by the Bidder. If disclosed, the information would be likely to prejudice the commercial position of the Bidder in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

OPTIONS:

That Council:

1. Council awards the contract to CSG Enterprise Solutions (ABN 52092253702) for the amount of \$685,911 (exclusive of GST).
2. Awards the Contract to a different Bidder, including reasons for this course of action.
3. Declines to accept any of the Offers, including reasons for this course of action.

CONCLUSION:

Based on the competitive hardware and service pricing, effective solutions proposed and approach to the implementation and support, it is recommended that tenderer CSG Enterprise Solutions be nominated for RFO2016189 Supply and Maintenance of MFDs and Printers.

COUNCIL IMPLICATIONS:

a. Policy:

The Offer invitation and evaluation have been conducted in accordance with the provisions of:

- Council's Procurement Policy v1.6.
- The Local Government Act 1993 and the NSW Local Government (General) Regulation 2005

b. Budget/Long Term Financial Plan:

Provision for the ongoing print costs is included in the 2017 Budget and the Long Term Financial Plan.

Council has three options to acquire the hardware and software component of this contract:

1. Council owned
2. Internal Lease funded from reserves; or
3. Lease via Council's IT Leasing Panel contract (as is currently utilised for all IT Assets with a defined service life).

Options 1 or 2 above would require Council to take responsibility for the sale and disposal of the devices at the end of term.

Provision for the leasing of the equipment and software costs is also included in the 2017 Budget and the Long term Financial Plan.

This decision will be taken once final quotes for each option are obtained.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- (Confidential) Attachment 1. RFO2016189 - Offer Evaluation Report (ECM4425794)
(Confidential) Attachment 2. RFO2016189 - Offer Evaluation Scoring Sheet (ECM4425907)
-

35 [CS-CM] Enterprise Risk Management Policy

SUBMITTED BY: Corporate Governance

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

A review has been conducted of Council's Enterprise Risk Management Policy (2009) Version 1.1. The resulting document, Version 2 (Draft Policy), has been reviewed by the internal Enterprise Risk Management Committee and Council's Audit, Risk and Improvement Committee.

RECOMMENDATION:

That Council receives and notes the Draft Enterprise Risk Management Policy Version 2, and places it on public exhibition for a period of 28 days seeking comments for 42 days and requests Council officers prepare a report to Council following the close of the exhibition period, seeking adoption.

REPORT:

A review has been conducted of Council’s Enterprise Risk Management Policy Version 1.1, and Protocol Version 1.3, with a resulting report tabled at Council’s internal Enterprise Risk Management (ERM) Committee on 13 February 2017. As part of the review, all members of the ERM Committee, attended a one day training session on enterprise risk management delivered by an external provider.

The Draft Policy

The decision of the ERM Committee was to forward the Draft Policy to Council’s Audit, Risk and Improvement Committee recommending that the Committee endorse the Draft Policy and refer it to the next Ordinary Council Meeting. Subsequently, having been endorsed by that Committee, at its meeting of 28 February 2017, the Draft Policy is now forwarded seeking Council approval to place the Draft Policy on public exhibition and ultimately adoption. **See Attachment 1.**

Table 1 below provides an overview of the comparison of the two documents.

	Current Policy Version 1.1	Draft Policy Version 2
GENERAL		<ul style="list-style-type: none"> • Updated to ASNZS ISO 31000:2009 Risk Management – Principles and Guidelines • Use of plain language and improved readability
Administration	Objective, Background & Policy application	Background, Purpose, Application <ul style="list-style-type: none"> • Review and update language • Definitions added
		Clearly sets out Council’s Mandate and Commitment.
Risk Management Framework		Update associated documentation
Risk Language	Risk Appetite	Risk Attitude <ul style="list-style-type: none"> • Statement is condensed with changes occurring as the organisation matures within the area of risk management
Implementing Risk Management		No Change
Accountabilities and Responsibilities		<ul style="list-style-type: none"> • Clarifies the responsibility of the Elected Council • Inserts the Audit, Risk and Improvement Committee • Sets out the requirements of the General Manager, Executive Management Committee, and Directors • Expands and details the expectations of all Risk Owners • Inserts the Enterprise Risk and Emergency Management Officer
References	Not included	New

TABLE 1: Comparison table of Current and Draft Enterprise Risk Management Policy (Revised).

Council is to note, specifically, at Paragraph 17 of the Draft Policy, the Accountabilities and Responsibilities, of the Elected Council for managing enterprise risk.

The Draft Protocol

The draft Protocol will be the subject of staff training and consultation prior to adoption by the internal ERM Committee with the outcomes informing the review and further development of Council's existing Risk Register, associated Procedure and organisational culture improvements.

"Risk culture is the system of values and behaviours present in an organisation that shapes risk decisions of management and employees."

Catalysts to embed a risk management culture includes, not only the communication of an organisation's commitment and governance processes and procedures, but also articulation of its risk attitude, performance indicators and fostering of a culture of inquiry.

For risk culture to change requires constant, consistent messages to employees that managing risk is a critical part of their daily responsibilities. Communication should involve working to continually improve how the risk function and the business of Council work together to ensure consistent risk information is shared across the organisation.

With the above in mind the draft Protocol and the accompanying staff engagement and consultation activities will form part articulation of Council's commitment to improve risk management processes and embedding our risk culture throughout the organisation.

OPTIONS:

1. Proceed with the exhibition of the Draft Policy, providing further direction to Council administration.

CONCLUSION:

The Enterprise Risk Management Policy (2009) Version 1.1 has been reviewed in accordance with ASANZ ISO 31000:2009 - Risk Management – Principles and Guidelines. Subsequently it has been revised and updated. Resolution of Council is now required to progress the review and ultimately, adoption, of the Draft Policy.

COUNCIL IMPLICATIONS:

a. Policy:

Enterprise Risk Management V1.1

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The Draft Policy to be placed on public exhibition for a period of 28 days, seeking comments for 42 days.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Enterprise Risk Management Policy Version 2.0
(ECM4435980).

36 [CS-CM] Review of Markets Policy

SUBMITTED BY: Director

Validms



Civic Leadership



Supporting Community Life



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.2 Improve decision making by engaging stakeholders and taking into account community input
 - 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
 - 2 Supporting Community Life
 - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
 - 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
 - 3 Strengthening the Economy
 - 3.1 Expand employment, tourism and education opportunities
 - 3.1.4 Market the Tweed as a destination for business and tourism
-

SUMMARY OF REPORT:

At its meeting of 18 February 2016, it was resolved that the:

- “1. Council adopts the Markets Policy, Version 1.1, with the changes identified in bold and italics within the document;*
- 2. Director Corporate Services provides an annual update to Council for its first two years of implementation and then a minimum of every two years thereafter, or as required and as detailed in the Policy.”*

The Markets Policy, Version 1.1 has been reviewed and the Draft Markets Policy, Version 2.0 is tabled for consideration.

RECOMMENDATION:

That Council exhibits the draft Markets Policy, Version 2.0 for a period of 28 days and accepts public submissions for a period of 42 days as per Section 160 of the Local Government Act 1993.

REPORT:

The purpose of the Market Policy is to establish Council's position in relation to markets that are held on Council land or facilities or public space of which Council is the responsible trustee. It outlines Council's expectations in relation to markets to ensure they are well managed, are complementary to offerings of local businesses, are supportive of the local community and are connected to the character and identity of the specific location.

This Policy does not include those markets that are held on private land by an individual, business or organisation, i.e. Murwillumbah Farmers / growers market. Whilst these types of markets are out of the scope of this policy they would require a development consent approval from Council's Development Assessment Unit.

Council calls for Expressions of Interest every three years in its appointment of the most suitable operator to conduct markets on Council land or facilities or public space where Council is the public trustee. At the expiration of each three year period, expressions of interest are sought to determine the most suitable operator for the specified period.

The current review of the Markets Policy coincides with an Expression of Interest (EoI) process recommended to commence in March 2017 and prior to Council's decision on awarding future market operators a Council workshop is planned to be conducted in May 2017.

In accordance with the conditions placed on the approval granted by Council for the Farmers Markets, the Draft Markets Policy review has incorporated an enhancement of the sustainability principles as follows:

Sustainability:

For example the separation of compost and recycling from general waste, and elimination of unsustainable waste, including but not limited to plastic bags and containers, plastic lined takeaway coffee cups and sugar sachets, plastic straws and polystyrene containers etc.

OPTIONS:

That Council:

1. Exhibits the draft Markets Policy, Version 2.0 for a period of 28 days and accepts public submissions for a period of 42 days as per Section 160 of the Local Government Act 1993.
2. Amend the draft Markets Policy, Version 2.0, prior to placing it on public exhibition.

CONCLUSION:

That Council exhibits the draft Markets Policy, Version 2.0 for a period of 28 days and accepts public submissions for a period of 42 days as per Section 160 of the Local Government Act 1993.

COUNCIL IMPLICATIONS:

a. Policy:

Markets v1.1

Vending of Food on Public Reserves Version 1.1

b. Budget/Long Term Financial Plan:

Market compliance inspection fees were introduced in the 2016/2017 Fees and Charges.

It is to be noted that the NSW State Government has directed councils to make full use of Fees and Charges as part of the "Fit for the Future" Local Government Reforms Process.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The current review of the Markets Policy coincides with an Expression of Interest (Eoi) process recommended to commence in March 2017 and prior to Council's decision on awarding future market operators a Council workshop is likely to be conducted in May 2017.

Specific engagement with operators from the Kingscliff and Salt business community has been undertaken by Council's Environmental Health Unit which has resulted in a strong level of support for appropriate, well managed markets in these locations.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Draft Markets Policy, Version 2.0 (ECM 4437088)

37 [CS-CM] Compliments and Complaints Analysis Report for the Period 1 October to 31 December 2016

SUBMITTED BY: Corporate Governance

Validms



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
1.2.1	Council will be underpinned by good governance and transparency in its decision making process

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 October to 31 December 2016 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 October to 31 December 2016.

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.

A complaint is an expression of dissatisfaction, made in:

- a) respect to a Council Officers 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; or
- b) the quality of service provided by council; or
- c) failing to act upon a request from the public and policies adopted by council.

A complaint can progress from Council's lack of action following the lodgement of a customer request for service or a request for information.

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.

Complaints principally refer to the:

- Failure of Council Officers to comply with Council's Customer Service Charter in not responding to items within 14 days in accordance with the Correspondence - Response to Policy.
- Respondents being dissatisfied with the actions of Council Officers in handling their original request for service.
- Complainants being dissatisfied by decisions made by Council.

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 89 compliments for the period 1 October to 31 December 2016, as follows:

Compliment Type	Ref	Details of Compliment	Comments
Office of General Manager	1.1	<i>Various Council Units</i> 4 Compliments Have had several dealings with council departments, efficient service, excellent provision of services.	Noted and referred to various Council Units.
	1.2	<i>Murwillumbah Showground</i> 1 Compliment Do not close this great facility for caravaners.	Noted.
	1.3	<i>Tumbulgum 150 Years Celebrations</i> 2 Compliments Convey community's appreciation for the support by Council and Council Officers of the celebrations.	Noted and referred to the nominated Council Officers.
	1.4	<i>Council Meetings</i> 1 Compliment Extremely happy that a Minister attends every Council Meeting to say a prayer.	Noted by General Manager.
Corporate Services	2.1	<i>Tyalgum Music Festival 2016</i> 1 Compliment Thank you to nominated Council Officers for assistance with the Festival.	Referred to the nominated Council Officers.
	2.2	<i>Divisional Customer Service Units</i> 9 Compliments Appreciation to nominated Council Officers for excellent Customer Service and Provision of Information.	Referred to nominated Council Officers.
Planning and Regulation	3.1	<i>Building Unit</i> 1 Compliment Thank you to a Council Officer for assistance with a Development Application.	Referred to the Council Officer.
Engineering	4.1	<i>Carlin Park Point Danger</i> 1 Compliment Thank you for improving parking conditions around the Park, including painting of parking lines.	Noted by Manager and referred to the appropriate Council Officer.
	4.2	<i>Kyogle Road</i> 1 Compliment Appreciation for efforts in making the difficult Kyogle Road near Uki safer.	Noted by Manager.
	4.3	<i>Roads and Stormwater Unit</i> 5 Compliments Appreciation for prompt attention to customer requests.	Noted by Manager and referred to the appropriate Council Officers.
	4.4	<i>Roads and Stormwater Unit</i> 5 Compliments Appreciation for recent maintenance to roads.	Noted by Manager and referred to the appropriate Council Officers.
	4.5	<i>Signwriting Team</i> 3 Compliments Thank you to the Council for erecting	Referred to appropriate Officers.

Compliment Type	Ref	Details of Compliment	Comments
		signage that I suggested 2 years ago, erection of excellent quality Wilson Park signage and Customer Service.	
	4.6	<i>Infrastructure Delivery Unit</i> 2 Compliments Improvement to roads and construction of new Cudgen Creek Bridge.	Noted by Manager and referred to appropriate Officers.
	4.7	<i>Water and Wastewater Unit</i> 1 Compliment Appreciation for prompt attention to a customer request.	Noted by Manager.
Community and Natural Resources	5.1	<i>Recreation Services Unit</i> 3 Compliments Appreciation to Council Officers for excellent customer service.	Referred to the nominated Council Officers.
	5.2	<i>Parks and Gardens Staff</i> 1 Compliment Thank you to the crew who worked on the Mistral Road rock wall at the Gallery – looks great.	Referred to the appropriate Staff.
	5.3	<i>Parks and Gardens Staff</i> 12 Compliments Thank you for maintenance at various parks and reserves, including Jack Evans Boat Harbour.	Referred to the appropriate Maintenance Staff.
	5.4	<i>Parks and Gardens Staff</i> 1 Compliment Appreciation to staff members that mow the grass at the Murwillumbah Airfield.	Referred to the appropriate Maintenance Staff.
	5.5	<i>Parks and Gardens Staff</i> 1 Compliment Thank you to staff who assisted a motorist who had broken down in front of the Tweed Heads Office.	Referred to relevant Staff members.
	5.6	<i>Parks and Gardens Cleaning Staff</i> 2 Compliments Appreciation of great service including BBQ's.	Referred to the nominated Cleaning Staff.
	5.7	<i>Parks Assets Team</i> 4 Compliments Thanking a staff member for great service and relevant Staff associated with the upgrade of Tweed Heads Administration Office.	Referred to relevant Parks Assets Staff members.
	5.8	<i>Tweed Regional Art Gallery</i> 4 Compliments Compliment for the organization of a function held at the Gallery.	Referred to Art Gallery Staff.
	5.9	<i>Tweed Regional Art Gallery</i> 4 Compliments Appreciation for assistance with a recent visit to the Gallery and congratulating the Gallery on the provision of a special facility.	Referred to Art Gallery Staff.
	5.10	<i>Tweed River Regional Museum</i> 4 Compliments Appreciation of great service provided by Staff and Volunteers.	Referred to Museum Staff.

Compliment Type	Ref	Details of Compliment	Comments
	5.11	<i>Cemeteries</i> 5 Compliments Thank you for assistance with cemetery information and tour of Tweed Valley Cemetery – very impressed.	Referred to appropriate Council Cemetery Officers.
	5.12	<i>Pest Management</i> 1 Compliment Appreciation of great service provided by Staff.	Referred to appropriate Pest Management Staff.
	5.13	<i>Waste Management</i> 3 Compliments Appreciation of great service provided by Officers and Salt Beach collection of Bins on Boxing Day .	Referred to appropriate Waste Management Officers.
	5.14	<i>Natural Resources Unit</i> 2 Compliments Thank you to an Officer for being guest speaker at September Meeting and to the provision of Customer Service.	Noted by Manager.
	5.15	<i>Tweed Regional Aquatic Centre</i> 1 Compliment Thank you for the donation of a prize for our 2016 major raffle.	Noted by Manager.
	5.16	<i>Tree Maintenance Team</i> 3 Compliments Impressed with efficient service and response to Customer Request.	Referred to appropriate Tree Maintenance Team Staff.
	5.17	<i>Murwillumbah Tennis Club</i> 1 Compliment Thanking Council for the continued support of the Centre with the fencing project.	Noted by Manager.

During this quarter 9 complaints have been recorded as follows:

Complaint Type	Ref	Details of Complaint	Comments
Office of General Manager	1.1	Nil	
Corporate Services	2.1	<i>Customer Service</i> Complaint received concerning the standard of service received from a Customer Service Officer and requesting that the complainant be contacted about the issue.	Complainant contacted, advised of the legislation which impacts upon the complaint.
Planning and Regulation	3.1	<i>Council Impounding Facility</i> Complaint received concerning an incident at the facility.	Response sent advising that the contents of the complaint have been noted and communicating Council's procedures in dealing with the incident.
	3.2	<i>Tweed Coast Road Bogangar</i> Advising that Council's response has not clarified the complainant's concerns and request a review of Council's stance with regards to the complaint.	The complaint is being reviewed and a response will be sent upon completion of the review.
	3.3	<i>Building Compliance Matter</i> Complaint received requesting a response	A response is being prepared.

Complaint Type	Ref	Details of Complaint	Comments
		to correspondence and emails in regard to complaints lodged.	
Engineering	4.1	<i>Murwillumbah Streets, including Park Avenue</i> Complaint received concerning the standard of roads in Murwillumbah especially in the vicinity of Park Avenue.	Detailed response sent outlining roadworks recently completed or proposed to commence shortly in Murwillumbah and also advising that the upgrade of Park Avenue from Kyogle Road to Edward Street is being considered for inclusion in 2017/18 to 2020/2021 delivery Plan.
	4.2	<i>Thomson Street Tweed Heads</i> Stating that the western side of Thomson Street now resembles a sequence of quarry fills on the nature strip/shoulder of the road.	Response sent advising that Thomson Street is included in Council's 2016/2017 road rehabilitation Program for kerb and guttering on the western side.
	4.3	<i>Tweed Coast Road Hastings Point</i> Complaint received concerning a small section of repair work is rougher than ever.	Response sent acknowledging that the repair work did not meet Council's normal standard, section will be monitored and if required further surface levelling works will be scheduled.
	4.4	<i>Kennedy Drive Tweed Heads</i> Acknowledging that the complainant expected delays, but the traffic heading west were let through for 25 minutes, at the expense of east bound traffic.	Response sent acknowledging the complaint incident and advising of the reason for the traffic movements.
Community and Natural Resources	5.1	<i>Murwillumbah Lawn Cemetery</i> Lodging a formal complaint regarding an incident at the Cemetery.	Complainant contacted personally, apologised for the incident and a follow up letter sent advising of the circumstances with the result that Council has immediately modified its procedures.

OPTIONS:

Mandatory report in accordance with Council's Compliments and Complaints Handling Policy v1.4.

CONCLUSION:

The Compliments and Complaints Analysis Report for the period 1 October to 31 December 2016 be received and noted.

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.

**38 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report
for Period Ending 28 February 2017**

SUBMITTED BY: Financial Services

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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 16 March 2017.

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.

ORDERS OF THE DAY



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.2.1 Council will be underpinned by good governance and transparency in its decision making processes
-

39 [NOR-Cr J Owen) Truck Purchases by Council

NOTICE OF RESCISSION:

Councillor J Owen, hereby gives notice that at the next Ordinary meeting of Council he will move that the resolution from the meeting held on 18 June 2015 at Minute No 371 Item No C2 titled [NOM] Truck Purchases by Council being:

"That:

- 1. Delegated Authority be amended so that all truck purchases are reported to Council for determination.*
- 2. Officers tender assessment be based on criteria weightings included in the Councillor's background information."*

be rescinded.

40 [NOM] Round Table Discussions

NOTICE OF MOTION:

Councillor C Cherry moves that Council progresses a trial of community round table discussions as per the Byron Bay model to increase community engagement and Council's understanding of residents issues.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

The Round Table model in Byron Shire is held every 3 months at Council Offices. An invitation to submit an agenda is sent out 2-3 weeks prior to the round table. Each area representative send in their agenda no later than 7 days prior to the round table.

The attendees include two representatives from each Chamber of Commerce/Community Association or Group, whichever is appropriate, available Councillors, Mayor & Deputy Mayor and representatives from relevant departments as per agenda items

Examples of possible agenda items are:

- Road works;
- Parking;
- Traffic;
- Garbage bins;
- Maintenance;
- Festivals/events;
- Signage; and
- Clarification.

and whatever the major issues are from the residents of each area.

Benefits of this model include:

- Saves the council money and time
- Council is seen in a positive light
- Enables any questions, enquiries, issues and ideas to be dealt with by council at these meetings
- The residents are much more satisfied as they have direct voice to council
- The representatives are able to give answers or updates to their community

Management Comments:

Given the current review being undertaken of Council's existing Community Engagement Strategy, and following on from the review strategy workshop that was held with Councillors on Saturday 4 February 2017, it is suggested that this particular method of engagement be

given consideration for potential inclusion in the drafting of the new Community Engagement Strategy over the next few months.

Delivery Program:

Validms



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
 - 1.2.4 Involve communities including youth, elderly and aboriginal groups in decision making that affects their area and the wider Tweed community
-

Budget/Long Term Financial Plan:

Associated expenditure has not yet been determined.

Legal Implications:

Nil.

Policy Implications:

Community Engagement Strategy to be reviewed,

41 [NOM] Pottsville & District Men's Shed - Black Rocks Licence

NOTICE OF MOTION:

Councillor R Byrnes moves that Council:

1. Rescinds its motion from the meeting held on 17 November 2016 at Minute No. 528 Item No.10 [CNR-CM] Licence for Pottsville Men's Shed at Black Rocks being:

"that:

1. *The determination of the licence be deferred to a future Council meeting, and that Council."*
2. Immediately grants a temporary licence to the Pottsville & District Men's Shed at the Black Rocks Sports Field for the period of 5 years; noting:
 - a) the community support of a Men's Shed at the Black Rocks site.
 - b) the division and uncertainty this issue has caused in the Pottsville Community over a long period of time.
 - c) the now evident lack of available or cost-effective alternative sites.
3. Ensures that the vital koala corridor at the Black Rocks site is monitored by Council environmental officers to ensure the protection of this endangered species.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

There is a current Development Approval for the Men's Shed at Black Rocks Sports Field and the requirements for issuing a 5 year licence have been met.

Monitoring of koala activity in the Black Rocks precinct is undertaken by Council ecologists in accordance with the *Tweed Coast Comprehensive Koala Plan of Management 2015* specifications. This involves monitoring distribution and occupancy of koala populations through replication of survey sites, methods and locations as per the *Tweed Coast Koala Habitat Study 2011*. The monitoring is completed throughout the Tweed Coast every three years with an initial reassessment completed in 2015 and the next survey to be undertaken in 2018.

In addition, Council ecologists maintain a record of incidental koala activity, including sightings reported by members of the community and through the Friends of the Koala hotline. This data is compiled, vetted and submitted to the NSW BioNet Wildlife Atlas and included to analyses carried out during the periodic koala studies.

Council are also currently involved in a regional research project with Queensland University of Technology, City of Gold Coast and Logan City Council investigating the use of unmanned aerial vehicles (drones) for koala survey and monitoring. Test flights have been flown in the Black Rocks precinct of Pottsville Wetland and the final report for the project is due in June 2017.

Koala habitat in this locality is actively managed and improved through implementation of the Pottsville Wetland Restoration Plan (Bushland Restoration Services, 2011) and in accordance with the *Tweed Coast Comprehensive Koala Plan of Management 2015*. More than 4000 trees, creating 2 hectares of additional koala habitat have been planted in the Pottsville Wetland reserve since 2013 through the Tweed Byron Koala Connections project and volunteers from the Tweed Coast Koala Landcare group.

Council is actively working to improve the extent and condition of koala habitat for the Pottsville Wetland koala metapopulation through:

- Undertaking koala food tree planting and habitat restoration in partnership with private landholders adjacent to the Wetland;
- Planting additional koala habitat at suitable locations within the Wetland reserve;
- Providing technical input to assist landholders to provide additional koala habitat and improve existing habitat on properties adjacent to the Wetland reserve;
- Monitoring use of additional habitat created by koalas;
- Monitoring vertebrate pest animal activity and undertaking control actions where required;
- Developing and implementing fire management actions to reduce the likelihood of high intensity wildfire and apply hazard reduction burns to reduce hazard to human life and property and ensure persistence of koala habitat.

Officers have to date, been working in accordance with the resolution of Council to locate an alternate site for the permanent home of the Mens Shed. Despite significant progress being made with the identification of two alternate sites which would have a primary purpose of core koala habitat but which would also have the potential to couple as a longer term home for the Mens Shed. No funding has yet been secured to acquire these sites noting that both are currently in private ownership. Councillors may also wish to refer to Outstanding Resolution 17 November 2016.

Delivery Program:

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.5	Provide vibrant and accessible town, community and business centres
2.5.2	Facilitate the development of a network of neighbourhood centres and community places to meet the needs of local residents

Budget/Long Term Financial Plan:

Koala monitoring and habitat restoration works are funded through the Tweed Coast Comprehensive Koala Plan of Management works program and external grant funds sourced through the NSW Environmental Trust.

Legal Implications:

There are no obvious or known legal implications from this current motion.

Policy Implications:

The monitoring is to be undertaken in accordance with the adopted *Tweed Coast Comprehensive Koala Plan of Management 2015*.

42 [NOM] Code of Meeting Practice - Amendments to Meeting Times

NOTICE OF MOTION:

Councillor J Owen moves that amendments (underlined below) be made to the following parts of the Code of Meeting Practice to cater for altered commencement of Community Access and Council and Planning Committee Meetings.

"4.1.2 Time Limits on Council Meetings

- (a) **An Ordinary, Extraordinary, Special Meeting or Planning Committee which commences at 6.00pm, will be scheduled to conclude at 11.00pm (with a meal break between 7.30pm and 8.15pm).**
- (b) **If the business of the meeting is unfinished at 11.00pm, a resolution of the Council will be necessary to extend the time of the meeting."**

and

"PART 13 – COMMUNITY ACCESS

Community Access sessions will be incorporated into both the Planning Committee and Council Meeting format and these sessions will be conducted prior to these scheduled meetings from 5.00pm until 5.45pm."

Councillor's Background Notes

Recommended Priority:

To allow for the scheduling of Community Access and Council and Planning Committee Meetings at a more convenient time.

Description of Project:

Nil.

Management Comments:

Delivery Program:



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
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making processes

Budget/Long Term Financial Plan:

This proposed change will have no impact on the budget.

Legal Implications:

Nil.

Policy Implications:

This Motion will require an update to the Code of Meeting Practice Version 2.5 and advertising prior to final adoption of the amendments, as the proposed changes to the commencement times affect members of the community who are either presenting through the Community Access Sessions or attending the meetings.

43 [NOM] Planting of Native Tree Species

NOTICE OF MOTION:

Councillor P Allsop moves Council puts forward a strategy to propagate and plant native tree species that:

- 1. Provides shade;**
- 2. Attract bees which pollinate our plants and crops and will assist the apiarist (bee keeping) industry in the Shire; and**
- 3. Leptospermum species be included in the strategy for their high anti-bacterial properties**

Councillor's Background Notes

Recommended Priority:

As some *Leptospermum* are native to this area it would be a great chance for the Council to contribute to this phenomenon and would be a great media opportunity for Council. Below is a list of the species that have been found to produce the most "active" honey and are native to both NSW and Queensland.

Leptospermum juniperinum
Leptospermum liversidgei
Leptospermum petersonii
Leptospermum polygalifolium
Leptospermum speciosm
Leptospermum whitei

Description of Project:

Nil.

Management Comments:

During the Open Space Strategy community consultation process the provision of natural shade was a key priority for our community. The provision of shade trees for sun protection and amenity value in and around children's playgrounds, BBQ's and seating in our parks, cycleway networks and the urban streetscapes was rated as a key priority.

Our 'Native Species Planting Guide' ensures Council is using a sustainable planting strategy which directly feeds into supporting the bee keeping industry in the Shire. The majority of vegetation planted by Council staff are flowering native plant species which attract both native and European bees encouraging pollination. The *Leptospermum* species mentioned above are either shrubs or small trees so their anti-bacterial properties would be taken advantage of by planting them in garden beds throughout our park network.

By supporting a tree planting program Council has the opportunity to capitalise and deliver on community feedback gained through the Open Space Strategy community consultation process.

The cost to purchase, prepare the site and plant a suitable 45ltr native shade tree specimen is approximately \$200. To introduce and implement a successful shade tree planting program will cost \$40,000.

Delivery Program:

Validms



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
 - 4.1 Protect the environment and natural beauty of the Tweed
 - 4.1.2 Protect, regulate and maintain natural assets (the coastline, coastal and inland waterways, biodiversity, bushland and scenic landscapes) for current and future generations
-

Budget/Long Term Financial Plan:

The estimated cost of \$40,000 will implement a successful shade tree planting program allowing 200 native trees to be planted. This figure is above and beyond the reach of the existing Recreation Services maintenance budget, therefore consideration will need to be given to the 2017-18 financial budget.

Legal Implications:

Nil.

Policy Implications:

Tweed Shire Council's Native Species Planting Guide.

44 [NOM] Gold Coast Airport

NOTICE OF MOTION:

Councillor K Milne moves that Council requests information on the current and predicted air pollution levels and numbers of residents in Tweed directly affected by aircraft emissions and noise impacts.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

An initial request was made to the Gold Coast Airport to provide further information on a number of matters raised in this motion and a response was provided and forwarded to all Councillors. Further information requested by Councillors will be reported back to Council.

Delivery Program:

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- | | |
|-------|--|
| 1 | Civic Leadership |
| 1.5 | Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land |
| 1.5.2 | Land use plans and development controls will be applied and regulated rigorously and consistently and consider the requirements of development proponents, the natural environment and those in the community affected by the proposed development |

Budget/Long Term Financial Plan:

Not applicable.

Legal Implications:

Not applicable.

Policy Implications:

Not applicable.

45 [NOM] Independent Review of Tweed's District Water Supply and Demand Management Reports 2010

NOTICE OF MOTION:

Councillor K Milne moves that

1. ***A comprehensive independent review of Council's Tweed District Water Supply, Demand Management and Drought Management reports be undertaken, as a matter of priority, to determine if those recommendations are still relevant, if new technological advances are available or now affordable, and to give further peer reviewed consideration for the most ecologically sustainable, climate change resilient, cost effective and socially acceptable long term water management and augmentation options available.***
 - a) ***Such a review should include, but not be limited to, consideration of the full range of demand management, drought security, and supply options available.***
 - b) ***This review to be undertaken concurrently with the progression of the current planning processes and land acquisitions for the raising of the Clattie Hall Dam wall,***
2. ***The community working group that was previously established to consider the water augmentation options be reconvened (with the exception for new Councillor representatives, and any vacancies to be advertised), to recommend the terms of reference for the review, recommend the selection criteria and weightings for selecting a preferred consultant for the review, and as a project reference group for the review.***

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

The above NOM is considered unnecessary given the previous resolutions of Council and actions completed, studies and reviews undertaken, and the current resolutions of Council.

During 2014 and 2015, Council confirmed the requirement to augment the Tweed District Water Supply after consideration of the demand for water (reflecting growth and increased water efficiencies), the secure yield, and climate change. The predicted impacts of climate change reduce the secure yield of the existing water supply system and make the augmentation of the water supply unavoidable.

Subsequently in December 2015 Council resolved:

1. *Based on the information currently available, Council adopts the raising of the wall of the Clarrie Hall Dam as the preferred option for future water security and proceeds with the planning approval and land acquisitions phase for the project.*

While progressing this work, Officers continue to maintain knowledge of current trends and technological advances. If it is found that advances in technology or practices could cause Council to reconsider their decision Council would be advised and any previous decision of Council could be reviewed.

Further, Officers will continue to seek updates on both demand and secure yield to identify if there is a change to the basis on which the Council decision of December 2015 was made. As an example Officers have investigated apparent discrepancies between the climate change data produced by different government Agencies. It was found that the information on which Council secure yield assessments were completed was the best available at this time.

In January 2016 Council resolved:

Council staff brings a report to a future Council meeting with recommendations for the establishment of a community reference group to participate in the development and monitoring of Council's demand management and water efficiency initiatives and provide input to Council decisions concerning water security for the Shire.

In response to that resolution Council sought tenders from suitable qualified consultants and engaged an independent expert to review Tweed Shire Council's Demand Management Strategy and its implementation. Further Council sought the establishment of a Community Reference Group to review the efficacy of Council's Demand Management Strategy and its implementation and identify new or alternate measures for assessment (see resolution of 17 March 2016). The Community Reference Group was then to make recommendations to Council on any further demand management and water efficiency measures. Only 5 nominations for the community reference group were received despite public advertisements, use of Water Interested Parties Register established for the 2009 and 2010 consultation phase of the Water Supply Augmentation Project, and extending the time available for nomination.

Council has a Drought Management Strategy which was adopted in November 2009. The Strategy identified actions to be taken in the event of drought as well as contingency measures should there be a risk of failure of the water supply due to drought. Although prepared in 2009 it is still considered current best practice.

In summary,

1. Council continues to review advances in technology or practices that may impact on the Tweed District Water Supply and decision made by Council
2. Council is undertaking a review of its Demand Management Strategy and Implementation Plan as reported to Council
3. Council's Drought Management Strategy was adopted by Council in 2009 and is considered as still being best practice.

In respect to Item 2 of the NOM it is considered that the 2010 Community Reference Group is no longer relevant given the length of time that has transpired since the committee was formed in 2009. In this instance a new approach would be recommended particularly given

that the role proposed in the NOM will require committee representation with specific expertise in brief preparation and selection criteria for consultancy engagements.

Delivery Program:

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.3	Provide well serviced neighbourhoods
2.3.2	Provision of a secure, high quality and reliable drinking water supply services which meets health and environmental requirements and projected demand

Budget/Long Term Financial Plan:

The 2010 process of undertaking the review of the Water Supply Augmentation Strategy and engagement using the Community Working Group cost in the order of \$700,000. These cost included preparing the relevant studies and undertaking the various engagement activities.

The NOM is not specific as to what level of detail studies and reviews are proposed however the 2010 process should provide some form of indication of costs.

Legal Implications:

Nil

Policy Implications:

Nil

46 [NOM] Heavy Vehicle Load Limits and Cost Recovery

NOTICE OF MOTION:

Councillor K Milne moves that Council notes:

- 1. The strong desire of the community for high standards in the road network for driver comfort, to reduce wear and tear on vehicles, and for significant safety reasons.**
- 2. The significant costs of road, bridge and culvert maintenance to Council and the community.**
- 3. The historical low standard of many of Tweed's rural roads and waterway crossings.**
- 4. Damage that can be caused to the road network by heavy vehicles, and**
- 5. The current lack of cost recovery for heavy vehicle use and consequent subsidy by the general ratepayer.**

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Heavy vehicles cause accelerated wear of road pavements, leading to deformation, rutting, surface wear etc, unless the road pavement has been specifically designed to cater for the size and frequency of heavy vehicles (e.g. new industrial subdivision roads). This needs to be weighed against the benefits that heavy vehicle transport contributes to the Tweed economy, in servicing agriculture, building and construction, land development, resource extraction, manufacturing, food production and commercial businesses.

There is no current scheme for levying heavy vehicle users for the damage that they cause on the Tweed road network. Council recently resolved to remove the heavy haulage contribution from the TRCP as it was not being consistently administered, was ineffective in raising adequate funds to contribute towards road upgrades and repairs, was not able to be levied on haulage from outside of the LGA, and it only targeted a narrow section of the heavy haulage industry (haulage of fill for subdivision development). Council has also previously endorsed a scheme to allow increased loading on sugar cane trucks in order to support productivity of this important industry, accepting the risk of increased road damage.

Council has recently been declared as "Fit For the Future" by IPART and the State Government, based on meeting various financial criteria including adequate long term

funding of road assets. It relies on a range of income sources, including general rates, s94 developer charges, and State and Commonwealth grants to address the general condition and capacity of the road network, including safety. There have been opportunities available under the "Fixing Country Roads" program to gain grant funding for projects specifically aimed at improving road access for heavy vehicles to improve employment and local production, however Council has been unable to identify any suitable projects to date that have been eligible for such funding.

Delivery Program:

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
 - 2.4 An integrated transport system that services local and regional needs
 - 2.4.1 Provide a safe and efficient network of arterial roads connecting neighbourhoods to town centres, employment, shopping, health, commercial and education facilities
-

Budget/Long Term Financial Plan:

Not applicable

Legal Implications:

Not applicable

Policy Implications:

Not applicable

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

47 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 16 February 2017

SUBMITTED BY: Roads and Stormwater

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.4 An integrated transport system that services local and regional needs
- 2.4.1 Provide a safe and efficient network of arterial roads connecting neighbourhoods to town centres, employment, shopping, health, commercial and education facilities

SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 16 February 2017 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 16 February 2017 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Tweed Foodie Fest Event - Taste the Tweed - 27 May 2017

That the temporary road closure of Murwillumbah Street and Wharf Street between Brisbane Street and Commercial Road from 14:00 to 23:00 on Saturday 27 May 2017 for the Tweed Foodie Fest be supported, subject to evidence of support from the Murwillumbah District Business Chamber and standard conditions as follows:

1. **Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.**
2. **Community and affected business consultation addressing raised concerns.**
3. **The event organiser notifies Tweed Shire 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.**
4. **Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.**
5. **Adequate public liability insurance being held by the event organiser.**
6. **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.**
7. **Consultation with emergency services and any identified issues addressed.**
8. **Arrangements made for private property access and egress affected by the event.**
9. **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 Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.**
10. **The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.**
11. **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] Tweed Foodie Fest Event - Taste the Tweed - 29 September 2017

That the temporary road closure of Murwillumbah Street and Wharf Street Murwillumbah between Brisbane Street and Commercial Road from 17:00 to 23:00 on Friday 29 September 2017 for the Tweed Foodie Fest be supported subject to evidence of support from the Murwillumbah District Business Chamber and the following standard conditions:

1. **Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.**
2. **Community and affected business consultation addressing raised concerns.**
3. **The event organiser notifies Tweed Shire 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.**

4. ***Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.***
5. ***Adequate public liability insurance being held by the event organiser.***
6. ***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.***
7. ***Consultation with emergency services and any identified issues addressed.***
8. ***Arrangements made for private property access and egress affected by the event.***
9. ***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 Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.***
10. ***The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.***
11. ***A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.***

A3 [LTC] 2017 Battle on the Border

That the proposed 2017 Battle on the Border on Friday 28, Saturday 29, Sunday 30 April and Monday 1 May 2017 be supported, subject to:

1. ***NSW Police approval being obtained.***
2. ***Endorsement of the event by Cycling/Triathlon NSW.***
3. ***Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.***
4. ***Community and affected business consultation addressing raised concerns.***
5. ***The event organiser notifies Tweed Shire 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.***
6. ***Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.***
7. ***Adequate public liability insurance being held by the event organiser.***
8. ***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.***
9. ***Consultation with emergency services and any identified issues addressed.***
10. ***Arrangements made for private property access and egress affected by the event.***
11. ***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 Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.***

12. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*
13. *The event be conducted in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.*
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.*

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A4 [LTC] Marine Parade, Kingscliff - Long Table Dinner Event 13 May 2017

That Council notes that Item A4 [LTC] Marine Parade, Kingscliff - Long Table Dinner Event 13 May 2017 item is withdrawn.

A5 [LTC] Pearl Street, Kingscliff

That yellow No Stopping lines be extended from 6m south of 81 Pearl Street to 79 Pearl Street, Kingscliff.

A6 [LTC] Boyd Street, Tweed Heads

That the installation of a refuge and slow point on Boyd Street, near the Tweed Day Surgery be deferred subject to community consultation with adjacent residents and business operators.

REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 16 February 2017 are reproduced as follows for the information of Councillors.

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 9.30am

PRESENT:

Committee Members: Cr James Owen, Mr Alan Eichmann Roads and Maritime Services of NSW, Snr Constable Tony Darby, NSW Police, Amanda Hall on behalf of Mr Geoff Provest MP, Member for Tweed.

Informal: Mr Ray Clark (Chairman), Miss Alana Brooks, Mr Mr Nick Tzannes, Mr Etienne LaGrange (Roads and Maritime Services), Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Mr Thomas George MP, Member for Lismore, Mr Geoff Provest MP, Member for Tweed, Mr Col Brooks.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MIN1 [LTC] Confirmation of Previous Minutes Meeting held 8 December 2016

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 8 December 2016 be adopted as a true and accurate record of proceedings of that meeting.

SCHEDULE OF OUTSTANDING RESOLUTIONS

SCH1 [LTC-SOR] Schedule of Outstanding Resolutions - 16 February 2017

Nil.

SUMMARY OF REPORT:

No Outstanding Resolutions from meeting held 8 December 2016.

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Tweed Foodie Fest Event - Taste the Tweed - 27 May 2017

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4371271; Traffic - Committee; Road Closures Temporary - including traffic; Festivals Events - Other; Wharf Street, Murwillumbah Street

SUMMARY OF REPORT:

Request received for temporary closure of Murwillumbah Street and Wharf Street, Murwillumbah between Brisbane Street and Commercial Road from 14:00 to 23:00 on Saturday 27 May 2017 for the Tweed Foodie Fest which is:

"Showcasing local cafes, restaurants and food businesses. There will be a bar that will stock local beer, spirits, wine and water. Tweed Creative Studios will provide quality local entertainment and sound. Patrons will be encouraged to book tables and chairs."

"A licensed security company will be onsite from 16:00 when the event will open to the public."

RECOMMENDATION TO COUNCIL:

That the temporary road closure of Murwillumbah Street and Wharf Street between Brisbane Street and Commercial Road from 14:00 to 23:00 on Saturday 27 May 2017 for the Tweed Foodie Fest be supported, subject to evidence of support from the Murwillumbah District Business Chamber and standard conditions as follows:

1. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
2. Community and affected business consultation addressing raised concerns.
3. The event organiser notifies Tweed Shire 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.
4. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.
5. Adequate public liability insurance being held by the event organiser.
6. 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.
7. Consultation with emergency services and any identified issues addressed.
8. Arrangements made for private property access and egress affected by the event.
9. 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 Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.
10. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.
11. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.

FOR VOTE - Cr James Owen, Snr Constable Tony Darby, NSW Police

A2 [LTC] Tweed Foodie Fest Event - Taste the Tweed - 29 September 2017

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4371271; Traffic - Committee; Road Closures Temporary - including traffic; Festivals Events - Other; Wharf Street; Murwillumbah Street

SUMMARY OF REPORT:

Request received for temporary closure of Murwillumbah Street and Wharf Street Murwillumbah between Brisbane Street and Commercial Road from 17:00 to 23:00 on Friday 29 September 2017 for the Tweed Foodie Fest which is:

"Showcasing local cafes, restaurants as an activity of the October long weekend music festival. There will be a bar that will stock local beer, spirits, wine and water. Tweed Creative Studios will provide quality local entertainment and sound. Patrons will be encouraged to book tables and chairs."

"A licensed security company will be onsite from 17:00 when the event will open to the public."

RECOMMENDATION TO COUNCIL:

That the temporary road closure of Murwillumbah Street and Wharf Street Murwillumbah between Brisbane Street and Commercial Road from 17:00 to 23:00 on Friday 29 September 2017 for the Tweed Foodie Fest be supported subject to evidence of support from the Murwillumbah District Business Chamber and the following standard conditions:

1. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
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3. The event organiser notifies Tweed Shire 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.
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5. Adequate public liability insurance being held by the event organiser.
6. 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.
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8. Arrangements made for private property access and egress affected by the event.
9. 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 Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.
10. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.

11. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.

FOR VOTE - Cr James Owen, Snr Constable Tony Darby, NSW Police

A3 [LTC] 2017 Battle on the Border

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4403012; Traffic - Committee; Festivals / Events - Battle on the Border;
Road Closures - Temporary

SUMMARY OF REPORT:

Request received for temporary or partial road closures for Battle on the Border proposed for Friday 28, Saturday 29, Sunday 30 April and Monday 1 May 2017.

Temporary road closure applications have been received for:

Friday 28 April 2017 from 6.30am to 4.00pm

Two races on Queensland Road between Cane Road and Mooball Street. Westbound traffic delays as race starts and finishes for up to five minutes. Inbound traffic to Murwillumbah detoured only via Cane Road.

Tomewin Road, Dulguigan Road, Hogans Road, Bilambil Road, Terranora Road, Queensland Road, Cane Road, Tumbulgum Road, Reynolds Road, Charles Street and George Street rolling road closures as race passes. Delays four to six minutes.

Saturday 29 April 2017 from 6.30am to 5.00pm for tour format cycle racing (road race) - Queensland Road between Cane Road and Mooball Street. Westbound traffic delays as race starts and finishes up to five minutes. Inbound traffic to Murwillumbah detoured only via Cane Road.

Queensland Road, Byangum Road, Wollumbin Street, Riverview Street, Kyogle Road, Tyalgum Road, Coodgie Street, Zara Road, Numinbah Road rolling roadclosures as race passes. Delays of up to five minutes.

Sunday 30 April 2017 from 6.30am to 5.00pm for tour format cycle racing (time trial and criterium) on Mooball Street, Rous Street, Ewing Street, Queensland Road and Murwillumbah Street.

Monday 1 May 2017 from 6.30am to 5.00pm for tour format cycle racing (road race) for Queensland Road between Cane Road and Mooball Street.

The event organisers have been requested to provide more details of the road closures on Sunday 30 April and Monday 1 May. Further information, including potential impact on school zones has also been requested. This information will be tabled at the meeting.

The applicant has advised that the races will not impact on the school zone peak pick up and drop offs.

RECOMMENDATION TO COUNCIL:

That the proposed 2017 Battle on the Border on Friday 28, Saturday 29, Sunday 30 April and Monday 1 May 2017 be supported, subject to:

1. NSW Police approval being obtained.
2. Endorsement of the event by Cycling/Triathlon NSW.
3. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
4. Community and affected business consultation addressing raised concerns.
5. The event organiser notifies Tweed Shire 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.
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7. Adequate public liability insurance being held by the event organiser.
8. 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.
9. Consultation with emergency services and any identified issues addressed.
10. Arrangements made for private property access and egress affected by the event.
11. 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 Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.
12. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.
13. The event be conducted in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.
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.

FOR VOTE - Cr James Owen, Snr Constable Tony Darby, NSW Police

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A4 [LTC] Marine Parade, Kingscliff - Long Table Dinner Event 13 May 2017

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4403342; Traffic - Committee; Festivals / Events; Marine Parade, Kingscliff

SUMMARY OF REPORT:

Request received for the temporary road closure of Marine Parade Kingscliff between Turnock and Seaview Streets, Kingscliff on Saturday 13 May 2017 from 5.30pm to 11.30pm for the Long Table Dinner Event.

The Chairperson advised that this item has been withdrawn.

RECOMMENDATION TO COUNCIL:

That Council notes that Item A4 [LTC] Marine Parade, Kingscliff - Long Table Dinner Event 13 May 2017 item is withdrawn.

A5 [LTC] Pearl Street, Kingscliff

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 4367176; Traffic – Committee; Traffic – Linemarking; Pearl Street

SUMMARY OF REPORT:

Request received from the Kingscliff Ratepayers Association that yellow lines be installed on the eastern side of the S bend in Pearl Street, Kingscliff. This request follows recent development and traffic changes in Pearl Street.

An inspection found that the S bends are partly covered by a yellow non stopping line due to a newly installed pedestrian refuge and there may be some ambiguity in where it is safe to park in relation to the double centre lines and the varied lane width.

RECOMMENDATION TO COUNCIL:

That yellow No Stopping lines be extended from 6m south of 81 Pearl Street to 79 Pearl Street, Kingscliff.

FOR VOTE - Cr James Owen, Amanda Hall, on behalf of Mr G Provest, Member for Tweed, Snr Constable Tony Darby, NSW Police

A6 [LTC] Boyd Street, Tweed Heads

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4406755; Traffic - Committee; Pedestrian Safety; Local Area Traffic Management; Boyd Street, Tweed Heads

SUMMARY OF REPORT:

At the Local Traffic Committee Meeting on 8 September 2016 the Committee supported upgrading the existing kerb extensions on Boyd Street to a refuge, to allow pedestrians to cross in two stages. This proposed upgrade would create a slow point in the traffic to assist

pedestrians but will reduce on street parking. Approximately six spaces would need to be removed to allow sufficient sight distance at the crossing point.

RECOMMENDATION TO COUNCIL:

That the installation of a refuge and slow point on Boyd Street, near the Tweed Day Surgery be deferred subject to community consultation with adjacent residents and business operators.

FOR VOTE - Cr James Owen, Amanda Hall, on behalf of Mr G Provest, Member for Tweed, Snr Constable Tony Darby, NSW Police

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE - MURWILLUMBAH

B1 [LTC] Norths Lane - Speed Limit

ORIGIN:
Roads & Stormwater

FILE NO: ECM 4296897; Traffic - Committee; Traffic - Speed Zones; Traffic - General;
Norths Lane, Nunderi

SUMMARY OF REPORT:

Etiene La Grange and Alan Eichmann arrived at 10.15am

Request received for a reduction in the speed limit on Norths Lane, Nunderi from 70km/h to 50km/h from Seven Oaks Drive to Clothiers Creek Road.

There are 10 direct driveway accesses through this 900 metre section and limited street lighting. In 2012 the AADT was 298 vehicles and the 85th percentile speed was 58 km/h.

The speed limit on Clothiers Creek Road is 60km/h with an open limit on Norths Lane east of Seven Oaks Drive. There are no separate pedestrian facilities and there is a park with direct road frontage through this section. A review of the five year crash history has revealed no reported crashes.

COMMITTEE ADVICE:

That the request to review the speed limit on Norths Lane, Nunderi be referred to Roads & Maritime Services (RMS).

GENERAL TRAFFIC ADVICE - TWEED HEADS

B2 [LTC] Bay Street, Tweed Heads

ORIGIN:
Roads & Stormwater

FILE NO: ECM 4349143; Traffic - Committee; Parking - Zones; Bay Street, Tweed Heads

SUMMARY OF REPORT:

Petition received for a 1 hour parking limit along the shopping strip at the western end of Bay Street, Tweed Heads. The petitioners have requested that the current limit of 2 hours needs to be altered to 1 hour to discourage people parking their vehicles outside shops for many hours, sometimes all day. They also suggest that this also needs to be regularly checked by Parking Officers.

The Petitioners also report that the traders in this shopping strip are suffering greatly as their customers cannot gain access to their businesses due to the abuse of the time limit.

Parking restrictions were already considered at the LTC after the streetscaping project and it was considered that 2 hour parking limits catered to the mixed business needs in this area. The streetscaping involved community consultation with Tweed Chamber of Commerce who also supported the 2 hour limitation.

COMMITTEE ADVICE:

That:

1. The request for a reduction in the parking time limit on Bay Street is not supported due to inconsistency with the current 2P CBD parking strategies.
2. The Rangers enforce the existing 2 hour parking limit as resources permit.

B3 [LTC] McDonald Street, Tweed Heads

ORIGIN:

Roads & Stormwater

FILE NO: TRA17/0004; ECM4372394; Traffic - Committee; Local Area Traffic Management; Parking Zones; McDonald Street

SUMMARY OF REPORT:

Request received regarding parking on McDonald Street, Tweed Heads. Vehicles are parking on both sides of McDonald Street, opposite each other leaving little room for other vehicles to drive through. Larger vehicles, like small trucks, have been stuck on numerous occasions. The applicant has requested that signage be installed to restrict vehicles to park on one side of the street only.

COMMITTEE ADVICE:

That the installation of prohibitive parking on McDonald Street is not supported as current legislation requires motorists to leave a 3m gap between vehicles.

The road width is approximately 6m and motorists would be expected to park accordingly. It is acknowledged that enforcement of the existing road rules may be difficult (as Rangers

would need to identify the offending vehicle). It is requested that the site be monitored to determine the extent of the issue and Rangers issue warnings if warranted.

B4 [LTC] Rob Roy Crescent, Kingscliff

ORIGIN:
Roads & Stormwater

FILE NO: ECM 4351906; Traffic - Committee; Traffic - Speed Zones; Rob Roy Crescent

SUMMARY OF REPORT:

Request received that the Committee addresses the speed and volume of traffic along Rob Roy Crescent, Kingscliff.

Traffic speed and volume counts were carried out before the Cudgen Creek bridge closure on 7 June 2016 which found the AADT to be 391 vehicles and the 85th percentile for speed 38km/hr. Previous traffic counts indicate that volumes were higher and there is no evidence that traffic is using Rob Roy Crescent to bypass other roads. It is noted from the correspondence and observations that vehicles are being parked on the nature strip, which forces pedestrians to walk on the road. This may also contribute to increased vehicle speeds.

COMMITTEE ADVICE:

That:

1. The existing traffic calming on Rob Roy Crescent is appropriate for the current use and the road will continue to be monitored.
2. The existing speed limit (50km/h) is appropriate for a residential road.
3. Speed and traffic surveys do not indicate that changes to the road environment are warranted.

B5 [LTC] McPhail Avenue, Kingscliff

ORIGIN:
Roads & Stormwater

FILE NO: ECM 4364185; 4365154; Traffic - Committee; Traffic - Local Area Traffic Management; Speed Zones; McPhail Avenue; Gibson Street

SUMMARY OF REPORT:

Request received in relation to the perceived high speed and volume of traffic on McPhail Avenue, Kingscliff. It has been reported that the volume of traffic is also a major concern now and given the amount of development still to come at South Kingscliff is unlikely to abate in the future. It is also reported to be unsafe to drive out of driveways with cars, buses and trucks speeding at speeds in excess of 80 km per hour in a suburban street.

The customer has asked to be present at the Local Traffic Committee meeting and has proposed that in the interim mobile speed cameras are placed on McPhail Avenue in both directions immediately east of the Gibson Street intersection, which is one of the speeding hot spots. Permanent speed cameras are requested in this location to solve the issue and change driver behaviour.

Speed cameras are installed and managed by Roads & Maritime Services and the major criterion is speed related crash history. In the past 5 reporting years there have been 2 injury and 1 non-injury crash on McPhail Avenue. Council is currently reviewing its Tweed Road Distribution Strategy and possible links between Casuarina Way and Cudgen Road will be investigated to alleviate perceived high volume traffic usage of McPhail Avenue.

The Chairperson requested that this item be moved to the 16 March 2017 LTC meeting.

COMMITTEE ADVICE:

That:

1. Item B5 [LTC] McPhail Avenue, Kingscliff be deferred to the 16 March 2017 Local Traffic Committee Meeting.
2. Further speed data be collected and tabled at the March meeting.

B6 [LTC] Oyster Point Road, Banora Point

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4383788; Traffic - Committee; Speed Zones; Oyster Point Road, Banora Point

SUMMARY OF REPORT:

Request received in relation to speeding vehicles on Oyster Point Road, Banora Point.

Speed counts were carried out in front of no. 18 in Feb 2016. Of the 20,104 vehicles in the sample (one week) the following was found:

- 6,410 (32%) were travelling over 50km/h
- 573 (2.8%) were travelling over 60km/h
- 49 were travelling over 70km/h

A review of the most recent crash data found no reported crashes on Oyster Point Road.

COMMITTEE ADVICE:

That Council's advisory radar be installed on Oyster Point Road and a speed report be prepared for the Police for targeted enforcement.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 16 March 2017 in the Mt Warning Meeting Room commencing at 9.30am.

There being no further business the Meeting terminated at 11.50am.

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Tweed Foodie Fest Event - Taste the Tweed - 27 May 2017

That the temporary road closure of Murwillumbah Street and Wharf Street between Brisbane Street and Commercial Road from 14:00 to 23:00 on Saturday 27 May 2017 for the Tweed Foodie Fest be supported, subject to evidence of support from the Murwillumbah District Business Chamber and standard conditions as follows:

1. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
2. Community and affected business consultation addressing raised concerns.
3. The event organiser notifies Tweed Shire 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.
4. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.
5. Adequate public liability insurance being held by the event organiser.
6. 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.
7. Consultation with emergency services and any identified issues addressed.
8. Arrangements made for private property access and egress affected by the event.
9. 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 Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.
10. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.
11. 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] Tweed Foodie Fest Event - Taste the Tweed - 29 September 2017

That the temporary road closure of Murwillumbah Street and Wharf Street Murwillumbah between Brisbane Street and Commercial Road from 17:00 to 23:00 on Friday 29 September 2017 for the Tweed Foodie Fest be supported subject to evidence of support from the Murwillumbah District Business Chamber and the following standard conditions:

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A3 [LTC] 2017 Battle on the Border

That the proposed 2017 Battle on the Border on Friday 28, Saturday 29, Sunday 30 April and Monday 1 May 2017 be supported, subject to:

1. NSW Police approval being obtained.
2. Endorsement of the event by Cycling/Triathlon NSW.
3. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
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13. The event be conducted in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.
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.

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A4 [LTC] Marine Parade, Kingscliff - Long Table Dinner Event 13 May 2017

That Council notes that Item A4 [LTC] Marine Parade, Kingscliff - Long Table Dinner Event 13 May 2017 item is withdrawn.

A5 [LTC] Pearl Street, Kingscliff

That yellow No Stopping lines be extended from 6m south of 81 Pearl Street to 79 Pearl Street, Kingscliff.

A6 [LTC] Boyd Street, Tweed Heads

That the installation of a refuge and slow point on Boyd Street, near the Tweed Day Surgery be deferred subject to community consultation with adjacent residents and business operators.

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 GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] DA15/1069 - Business Investment Policy

REASON FOR CONFIDENTIALITY:

This report deals with commercial-in-confidence discussions relating to eligibility of the approved development under the Business Investment Policy.

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: -



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
 - 3.1 Expand employment, tourism and education opportunities
-
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C2 [GM-CM] DA16/0031 - Business Investment Policy

REASON FOR CONFIDENTIALITY:

This report deals with commercial-in-confidence discussions relating to eligibility of the approved development under the Business Investment Policy.

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.

Validms



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
 - 3.1 Expand employment, tourism and education opportunities
-
-

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C3 [PR-CM] Unauthorised Activities at Lot 20 DP 755714 & Lot 2 DP 1148316 No. 3222 Kyogle Road, Mount Burrell

REASON FOR CONFIDENTIALITY:

This report concerns personal and legal matters.

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.

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
 - 4.1 Protect the environment and natural beauty of the Tweed
 - 4.1.3 Manage and regulate the natural and built environments
-

C4 [PR-CM] Tanglewood Sewerage Scheme

REASON FOR CONFIDENTIALITY:

The outcome of this report may result in legal action and therefore is to be considered as a confidential report.

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.

Validms



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
 - 2.3 Provide well serviced neighbourhoods
 - 2.3.3 Provision of high quality and reliable wastewater services which meets health and environmental requirements and projected demand
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