



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 21 March 2019**

held at
Council Chambers, Murwillumbah Civic & Cultural Centre, Tumbulgum Road, Murwillumbah
commencing at 5.30pm

Principles for Local Government

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

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

Items for Consideration of Council:

| ITEM | PRECIS | PAGE |
|------|---|-----------|
| | CONFIRMATION OF MINUTES | 6 |
| 1 | [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 21 February 2019 | 6 |
| 2 | [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 7 March 2019 | 8 |
| | SCHEDULE OF OUTSTANDING RESOLUTIONS | 10 |
| 3 | [SOR-CM] Schedule of Outstanding Resolutions at 21 March 2019 | 10 |
| | CONFIRMATION OF MINUTES | 6 |
| | CONFIRMATION OF MINUTES | 6 |
| 1 | [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 21 February 2019 | 6 |
| 2 | [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 7 March 2019 | 8 |
| | SCHEDULE OF OUTSTANDING RESOLUTIONS | 10 |
| 3 | [SOR-CM] Schedule of Outstanding Resolutions at 21 March 2019 | 10 |
| | MAYORAL MINUTE | 25 |
| 4 | [MM-CM] Mayoral Minute for February 2019 | 25 |
| | RECEIPT OF PETITIONS | 30 |
| 5 | [ROP-CM] Receipt of Petitions at 21 March 2019 | 30 |
| | ORDERS OF THE DAY | 32 |
| 6 | [NOM -Cr K Milne] Single Use Plastic | 32 |
| 7 | [NOM-Cr K Milne] Public Bike Racks | 35 |
| 8 | [NOM-Cr K Milne] Electric Vehicles | 37 |
| 9 | [NOM-Cr K Milne] Return and Earn Scheme | 39 |

| | | |
|--|---|------------|
| REPORTS THROUGH THE GENERAL MANAGER | | 41 |
| REPORTS FROM THE GENERAL MANAGER | | 41 |
| 10 | [GM-CM] Australian Local Government General Assembly 2019 - Submission of Motions | 41 |
| 11 | [GM-CM] Review of Visitor Information Centres | 45 |
| 12 | [GM-CM] Destination Management Plan | 57 |
| 13 | [GM-CM] Australian SAE Surf Championship - Partnership Proposal | 62 |
| REPORTS FROM THE DIRECTOR PLANNING AND REGULATION | | 65 |
| 14 | [PR-CM] Development Application DA18/0635 for the Demolition of Existing Structures, New Extended Dining and Alfresco Dining Areas, New Covered Kids Area, Modified Bowling Green, New Waste Room, Relocation of Proposed Pop Up Cafe and Alterations to Car Pa | 67 |
| REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES | | 137 |
| 15 | [CNR-CM] Surf Life Saving Services Summer Report 2018-2019 | 137 |
| 16 | [CNR-CM] Proposed Renaming of Park - Burringbar | 141 |
| 17 | [CNR-CM] Amendment to Deed of Agreement - Richmond Tweed Regional Library | 144 |
| 18 | [CNR-CM] Allocation of Community Sponsorship | 148 |
| 19 | [CNR-CM] Tweed Coast Koala Study 2018 | 153 |
| REPORTS FROM THE DIRECTOR ENGINEERING | | 156 |
| 20 | [E-CM] RFO2019002 Boyd Street Tweed Heads Road Stabilisation and Asphalt Works | 156 |
| 21 | [E-CM] Drought Water Restrictions Policy - Residential Consumption Targets | 161 |
| 22 | [E-CM] B-Double Applications - Meeting held 28 February 2019 | 165 |
| 23 | [E-CM] Classification of Land as Operational - 701 Doon Doon Road, Doon Doon | 171 |
| 24 | [E-CM] Appointment of Native Title Managers | 174 |
| 25 | [E-CM] Licence for Temporary Access on Council Land - Tweed Heads Wastewater Treatment Plant | 178 |

| | | |
|---|---|------------|
| REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY | | 183 |
| 26 | [FRIT-CM] Fossil Fuel Divestment | 183 |
| 27 | [FRIT-CM] NSW Government Parking Fine Concessions | 193 |
| 28 | [FRIT-CM] Monthly Investment Report for Period ending 28 February 2019 | 198 |
| REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE | | 204 |
| 29 | [PCG-CM] RFO2018145 Casual Labour Hire and Associated Services Contract | 204 |
| 30 | [PCG-CM] Customer Experience Standards and Managing Unreasonable Customer Conduct | 209 |
| REPORTS FROM SUB-COMMITTEES/WORKING GROUPS | | 215 |
| 31 | [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held 4 February 2019 | 215 |
| 32 | [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 13 February 2019 | 221 |
| 33 | [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 28 February 2019 | 227 |
| CONFIDENTIAL ITEMS FOR CONSIDERATION | | 252 |
| REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE | | 252 |
| REPORTS FROM THE GENERAL MANAGER IN COMMITTEE | | 252 |
| C1 | [GM-CM] Application Under Business Investment Policy | 252 |
| REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE | | 253 |
| C2 | [PR-CM] Class 1 Appeal - Development Application DA18/0001 for a Rural Land Sharing Community Comprised of 13 Dwelling Sites Over 5 stages at Lot 1 DP 1054943; No. 54 Wallum Court Clothiers Creek | 253 |
| REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE | | 254 |
| C3 | [E-CM] Proposed Disposal of Council Land - 218 Kennedy Drive, Tweed Heads West | 254 |

CONFIRMATION OF MINUTES

- 1 **[CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 21 February 2019**

SUBMITTED BY: Corporate Governance

mhm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 21 February 2019 are attached for information and adoption by Council.

RECOMMENDATION:

That:

1. **The Minutes of the Ordinary and Confidential Council Meetings held Thursday 21 February 2019 be adopted as a true and accurate record of proceedings of that meeting.**
2. **ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (f) **matters affecting the security of the council, councillors, council staff or council property.**

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Attachment 1

Minutes of the Ordinary Council Meeting held Thursday 21 February 2019 (ECM 5780662).

(Confidential) Attachment 2

Minutes of the Confidential Council Meeting held Thursday 21 February 2019 (ECM 5780663).

2 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 7 March 2019

SUBMITTED BY: Corporate Governance

mhm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Leader

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 7 March 2019 are attached for information and adoption by Council.

RECOMMENDATION:

That:

- 1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 7 March 2019 be adopted as a true and accurate record of proceedings of that meeting.**
- 2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (f) matters affecting the security of the council, councillors, council staff or council property.**

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Attachment 1

Minutes of the Ordinary Council Meeting held Thursday 7 March 2019 (ECM 5799102).

(Confidential) Attachment 2

Minutes of the Confidential Council Meeting held Thursday 7 March 2019 (ECM 5799100).

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions at 21 March 2019

SUBMITTED BY: Corporate Governance

mhm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

CODE OF MEETING PRACTICE:

Section 2.8 Outstanding Resolutions

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

15 SEPTEMBER 2016

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Murwillumbah Railway Station

C 29

That Council:

1. Authorises the General Manager to enter into lease negotiations for the Murwillumbah Railway Station.
2. A report be brought back to a future Council meeting which includes the terms and conditions of the future potential lease.

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

A Heritage Application Grant has been submitted on 8 February 2019 to undertake works on the Murwillumbah Railway Station site.

1 MARCH 2018

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

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

REASON FOR CONFIDENTIALITY:

This is subject to current legal investigations.

Local Government Act

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

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

C 9

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

1.
4. Council seeks further advice in regard to whether it is appropriate to issue a Notice of Intention to cease using the Crown Road Reserve.

Current Status: Following earlier directions hearings for criminal proceedings in the Land and Environment Court (LEC), and a Notice of Motion contending Council's authority to proceed with this action, further legal advice was sought, and a further report was submitted to Council's meeting on 7 February 2019 where it was resolved to reconfirm its decision to support the current prosecution action.

At an LEC hearing to determine the Notice of Motion held on 22 February 2019, the Court made an order pursuant to section 77 of the LEC Act granting leave to the prosecutor (Council) to withdraw the proceedings.

On 1 March 2019 a Justice of the Court granted an order to commence fresh Class 5 criminal proceedings. The first directions hearing is listed on 12 April 2019.

22 MARCH 2018

ORDERS OF THE DAY

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

99

**Cr K Milne
Cr R Byrnes**

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

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

19 APRIL 2018

REPORTS FROM DIRECTOR ENGINEERING

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

173

**Cr R Byrnes
Cr K Milne**

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

Current Status: Workshop was held on 31 May 2018. Council is in the process of assessing legal advice in relation to the size of the trucks to service the water extraction under the terms of the consent.

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

Consideration of a further workshop to be considered following a compliance report on this matter to the March Council Meeting.

17 MAY 2018

ORDERS OF THE DAY

12 [NOM] Landscaping - South Tweed

235

Cr K Milne
Cr C Cherry

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

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

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

15 [NOM] Options for Improved Land Management

238

Cr K Milne
Cr C Cherry

RESOLVED that:

1. Council officers bring back a report on options for securing land that would be suitable as offset stewardship sites under the Biodiversity Offset Scheme and how this could be funded and managed.
2. In the interim, the Mayor writes to the Local State Members for Lismore and Tweed Heads seeking State consideration for the acquisition of sites that have high biodiversity values for the addition to the National Park Estate and provide examples of such to the State Member.

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

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

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

Consultant was engaged in January 2019 through the NRJO to undertake the works.

REPORTS FROM DIRECTOR ENGINEERING

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

250

Cr C Cherry
Cr K Milne

RESOLVED that:

1. The Minutes of the B-Double Routes Agency Advisory Group meeting held 19 April 2018 be received and noted.

...

3. **19m B-Double (50t-55t) to Dulguigan Quarry - NHVR Consent Request Number 143550r1v1**

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

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

Engaged a consultant to provide an assessment of Dulguigan Road for suitability of B-Doubles.

21 JUNE 2018

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

295

**Cr J Owen
Cr P Allsop**

RESOLVED that Council endorse:

1. The Draft Scenic Landscape Strategy be publicly exhibited for a period not less than 60 days during which community and stakeholder engagement is to be conducted to assist staff with the trial and testing of the Strategy;
2. The Scenic Landscape Policy is to be concurrently exhibited with the Strategy for a period not less than 60 days; and,
3. The proposed amendment of *Tweed Development Control Plan 2008* shall be publicly exhibited so as to comply with Clause 18 of the *Environmental Planning and Assessment Regulation 2000* but for a period not less than 60 days.
4. A further report be submitted to Council detailing the findings of the public exhibition and engagement for these three policies and any amendments considered appropriate.

Current Status: Following Council's resolution of the Strategic Planning and Urban Development Work Program this is now a priority 3 project and public exhibition expected to occur in May/June 2019.

19 JULY 2018

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

21 [CNR-CM] Jack Evans Boat Harbour Plan of Management Update

360

**Cr C Cherry
Cr K Milne**

RESOLVED that Council defers this item to the next Council meeting in order to receive clarification on the following:

1. Whether it is possible for Council to create a Plan of Management for the Jack Evans Boat Harbour Precinct under the Crown Land Management Act given it is advised by staff it is not possible under the Local Government Act, due to Council not being the designated Crown Land Managers for all Reserves in this Precinct.
2. If it is possible for Council to initiate the Plan of Management under the Crown Land Management Act (CLMA), then Council writes immediately to the Department of Industry - Crown Lands and requests their support in preparing a plan for the Jack Evans Boat Harbour Precinct under the CLMA.
3. The current status of Aboriginal Land Claim 24855 lodged by New South Wales Aboriginal Land Council and provision of all the relevant information of the lands subject to the Land Claim.

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

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

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

A workshop is scheduled for 6 March 2019 to discuss results with Councillors

16 AUGUST 2018

ORDERS OF THE DAY

6 [NOM] Environmental Land Purchases

422

Cr K Milne
Cr C Cherry

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

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

At the General Managers' Group meeting of the Northern Rivers Joint Organisation in December 2018, this item was discussed to determine an appetite for other member councils to participate in the project. The consensus was that no other member councils wished to participate as there was a general belief that land zoned for development could not be back zoned for a profit. Therefore Council staff are revising the scope of works for a study of one particular site and are seeking revised quotations for the works noting the original quote was in excess of \$60,000 which is currently unfunded.

7 [NOM] Natural Resource Management Budget

423

Cr K Milne
Cr C Cherry

RESOLVED that:

1. A report be brought forward on the impacts of increasing the proportion of funds allocated in the Council budget for Natural Resource Management from 4% to 5% of total rates i.e. a 1% increase in next years' budget, and
2. The Executive Leadership Team determines the most appropriate areas across a range of departments to source the funds from to assist in reversing the decline of threatened species.

Current Status: Workshops have been held on 8 November 2018 and 10 December 2018. A further Workshop has been scheduled for Thursday 14 February 2019.

Feedback from this workshop will now be used for preparation for the 2019/2020 budget.

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

424

Cr C Cherry
Cr K Milne

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

1. Aligning processes with the ISO20400 Sustainable Procurement Standard 2017.
2. The incorporation of weighting criteria in the Procurement Policy and
3. Steps within the protocol to ensure that staff are making informed sustainable decisions
4. Training of staff to raise awareness of sustainable alternatives in alignment with the ISO standard.

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

A Sustainable Procurement Working Group has been formed comprising of key staff from across the organisation. This working group is working through the Notice of Motion and a report with proposed actions will be brought before Council in April 2019. To date the Working Group is seeing opportunities for: better reporting and promotion of existing Council initiatives; measuring Council's performance against ISO20400 (noting its broader Environmental, Social and Financial focus); educating key staff involved in Council's significant procurement actions; providing sustainable suppliers with opportunities to inform Council's key staff; and better utilisation of existing approaches to sustainability from key industry bodies (e.g. Good Environmental Choice, ECO Labels, Infrastructure Sustainability Council of Australia (ISCA) Framework, Sunshine Coast Council's sustainability benchmark data).

REPORTS FROM DIRECTOR PLANNING AND REGULATION

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

419

Cr K Milne
Cr R Cooper

RESOLVED that Council:

.....

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

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

REPORTS FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES

20 [CNR-CM] Review of Dog Areas in Public Open Space - Updated Report

409

Cr K Milne
Cr C Cherry

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

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

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

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

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

There will be a public education campaign during January and February to raise awareness of the current rules about dogs on beaches.

Costings are being obtained to adequately sign all dog zones along the Tweed Coast. A memo to be prepared to Councillors to this effect.

20 SEPTEMBER 2018

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

11 [PR-CM] Air Traffic Pollution

466

Cr K Milne
Cr C Cherry

RESOLVED that Council:

....

4. Provides a report on the cost of establishing monitoring if the above agencies advise they cannot provide monitoring in a timely or appropriate fashion.

Current Status: Currently implementing Council resolution of 20 September 2018 meeting. A report being prepared for a future Council meeting.

15 NOVEMBER 2018

ORDERS OF THE DAY

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

575

Cr K Milne
Cr C Cherry

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

Current Status: Land owner conversations are to be held on 20 March 2019 and all Councillors are invited.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

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

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

C 87

That:

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

Current Status: A Council workshop was held with relevant legal advisers on 13 February 2019. Currently compiling additional information and evidence and this matter will be reported to a future Council meeting.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

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

REASON FOR CONFIDENTIALITY:

Local Government Act

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

- (a) personnel matters concerning particular individuals (other than councillors).

C 88

That Council:

1. Supports the General Manager writing to Sunshine Sugar to express Council's concerns about the impact the current drain water quality is having on the environment of Christies and Cudgera Creeks and the amenity of Hastings Point, and request that Sunshine Sugar work cooperatively with Council and other stakeholders to resolve the Acid Sulfate Soil and water quality problem.
2. Supports the General Manager writing to the Minister for Environment and Minister for Primary Industries to seek NSW Government advice and assistance to resolve the Acid Sulfate Soil and water quality problem.
3. Seeks legal advice regarding Council's and NSW Government options to take action under the Protection of the Environment Operations Act and other relevant legislation, in relation to the pumping and discharge of contaminated water into Christies Creek.
4. Engages specialist expertise to report on the consequences of all available remediation options for the subject site including the effects of implementing an alternative land management/use approach.
5. Engages specialist expertise to report on the ecological health of Christies Creek, focusing on investigations that will determine if the creek's biota has been affected by water quality problems in the catchment.

Current Status: Points 1 and 2 to be progressed in January. Legal advice is being sought. Scope of work is being prepared for specialist experts in relation to points 4 and 5.

Legal advice has been received and is currently being analysed. A report will be prepared for the Council Meeting on 21 March 2019.

12 DECEMBER 2018

ORDERS OF THE DAY

7 [NOM-Cr K Milne] Greening the Shire

642

Cr K Milne
Cr C Cherry

RESOLVED that Council:

1. Schedules a Workshop on a program to green our public places and streets with trees that will provide shade and full canopy cover wherever possible.
2. Further investigates amending Development Code A5 to ensure sufficient space is provided for road and street verges to provide for large and significant trees to provide for shade and full canopy cover wherever possible and schedules a Council Workshop.

Current Status: Internal workshops have been scheduled in preparation of Council workshop on 14 March 2019. A grant application is being prepared for funding under the Local Government Climate Change Adaptation Program.

Grant application not submitted as it needs to be more innovative project to attract grant funding.

REPORTS FROM EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

26 [FRIT-CM] NSW Government Parking Fine Concessions

662

Cr K Milne
Cr C Cherry

RESOLVED that a further report be presented to Council at its 21 March 2018 meeting providing a full analysis on the regulatory, community, operational and financial impacts of opting into the NSW Parking Fines Concessions arrangement.

Current Status: Report to be prepared for 21 March 2019 Council Meeting.

21 FEBRUARY 2019

REPORTS FROM THE GENERAL MANAGER

10 [GM-CM] Commercial Use of Murwillumbah Airfield - Sky Diving Operations

23

Cr K Milne
Cr C Cherry

RESOLVED that:

1. This item be deferred to obtain a clear written response from Learn to Skydive that addresses the concerns raised in the report submitted to the 21 February 2019 meeting.
2. Council forwards the response from Learn to Skydive and any submissions received in relation to the air safety of the parachute drop zone located at the Murwillumbah Racecourse to Air Services Australia for comment.
3. A further report be prepared for a future Council meeting.

Current Status: In accordance with the resolution of Council 21 February 2019 officers have forwarded the council report and resolution to Learn to Skydive and requested them to respond to each of the concerns and submissions raised within the report. Once comments have been received the report and supporting and response from Skydiving Australia will be provided to Air Services Australia in accordance with the resolution. It should be noted that the aero club has since been in contact with officers to request a time slot at community access.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for February 2019

SUBMITTED BY: Cr K Milne, Mayor

mm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

The Mayoral Minute report provides information on activities undertaken by the Mayor and Councillors during the month of February 2019.

RECOMMENDATION:

That:

1. The Mayoral Minute for the month of February 2019 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised.

REPORT:

Councillors

COMMITTEE MEETINGS

Attended by the Mayor

- 8 February Northern Rivers Joint Organisation Meeting – Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 13 February Tweed Coast and Waterways Committee – Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
-

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

- 4 February Northern RPP Meeting for Byron LGA – Byron Theatre, 69 Jonson Street, Byron Bay.
- 5 February Bray Park Weir Tidal Protection Project – Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
- 12 February Caldera Environment Centre Meeting – Caldera Environment Centre Shop, 4 Queen Street, Murwillumbah.
- 13 February Youth Council – Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.

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

- 8 February Tweed Byron Local Area Command Families Against Violence Event – Jack Evans Boat Harbour, Wharf Street, Tweed Heads. Crs Cooper and Polglase attended.
- 9 February Cabarita Beach Surf Life Saving Club Sponsors Event – Cabarita Beach Surf Life Saving Club, 7 Pandanus Parade, Cabarita. Cr Owen attended.
- 13 February Opening Ceremony Seniors Festival – Banora Point Community Centre, Woodlands Drive, Banora Point. Cr Cherry attended.
- 16 February Tweed Coast Enduro – Buckingham Drive, Pottsville. Cr Cherry attended.
- 20 February Twin Towns Friends Association Rock N Roll and Ballroom Dancing Exhibition – South Tweed Sports Club, 4 Minjungbal Drive, Tweed Heads South. Cr Cherry attended.

Inability to Attend by or on behalf of the Mayor

All invitations were accepted by the Mayor or attended by another Councillor on her behalf.

REQUESTS FOR WORKSHOPS:

Councillors did not request any additional workshops during February 2019.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

Councillors did not attend any conferences during February 2019.

Information on Conferences to be held

- 13-17 May Regionality Farm2Plate Exchange – Tweed and Byron Regions

Regionality's Farm2Plate Exchange is the ultimate gathering of those involved in the farm to plate value chain. Where farmers, food and drink producers, chefs, tourism and hospitality businesses, destination managers, food groups, practitioners and policy makers gather to exchange knowledge, ideas and learn from experience. This is not just on site in a conference venue but also off site in extraordinary locations with the passionate people who can best tell the story of the region's produce.

Registration \$1425, car travel each day. events@regionality.com.au

- 14-17 May Floodplain Management National Conference – Canberra ACT

The theme of this year's conference is 'A National Call to Action – Making Australia Flood Safe' which will focus on bringing together various partners and sharing of great research and ideas to set a clear and compelling vision, mission and priorities for the flood community of Australia. It will bring together over 350 flood practitioners and community members with interests in floodplain risk management.

Registration \$1250, flights, two-three night's accommodation.
www.floodplainconference.com

- 23-24 May Future of Local Government National Summit – Melbourne Vic

This year's theme is 'Creating a movement: actioning the New Story' (actions speak louder than words). The true objective of local government is to enable communities to determine their own preferred futures. More attention needs to be given to local government's role in the context of local governance, with Councillors as stewards of empowered communities. A new Australian Localism is emerging, emphasising the fundamental importance of place and place-based governance, and recognising that every issue demands a localist response. Local government needs to demonstrate its relevance and forge partnerships at neighbourhood, regional and national scales. The sector can capture the Australian political imagination by putting people and place first.

Registration \$660. Two flights, two night's accommodation.
<http://www.cvent.com/events/2019-future-of-local-government-national-summit/event-summary-e0e1906a9a6e4527ae03cb19556e38de.aspx>

SIGNING OF DOCUMENTS BY THE MAYOR:

- 5 February Water Licence Transfer – Clarrie Hall Dam Land Purchase 701 Doon Doon Road, Doon Doon
- 5 February Road Closure Application – Ophir Glen Road, Upper Burringbar
- 12 February Deferred Road Contributions Charges Agreement – Lot 1702, DP1214550 Seabreeze Boulevard, Pottsville
- 27 February Licence Agreement – Murwillumbah Community Centre for use of Condong Hall for Community Playgroup
- 27 February Clarrie Hall Dam Land Purchase 701 Doon Doon Road, Doon Doon

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Appropriate expenditure is allowed for attendance by Councillors at nominated conferences, training sessions and workshops.

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions at 21 March 2019

SUBMITTED BY: Corporate Governance



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Collaborator**

SUMMARY OF REPORT:

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

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

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

RECOMMENDATION:

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

- **Petition received on 5 March 2019 from the residents of Beach Street, Kingscliff containing 21 signatures and advising as follows:**

"The residents are aware of the Open Spaces Strategy and other parcels of work that are underway including Draft Kingscliff Locality Plan. The residents believe that this space can be utilised in parallel to the work that is occurring and would like to put this request in motion.

By utilising this empty green space, it will enhance the whole community for a small investment."

Note: The subject properties are Lot 36 DP 793925, Lot 45 DP 830193, Lot 56 DP 840688, Lot 68 DP 855991 and Lot 76 DP 855992 Beach Street Park, Elrond Drive, Kingscliff.

REPORT:

As per Summary

OPTIONS:

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

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

CONCLUSION:

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

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

ORDERS OF THE DAY



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

6 [NOM -Cr K Milne] Single Use Plastic

NOTICE OF MOTION:

Councillor K Milne moves that Council brings back a report on instigating a program along the lines of Byron Shire Council's "Making the Switch" program.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Excerpt from Byron Shire Council's Website:

"What is Make the Switch?"

'Make the Switch' is a community project to reduce Byron's plastic footprint through a source reduction approach. To achieve this, we engage directly with food outlets, events and markets to help them switch from single-use plastics to better alternatives. The project is run by Plastic Free Byron and The Boomerang Alliance in conjunction with Byron Shire Council.

How it Works

The program focusses on six key single-use plastic items which represent the most problematic and prolific sources of the litter stream. These items are; water bottles, foodware (cutlery, cups, plates etc.), straws, coffee cups/lids, takeaway containers and plastic bags.

Cafes, restaurants, events and markets join us as a member and we help them remove the six key single-use plastic items and replace them with reusable or 100% compostable alternatives. Our program is hands on and we work directly with every member. We recognise and promote members for their achievements. Those who complete all our identified actions become 'Plastic Free Champions' and receive additional benefits. Individuals can also sign up, support our business members and reduce their own plastic footprint."

Management Comments:

Delivery Program:



Leaving a Legacy

Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Advocate

The main positive of the Byron program is the focus on cultural change however it also has a number of distinct weaknesses.

The real difficulty with this program is that it is focused only on plastics and many of the replacement products still look visually the same as plastics (PLA and Starch based plastics). It does not focus on other containers and only looks at avoidance and not recycling and processing. The plant based products will not be able to be identified and pulled out of services and are not suitable for placement in recyclables. They will need to go into a composting system but not a tunnel system as they are unlikely to break down within the time material is required to be processed in the tunnel.

It is considered relatively expensive at \$36,000 for a small number of commercial outlets and given that Council will not have the ability to control their activities.

The new program in Byron is very specific in that it focuses on businesses that supply food and drinks with plastic cups, bottles and food ware, as well as single use plastic bags. It is only focused on avoiding plastic and not on other recyclable or recoverable items including plastic.

Avoidance should be focussed on but we need to also pursue other options such as recovery and diversion. Recovery has a role and should be included in the program, as there are not always other options and we may alienate shops and restaurants. The program is also focussed on plastics but doesn't seem to recognise glass or metal drink containers which are increasingly being preferred at nightclubs and venues.

Our preliminary investigations indicate the program costs of \$36,000 with half being contributed from Byron Shire and the other half provided by the Boomerang Alliance.

The focus in waste management has typically been on recovery, with the government driving programs for avoidance and Extended Producer Responsibility.

Budget/Long Term Financial Plan:

Refer to Management Comments.

Legal Implications:

Nil.

Policy Implications:

Nil.

7 [NOM-Cr K Milne] Public Bike Racks

NOTICE OF MOTION:

Councillor K Milne moves that Council prepares a brief report on the availability of public bike racks in the Tweed Shire. The report to include suggested new sites.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: Advocate

Council has made application under Transport for NSW's Active Transport program for funding to update the Tweed Shire Bike Plan in 2019/20. This would include an audit of cycleways and related facilities, including bike racks. It would also seek community feedback on areas that are lacking in such infrastructure, and how to promote and facilitate greater bicycle usage.

A review of the Bike Plan is a project identified in the Delivery Plan for completion in 2020, subject to successful grant funding. Announcements for next year's grants are expected soon.

In the absence of the above project, Council has no inventory of bike racks across the Shire. Some have been installed by Council under various initiatives (cycling programs, streetscape projects, park upgrades, community facilities) while others have been installed by developers in accordance with Council's DCP and their consent conditions. There would also be a multitude of private bike facilities at school, shopping centres and recreational facilities. It would take considerable time and resource to undertake an audit.

Budget/Long Term Financial Plan:

An application for grant funding for a Bike Plan update, which would include consideration of bike rack facilities, has been lodged with Transport for NSW. Grant funding request is for \$40,000 which is 50% of the \$80,000 project. Council's matching funding would be sourced from Developer Contribution Plan CP22 – Cycleways.

Legal Implications:

NA

Policy Implications:

NA

8 [NOM-Cr K Milne] Electric Vehicles

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on advancing the aims of the Northern Rivers Electric Vehicle Strategy, and an option of including electric charging stations at the Tweed and Murwillumbah Civic Centres.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mbm



Leaving a Legacy

Looking out for future generations



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

| | |
|-------|--|
| 1 | Leaving a Legacy |
| 1.1 | Natural Resource Management |
| 1.1.4 | Environmental Sustainability - To support Council, businesses and the community to achieve the best possible combination of environmental, social and economic outcomes. |
| 3 | People, places and moving around |
| 3.3 | Moving around |
| 3.3.4 | Roads, traffic, footpaths and cycleways |

ROLE: Collaborator Advocate Leader

It is noted that Byron Shire Council has installed a public charge station at Byron Library but there has been limited public use.

Allocating Council resources to investigate potential charge station sites (vandalism risk, electricity sub station capacity, charge station ownership/lease arrangements, funding models, lease/licence arrangements for private charge station operators to use public land etc) has not been prioritised since the release of the Northern Rivers Electric Vehicle Strategy due to other demands (coordination of REAP projects and funding, roll out of the Youth

Environmental Leadership Program, scoping climate change adaptation projects, Seniors Week energy and climate change events, update of Council's Sustainability Strategy, scoping climate change adaptation projects, supporting Sustainable Procurement and Supply Chain initiatives, establishment of Sustainability Awards, planning and implementing reduction of single-use plastics across Council).

Budget/Long Term Financial Plan:

Significant staff resources across the organisation required to develop this report.

Legal Implications:

Not known.

Policy Implications:

Procurement Policy may have implications for constructing and operating electric vehicle charge stations.

9 [NOM-Cr K Milne] Return and Earn Scheme

NOTICE OF MOTION:

Councillor K Milne moves that Council prepares a brief report on the "return and earn" deposit stations and operations in the Shire.

The report to include any issues / solutions for the current locations, including noise impacts/ complaints from residents, rubbish left on site, hygiene re the need for hand washing facilities, lack of shade, queuing problems, etc., and discussion on the need for increased locations.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

The Return and Earn program is a state government initiative which is wholly managed by contractors working for the State Government. All control of the leased sites and conditions of operations are managed by the State Government and Council has no control or involvement in the program.

Council is therefore only able to request or lobby for actions to be undertaken and not able to direct a response. The contractor undertaking this work for the State Government is Tomra Cleanaway in NSW and southeast QLD.

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

10 [GM-CM] Australian Local Government General Assembly 2019 - Submission of 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 16 to 19 June 2019. Councillors Katie Milne and Chris Cherry have been authorised to attend.

The theme of this year's General Assembly is 'Future Focused' and council has been invited to submit motions that accord with this theme by 29 March 2019.

Proposed motions are contained within the report.

RECOMMENDATION:

That the following proposed motions on:

- **Federal Budget – Environment Protection; and**
- **Climate related financial disclosures**

be submitted for consideration at the Australian Local Government Association 2019 General Assembly.

REPORT:

The Australian Local Government Association General Assembly (ALGA) will be held in Canberra from 16 to 19 June 2019. Councillors Katie Milne and Chris Cherry have been authorised to attend.

The theme of this year's General Assembly is 'Future Focused' and council has been invited to submit motions that accord with this theme by 29 March 2019.

The following proposed motions are put forward to be submitted to the Australian Local Government Association for decision at the General Assembly.

Federal Budget – Environment Protection

Motion

That the:

- a) ALGA notes the 2019/20 Federal budget estimates show funding for environmental protection of \$ 919 million, which equates to only 0.18% of the \$504,171 million budget, with this funding set to further decline in future budgets;
- b) ALGA calls on the Federal Government to substantially increase levels of funding for the environment in the 2019/2020 budget; and
- c) ALGA develops an ongoing campaign strategy to increase future funding for the environment, with an aim of achieving at least 5% of the Federal budget's dedicated to environmental protection.

Background

According to Australia's State of the Environment Report 2016 - "The outlook for Australian biodiversity is generally poor, given the current overall poor status, deteriorating trends and increasing pressures. Our current investments in biodiversity management are not keeping pace with the scale and magnitude of current pressures. Resources for managing biodiversity and for limiting the impact of key pressures mostly appear inadequate to arrest the declining status of many species. Biodiversity and broader conservation management will require major reinvestments across long timeframes to reverse deteriorating trends."

Climate related financial disclosures

Motion

That the ALGA calls on the Federal Government to establish a Task Force on Climate-related Financial Disclosures to implement consistent climate-related disclosures for inclusion in annual financial reports for all levels of Government, including Councils.

This reporting is to utilise and be based upon the Financial Stability Board's Task Force on Climate-related Financial Disclosures (TCFD) recommended framework.

Background

An extract from the website of the Financial Stability Board states:

Policymakers have an interest in ensuring that the financial system is resilient to all forms of risk. In April 2015 the G20 asked the FSB to consider climate risk and in December 2015 the FSB launched the industry-led Task Force on Climate-related Financial Disclosures (TCFD) to develop recommendations on climate-related financial disclosures. The Task Force published its final recommendations in June 2017.

Disclosure of climate-related financial information is a prerequisite for financial firms not only to manage and price climate risks appropriately but also, if they wish, to take lending, investment or insurance underwriting decisions based on their view of transition scenarios.

The TCFD developed four recommendations on climate-related financial disclosures that are applicable to organisations. The recommendations are structured around four thematic areas:

1. **Governance:** The organisation's governance around climate-related risks and opportunities.
2. **Strategy:** The actual and potential impacts of climate-related risks and opportunities on the organisation's businesses, strategy, and financial planning.
3. **Risk Management:** The processes used by the organisation to identify, assess, and manage climate-related risks.
4. **Metrics and Targets:** The metrics and targets used to assess and manage relevant climate-related risks and opportunities.

OPTIONS:

That the proposed motions as reported be submitted and Council takes the opportunity to include any further motions.

CONCLUSION:

That the proposed motions be submitted for consideration at the Australian Local Government Association 2019 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.

11 [GM-CM] Review of Visitor Information Centres

SUBMITTED BY: Economic Development

mh



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

Last year The Tweed Tourism Company were contracted to provide tourism services to Council, included operating Visitor Information Centres (VIC). As part of the contract The Tweed Tourism Company are required to undertake a review of Council's current VICs.

This review has now been completed and is presented as an attachment to this report for Council's consideration.

RECOMMENDATION:

That Council:

- 1. Receives and notes the review of the Visitor Information Centres as undertaken by The Tweed Tourism Company.**
- 2. Endorses The Tweed Tourism Company to develop a business case to move the current Visitor Information Centre operations located at the Murwillumbah Railway Station and establish a temporary co-location space in the Murwillumbah Museum until such time as the Rail Trail is established.**
- 3. Endorses The Tweed Tourism Company to develop a business case to move the current Visitor Information Centre operations at Tweed Heads and investigate the potential of relocating these operations to Point Danger.**
- 4. Endorses The Tweed Tourism Company to establish a mobile Visitor Information Centre as proposed in the report.**

5. **Notes The Tweed Tourism Company comments in relation to commitment to the VIC at Kingscliff.**
6. **Endorses The Tweed Tourism Company's proposal to scope a welcome program for broad implementation to Visitor Information Centre staff and volunteers, and to seek resourcing for a broader roll out.**
7. **Requests The Tweed Tourism Company to present the business cases as are developed to Council for consideration prior to any closure of the Visitor Information Centres.**

REPORT:

Background

Last year The Tweed Tourism Company (TTC) were contracted to provide tourism services to Council. This contract includes operating Visitor Information Centres (VIC). As part of the contract The Tweed Tourism Company are required to undertake a review of Council's current VIC locations and operations. This review has now been completed and is presented as an attachment to this report for Council's consideration.

On 14 February 2019 a Council workshop was held with TTC to discuss the VIC review and its recommendations, which are discussed further in this report to Council.

The Tweed Tourism Co. - Covering Statement

On 25 February 2019 TTC provided a Covering Statement regarding the VIC review. This letter is presented below;



The Tweed Tourism Co.
Cnr Wharf St & Bay St,
Tweed Heads, NSW, 2485

25th February 2019.

Visitor Information Centre Review – Covering Statement

Dear Councillors,

Thank you for providing the Tweed Tourism Company (TTC) team with the opportunity to meet with the Tweed Shire Council (February 14th, 2019), and to discuss our recommendations following the completion of a detailed Visitor Information Centre Review for the Tweed Region.

In summary, our recommendations are based on several key points which are reinforced by numerous visitor information centre review and research papers at a national level which are detailed in the report. These points are:

1. VICs must be located within the zones most popular with the target audience – i.e. tourists.
2. Visitors want an informed local. The purpose for this is to gain advice and for stories and anecdotes that bring a destination to life.
3. Investing in staff, volunteers and a “welcome” program will be critical to future sustainability and relevance.

As we discussed and as you can see in the enclosed report, it is clear that the Tweed’s current visitor information centres, in their current locations and form, can be improved to capitalise on visitor opportunities and expectations.

TTC believes that keeping the current scenario as ‘status quo’ is not a viable option.

Following our workshop with Councillors and to summarise; TTC will develop costed business feasibility plans for the following, noting that they must work together for budgetary purposes to form a cohesive visitor information services strategy:

1. Murwillumbah planning for a partnership with the Tweed Regional Museum.
2. Tweed Heads planning for a partnership with the Tweed Shire Council at Point Danger, Duranbah.
3. Kingscliff to stay as is, noting the potential for upgraded services.
4. Mobile VIC planning in the form of a trailer and/or vehicle.

One point to note is that the Tweed Heads (Point Danger) recommendation is not included in the originally submitted report as this was not a known opportunity at that stage. This option was, however, discussed as a part of the aforementioned Councillor workshop.





Our intent in seeking approval from Council to make changes to the current visitor information centre structure is not to dilute visitor information services – it is to establish effective, sustainable centres that fulfil their key requirements, being to encourage visitor dispersal, increased length of stay and increased visitor expenditure within the Tweed tourism and wider business community.

TTC will continue to run the visitor information centre side of the business as Not-For-Profit and are seeking approval from Council to make immediate changes that will provide a 2-3 year window to make them work whilst ambiguity and potential opportunity (e.g. the Northern Rivers Rail Trail, Jack Evans Park), becomes clearer. It is important to note however, that to make these changes happen, we need savings to current expenditure to invest back in to new VIC solutions.

We look forward to continuing our work with the Tweed Shire Council for the heightening of visitor experiences in the region, and on behalf of our valued industry operators.

Kind Regards,

DR Tourism Executive Team

Visitor Information Centre Visitation

The VIC Review has identified that the destination’s tourism visitation has grown by 34% from 2008 to 2017. This gap is accentuated by the 2017 flood effect but clearly visitor services are unaligned with the apparent uplift in overall visitation. This demands analysis of the relevance of, and future models for, sustainable VICs in the Tweed. For the proportion of VIC visitation to overall Tweed visitation, Tweed Heads received 14%, Murwillumbah 8% and Kingscliff 5% (in 2018).

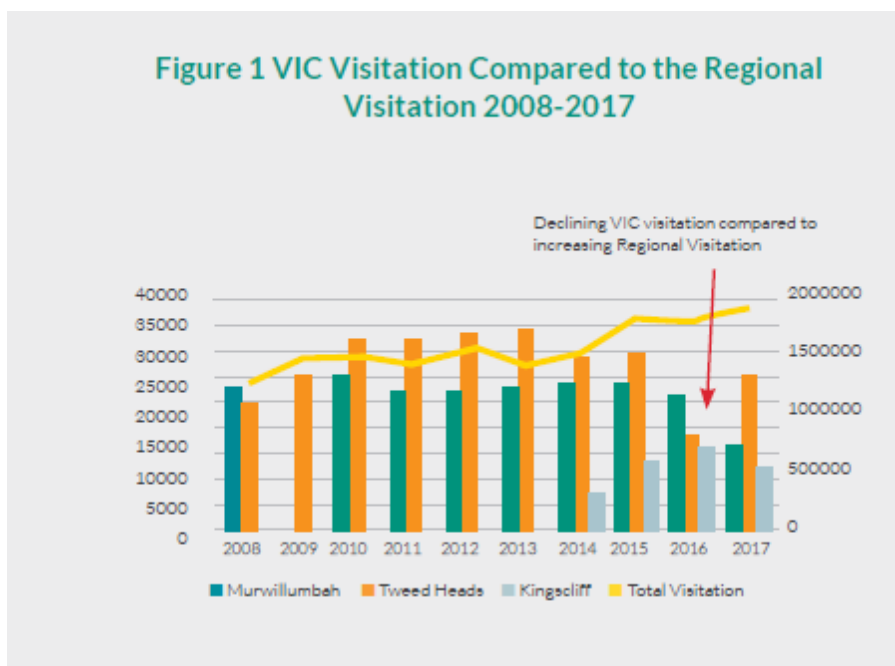


Figure 1: VIC Visitation

In consideration of the VICs declining performance the TTC have posed a hypothetical question:

Is an investment of the \$360,000 per annum (figure is based on current expenditure with additional costs added in to staff Kingscliff in the future and is on the light side) into VICs better for The Tweed's overall visitation and yield (the revenue generated from each visitor night) or would it be better spent elsewhere?

Below is a more detailed review of each of the existing VICs. These assessments need to be considered in context of the review and recommendations presented in the TTC review which is attached to this report.

Tweed Heads Visitor Information Centre

In 2009 Council built the VIC located at Jack Evans Boat Harbour. The VIC was jointly funded by Federal, State and Council funds as a purpose built VIC facility. It is located on crown land which is leased to Council.

Findings from the review found the issues facing the Tweed Heads VIC:

- *Tweeds Heads has had a 9% increase in VIC visitation numbers comparing 2007 to 2017 which is very modest*
- *It has numerous and conspicuous problems*
- *Across 2007-2017 it was 56% of visitation when compared with Murwillumbah and in 2017 was 64%*
- *Its relevance is increasing to Murwillumbah which is dying (so this is not a real gain at all) but its potential is not increasing*
- *The resolution of social and safety issues are paramount with a persistent and highly visible social/homeless/drug issue in the park which affects both staff and visitors*
- *Recent sad and high profile crime has highlighted the park's notoriety*
- *Amenities are available but at times unusable (by choice based on safety or condition)*
- *It has limitations with space, hence retailing or using as TTC's headquarters is problematic*
- *There is a high percentage of locals walking in and those seeking bus cards at no or low commissions which inflate the numbers whilst adding no real value to the centre*

The TTC Review identified the following options in relation to the Tweed Heads VIC;

| OPTIONS | COMMENT |
|--|--|
| TH1: Do Nothing | Possible and sustainable but will feed a slow decline in effectiveness of the centre. The lack of an attraction close by (giving a reason to be there) is a major weakness. |
| TH2: Improving the Existing VIC (as it currently is) | Enhance ambience and display, improve signage. Revenue generation can be sustained but difficult to support injection of capital to generate more (due to ROI issues). The centre needs to address the water and be part of further / future park enhancements but hurdles are who resources this and the social issues already evident. |
| TH3: Improving Jack Evans Park | Further enhancements would need to offer TSC some ROI and could involve attracting markets, improving RV parking, an extension of Bay Street appeal. TTC has little control over this outcome. |
| TH4: Relocating the VIC | A Tweed Heads site that would work is at Point Danger being near an attraction and a very high tourist area. The practicalities of TSC or TTC investment in this are problematic. Another location could be found in Bay Street but, whilst improvements have been made to the streetscape, its rejuvenation as a high pedestrian and tourist location could take many years and leaves an issue of what to do with the existing building. |
| TH5: Closure of the VIC / Use of Mobile VIC | One option is to close the existing VIC and for TTC to invest in a mobile VIC/trailer which could be used across Tweed Heads and also for events and opportunistic occasions across the whole region. A Business Case would need to be written with a compelling set of drivers and benefits and leaves an issue of what to do with the existing building. |
| TH6: VIC staffed with volunteers only | This would bring the operating costs and ROI versus visitation back into balance and be a short to medium term solution but does not resolve underlying issues. |

Figure 2: Tweed Heads VIC Options.

If the Tweed Heads VIC were to be decommissioned as a VIC then an alternative use for the building would need to be considered. This would involve undertaking discussions with Crown Land given that the building is no longer being utilised for purpose of a VIC.

The parcel of land the VIC is located on is a Council managed crown reserve which is part of the larger Jack Evans Boat Harbour (JEBH). This reserve is managed through the JEBH Plan of Management. Any future activity for this parcel will need to be in accordance with the developed JEBH Plan of Management.

Council is currently drafting a new Plan of Management for JEBH in accordance with the new Crown Lands Management Act.

The land the Tweed Heads VIC is located on is zoned for Public Recreation (RE1) under the Tweed City Centre LEP 2012. This zone prohibits “*Commercial Premises*” and “*Retail Premises*” but permits “*Restaurants or cafes*” with development consent.

This report recommends that The Tweed Tourism Co explores the benefits of the closure of the Tweed Heads VIC in the short term and works with partners and Tweed Shire Council (TSC) to write a Business Case to scope the features of, the resources needed and

operational aspects and costs of establishing a VIC at Point Danger and the establishment of a Mobile VIC.

Kingscliff Visitor Information Centre

The Kingscliff VIC is a newly developed VIC resulting from the redevelopment of the foreshore park and community hall at Kingscliff. It was purpose built VIC within Rowan Robinson Park commissioned nearly 12 months ago. It is located within the Single Coastal Reserve which is a crown land reserve and falls under the Single Coastal Reserve Plan of Management.

Findings from the review found the issues facing the Kingscliff VIC:

- *Kingscliff's visitation grew by 36% to 2017 and 2018 data will provide an even better trend*
- *The new building has given the site more relevance with the most upside of the three VICs*
- *It is currently not staffed and run by volunteers only*
- *In the future it could be staffed and run operationally comparable to the other centres*
- *It is viable with consistent visitation across each day, weekends being busier*
- *It is considered to be very viable as a more commercially oriented centre if investment into it is affordable*
- *It has limitations with space, hence retailing will be difficult*

The TTC Review identified the following options in relation to the Kingscliff VIC;

| OPTIONS | COMMENT |
|---|---|
| K1: Do Nothing | This is an easy option as it has increasing numbers and its effectiveness may increase. However, the high rent constrains its viability. |
| K2: Improving the Existing VIC (as it currently is) | This is a medium risk in that it is easy to implement but will require budgeted staffing and retailing fit out which will need to be shuffled from within the existing budget. The higher risk is there is no history of sale to project income and no history of sales for the other two VICs available to TTC to do likewise. |
| K3. Relocating the VIC | Not relevant |
| K4: Closure of the VIC | Community fallout, TSC expectations and TTC's desired visitor information services model would most likely not allow this. There is no justification to do so. |

Figure 3: Kingscliff VIC Options.

TTC found the Kingscliff VIC to be well located VIC with commercial potential. No recommendations were made in the review to make any strategic changes to this VIC.

Murwillumbah Visitor Information Centre

The Murwillumbah VIC is currently located in the Murwillumbah Railway Station complex. It has been located in these premises since the flood in 2017. Prior to this it was located in the World Heritage Rainforest Centre (WHRC) within Budd Park, Alma St. The flood inundated the WHRC building causing extensive damage to the building and destroying nearly all of the VIC fixtures and stock. The VIC was re-located to the Railway Station which had only just been leased to Council by the State Government.

Findings from the review found the issues facing the Murwillumbah VIC:

- *Murwillumbah has had a 48% fall in VIC visitation numbers comparing 2007 to 2017*
- *It is losing relevance as declining VIC visitation against increasing Tweed region visitation*
- *The forced move from the old VIC building has seen a loss of custom and identity*
- *The temporary railway station site has much potential but currently is poorly decorated, the space is too large and it has not had the time, resources or vision to move from quirky to functional and sustainable*
- *The two sites offer perhaps the greatest scope to form a vision but this will depend on TSC's resources, commitment and expectations*
- *The impending refurbishment of the old VIC site offers broad options but only if compatible partners / tenants are found and TTC can lease an affordable amount of space*
- *The current railway station site's future viability depends on the Rail Trail's implementation and success and the finding of suitable partners / tenants and TTC can lease an affordable amount of space*
- *It attracts only 8% of overall Tweed region visitation as traffic through its doors (compared to Tweed Heads' 14% based on 2017 figures) which questions the ROI on having paid staffing*
- *Its share of VIC visitation (alongside that of Tweed Heads) across the years 2010-2017 was 44% and is now 35%*

The TTC Review identified the following options in relation to the Murwillumbah VIC;

| OPTIONS | COMMENT |
|---|--|
| M1: Do Nothing | This is not possible as it will negatively impact retention of volunteers, dispersal of visitation and ROI on rent, etc. The unsustainability is due to a decline in numbers, lack of presence and hiatus in ability to confirm the future of Rail Trail. Remedial action is needed urgently. |
| M2: Improving the Existing VIC (as it currently is) | Enhance ambience and display, improve signage, reconfigure internal space and use back end as offices, screened off from public and operate with volunteers only, is possible but not really justifiable based on cost or effectiveness. Revenue generation to offset some rent is not likely as it currently has no "pull" and low morale will affect staff and volunteer retention. |
| M3: New concept and vision for the Existing VIC (Rail Station vision) | This has much potential but requires: capital; the Rail Trail to proceed; and needs some complementary co-located tenants (café, gallery, etc.). Rail and even flooding history could form part of the site, with improved park like amenity, concessions for café, etc. TTC views this as at best a 4 year timeframe and not one we can influence. |
| M4: Relocating the VIC (old VIC site) | Shifting back to the old VIC has potential but requires a reason for being / become a destination (art gallery, relocate panorama, business hub, etc.). It could become a business hub with TTC central to this and supported by the Chamber of Commerce, TEN network (example), TSC business support or Economic Development unit, etc. TTC has limited capacity to pay rent on a large space and make this move viable. It could rent a suitable sized space as a core tenant. This concept would need time to find commercial sub leasing partners and negotiate the lease rates and timing. |
| M5: Relocating the VIC (Museum site) | Shifting to the Museum has potential to create a destination, leverage existing visitation, sharing resources, staffing and volunteer rosters. This concept would need time to bring our partners along, to build the trust and agree on potential sharing model. |
| M6: Closure of the VIC | Community fallout, TSC expectations and TTC's desired visitor information services model would most likely not allow this. |
| M7: Closure of the VIC / Use of Mobile VIC | One option is to close the existing VIC, for TTC to invest in a mobile VIC/ trailer which could be used across Murwillumbah and also for events and opportunistic occasions across the whole region. A Business Case would need to be written with a compelling set of drivers and benefits and leaves an issue of what to do with the existing building. |
| M8: Temporary Closure of the VIC / Use of Mobile VIC | A derivative of the above is to close the existing VIC for say 12 months whilst a fuller resolution of long term site could be established and agreed. TTC could invest in a mobile VIC/trailer which could be used across Murwillumbah and also for events and opportunistic occasions across the whole region. A Business Case would need to be written with a compelling set of drivers and benefits and leaves three issues: (1) what to do with the existing building during that period; (2) the development of a precinct vision to create a destination and justify the re-opening of the centre; and (3) who will drive and resource point 2? |

Figure 4: Murwillumbah VIC Options.

This report recommends that The Tweed Tourism Co explores the benefits of the closure of the Murwillumbah VIC in the short term and works with partners and TSC to write a Business Case for partnering with the Museum on the inclusion of a small space for a VIC and potential sharing of staff.

Additionally, it recommends that the Tweed Tourism Co explores the benefits of the closure of the Murwillumbah VIC in the short term and works with partners and TSC to write a Business Case on relocating to the former VIC site and securing suitable co-tenants.

World Heritage Rainforest Centre

The WHRC is located on Council owned Operational Land which forms part of Budd Park on Alma St. A VIC has been located on this site since the 1970s and the WHRC has undergone several redevelopments over this period.

The Current reconstruction work is due to be completed in April 2019. The future use of this building will be an important factor in the success of the Rail Trail.

The reconstruction work to the WHRC does not include any fit out for a VIC. Additional to this the previous WHRC layout include a large interpretative display based around the natural history and environment surrounding Wollumbin / Mt Warning. This display was freely available to the travelling public through the VIC.

If the WHRC was to be used as a VIC significant fit out costs would be required. This should include VIC interpretative displays. A move back to the WHRC can be considered in concert with the opening of the Rail Trail.

Under the Tweed LEP 2014, the land that the WHRC is located on is zoned for Public Recreation (RE1). This zone prohibits “*Commercial Premises*” and “*Retail Premises*” but permits “*Restaurants or cafes*” and “*Community Facilities*” with development consent.

OPTIONS:

Council has three options available;

1. That Council endorses the recommendations put forward in this review and proceeds with their implementation, or
2. That Council not endorse the recommendations put forward in this review and continue the current Visitor Information Centre operations at Murwillumbah, Tweed Heads and Kingscliff.
3. Council with the alternate options within the Report.

CONCLUSION:

This report endorses the recommendations put forward in this review and proceed with their implementation.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Under the Tourism Services agreement the Tweed Tourism Company are contracted to operate visitor information centres.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Cover Letter Visitor Information Centre Review – The Tweed
Tourism Company (ECM 5788155)

Attachment 2. Visitor Information Centre Review – The Tweed Tourism
Company (ECM 5788156)

12 [GM-CM] Destination Management Plan

SUBMITTED BY: Economic Development

mbm



Leaving a Legacy

Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

In October last year Council entered into a new contract with The Tweed Tourism Company for the supply of tourism services. As part of this contract the new tourism provider is required to review the draft Destination Management Plan for the Tweed.

RECOMMENDATION:

That Council:

1. **Receives and notes the Destination Management Plan Review Report prepared by The Tweed Tourism Company,**
2. **Endorses The Tweed Tourism Company to make revisions to the draft Destination Management Plan as outlined in their Review attached to this report,**
3. **Endorses the Tweed Tourism Company to consult with industry and stakeholders on the revised Destination Management Plan and bring a final document back to Council for approval.**

REPORT:

In October last year Council entered into a new contract with The Tweed Tourism Company for the supply of tourism services. As part of this contract the new tourism provider is required to review the draft Destination Management Plan (DMP) for the Tweed.

The current draft of the DMP was originally prepared by the previous contractor, Destination Tweed. The draft DMP was originally presented to Council on 22 March 2018 where it was received and noted. This draft DMP was also the focus of a Council workshop held on 9 August 2018.

In December 2018 the Tweed Tourism Company presented their review of the DMP. This report summarises their assessment and considers their findings.

Draft Destination Management Plan

The draft DMP presents a Stretch Goal as follows:

“By 2025 we will double our visitor economy and have established the Tweed as Australia’s most sustainable destination.

By 2030 our visitor economy will double again to \$1.46 billion dollars”

It also presents the Strategic Opportunities for tourism in the Tweed as follows:

- *Nature Based Tourism*
- *Agri and Culinary Tourism*
- *Cultural Tourism*
- *Business and Regional Events*
- *Outdoor Lifestyle and Wellness*
- *Exporting the Tweed*
- *Building on our Inherent Strengths*

A full copy of the draft DMP is presented as an attachment to this report.

Destination Management Plan Review Report

The Tweed Tourism Company (TTC) have identified that the draft DMP have, in their opinion, several gaps. In identifying these gaps they have proposed some future enhancements. Below is a table which is reproduced from the DMP review which lays out these proposed enhancements.

| Theme/Area of Focus | Comment and Analysis | Possible Action |
|-----------------------------------|--|--|
| Trade and International Marketing | Trade and international markets information is a little confused and lacking depth. The document references the Gold Coast Airport and the opportunity to grow in this space (which is good). However, The Tweed’s share of international visitation is surprisingly low, given the size of the market in the neighbouring LGAs and the proximity to Gold Coast Airport. | The draft DMP does not reflect the current operators working with trade as predominantly focusing in Eastern Markets whilst almost all other information in the document is pointing to develop a Western Markets strategy. An amendment may be to bring this to a simple action stating that both an Eastern and Western Marketing Strategy is required and that the Free and Independent Traveller (FIT) market is the likely focus. TTC will pursue close ties and partnering arrangements with Gold Coast Airport. |

| Theme/Area of Focus | Comment and Analysis | Possible Action |
|----------------------------------|--|---|
| Operator Trade Development | The document is short on detail and focus on this as a symbiotic pairing with Trade and International Marketing, above. The DMP's Section 2, Key Source Markets and Purpose of Visit, states: "The current profile of international visitors stay longer (10 nights YE Sep 2017) but spend less per night. If effort and investment were to occur in the export market, yield and collaborative partnerships would need to be considered to ensure viability of the market." | This indicates that the main international visitor is most likely a backpacker, therefore we need to have a strategy in place to promote to a more mature, high disposable FIT market such as the Germans and Dutch that Self Drive. |
| MICE Markets | The importance and value of this needs to be heightened. References are made but not in a structured manner. | References to trade, MICE and festivals are currently confusing and need some separation and clarity. In 2018, TTC with Destination North Coast (DNC,) TSC and industry has embarked on a tangible project to build the MICE market. |
| Events (festivals, etc.) | The DMP does not adequately cover consumer events as a driver of visitation and the use of events in key periods. | This should be strengthened in the DMP through the destination's event support (recognising TSC's sponsorship programs), the selection and development of events that fit with "The Tweed" brand message and referencing markets and regular events as a part of the community. |
| Weddings | Wedding Markets are not referenced in the DMP. TTC's industry consultation shows this to be a sector that is being highly targeted. | More research on this is required but this is a strong yielding market in a changing landscape with increased numbers of weddings occurring in mid-week and similar periods. TTC can deliver on the product development aspects. |
| Sporting and Group based Tourism | Early consultation revealed a pent up demand for collaboration on Sports Tourism as a perceived DMP gap and major opportunity. It needs to be addressed in the DMP within a Sports Tourism Strategy (currently in Draft via TTC). The primary objectives are to: develop The Tweed as a destination of choice for sports tourism events; focus on more effective regional and interstate marketing; increase visitation, Average Length of Stay and spend; and raise the unprompted awareness of The Tweed as a tourist destination. | Add into the DMP's "Strategic Priorities – Supply Development" that TTC began a process in 2018 to develop a Sports Tourism Strategy and this will focus on collaboration; a cross border focus; building capacity; and cooperative marketing. Its purpose is "to advance the region, in collaboration with neighbouring regions, as a leader in the Sport Tourism industry, maximising both economic benefits and sport development opportunities." (Draft Sports Tourism Strategy Paper, TTC 2018) |
| Education Tourism | Although a relatively low yield market, education tourism could benefit a regional centre like Murwillumbah. | Can the region and the TTC budget accommodate meaningful effort in this space? In support of the idea: the area is well-placed to deliver on curriculum outcomes; it has good accessibility; it could target predominantly mid-week business; and it appeals to comments in the DMP which reference tourism 'giving back' to the area. |
| Accessible Tourism | Accessible Tourism is referenced in the DMP (Strategic Priorities Designation Management and Governance, 8. Develop an accessible tourism strategy and policy). The reviewers consider it important to foster a more inclusive and accessible community, using tourism as the catalyst for change. | We need to gather more information, utilise the internal resources and expertise of TTC/DR Tourism and ascertain the appetite and capacity of partners in the disability/accessible sector to collaborate. The market is sizeable: 1 in 5 Australians have a disability (90% holiday each year); this accounts for 8.2 million bed nights; they stay longer – average 8 nights; travel in low seasons; and with the NDIS model implemented, choice and visitor experiences are increasingly available to this sector which will underpin market growth. |
| Visitor Information Services | Cited in the Draft DMP as a Strategic Priority (Supply Development) and Strategic Action (number 15) this is considered as urgent by the reviewers who have undertaken a mandatory Visitor Information Centre Review Report for TSC in November 2018. That review is comprehensive and actions may differ from those cited in the Draft DMP and will be numerous, so this aspect of the DMP will need a rewrite. | The Tweed's VICs need to be overhauled dramatically and urgently to align with contemporary trends, to overcome many challenges to their sustainability and for their usefulness as a prime enabler of visitor offerings and information. TTC will take direction from TSC based on the VIC Review Report's recommendations being accepted. |

| Theme/Area of Focus | Comment and Analysis | Possible Action |
|-----------------------------------|---|--|
| Tourism and /Operator Development | The reviewers agree with the challenge cited in the DMP's Section 2, Strategic Insights-Situation Analysis: "Our long standing challenge has been the limited number and quality of saleable products and experiences for visitors to engage in. This challenge has the flow-on effect of limiting dispersal beyond the coast into the Tweed Valley. It's not good enough to have people just driving around having picnics looking at the scenery, we need them to get out of the car and spend money. To achieve this the destination needs to consider core experience themes that build upon both the destinations' potential and the inherent traits that appeal to targeted market segments." | Part of TTC's enhancement on this will be woven into its The Tweed Tourism Academy initiative - an umbrella for operator, business and tourism development, experience development and capacity building. From a professional development perspective this will specifically include offering workshops around: Packaging and Bundling; Experience Development, Trade Readiness and our flagship Tourism Futures Leadership Program. |
| Destination Marketing | This is a critical element of any DMP, and whilst generally well covered in the Draft, we would separate the VICs overhaul from this and bolster the mechanics of destination marketing with targeted actions in the trade distribution and/or domestic consumer marketing space. We see working in partnership with DNC, DNSW and Tourism Australia, through targeted marketing and media opportunities to raise awareness of The Tweed region in key priority markets, as critical. Develop a campaign framework to deliver robust and structured periods of marketing activity. | Develop and implement a domestic and international Trade Ready industry program that equips operators with the necessary tools to work key trade partners, grow visitation to the region and increase average length of stay and overnight expenditure. Attend key domestic and international trade shows to meet with key trade distribution partners to encourage destination and product inclusion in programs, itineraries and brochures. Design and implement a domestic and international trade familiarisation program. |
| Stretch Goals | The Draft DMP Stretch Goals are fine but need to be taken beyond just aspirations. Should a DMP include a "big hairy audacious goal" (BHAG) to focus on? | Possible suggestions to be workshopped and discussed with Councillors and the industry, as they are multi-year goals and need collaboration and funding, include: <ol style="list-style-type: none"> <li data-bbox="898 1160 1342 1211">1. 1.UNESCO Biosphere status around Wollumbin. <li data-bbox="898 1240 1297 1292">2. A World Surfing Reserve around Cabarita. |

OPTIONS:

Council has three options available:

1. That it endorses TTC to continue with the preparation of a final DMP in accordance with this report.
2. That it endorses the draft Destination Management Plan as prepared by Destination Tweed.
3. That it no longer continue with the preparation of a DMP.

CONCLUSION:

This report recommends that TTC be endorsed to make the proposed revisions to the Destination Management Plan as outlined in their review. Furthermore, that TTC consult with industry and stakeholders on the revised draft and bring a final document back to Council for approval.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

TTC are contracted for four years to undertake tourism promotion and development within the Tweed. The review of the DMP has been undertaken as part of their contract. The DMP which is finally adopted by Council will set the priorities and direction for TTC's activities given the funding specified in the contract. The DMP is not a document that recommends variations to the tourism budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

| | |
|--------------|--|
| Attachment 1 | Draft Tweed Destination Management Plan (ECM 5791845) |
| Attachment 2 | Tweed Destination Management Plan Review – The Tweed Tourism Company (ECM 5791846) |

13 [GM-CM] Australian SAE Surf Championship - Partnership Proposal

SUBMITTED BY: Economic Development

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.7 Events - To develop, attract and support events that showcase the Tweed's unique characteristics and identity.

ROLE: **Leader**

SUMMARY OF REPORT:

The Australian Surf Championships (formerly Australian Surf Festival) started in 1963 and is the longest running surf event in Australian history, incorporating over 500 surfers between 16-60 years of age. For the last two years the event has been run in the Tweed Shire.

The Australian SAE Surf Championships combine 5 National titles over an 18 day period:

- Australian Surfmasters Titles;
- Australian Longboard Titles;
- Australian Bodyboard Titles;
- Australian Logger Titles; and
- Australian Adaptive Titles (new to the event).

The 2019 Australian SAE Surf Championships will be held 9-26 August as a mobile surf event.

To enable the successful delivery of this event, Surfing Australia Limited is seeking a \$30,000 (+GST) financial commitment from Council to host the 2019 event.

The Australian SAE Surf Championship 2019 Event Proposal is attached for Councillors information (refer Attachment 1).

RECOMMENDATION:

That Council determines its support of the 2019 Australian SAE Surf Championships.

REPORT:

The Australian Surf Championships (formerly Australian Surf Festival) started in 1963 and is the longest running surf event in Australian history, incorporating over 500 surfers between 16-60 years of age. For the last two years the event has been run in the Tweed Shire.

The Australian SAE Surf Championships combine 5 National titles over an 18 day period:

- Australian Surfmasters Titles;
- Australian Longboard Titles;
- Australian Bodyboard Titles;
- Australian Logger Titles; and
- Australian Adaptive Titles (new to the event).

The 2019 Australian SAE Surf Championships will be held 9-26 August as a mobile surf event.

The 2018 Australian Surf Festival was held 10-27 August at Cabarita Beach. The event was originally a mobile surf event between Duranbah Beach, Letitia Spit, Fingal Beach, Kingscliff Beach, Cabarita Beach, Hastings Point and Pottsville Beach. However surf conditions resulted in the organisers remaining at Cabarita Beach for the duration of the Festival.

Due to the decision to remain at Cabarita Beach there were some issues at Norries Headland with local community members, particularly surfers expressing concern about the lack of parking during the event. The event organisers have responded to the concerns expressed by Council officers and possible solutions are being explored should surf conditions not allow the event to be mobile in 2019.

Destination Tweed sponsored the 2017 and 2018 event and are now unable to sponsor the 2019 event. The Tweed Tourism Company (TTTC), Council's tourism services provider, were approached to sponsor the event however they are not in a position to do so at this point in time.

Council has not previously sponsored this event.

The event organisers have been made aware of the Events Sponsorship funding round that opens on 1 May and closes on 31 May 2019, but due to funds not being allocated by Council until July 2019, it leaves them with less than a month out from their event before they know if they have a financial commitment from Council or not.

To enable the successful delivery of this event, Surfing Australia Limited is seeking a \$30,000 (+GST) financial commitment from Council to host the 2019 event.

The Australian SAE Surf Championship 2019 Event Proposal is attached for Councillors information (refer Attachment 1).

OPTIONS:

That Council:

1. Allocates \$30,000 (+GST) to Surfing Australia for the conduct of the 2019 Australian SAE Surf Championship and enters into a one-year Events Sponsorship Agreement.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - Section 4.15 Evaluation

(1) **Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*),that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations, (e) the public interest.

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

(2) **Compliance with non-discretionary development standards—development other than complying development.**

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

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

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

(3A) **Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, **standards** include performance criteria.

(4) **Consent where an accreditation is in force**

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

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

(6) **Definitions**

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) **non-discretionary development standards** means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

14 [PR-CM] Development Application DA18/0635 for the Demolition of Existing Structures, New Extended Dining and Alfresco Dining Areas, New Covered Kids Area, Modified Bowling Green, New Waste Room, Relocation of Proposed Pop Up Cafe and Alterations to Car Pa

SUBMITTED BY: Development Assessment and Compliance

mhm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Provider

SUMMARY OF REPORT:

Council is in receipt of a Development Application for the following alterations and additions to the Kingscliff Beach Bowling Club (KBBC) site:

- The provision of a pop up bar/café (already approved under DA18/0517) to be permanently located to the south eastern corner of the site;
- Demolition of internal walls and internal alterations to the southern extent of the building to provide new kitchen and servery area, close to the existing bistro/dining area;
- A new addition which includes 173m² extension to the existing bistro dining area, a new 243m² alfresco dining area, new amenities area and a new 85m² covered kids play (total floor area of 501m²);
- New waste room at the far southern boundary of the site;
- Reduction of 3 rinks (lanes) for one of the three bowling greens and new seats and shelters along the path of that bowling green;
- Relocation of flag pole, hydrant and water services in path between the bowling greens and;
- An additional seven (7) parking spaces via the reconfiguration of the existing Crown Land carpark on Lot 2 DP 1122062 relocating four (4) accessible parking spaces from the northern aspect of the building to the eastern end of the club, providing an additional two (2) visitor parking spaces on this land, and the provision of an additional five (5) staff parking spaces on the KBBC site (Lot 468 DP 755701);
- The application states that the proposed additions will continue operating in accordance with existing club operating hours.

The application was neighbour notified from Wednesday 12 September 2018 to Wednesday 26 September 2018. During this time two (2) submissions were received. Their responses have been considered as part of the assessment and are detailed later in this report.

The application has been considered having regard to the context and setting of the site and surrounds. Diligent assessment of the traffic, parking and acoustic impacts are considered to be relevant to the proposal and are detailed throughout this report.

Below is a summary of the key outcomes of these assessment matters:

Acoustic

The applicant has submitted an Acoustic Report, prepared in accordance with the NSW Industrial Noise Policy and the established noise criteria specified by NSW Liquor and Gaming. The criteria applied is considered to be appropriate for the development having regard to the use of the site as an existing licensed premise.

The report adequately considers the level of noise impacts resulting from the proposal having regard to existing background noise levels at nearby sensitive receiver locations. The report highlights the provision of building treatment to the addition to achieve compliant noise levels, this is considered acceptable and a condition is recommended that a post construction implementation report be submitted to Council to ensure the recommendations in the report are completed as part of the approved works.

In addition, a Noise Management Plan is provided as part of the Acoustic Report and this plan aims to provide a complaint management system for the club operations which aids regulation and compliance with the noise levels provided in the Acoustic Report.

It is noted that the existing conditions of consent for the club operations restrict activities between 10pm – 7am in accordance with the Industrial Noise Policy. Given the proposed additions are located to the west of the club (closer to sensitive receiver locations), it is considered appropriate that a special condition be applied to restrict the use of external areas after 10pm to secure a more positive acoustic amenity outcome for nearby sensitive receiver locations. This is discussed in detail later in this report.

Parking

The application is supported by a Traffic and Parking assessment report (prepared by Rytenskild Traffic Engineer). The report outlines some key characteristic of the club operations and the locality of the subject site which justifies that existing parking arrangements are being underutilised and a reduction in parking is considered acceptable for the development. In particular, the report identifies that there are at least 45 spaces available on site during peak time observations and on the weekdays the parking demands generally only reach 60% occupancy. Council has also undertaken its own traffic and parking studies (circa 2016) and based on the figures in those studies, the assertions submitted in the traffic and parking report are considered to be accurate.

Councils Traffic and Parking Engineer has considered the proposal and identified that whilst an additional 7 spaces are provided as a result of the development (both on the KBBC site and the adjacent crown car park), a calculation of the proposed additional GFA results in the development having an overall shortfall of 11.3 spaces when applying the parking provisions contained in Section A2 of the DCP.

However, despite this being the case and based on previous studies and the data provided in the Traffic and Parking report, Council's Traffic and Parking Engineer concedes that there is capacity within the carpark to accommodate the required parking given the uptake and use of the adjacent crown land carpark not at capacity. It is however noted, the addition five (5) onsite parking spaces should be available to all staff and marked accordingly and therefore a condition is recommended to this effect. In addition, the relocation of disabled spaces and re-line marking should be carried out under Council's control and a suitable condition has been recommended to this affect also.

Traffic

Traffic generation has been considered having regard to the characteristics of the site and existing patronage of the club, and this is outlined in a Traffic and Parking Assessment Report and addendum TRCP calculation rates prepared by the traffic consultant and submitted to Council.

The report highlights a 60/40 split in patronage via cars vs other means of transport and therefore generation rates are reduced for the proposal.

In addition, the applicant has made a claim for credits based on the removal of three rinks and their calculated TRCP rates resulted in a net loss in traffic generation and therefore no charges being applicable. Whilst Council's Traffic Engineer generally supports the claims in the report in regard to the modes of access to the site, Council officers do not support a reduction (credit) in traffic generation rates based on the reduced bowling green (rinks) given there are other greens available on site for bowling activities and the lack of information to support a claim that the reduction of three rinks to the existing 3 x 8 rink greens would have any material impact on traffic generation.

Council's Traffic Engineer has advised that the traffic impacts are acceptable based on a revised calculation which deletes reference to bowling rink credit. The applicant has been advised of Council's officers' assessment of this matter and the recommended conditions of consent to require payment of Section 7.11 TRCP charges for the development.

All other parts of the development fully comply with relevant Environmental Planning Instruments that apply to the site. Therefore, based on planning merit, the application is considered worthy of approval and it is recommended that Council approves the application subject to recommended conditions of consent.

RECOMMENDATION:

That Development Application DA18/0635 for the demolition of existing structures, new extended dining and alfresco dining areas, new covered kids area, modified bowling green, new waste room, relocation of proposed pop up café and alterations to car parking arrangement at Part Lot 2 DP 1122062; Marine Parade; Lot 468 DP 755701; No. 131 Marine Parade Kingscliff be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and comprises the following elements:
 - The provision of a pop up bar/café (already approved under DA18/0517) to be permanently located to the south eastern corner of the site;
 - Demolition of internal walls and internal alterations to the southern extent of the building to provide new kitchen and servery area, close to the existing bistro/dining area;
 - A new addition which includes 173m² extension to the existing bistro dining area, a new 243m² alfresco dining area, new amenities area and a new 85m² covered kids play (total floor area of 501m²);
 - New waste room at the far southern boundary of the site;
 - Reduction of 3 rinks (lanes) for one of the three bowling greens and new seats and shelters along the path of that bowling green;
 - Relocation of flag pole, hydrant and water services in path between the bowling greens and;
 - An additional seven (7) parking spaces via the reconfiguration of the existing Crown Land carpark on Lot 2 DP 1122062 relocating four (4) accessible parking spaces from the northern aspect of the building to the eastern end of the club, providing an additional two (2) visitor parking spaces on this land, and the provision of an additional five (5) staff parking spaces on the KBBC site (Lot 468 DP 755701);
 - The application states that the proposed additions will continue operating in accordance with existing club operating hours, as depicted on the following plans, except where varied by the conditions of this consent.

| Document/Plan Title | Drawn By | Plan Ref | Drawin g No | Rev . | Dated |
|--|-------------------------------------|----------|-------------|-------|---------|
| Site Plan/Roof Plan | Paynter Dixon Constructions Pty Ltd | KGF1/2 | A03 | E | 10.4.18 |
| External Perspective | Paynter Dixon Constructions Pty Ltd | KGF1/2 | A04 | C | 10.4.18 |
| Existing Lower Ground Floor Plan | Paynter Dixon Constructions Pty Ltd | KGF1/2 | A05 | C | 10.4.18 |
| Existing & Proposed overall ground floor plans | Paynter Dixon Constructions Pty Ltd | KGF1/2 | A06 | D | 10.4.18 |
| Demolition ground floor plan | Paynter Dixon Constructions Pty Ltd | KGF1/2 | A07 | C | 10.4.18 |
| Proposed Floor Plan | Paynter Dixon Constructions Pty Ltd | KGF1/2 | A08 | D | 10.4.18 |

| | | | | | |
|---|--|---------------|------------|----------|----------------|
| North and South Elevations | Paynter Dixon Constructions Pty Ltd | KGF1/2 | A09 | C | 10.4.18 |
| East and West Elevations & Section A-A | Paynter Dixon Constructions Pty Ltd | KGF1/2 | A10 | C | 10.4.18 |
| Schedule of Materials | Paynter Dixon Constructions Pty Ltd | KGF1/2 | A11 | C | 10.4.18 |
| Pop up Bar perspectives | Paynter Dixon Constructions Pty Ltd | KGF1/2 | A05 | D | 1.3.18 |
| Pop Up Bar Perspectives | Paynter Dixon Constructions Pty Ltd | KGF1/2 | A06 | D | 1.3.18 |
| Pop Up Bar Perspectives | Paynter Dixon Constructions Pty Ltd | KGF1/2 | A07 | D | 1.3.18 |

[GEN0005]

2. **The development shall be completed in accordance with the plans approved by Council, except where varied by conditions of this consent.**

[GEN0015]

3. **Advertising structures/signs beyond that identified on the stamped approved plans are to be the subject of a separate development application (where statutorily required).**

[GEN0065]

4. **The backlit illuminated signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.**

[GEN0075]

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

[GEN0115]

6. **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. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.**

[GEN0135]

7. **A sewer manhole is 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]

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. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2017.

[GEN0360]

10. The recommendations contained in the Final Aboriginal Cultural Heritage Assessment Report prepared by Everick Heritage Consultants dated February 2018 are to be adopted and implemented as part of the approved works.

[GENNS02]

11. Seven (7) additional parking spaces (total of 161 spaces) are to be provided as part of the approved development as per the following:

- 5 additional staff parking spaces on Lot 468 DP 755701 in accordance with Site Plan KGF 1/2, A03, Rev E and;
- 2 additional spaces within the adjacent crown land car park on Lot 2 DP 1122062.

The additional five (5) staff parking spaces provided on the Kingscliff Beach Bowling Club site (Lot 468 DP 755701) are to be made available to all staff and are not permitted to be allocated to individual staff or club members.

[GENNS03]

12. No modification to the existing external illumination of the club and associated carparking areas is permitted under this consent.

[GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

13. Pursuant to Section 4.17 of the Environmental Planning and Assessment Act, 1979 (as amended) and Clause 97 of the Environmental Planning and Assessment Regulations, 2000 development consent No. DA18/0517 dated 6 December 2018 shall be surrendered by lodgement of the prescribed information suitably executed, PRIOR to the issue of a Construction Certificate.

[PCC0005]

14. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 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 Section 7.11 Contribution 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 7.11 Contribution Plan current at the time of the payment.

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgun Road, Murwillumbah and Brett Street, Tweed Heads.

(a) **Tweed Road Contribution Plan:**

77.85 Trips @ \$1283 per Trips \$59,929.20

(\$1,137 base rate + \$146 indexation)

(\$39,952.80 has been subtracted from this total as this development is deemed an 'Employment Generating Development')

CP Plan No. 4

Sector6_4

(b) **Extensions to Council Administration Offices
& Technical Support Facilities**

0.086 ET @ \$2187.14 per ET

\$188.09

(\$1,759.90 base rate + \$427.24 indexation)

CP Plan No. 18

Section 7.11 contributions applicable could be levied through a deferred payment incentive in accordance with Councils Business Investment Policy. A written agreement between the applicant and Council is to be entered into for deferred payment of charges in accordance with the incentive threshold and deferral periods contained in the Business Investment Policy.

[PCC0215]

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

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

BELOW IS ADVICE ONLY

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

Water: 3.23 ET @ \$13,926 = \$44,981.00

Sewer: 5.263 ET @ \$6,690 = \$35,028.80

[PCC0265]

16. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC1065]

17. A Construction Certificate application for works that involve any of the following:

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control 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.

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee. The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1145]

18. Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Construction Certificate Application must include a detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

19. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a Construction Certificate.

[PCC1195]

20. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. grease arrestor, oil separator, basket traps) must be installed in accordance with Tweed Shire Council's Policy - Discharge of Liquid Trade Waste to Council's Sewerage System. Submission of detailed hydraulic plans and specifications indicating the size, type and location of pre-treatment devices and full details of drainage installations in accordance with AS 3500 shall be submitted to Council for approval along with a Liquid Trade Waste Application Form and all required information required therein.

[PCC1265]

21. Three copies of detailed hydraulic plans shall be submitted with all Liquid Trade Waste Applications indicating the size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices must comply with AS3500.

[PCC1275]

22. Prior to the issue of construction certificate, a food fit-out application with applicable fee shall be provided to Council for assessment and approval. Plan drawn to a scale of 1:50 detailing the following with regards to all food related areas to be provided:

- a. Floor plan and two (2) sectional elevations
- b. Layout of premises showing all equipment
- c. All internal finish details including floors, wall, ceiling and lighting
- e. Servery areas including counters etc

[PCNS02]

PRIOR TO COMMENCEMENT OF WORK

23. 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]

24. 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.

25. 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]

[PCW0225]

26. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

27. 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.

[PCW0665]

28. 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.

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]

29. All works shall comply with Preliminary Site Investigation report prepared by HMC Environmental Consulting Pty Ltd (reference: HMC2018.017) dated February 2018. A preliminary soil investigation to be submitted to Council with a remediation action plan if soil investigation identifies contaminants of potential concern exceeding investigation criteria. If a Remediation Action Plan is required, earthworks shall not commence on site until reviewed and approved by the General Manager or his delegate.

[PCWNS01]

30. Detailed design of car parking linemarking modifications on Lot 2 DP 1122062, demonstrating compliance with AS2890 requirements, are to be submitted to Council and approved by Director of Engineering before works commence. No spaces within this car park area are to be reserved.

[PCWNS02]

DURING CONSTRUCTION

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

[DUR0005]

32. 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.

[DUR0015]

33. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

[DUR0025]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

35. 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]

36. 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]

37. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.

[DUR0405]

38. 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]

39. Excavation

(a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.

(b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

40. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2017.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

41. 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]

42. 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]

43. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.

[DUR1075]

44. 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]

45. 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]

46. 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]

47. 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]

48. 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]

49. 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]

50. 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]

51. 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]

52 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]

53. 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]

54. A hose tap shall be provided adjacent to each grease arrester for the purpose of cleaning the arrester. The water supply shall be fitted with a RPZD for the purpose of back flow prevention.

[DUR2675]

55. A Liquid Trade Waste Services Agreement will be issued and a Liquid Trade Waste Approval Number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR2685]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0005]

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

[POC0205]

58. A final occupation certificate is not to be issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building.

[POC0225]

59. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

60. 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]

61. 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]

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

[POC1045]

63. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met.

[POC1055]

64. Prior to an Occupation Certificate being issued, a Post Construction Noise Impact Compliance Assessment report prepared by a suitably qualified acoustic consultant shall be prepared and submitted for consideration and approval by Council's General Manager or delegate.

The assessment report shall consider the Acoustic Report for the proposed alterations and additions of Kingscliff Beach Bowls Club, prepared by Acoustic Works (Reference:TSC DA No. 18/0635) and any addendum(s) or amendment(s) to this report as approved by Council's General Manager or delegate and include any recommended noise amelioration measures to be carried out by the applicant.

The applicant shall carry out any such recommendations as provided within the Post Construction Noise Impact Compliance Assessment report to the satisfaction of the General Manager or delegate within 30 days from the date of the acoustic assessment, provided that the General Manager or delegate may extend the time period for the carrying out of any recommended acoustic treatment to a date which may be determined by the General Manager or delegate.

[POCNS02]

USE

65. 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]

66. 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]

67. Hours of operation are limited as follows:

- Hours of operation of the pop up bar are restricted to the hours from 4pm until 8.30pm - Mondays to Sundays and Public Holidays;
- The use of external areas (outdoor dining, bar and playground) are restricted to the hours 8am to 10pm Monday to Sunday.

[USE0185]

68. 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]

69. The development shall be carried out in accordance with the provisions of the acoustic assessment report prepared by Acousticworks (Reference: 2018026 R02C Kingscliff Beach Bowls Club Additions ENV.doc) dated 29 November 2018.

[USE0305]

70. 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]

71. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.

[USE0845]

REPORT:

Applicant: Paynter Dixon Constructions Pty Ltd
Owner: Kingscliff Bowls Club Limited
Location: Part Lot 2 DP 1122062; Marine Parade KINGSCLIFF; Lot 468 DP 755701; No. 131 Marine Parade Kingscliff
Zoning: RE2 - Private Recreation R3 - Medium Density Residential 6(a) Open Space 7(f) Environmental Protection (Coastal Lands) RE1 - Public Recreation
Cost: \$3,300,000

Background:

The subject site is located at Lot 468 DP 755701, 131 Marine Parade Kingscliff and is known as the Kingscliff Beach Bowling Club (KBBC). It features a total land area of 8,802m² and a frontage of 145m to Marine Parade. The subject site forms part of Crown Lands and is occupied by the Kingscliff Beach Bowling Club under Special Lease No 81432. The Bowls Club building is located in the eastern part of the site and three outdoor bowling greens exist on the western part of the site.

The adjoining lands further east and south also forms Crown Land and comprises Lot 2 DP 1122062 which is held by the KBBC under Licence No. 497256 for access and car park (part of the adjoining Tweed Coast Crown Reserve). A sealed car park and access way exist within the licensed area. The proposed development includes minor modification to the layout of the carpark which has been consented to by the Crown under Crown Land Management Act 2016.

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

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

Since the original commencement of its operation, the club has sought several development consents from Council for the ongoing expansion and upgrade of the club. The most recent DA for the alterations and additions to the club house building is development consent DA05/1246.

Further to the above, an approval was recently issued (DA18/0517) for a pop up bar, café food van and ancillary facilities (external to the building) which was issued on 6 December 2018. It is noted that the recently approved DA18/0517 was temporary in nature and time limited as such. The approved use of the pop up bar, café food van and ancillary facilities is on part of the site that is subject to the expansions identified on the plans associated with the subject DA. Therefore, it is recommended that a condition of consent be imposed to require the applicant to surrender DA18/0517 to Tweed Shire Council prior to the issue of a Construction Certificate for the works associated with the subject DA.

The proposed development seeks for the expansion of the clubs dining and alfresco area including a new covered play area, relocation of the recently approved pop up bar, modification to the carparking arrangements on adjacent Lot 2 DP 1122062 to supply an additional two (2) car parking spaces as well as modification on the KBBC site to provide an additional five (5) staff carparking spaces (total 7 parking spaces), as well as a modification to the southern bowling green.

Given the proposed development includes alterations to the club (which is owned by Crown Lands) as well as modification to the layout of the adjacent carpark on Lot 2 DP 1122062 (also owned by Crown lands and managed by Tweed Shire Council), it was confirmed that land owners consent was obtained by Crown Lands for the lodgement of the DA. In addition the application was referred to Crown Lands for consideration and review and on 28 September 2018, comments were received by Crown Lands raising no objection to the DA and no special conditions of consent.

During the assessment of the subject application the development was neighbour notified for a period of fourteen (14) days from Wednesday 12 September 2018 to Wednesday 26 September 2018. During this time two (2) submissions were received.

On 28 September 2018, Council requested additional information for the DA in an effort to respond to objection matters pertaining to view loss and amenity concerns.

Further to the above request, on 1 November 2018, a subsequent and final request for information was issued pertaining to trip generation and further clarification on the calculations made by the consultant traffic engineer in their Traffic Report.

On 12 December 2018, a response to Council's requests was received which included an Acoustic Report, View Analysis Plan and further information on TRCP calculations for traffic generation. The additional information was accepted to resolve outstanding concerns by Council. It is however noted (and further discussed later in this report) that Council officers have been in regular ongoing discussions with the applicant regarding the trip generation charges. The calculated trips submitted by the applicant sought for the application of a large credit for the proposed removal of 3 rinks which in turn would result in no additional trips being generated by the proposed club additions. Council officers did not agree with the calculated credit amounts and deemed that additional trip generation for the additional Gross Leasable Area (GLA) would be applicable to the development. After some discussion, the applicant has accepted Council's position and been advised of the calculated number of trips used for Section 7.11 TRCP charges.

The above mentioned additional information (Acoustic report and view impact analysis) was notified to the objectors until 30 January 2019. During this time, two (2) further submissions were received and the detail of these submissions with Council officers planning response is contained later in this report.

SITE DIAGRAM:



Site Plan

DA18/0635
 131 Marine Parade KINGSCLIFF and
 Part Lot 2 DP 1122062 (Crown Land carpark)



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 disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) 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 diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.



Coordinate System - MGA Zone 56
 Datum - GDA 94

Cadastral: 18/02/2019
 © NSW Spatial Services &
 Tweed Shire Council

DO NOT SCALE
 COPY ONLY - NOT CERTIFIED

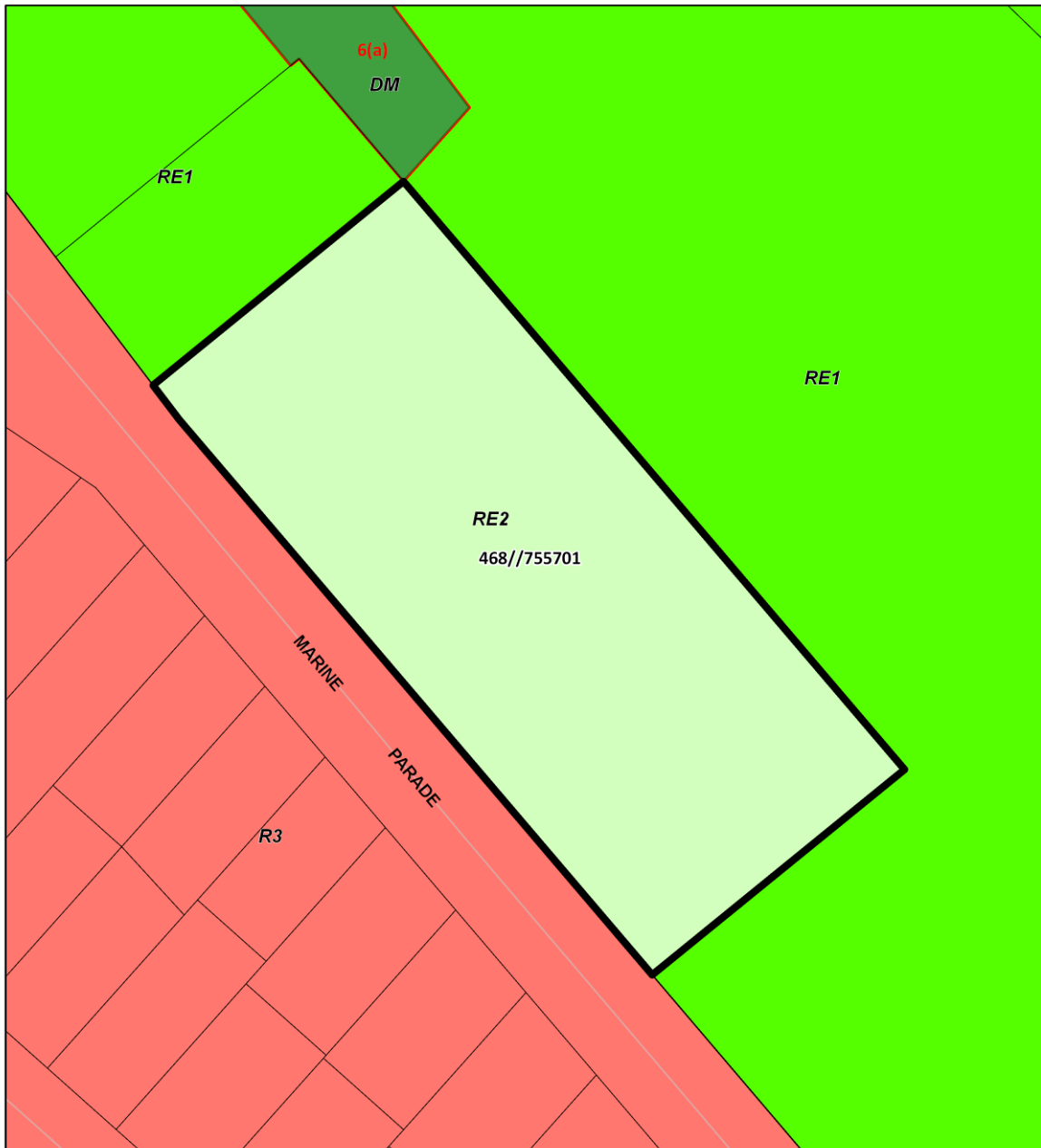
City and Cultural Centre
 3 Turnbull Road
 Murwillumbah NSW 2484
 PO Box 816
 Murwillumbah NSW 2484

T: (02) 6670 2400 / 1300 292 872
 F: (02) 6670 2483
 W: www.tweed.nsw.gov.au
 E: planningreferrals@tweed.nsw.gov.au



Date Printed: 18 February, 2019

ZONING PLAN:



Subject Land

Subject Land

LEP 2000 (as at 2014)

Tweed Local Environmental Plan 2014

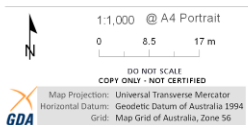
6(a) Open Space

R3 Medium Density Residential

RE1 Public Recreation

RE2 Private Recreation

DM, Deferred Matter



Site Plan - Local Environmental Plan
 DA18/0635
 131 Marine Parade KINGSLIFF and
 Part Lot 2 DP 1122062 (Crown Land carpark)

© Tweed Shire Council



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 disclaim all responsibility and all Liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) 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 diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.

Date Printed: 18 February, 2019

AERIAL PHOTO:



1:1,250 @ A4 Portrait
0 10 20 m
DO NOT SCALE
COPY ONLY - NOT CERTIFIED
Map Projection: Universal Transverse Mercator
Horizontal Datum: Geodetic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56
GDA

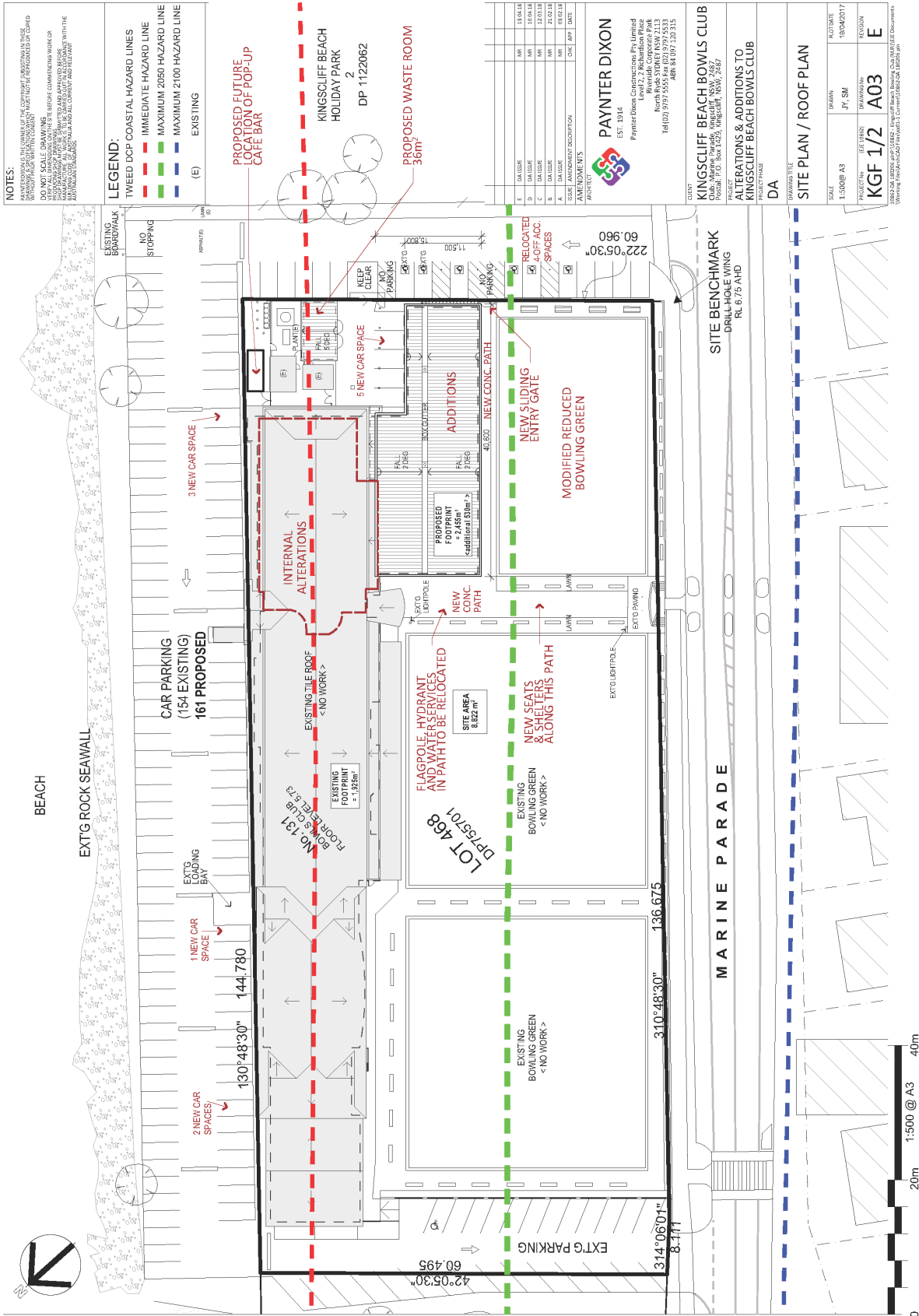
TWEED
SHIRE COUNCIL
Civic and Cultural Centre
3 Tumbulgum Road
Murwillumbah NSW 2484
PO Box 910
Murwillumbah NSW 2484
T | (02) 6670 2400 | 1300 292 872
F | (02) 6670 2429
W | www.tweed.nsw.gov.au
E | planningforms@tweed.nsw.gov.au

Aerial Photography April 2018
DA18/0635
131 Marine Parade KINGSLIFF and
Part Lot 2 DP 1122062 (Crown Land carpark)

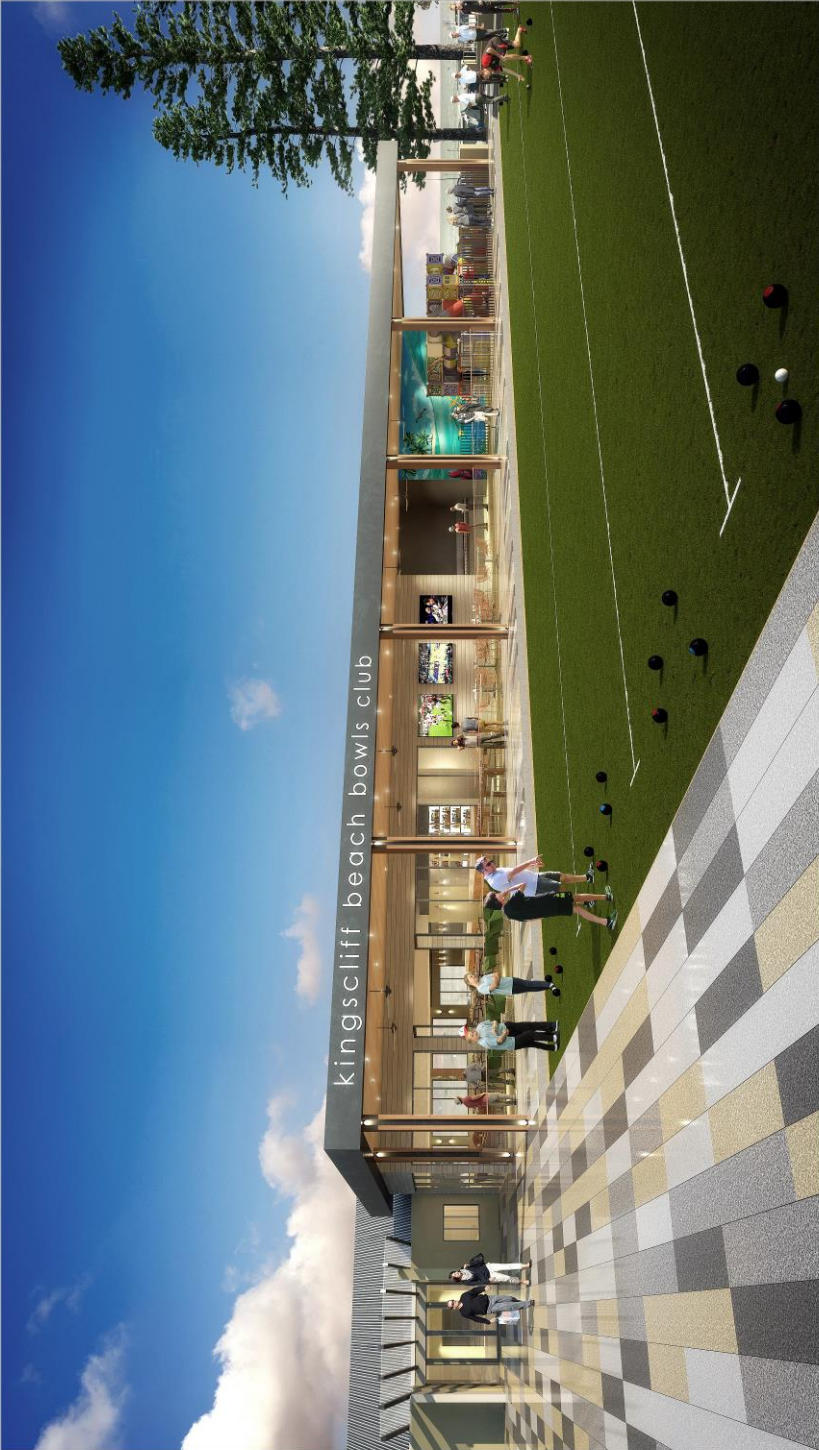
© 2018 Imagery - Tweed Shire Council
© Cadastre - Tweed Shire Council
Boundaries shown should be
considered approximate only.

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 disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) 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 diagrammatic 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 30 days only from the date of supply.
Author: S. Scott - GIS
Date Printed: 18 February, 2019

DEVELOPMENT/ELEVATION PLANS:



NOTES:
 PAYNTER DIXON IS THE OWNER OF THE COPYRIGHT IN THIS DRAWING. IT IS NOT TO BE REPRODUCED OR COPIED WITHOUT PRIOR WRITTEN CONSENT.
DO NOT SCALE DRAWING
 THIS DRAWING IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF PAYNTER DIXON ARCHITECTS.
 THIS DRAWING IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF PAYNTER DIXON ARCHITECTS.



kingscliff beach bowls club

| | | | |
|---|---------|----|----------|
| C | DA KUSH | MR | 30/04/18 |
| B | DA KUSH | MR | 27/02/18 |
| A | DA KUSH | MR | 02/02/18 |

AMENDMENTS

| NO. | DESCRIPTION | CHK. | APP. | DATE |
|-----|-------------|------|------|------|
| | | | | |

PAYNTER DIXON
 EST. 1974
 Paynter Dixon Consultants Pty Limited
 Level 2, Richardson Place
 Riverside Corporate Park
 New South Wales
 Tel (02) 9797 5555 Fax (02) 9797 5333
 ABN 84 187 230 315

KINGSCLIFF BEACH BOWLS CLUB
 Club, Marine Parade, Kingscliff, NSW, 2487
 Postal: P.O. Box 1429, Kingscliff, NSW, 2487

ALTERATIONS & ADDITIONS TO KINGSCLIFF BEACH BOWLS CLUB


DA

EXTERNAL PERSPECTIVE

| | | |
|-------------|-----------|--------------|
| SCALE | DRAWN | PLOT DATE |
| N/A | JY, SM | 10/06/2017 |
| PROJECT NO. | FILE NAME | INDUSTRY NO. |
| KGf 1/2 | A04 | C |

30862-04-180180-010101010 - Kingscliff Beach Bowls Club Alterations & Additions
 Drawing: External Perspective (1) - 10/06/2017 (1) - 10/06/2017

NOTES:
 DRAWINGS SHALL BE APPROVED BY THE COMMITTEE AND APPROVED BY THE CITY COUNCIL BEFORE CONSTRUCTION COMMENCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND THE DISTRICT COUNCIL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND THE DISTRICT COUNCIL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND THE DISTRICT COUNCIL.



ABBREVIATIONS:
 (E) EXISTING

| | | | |
|------------|---------------------------|-----|-----------|
| CL | CLUBHOUSE | ME | 10/11/17 |
| C | CLUBHOUSE | ME | 17/10/17 |
| A | CLUBHOUSE | ME | 18/10/17 |
| SSN | ARCHITECTURAL DESCRIPTION | CHK | APP 26/17 |
| AMENDMENTS | | | |

PAYNTER DIXON
 EST. 1914
 Paynter Dixon Construction Pty Limited
 Level 2, 2 Richardson Place
 North Sydney NSW 1585
 North Sydney NSW 1585
 181 002 9797 5555 586 022 9797 5233
 ABR 88187 120 515

TITLE:
 KINGSCLIFF BEACH BOWLS CLUB
 Club, Warehouse, Longstaff, NSW 2388
 17/10/17, 18/10/17, 18/10/17, 21/07/17

PROJECT:
 ALTERATIONS & ADDITIONS TO
 KINGSCLIFF BEACH BOWLS CLUB

DATE:
 DA

DRAWING TITLE:
 EXISTING LOWER GROUND
 FLOOR PLAN

SCALE:
 1:200 @ A3

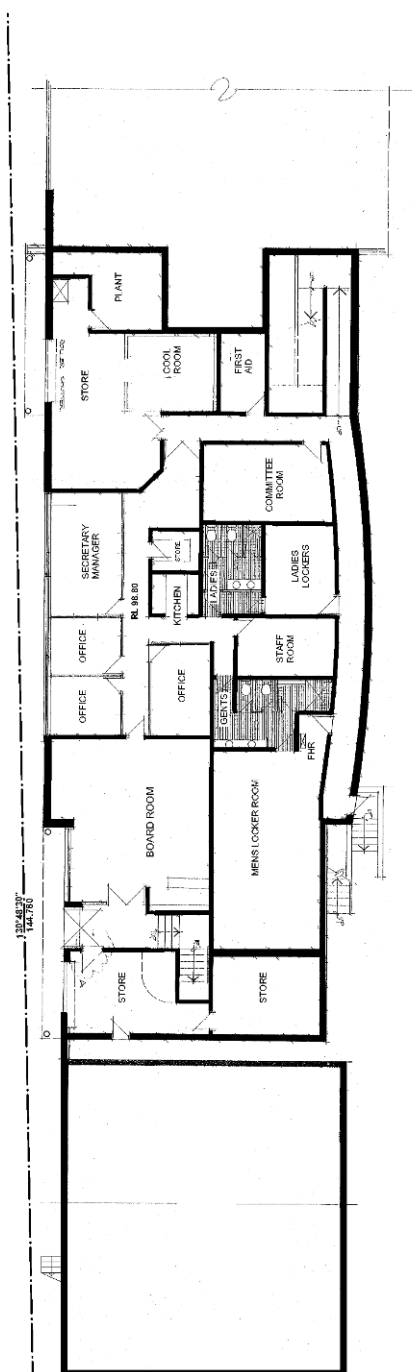
DATE:
 10/04/2017

PROJECT NO:
 KGF 1/2

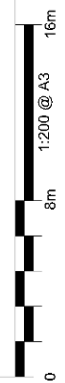
DRAWING NO:
 A05

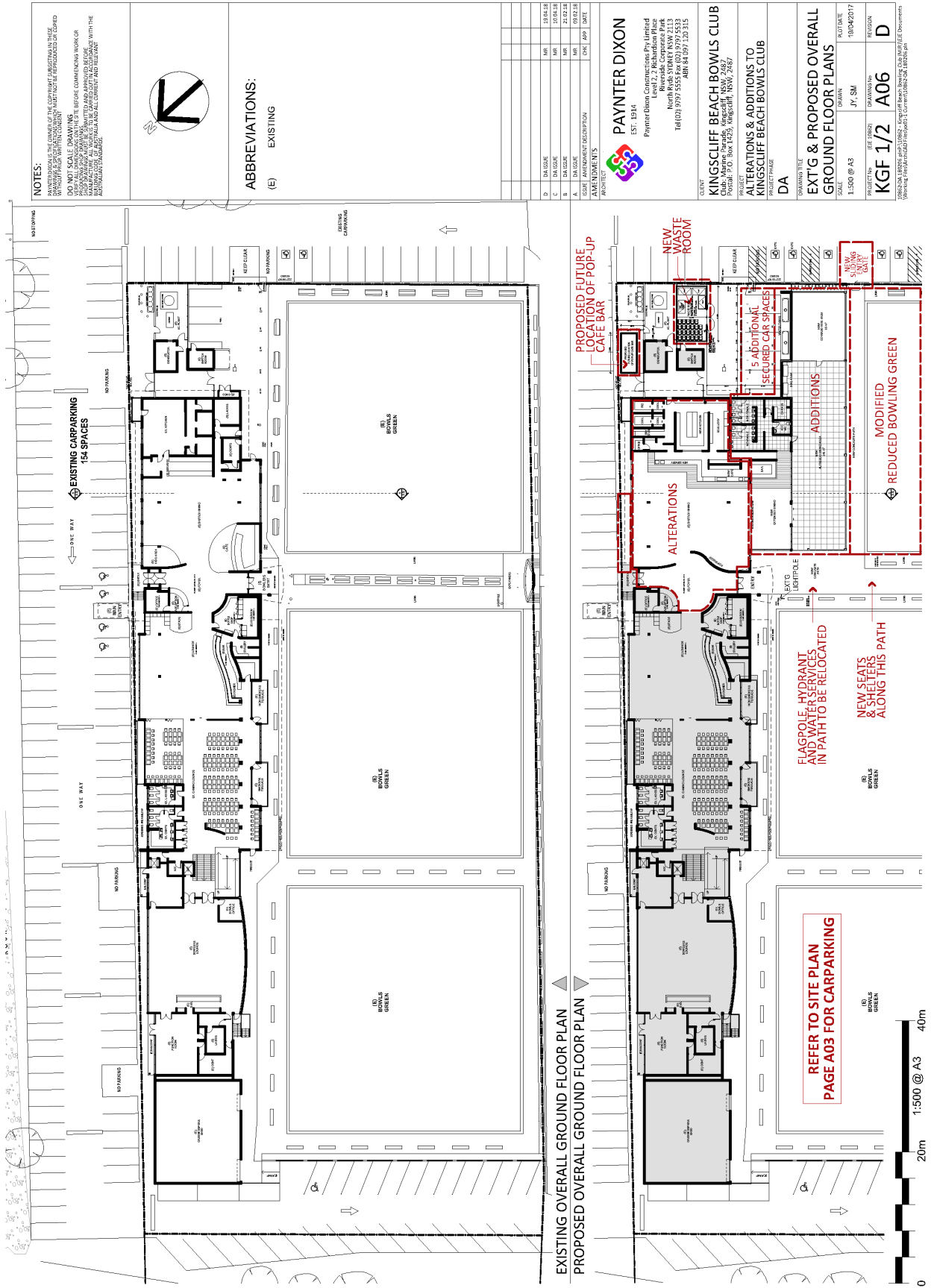
REV:
 C

Worked at Kingscliff Beach Bowls Club, 17/10/17, 18/10/17, 21/07/17



EXISTING LOWER FLOOR
 < NO WORK >





NOTES:
 1. APPROVED AS THE OWNER OF THE COPYRIGHT IN THESE DRAWINGS.
 2. THESE DRAWINGS ARE THE PROPERTY OF PAYNTER DIXON ARCHITECTS.
 3. DO NOT SCALE DRAWINGS.
 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.



ABBREVIATIONS:
 (E) EXISTING

| NO. | DATE | DESCRIPTION | BY | CHECKED |
|-----|----------|------------------|----|---------|
| 1 | 13/04/18 | ISSUE FOR PERMIT | JY | JY |
| 2 | 13/04/18 | ISSUE FOR PERMIT | JY | JY |
| 3 | 13/04/18 | ISSUE FOR PERMIT | JY | JY |
| 4 | 13/04/18 | ISSUE FOR PERMIT | JY | JY |
| 5 | 13/04/18 | ISSUE FOR PERMIT | JY | JY |
| 6 | 13/04/18 | ISSUE FOR PERMIT | JY | JY |
| 7 | 13/04/18 | ISSUE FOR PERMIT | JY | JY |
| 8 | 13/04/18 | ISSUE FOR PERMIT | JY | JY |
| 9 | 13/04/18 | ISSUE FOR PERMIT | JY | JY |
| 10 | 13/04/18 | ISSUE FOR PERMIT | JY | JY |

PAYNTER DIXON
 EST. 1914
 Paynter Dixon, Consultants Pty Limited
 Level 2, 2 Richardson Place
 Riverside Corporate Park
 North Ryde, NSW 1585
 Tel: (02) 9579 4555 Fax: (02) 9779 5333
 A/N: 84 097 230 315

KINGSCLIFF BEACH BOWLS CLUB
 Club, Marine Avenue, Kingscliff, NSW, 2467
 P.O. Box 1425, Kingscliff, NSW, 2467
ALTERATIONS & ADDITIONS TO
KINGSCLIFF BEACH BOWLS CLUB

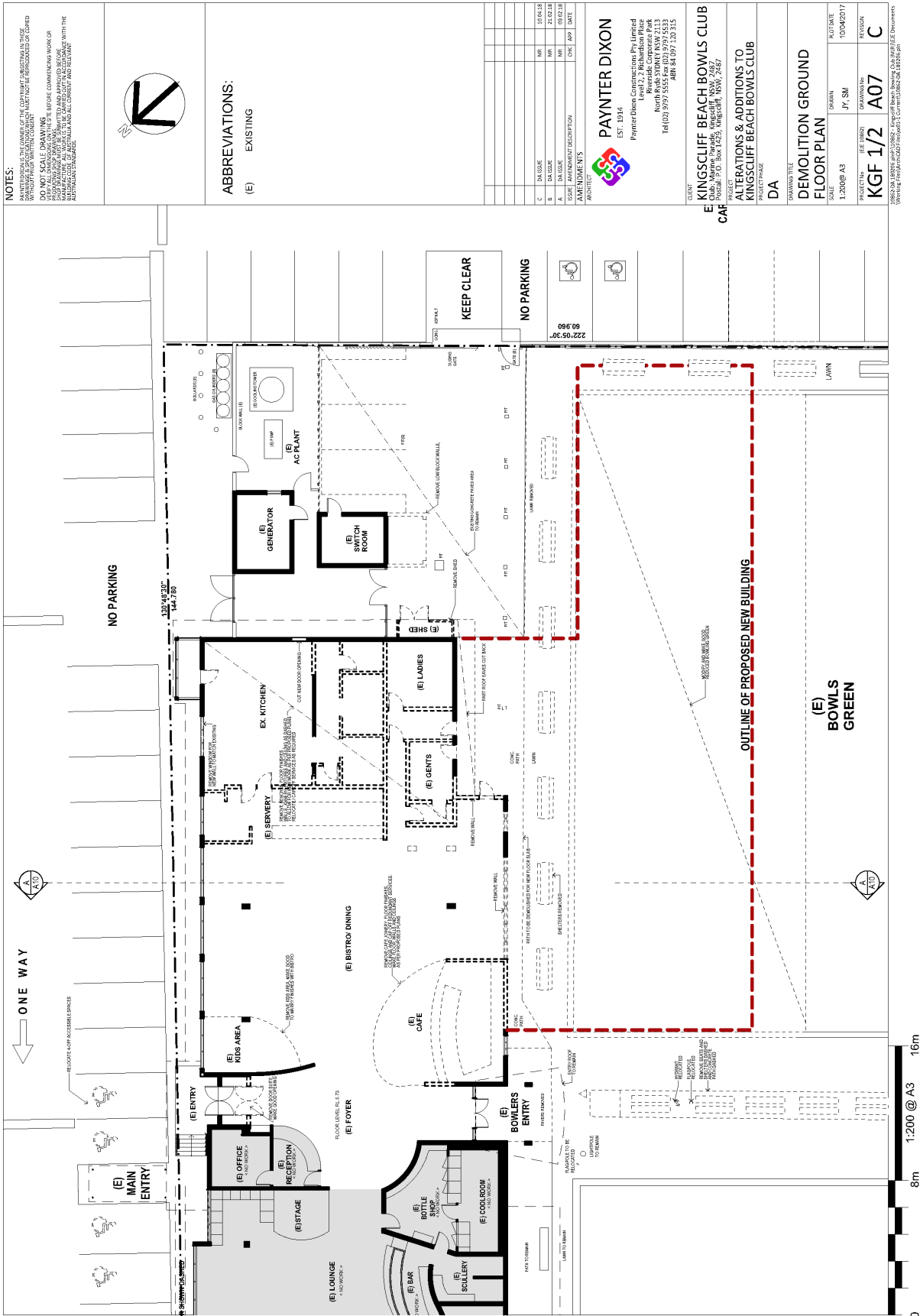
EXT'G & PROPOSED OVERALL
GROUND FLOOR PLANS
 SCALE: 1:500 @ A3
 PROJECT NO: 1300 @ A3
 DRAWING NO: JY_SM
 DATE: 10/04/2017
 PROJECT PHASE: DA
 DRAWING TITLE: EXT'G & PROPOSED OVERALL GROUND FLOOR PLANS
 CLIENT: KINGSCLIFF BEACH BOWLS CLUB
 ARCHITECT: PAYNTER DIXON

KGf 1/2 A06
 PROJECT NO: 1300 @ A3
 DRAWING NO: JY_SM
 DATE: 10/04/2017
 PROJECT PHASE: DA
 DRAWING TITLE: EXT'G & PROPOSED OVERALL GROUND FLOOR PLANS
 CLIENT: KINGSCLIFF BEACH BOWLS CLUB
 ARCHITECT: PAYNTER DIXON

EXISTING OVERALL GROUND FLOOR PLAN
 PROPOSED OVERALL GROUND FLOOR PLAN

REFER TO SITE PLAN
 PAGE A03 FOR CARPARKING

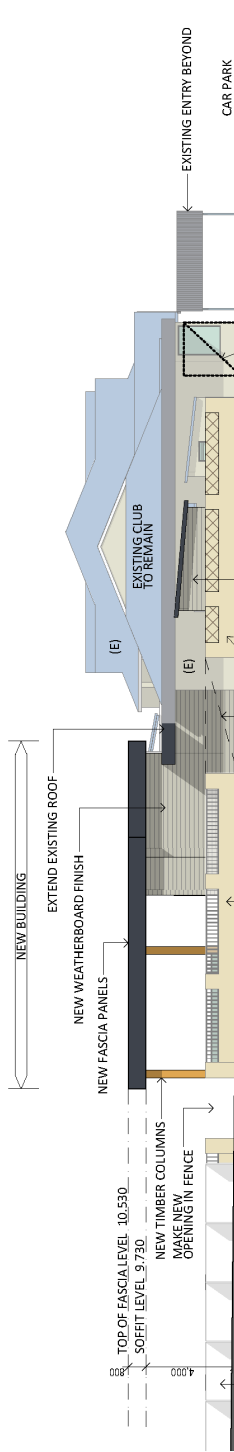




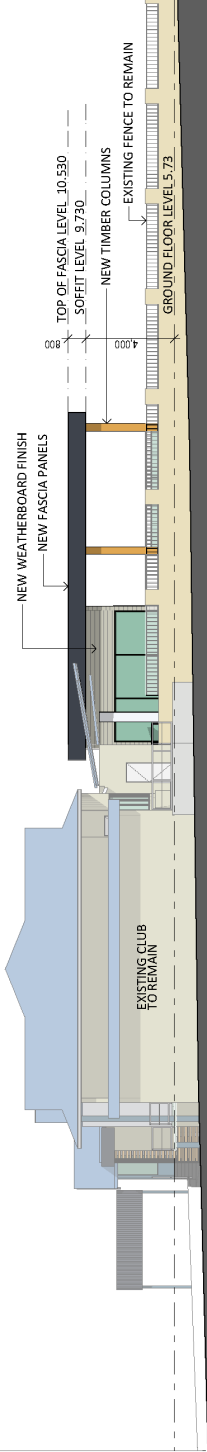
NOTES:
 1. ANY ALTERATIONS TO THE DRAWING SHALL BE MADE IN THESE NOTES.
 2. THIS DRAWING IS THE PROPERTY OF PAYNTER DIXON ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THESE NOTES.
 3. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN PERMISSION OF PAYNTER DIXON ARCHITECTS.
 4. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN PERMISSION OF PAYNTER DIXON ARCHITECTS.
 5. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN PERMISSION OF PAYNTER DIXON ARCHITECTS.

DO NOT SCALE DRAWINGS
 DIMENSIONS SHOWN IN THIS DRAWING SHALL TAKE PRECEDENCE OVER DIMENSIONS SHOWN ON ANY OTHER DRAWING.
 DIMENSIONS SHOWN IN THIS DRAWING SHALL TAKE PRECEDENCE OVER DIMENSIONS SHOWN ON ANY OTHER DRAWING.
 DIMENSIONS SHOWN IN THIS DRAWING SHALL TAKE PRECEDENCE OVER DIMENSIONS SHOWN ON ANY OTHER DRAWING.

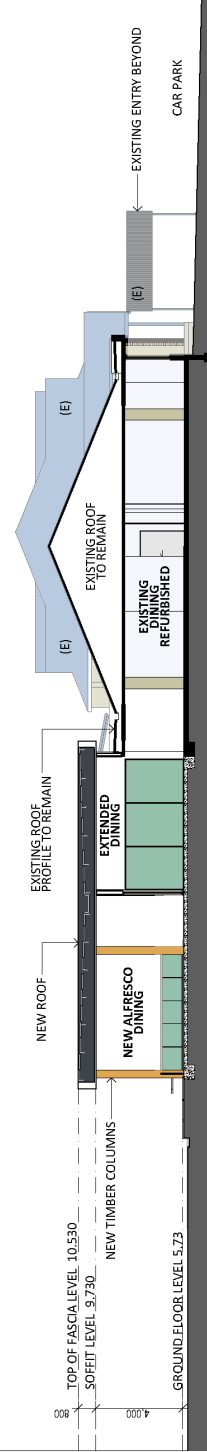
ABBREVIATIONS:
 (E) EXISTING



EAST ELEVATION_1:200 @ A3



WEST ELEVATION_1:200 @ A3



SECTION A-A_1:200 @ A3

| NO. | DATE | DESCRIPTION | BY | CHECKED |
|-----|----------|-------------------|----|---------|
| 1 | 10/04/18 | ISSUED FOR PERMIT | JY | SM |
| 2 | 20/02/18 | ISSUED FOR PERMIT | JY | SM |
| 3 | 20/02/18 | ISSUED FOR PERMIT | JY | SM |
| 4 | 20/02/18 | ISSUED FOR PERMIT | JY | SM |
| 5 | 20/02/18 | ISSUED FOR PERMIT | JY | SM |

PAYNTER DIXON
 EST. 1914
 Paynter Dixon, Consultants Pty Limited
 Level 2, 2 Richardson Place
 Riverside Corporate Park
 North Sydney, NSW 1585
 Tel: (02) 9559 5555 Fax: (02) 9797 5533
 A/N: 84 097 220 515

CLIENT:
 KINGSCLIFF BEACH BOWLS CLUB
 Club, Marine Parade, Kingscliff, NSW, 2467
 P.O. Box 1425, Kingscliff, NSW, 2467
PROJECT:
 ALTERATIONS & ADDITIONS TO KINGSCLIFF BEACH BOWLS CLUB
PROJECT PHASE:
 DA

SCALE:
 1:200 @ A3
PROJECT NO.:
 KGF 1/2
DATE:
 10/04/2017
PROJECT PHASE:
 DA
CLIENT:
 KINGSCLIFF BEACH BOWLS CLUB
PROJECT NO.:
 KGF 1/2
DATE:
 10/04/2017

SECTION A-A
 SCALE: 1:200 @ A3
 PROJECT NO: KGF 1/2
 DATE: 10/04/2017



note: all renderings provided by MAAKE PTY LTD

NOTES:

THESE DRAWINGS ARE THE PROPERTY OF PAYNTER DIXON ARCHITECTS. ANY REPRODUCTION OR DISTRIBUTION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF PAYNTER DIXON ARCHITECTS IS STRICTLY PROHIBITED. ANY REPRODUCTION OR DISTRIBUTION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF PAYNTER DIXON ARCHITECTS IS STRICTLY PROHIBITED.

DO NOT SCALE DRAWING

THIS DRAWING IS FOR INFORMATION ONLY. ANY WORK TO BE CONSTRUCTED MUST BE BASED ON THE ORIGINAL DRAWING. ANY CHANGES TO THE ORIGINAL DRAWING MUST BE APPROVED BY PAYNTER DIXON ARCHITECTS. ANY WORK TO BE CONSTRUCTED MUST BE BASED ON THE ORIGINAL DRAWING. ANY CHANGES TO THE ORIGINAL DRAWING MUST BE APPROVED BY PAYNTER DIXON ARCHITECTS.

ALL WORK TO BE CONSTRUCTED MUST BE BASED ON THE ORIGINAL DRAWING. ANY CHANGES TO THE ORIGINAL DRAWING MUST BE APPROVED BY PAYNTER DIXON ARCHITECTS.

| | | | |
|------------|-------------|----|----------|
| D | DA 15/04/18 | MR | 02.03.18 |
| C | DA 15/04/18 | MR | 28.02.18 |
| B | DA 15/04/18 | MR | 21.02.18 |
| A | DA 15/04/18 | MR | 09.02.18 |
| AMENDMENTS | | | |
| | DATE | BY | DATE |

PAYNTER DIXON
EST. 1934
Paynter Dixon Architects Pty Limited
Level 2, 2 Richardson Place
Northside Corporate Park
Northside, QLD 4013
Tel: (07) 3797 5355 Fax: (07) 3797 5333
ABN 64 097 120 315

CLIENT
KINGSCLIFF BEACH BOWLS CLUB
Club, Marine Parade, Kingscliff, NSW, 2487
Ph: (07) 3797 5355 Fax: (07) 3797 5333
ABN 64 097 120 315

PROJECT
POP-UP CONTAINER CAFE BAR

PROJECT PHASE
DA

DRAWING TITLE
PERSPECTIVES

SCALE
N/A

DATE
10/02/18

PROJECT NO.
KGF 1/2

DRAWING NO.
A05

REVISION
D

NOTES:

1. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS AND ALL APPLICABLE REGULATIONS.

2. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS AND ALL APPLICABLE REGULATIONS.

3. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS AND ALL APPLICABLE REGULATIONS.

4. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS AND ALL APPLICABLE REGULATIONS.

5. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS AND ALL APPLICABLE REGULATIONS.

6. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS AND ALL APPLICABLE REGULATIONS.

7. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS AND ALL APPLICABLE REGULATIONS.

8. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS AND ALL APPLICABLE REGULATIONS.

9. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS AND ALL APPLICABLE REGULATIONS.

10. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS AND ALL APPLICABLE REGULATIONS.

| REV | DATE | DESCRIPTION | BY | CHKD |
|-----|----------|-------------|----|------|
| D | 20.03.18 | REVISED | MR | MR |
| C | 20.03.18 | REVISED | MR | MR |
| B | 21.03.18 | REVISED | MR | MR |
| A | 09.03.18 | REVISED | MR | MR |

PAYNTER DIXON
EST. 1924
Paynter Dixon Constructions Pty Limited
100 Riverside Corporate Park
North Ryde Street NSW 2113
Tel (02) 9737 7000
Fax (02) 9737 3315

CLIENT:
KINGSCLIFF BEACH BOWLS CLUB
Club: Marine Parade, Kingscliff, NSW, 2487
Postal: P.O. Box 1629, Kingscliff, NSW, 2487

PROJECT NAME:
POP-UP CONTAINER CAFE BAR

PROJECT PHASE:
DA

SCALE:
N/A

DATE:
10/03/18

PROJECT NO.:
N/A

DRAWING NO.:
JY_SM

REVISION:
A06

REVISION:
D

PERSPECTIVES

note: all renderings provided by MAAKE PTY LTD

1:000000 POP-UP BAR (REVISED) - Kingscliff Beach Bowling Club (KINGSC) - Documents\Working\1918\Kingscliff Beach Bowling Club (KINGSC) - 1:000000 POP-UP BAR (REVISED) - 21/03/2018

NOTES:

THESE DRAWINGS ARE THE PROPERTY OF PAYNTER DIXON ARCHITECTS. ANY REPRODUCTION OR DISTRIBUTION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF PAYNTER DIXON ARCHITECTS IS STRICTLY PROHIBITED. ANY REPRODUCTION OR DISTRIBUTION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF PAYNTER DIXON ARCHITECTS IS STRICTLY PROHIBITED.

DO NOT SCALE DRAWING

PROFESSIONAL DESIGN SERVICES PROVIDED BY PAYNTER DIXON ARCHITECTS. ALL RIGHTS RESERVED. PAYNTER DIXON ARCHITECTS IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE USE OF THESE DRAWINGS.

| | | | |
|---|----------|----|----------|
| D | DA ISSUE | MR | 02.02.18 |
| C | DA ISSUE | MR | 28.02.18 |
| B | DA ISSUE | MR | 21.02.18 |
| A | DA ISSUE | MR | 09.02.18 |

AMENDMENTS

| | | | |
|---|-----|------|------|
| 1 | CON | 2017 | 0001 |
|---|-----|------|------|

ARCHITECT

PAYNTER DIXON

EST. 1994
Paynter Dixon Consultants Pty Limited
Level 2, 2 Richardson Place
Riverside Corporate Park
North Sydney NSW 1585
Tel (02) 9797 5555 Fax (02) 9797 5533
ABN 66 097 130 315

CLIENT

KINGSCLIFF BEACH BOWLS CLUB
Club Marine Parade, Kingscliff NSW, 2487
Ph (02) 6562 2425, Kingscliff, NSW, 2487

PROJECT

POP-UP CONTAINER CAFE BAR

PROJECT NAME

DA

DRAWING TITLE

PERSPECTIVES

| | | | | | |
|-------------|---------|-------------|-------|-------------|------------|
| SCALE | N/A | DRAWN | JY SM | SCALE DATE | 10/03/2018 |
| PROJECT No. | KGf 1/2 | DATE TITLED | JY SM | DRAWING No. | A07 |
| | | | | REVISION | D |

note: all renderings provided by MAAKE PTY LTD

15862-2018 POP UP BAR - 180309.pptx (15862 - Kingscliff Beach Bowling Club Pop-Up Container) Working File (Kingscliff Beach Bowling Club) (15862-2018 POP UP BAR - 180309.pptx)

Considerations under Section 4.15 of the Environmental Planning and Assessment Act 1979:

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

Tweed Local Environmental Plan 2014

Clause 1.2 – Aims of the Plan

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

- (a) to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents, including, but not limited to, consistency with local indigenous cultural values, and the national and international significance of the Tweed Caldera,*
- (b) to encourage a sustainable local economy and small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed,*
- (c) to promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, built environment, and cultural heritage,*
- (d) to promote development that is consistent with the principles of ecologically sustainable development and to implement appropriate action on climate change,*
- (e) to promote building design which considers food security, water conservation, energy efficiency and waste reduction,*
- (f) to promote the sustainable use of natural resources and facilitate the transition from fossil fuels to renewable energy,*
- (g) to conserve or enhance the biological diversity, scenic quality and geological and ecological integrity of Tweed,*
- (h) to promote the management and appropriate use of land that is contiguous to or interdependent on land declared a World Heritage site under the Convention Concerning the Protection of World Cultural and Natural Heritage, and to protect or enhance the environmental significance of that land,*
- (i) to conserve or enhance areas of defined high ecological value,*
- (j) to provide special protection and suitable habitat for the recovery of the Tweed coastal Koala.*

The proposal for the expansion of the club to accommodate new dining areas, alfresco areas and kids play areas for the existing Kingscliff Beach Bowling Club (KBBC) is conducive to the strategic planning principles that apply to the site. The proposal development encourages a sustainable local economy, provision of additional employment opportunities, as well as improved recreational and tourist facilities without having unreasonable impacts to the local amenity or the built and natural environment. Therefore, the development is considered to comply with the objectives of the Plan.

Clause 2.3 – Zone objectives and Land use table

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

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

The proposed development (including the relocated café/pop up bar) can be characterised as development that is ancillary to the existing use of the site as a 'Registered Club'

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

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

Clause 4.3 - Height of Buildings

The subject site is mapped to be affected by a maximum building height of 10m.

Elevation plans submitted with the DA indicate the proposed additions to the club is single storey and comprises of flat roof to a maximum height of 4.8m which is below the existing roof line of the club.

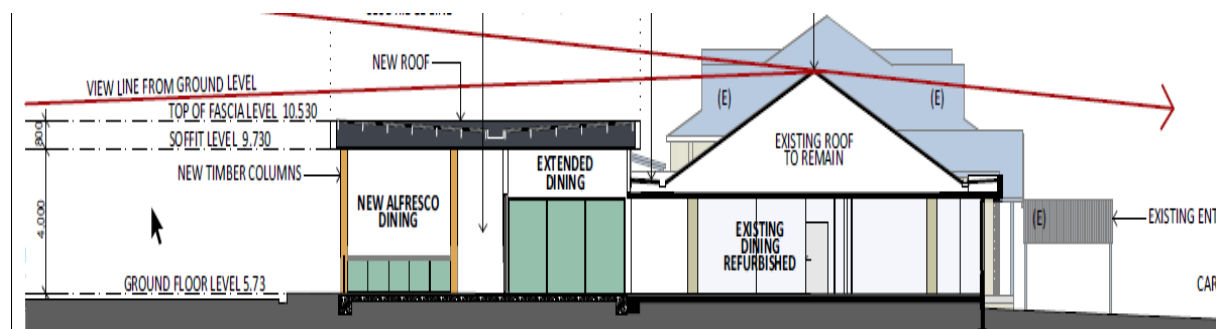


Figure 1: Extract of section plan demonstrating proposed building height and view lines across the site

Clause 4.4 – Floor Space Ratio

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

Clause 4.6 - Exception to development standards

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

Clause 5.10 - Heritage Conservation

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

It is further noted that the subject site is not listed as a known or predictive site of Aboriginal Cultural Heritage. Notwithstanding, the applicant has submitted a Cultural Heritage Assessment given that an AHIMS search was undertaken which identified 3 registered Aboriginal sites within an 1000m radius of the subject site (see Figure 2 and 3 below).

Table 1: AHIMS Search Results

| <i>Site Number</i> | <i>Name</i> | <i>Easting</i> | <i>Northing</i> | <i>Site 'Features'</i> |
|--------------------|---|----------------|-----------------|----------------------------------|
| 04-1-0021 | Chinderah, BMP-05-0156 | 555505 | 6875188 | Shell; Artefact |
| 04-2-0224 | Kingscliff Headland Tweed ACH Story Place | 556763 | 6874272 | Aboriginal Ceremony and Dreaming |
| 04-2-0215 | Marine Parade Tweed ACH Artefacts | 556491 | 6874334 | Artefact |

Figure 2: Extract of AHIMS search result from submitted Cultural Heritage Assessment Report



Figure 3: Extract of Figure 4 within Cultural Heritage Assessment Report that shows the AHIMS location in relation to proposed works

The Assessment identifies that as a result of a desktop study and further field inspection of the project area, being part lot Lot 468 DP 755701 (131 Marine Parade KINGSCOFF), the following conclusions can be formed:

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

- No items or objects of potential historic heritage were identified within the Project Area.

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

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

Clause 5.11 - Bush fire hazard reduction

The subject site is cleared of vegetation and whilst it is partially mapped to be affected by bushfire prone land (to the northern aspect of the site), the proposed development does not include any residential accommodation, tourist accommodation or development that is listed as 'Special Fire Protection Purposes' pursuant to Rural Fires Act 1997.

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

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

Clause 7.1 – Acid Sulfate Soils

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

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

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

Clause 7.2 - Earthworks

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

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

Clause 7.3 – Flood Planning

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

It is however noted that the site may be at risk for major storm surge events and coastal erosion processes however they relate to other matters for consideration under the LEP (see discussion under Clause 7.5).

Clause 7.4 - Floodplain risk management

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

Clause 7.5 - Coastal risk planning

The objectives of this Clause are to:

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

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

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

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

(f) *has regard to the impacts of sea level rise.*

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

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

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

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

Clause 7.6 - Stormwater Management

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

The subject site is adjacent to Kingscliff Beach and the ocean. The site grades towards the east, making the beach the site's lawful point of discharge. According to the submitted documentation, private stormwater infrastructure exists at the rear carpark of the site, collecting existing roof and hardstand areas and discharging these flows to the beach through a stormwater outlet at the existing revetment rock wall between the site and the beach. The additions to the site (roof flows) will be connected to the existing private infrastructure and discharge to the beach, which is accepted.

It is noted that the proposed works include internal renovations/alterations to the existing club and the addition of roof areas. However, no new hardstand or car parking areas are proposed. Therefore, stormwater quality treatment is not required for this development.

Erosion and Sediment Control for the construction phase of the development has been addressed with the submission of a conceptual Erosion and Sediment Control Plan. This is deemed acceptable for the scope of the works.

Based on the above considerations, Council can be satisfied that the objectives of this Clause are maintained as a result of the proposal.

Clause 7.7 - Drinking Water Catchments

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

Clause 7.8 – Airspace operations

The objectives of this clause are as follows:

- (a) *to provide for the effective and ongoing operation of the Gold Coast Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,*
- (b) *to protect the community from undue risk from that operation*

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

Clause 7.9 - Development in areas subject to aircraft noise

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

Clause 7.10 - Essential Services

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

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

The provision of water, sewer, electricity and drainage are available at the site for the existing club operations. The provision of such services are available to extent to club addition.

It is noted that vehicular access is provided to the adjacent crown lands carpark which is under a lease agreement between Crown Lands and Kingscliff Bowling Club. These arrangements will not be impacted by the proposed development and suitable vehicular access and parking can be provided for the development.

Other Specific Clauses

None apply.

North Coast Regional Plan 2036 (NCRP)

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

State Environmental Planning Policies

SEPP No. 55 - Remediation of Land

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

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

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

With regards to the subject site, Council records indicate that the use of the land as a bowling club has been ongoing since early 1960's and subsequent approvals for various alterations to the club since then.

Notwithstanding the above, minor earthworks are required for the proposed addition and therefore a preliminary Site Investigation Report has been prepared and submitted to Council as part of the DA. The report identifies that part of the works are located within an area previously used as a bowling green and bowling green maintenance includes horticultural chemical applications. For this reason, part of the southern bowling green subject to future disturbance as a result of proposed earthworks for building construction may have been subject to soil contamination associated with this potentially contaminating activity. The report makes recommendations for a preliminary soil investigation including soil sampling and analysis assessing potential soil contamination to be submitted to Council prior to any earthworks commencing so to further assess potential soil contamination within this area. If soil sampling exceeds investigation criteria a Remediation Action Plan to be prepared, submitted to Council for approval and completed prior to commencement of works.

It is noted that the report concludes that despite the need for a soil investigation report; the investigation area is capable of being remediated to be suitable for the proposed land use should the soil investigation identify contaminants of potential concern exceeding investigation criteria that require clean-up.

Council's Environmental Health officer has reviewed the Site Investigation Report and advises that given that the current use is a bowling green and potential contamination is an issue during earthworks, it is considered appropriate to condition the above mentioned requirements as recommended in the Site Investigation Report.

Therefore based on the findings of the report and subject to recommended conditions of consent to require a preliminary soil investigation report to be prepared, the proposal is considered to be acceptable with respect to contaminated land and the provisions of SEPP 55.

SEPP No. 64 – Advertising and Signage

The proposed development includes the provision of 1 x backlit building identification sign along the fascia panel of the proposed addition (see Figure 4 below).



Figure 4: Montage of proposed addition with proposed Building Identification Sign

A review of existing signage on the site and the exempt development provision under SEPP (Exempt & Complying Development Codes) 2008 indicates that the proposed sign is likely to be capable of satisfying the exempt development provisions and therefore does not require development consent. Furthermore, it is noted that the submitted SEE does not include an assessment of the proposed sign against the SEPP No 64 criteria or Section A4 (Advertising Sign Code) of the DCP which further instates this position.

However, given the sign contains a component of illumination, a condition of consent is recommended to ensure that the illumination of the sign does not cause a nuisance to nearby residents. Furthermore, the backlit illumination device is to be fitted with an illumination control system so to adjust the level of illumination should complaints be received by residents.

SEPP (Coastal management) 2018

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

The objectives of each clause are as follows:

- 13 *Development on land within the coastal environment area*
- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*

- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*
- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*
- 14 *Development on land within the coastal use area*
- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
 - (b) *is satisfied that:*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*
- (2) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

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

12 Development on land within the coastal vulnerability area

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

- (a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and
- (b) the proposed development:
 - (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and
 - (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and
 - (iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and
- (c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.

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

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

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

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

Tweed Development Control Plan

A2-Site Access and Parking Code

Parking

Section A2 of the DCP states that parking is to be provided based on addition gross floor area (GFA) at a rate of 1 space per 10sqm and 0.3 spaces per staff area. The Club is reported as containing an existing GFA of 1,500m² with three (3) outdoor bowling greens.

The proposed modifications to the club result in an additional 173m² GFA and therefore the club would theoretically require an additional 17.3 parking spaces to service the additions to the club.

An assessment table of parking based on increase GFA is provided below:

Table 1: Parking and Traffic Assessment

| | Increase GFA | TRCP (GLA) 100/100m ² | DCP A2 (GFA) 0.3 per staff and 1/10m ² includes ancillary use areas) |
|--|-------------------|-------------------------------------|--|
| Bistro | 173m ² | 173/100 x 100 = 173 | 173/10 = 17.3 |
| Alfresco | 243m ² | | Not GFA |
| Outdoor kids | 85m ² | | Not GFA |
| Modification for 60% travel by car | | 129.75 trips x 0.6 = 77.85 | |
| Staff additional 3 | | | 0.3 x 3 = 1 |
| Sub total | | | 18.3 |
| Providing 5 on site + 2 spaces through line-marking modification | | | 18.3 – 7 = 11.3 required |

As previously mentioned in this report, the development includes an additional five (5) staff parking spaces on the KBBC site and an additional two (2) parking spaces in the adjacent Crown Land carpark. Therefore, the development will provide for an additional seven (7) parking spaces, with five (5) of those spaces being provided for additional staff that will be employed as a result of the proposal.

The application of parking spaces is supported by a Traffic and Parking assessment report (prepared by Rytenskiid Traffic Engineer). The report briefly outlines the following key considerations in regard to car parking:

- A recent Council study (2016) which observed an underutilised uptake of parking on the adjacent crown land car park;
- The report nominates that 40% of patrons walk to the club or use alternate transport options;
- A decrease in parking demand as a consequence of the reduction in competition bowls is likely to be significantly more than 3 spaces as there is potential for the three rink to generate up to 22 parking spaces.

It is noted that the originally submitted report appeared to misinterpret the application of car parking and highlights an additional seven (7) parking spaces on the adjacent Crown land car park. This was since found to be incorrect and it was noted that the development includes a total of seven (7) spaces with only two (2) of those spaces being on the adjacent crown lands and dedicated for visitor parking.

Despite the misconstrued information, the parking studies contained in the report and also held by Council still maintain that the car park itself is underutilised at present and during peak periods there is sufficient capacity to accommodate additional parking generated by the club. This was confirmed by Council's Traffic Engineer whom advised the following:

The site is not within the Section 7.11 contribution Plan No. 23.

The accompanying traffic report identifies that there at least 45 parking spaces available on site during peak time observations and on weekdays the parking demands generally only reach 60% occupancy.

Whilst not referred to specifically, Council's car parking study conducted in 2016 identified that the off street car park surrounding the Club operated at around 35% occupancy during the week.

It is accepted that a significant number of patrons (40%) would walk to the Club or use alternate transport options.

There are no objections to the proposed DA from a parking perspective and it is accepted that the 11.3 spaces shortfall would not have a detrimental impact on the adjacent road network, however the additional spaces provided on site should be available to all staff and marked accordingly.

The relocation of the disabled spaces and re-line marking should be carried out under Council control and a suitable condition should be provided. The area is not within the road reserve and a s138 application would not be suitable.

Based on the above consideration and Council's Traffic Engineers advice in regard to parking, the proposed development is considered to be consistent with the overarching objectives contained under Section A2 of the DCP in regard to parking.

Traffic

The submitted Statement of Environmental Effects states that the proposal will result in an overall reduction in trip generation due to the reduction in capacity for the competition bowls. Furthermore, the trip generation of the existing club is less (approximately 50%) than the TRCP rate for a licensed club and therefore there is a theoretical surplus of trip generation available for the overall club.

The submitted traffic report acknowledges that TRCP allocates 100 trips per 100m² GLA and goes on to extrapolate that the removal of 3 bowling lanes (to increase GLA 300m²) will provide a theoretical trip credit of 360 trips.

Council's Traffic Engineer has advised that the comparison of bowling greens to tennis and squash courts is tenuous as these uses are attractants in their own right whereas a bowling green in this circumstance is more likely to be used in conjunction with the Licenced Club. Furthermore, if a new DA was received for this development it would be argued and accepted that the bowling greens are not a part of the GLA for the Licenced Premises.

As previously mentioned, the report identifies that 60% of customers drive to the club and this element of the report is considered to be a reasonable approximation and accepted. Therefore a 40% reduction may be applied to trip generation rates based on the non-vehicle modes of transport as outlined in the Traffic Report.

As such, traffic generation has been captured under TRCP No 4 Section 7.11 Contribution Plan based on additional GLA (noting that GLA has been calculated based on the enclosed areas of the club and does not include external floor area associated with kids play area and alfresco areas).

Whilst Council's Traffic Engineer generally supports the claims in the report in regard to the modes of access to the site, Council officers do not support a reduction (credit application) for traffic generation rates for the reduction in bowling rinks. The rationale for this decision is detailed later in this section of the report however in summary, it is based on the fact that there are another two greens available on site for both competition and social bowling activities and the fact that there is no evidence to support a claim that the reduction of three rinks to the existing 3 x 8 rink bowling greens would have any material impact on traffic generation (i.e. that visitors to the site were attending the site only for bowling activities and not using the club facilities nor that supported a claim that rinks were being used to their maximum capacity and therefore the bowling activities otherwise occurring on the 3 rinks could not continue to occur on the other 21 available rinks).

The assessment of this application further highlighted that whilst it is acknowledged that the club is used for the purpose of competition and social lawn bowl activities, its operation has evolved to be equally used for other uses occurring in the clubhouse itself (meals, poker machine gaming, social activities etc) and therefore in the absence of data surveys that demonstrate visitors are attending the club for the purpose of participating in lawn bowl activities alone, it is difficult to apply an assumed credit for the removal of 3 rinks. It is further reiterated that the provision of TRCP for lawn bowls is not included in the land use table in the TRCP Plan. Therefore, if the club were to construct additional rinks, no additional TRCP would be applicable.

Council's Traffic Engineer has considered the application of TRCP charges based on the following scenario:

- The site has three bowling greens and the applicant has advised that each green has 8 rinks.
- The proposed development seeks the removal of 3 rinks and therefore total rinks are reduced from 24 to 21, a reduction of 12.5%.
- The site is classified as a licensed club and under Table 6.3 in the TRCP Plan, TRCP charges are levied at 100 trips per 100m² GLA (0.75GFA).
- In this case the additional GLA is only applied to new extended dining area (173m² x .075) = 129.75m².
- The alfresco dining area 243m² GFA and the new kids covered area 85m² are not included for the purposes of TRCP calculations.
- The car park usage survey referenced and submitted in the Traffic Report as part of this application provided that on average over a 7 day period 592 vehicles entered the site.

- The report estimates that 20% of vehicles entering the carpark are not associated with the Club and accessed the beach or foreshore as the Club does not have exclusive use of the car park. The submitted report went on to calculate the weekly number of vehicles accessing the Club, however it utilised the week day average of 480 incorrectly as the Club operates 7 days per week.
(Therefore using the above analogy the Club generates $592 \text{ vpd} \times .8$ (bona fide patrons) = 473.6×2 (in/out) = 947).
- Accepting that there is $1,500\text{m}^2$ GFA = $1500 \times .75 = 1125\text{m}^2$ GLA, then the Club generates 84 trips per 100m^2 GLA. Which is 84% of the rate used in the TRCP. The information provided estimated this to be 50%.
- A survey carried by the Club found that 60% travelled by private vehicle, 12% cycled, 19% walked. The balance 9% attended by club bus or a public bus.
- Applying both the 84% rate (16% discount) and the discount of 40% for non-private car use to the TRCP would be doubling up the fact that some people do not drive to the club.
- The discount factor is accepted as 40% for non-car usage. This is conservative as bus travel, which in fact generates vehicle trips is excluded.

In considering the application of credits, as requested by the applicant, the following rationale has been applied for Council's officers to recommend not supporting the application of site credit for 3 rinks:

- To quantify the expected reduction in trips the results of a survey were provided that estimated that 50% of patrons attend the club to use the bowling greens either exclusively or combined with the use of the club facilities. However, bowlers who travelled to and from the premise without entering the building were not surveyed.
- No estimate has been provided to demonstrate the percentage of patrons whom only play bowls and do not use the other club facilities.
- TRCP is determined on the GLA of the site which excludes the bowling greens.
- TRCP would not be applied if additional bowling greens were installed.
- The applicant acknowledges that the reduction in lanes is a response to the market for social play in the use of the rinks, which will be the result of the DA.
- There is no evidence provided indicating that the bowling greens are operating at capacity, meaning that if someone wishes to play bowls there are no spare greens available at that time or at another time. Furthermore, the subject DA indicates that the greens are not operating at capacity.
- The theoretical surplus of trip generation argument is not supported as historical application and use is not provided.
- Competition bowls would not be an everyday activity and any data provided would need to average this out over the week to determine average use of the greens. TRCP is not levied on peak traffic generation.

- Council records indicate that the bowling clubhouse and greens has been in operation under special lease agreement 1969/20 (from the Crown) since the early 1960's. Based on the date of the approved lease agreement between crown lands and the club, it is likely that the club (and greens) commenced its initial use prior to the coming into force of an EPI (i.e. Order No 1 – Shire of Tweed 1964). Therefore, the creation of the greens and the original clubhouse has not been levied Section 7.11 contributions during its initial stages of development.

Based on the above considerations, Council's planning officers also consider Council's Traffic Engineers assessment to be accurate and impacts resulting from the development are acceptable, however a revised calculation which deletes reference to bowling rink credit has been made and additional trip generations for the GLA associated with the dining area are recommended to be charged under Plan No 4 (TRCP).

It is noted the revised calculation includes a 40% reduction for employment generating development and calculation rates are based on a trip generation for 175sqm GFA which results in a GLA calculation of 129.75sqm.

After applying a 40% discount for non-car travel patrons (as per the submitted survey), the trip generation rate for the development is 77.85 trips. Conditions of consent are recommended to collect the payment of contributions under Plan No 4 (TRCP) prior to the issue of a Construction Certificate. Should the club which to seek deferral of payment in accordance with Council's Eligible Business Enterprise Policy, this may be an option and could be pursued with Council if the recommended condition is adopted by Council and development consent is issued.

A11-Public Notification of Development Proposals

The application was notified for a period of fourteen (14) days from Wednesday 12 September 2018 to Wednesday 26 September 2018. During the notification period two (2) submission was received. The submissions related to acoustic impacts resulting from the proposed addition to the club, view loss resulting from the extended club area across the southern extent of the site, privacy impacts to nearby residences, lighting impacts resulting from illumination of the outdoor area, impact to prevailing sea breezes and an objection to the reduction of the bowling green to account for the club dining area expansion.

The submission details were referred to the applicant for consideration and response and on 12 December 2018, a response to the objection matters including an Acoustic Report and view analysis plan was received.

On 21 December 2018, the applicant's response was referred to the objectors and they were each provided with an opportunity to make further written submissions by 30 January 2019. As a result of this round of neighbour notification, two (2) additional responses were received. Detail of Council's consideration of the matters raised in contained later in this report.

B4-West Kingscliff

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

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

B9-Tweed Coast Strategy

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

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

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

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

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

Notwithstanding the above, the development will generate additional employment opportunities and therefore a nexus to provide an additional five (5) parking spaces on site to accommodate the additional staff is identified in the application and included in the site plan layout for the subject site and adjacent carpark. In addition, two (2) additional parking spaces are provided within the adjacent Crown land carpark resulting in a total of 7 additional parking spaces being provided for the development.

The proposed additional parking spaces will be provided at the rear of the subject site through an amended carpark design and layout. The additional spaces have been provided through the relocation of existing accessible parking to the south of the building, in close proximity to the building entry.

The additional 5 staff space have been identified opposite the new refuse area is identified in the proposed plans (adjacent to the existing building) (see Figure 5 below).

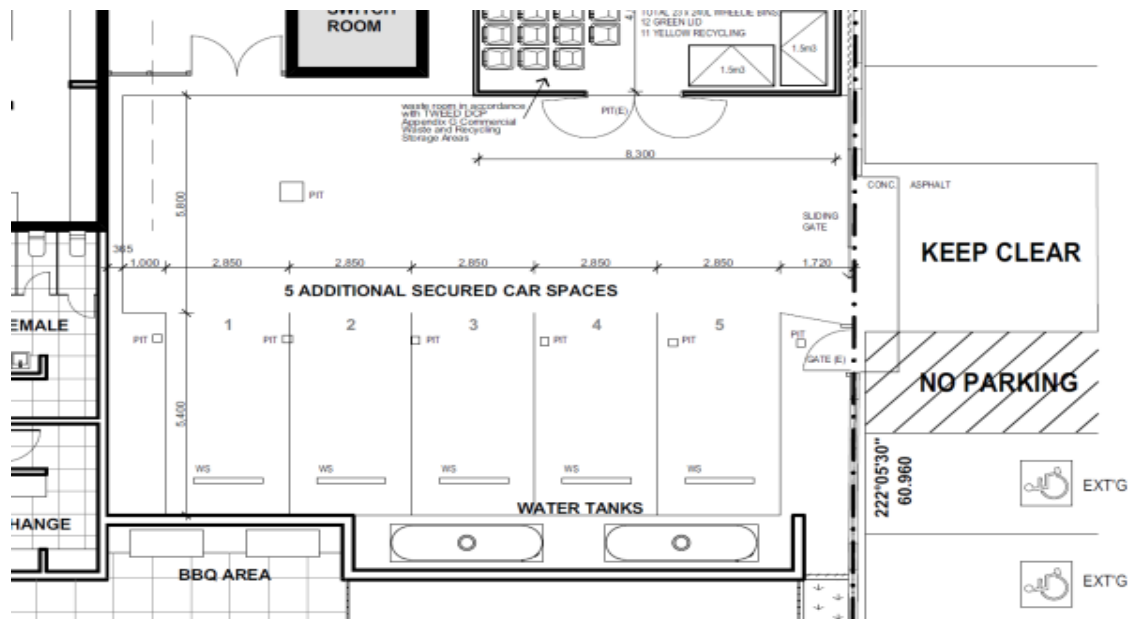


Figure 5: Extract of proposed staff parking detail (to be provided on site at 131 Marine Parade Kingscliff)

The proposed layout of the parking was considered by Council's Traffic Engineer as well as Crown Lands (as the owner of the land to which the carpark is contained) and no objections were raised.

In regard to traffic, the development is likely to attract additional traffic and this is confirmed in the Traffic and Parking Report as well as subsequent traffic calculation figures submitted with the DA. This traffic generation will be offset by the collection of Traffic Road Contributions under the Traffic and Road Contributions Plan (as previously discussed in this report).

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

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

B25-Coastal Hazards

The subject site is located landward of the immediate coastal hazard line and seaward of the 2050 and 2100 hazard lines and therefore this Section of the DCP applies (see Figure 6 below).



Figure 3 – Coastal Erosion Lines

Figure 6: Overlay of coastal erosion lines on the subject site (sourced by applicant)

3.2.5 Other Development

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

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

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

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

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

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

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

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

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

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

The subject site is nominated as Coastal Land and therefore this clause applies. The proposal is not inconsistent with the Coastal Policy as previously detailed within this report as it comprises a commercial mixed use development on an appropriately zoned site. The development will not restrict access to any foreshore areas is considered acceptable in this regard.

Clause 92(1)(b) Applications for demolition

The proposal includes demolition works and appropriate conditions have been included.

Clause 93 Fire Safety Considerations

Council's Health and Building Surveyor has considered the proposed application having regard the provisions of this Clause and advised that this Clause does not apply as the proposal includes building works.

Clause 94 Buildings to be upgraded

The subject building is predominantly a Class 9b building with a lower area of 314m², ground floor with an existing area of 1570m² to be increased to a total of 1743m² and a terrace of 329m². The subject building is required to comply with Type B construction.

Council's Health and Building Surveyor has considered the proposed application having regard to the provision of Clause 94 and advised that following a site inspection of the building, the building is generally compliant with the requirements of the BCA.

Appropriate conditions of consent have been recommended to capture the provision of compliance with the BCA in accordance with the requirements of Clause 94.

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

Tweed Shire Coastline Management Plan 2005

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

Tweed Coast Estuaries Management Plan 2004

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

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

Coastal Zone Management Plan for Cobaki and Terranora Broadwater (adopted by Council at the 15 February 2011 meeting)

The subject site is not located within the Cobaki or Terranora Broadwater (within the Tweed Estuary), with this Plan therefore not relevant to the proposed development.

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

Context and Setting

The proposed single storey addition to the existing KBBC club has been considered having regard to its location in proximity to the foreshore environment and its use in the RE2 (Private Recreation) land use zone.

The design of the addition to the club is considered to be relatively low in terms of its profiling and siting in the foreshore environment and is therefore appropriate having regard to the existing built and natural environmental context of the area.

The additions are considered to be conducive to the RE2 zone and the existing operations of the club. Where potential impacts in regard to noise and amenity have been identified, appropriate measures are recommended to mitigate such impacts to the local residential area. As such the development is considered to be consistent with the context and setting of the subject site and its surrounds.

View Sharing

An assessment of the proposed developments impact on existing oceanic views from ground floor residential units on the western side of Marine Parade has been undertaken and the findings are summarised below.

This assessment has been undertaken having regard to the planning principles established through judgements in the NSW Land and Environment Court (LEC). In particular, using the planning principles from *Tenacity Consulting v Warringah Council [2004] NSW LEC 140*. These principles promote a consistent approach to the assessment of DA's and the reasonableness of a development having regard to impacts on existing significant or iconic views.

1. *The assessment of views affected*

This principle aims to establish the view affected. Water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more highly than particle views. That is a water in which the interface between land and water is visible is more valuable than one in which it is obscured.

Below is an aerial image of the existing KBBC building and the location of the proposed extension (supplied by the applicant as part of their response to objections received for view impacts).



Figure 7: Aerial view of existing building and proposed additions having regard to residential units on the Western side of Marine Parade.

For the purpose of this assessment, the most affected residential units obtain a partial view to the water (no interface between land and water) as per the photograph below.



Figure 8: Photograph of view obtained at standing height from ground floor balcony of residential unit

2. *Consideration from what part of the property views are obtained.*

This principle considers what part of the property the views are obtained, noting that the front and rear boundaries are given priority while standing views may be easier to preserve than sitting views. Senior Commissioner Roseth states that “the expectation to retain side views and sitting views is often unrealistic.”

For the purpose of this assessment, it is noted that the clearest view is obtained from the balcony and this view is a partial view of the ocean (body of water with no interface between land and water) is obtained across the front boundary of the site at both a standing and sitting height.



Figure 9: Photograph of view obtained at standing height from ground floor balcony of residential unit

It is noted that a view is obtained across the side boundary at standing height from the kitchen and lounge/dining area of a ground floor residential unit. This view is a partial view and obtained over a considerable distance and therefore is barely visible (see photograph contained in Figure 10 below). Given the view is obtained across a side boundary and at a considerable distance, it is considered to be a less significant view as compared to the views obtained from the balcony (per the view sharing principles established by NSW LEC). The photograph of this view is not included in the assessment report for privacy reasons.

3. *The extent of impact*

This step of the assessment is to consider the extent of the impact from the whole of the property. The impact on views from living areas is more significant than from bedrooms or service areas. View loss is assessed qualitatively as negligible, minor, moderate, severe or devastating.

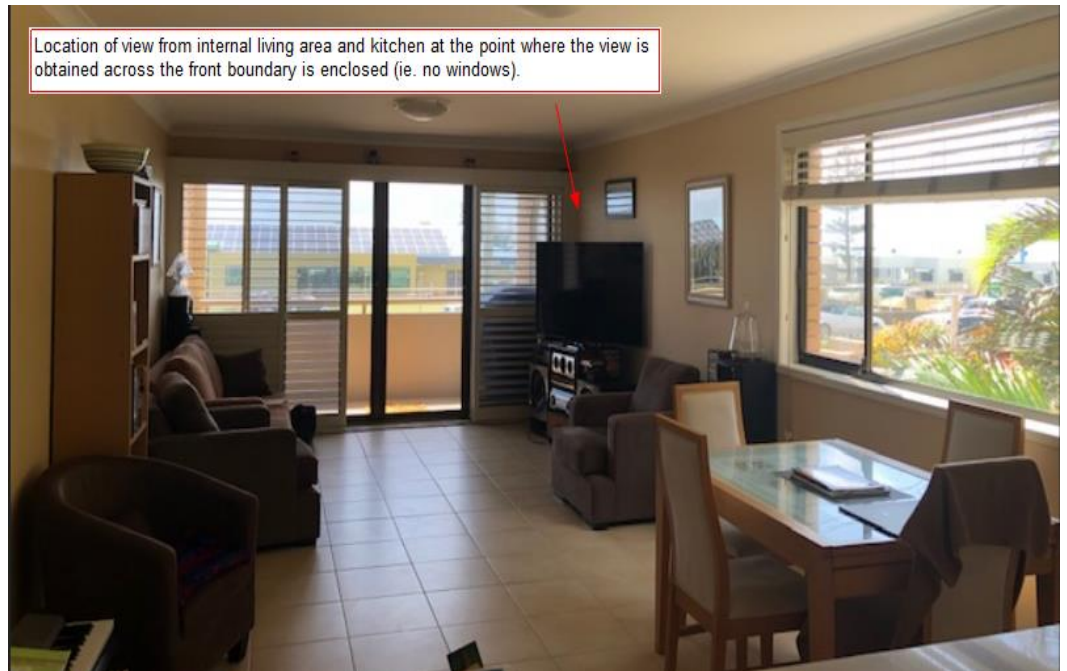


Figure 10: Photograph of views obtained from the internal living area through windows and openings at standing height

The most significant view obtained from the internal living area is from the lounge area at standing height, looking across the front boundary via the balcony (See Figure 11 below).



Figure 11: View obtained from lounge room at standing height

The above view is obtained from a living area. The view is a partial water view which is filtered by existing buildings and structures and obtained from a distance of approximately 160 metre. The view is obtained across a front boundary. Having regard to the qualitative assessment of the view against the principles so far, the view loss resulting from the proposed single storey addition is considered to be minor.

4. *The reasonableness of the proposal that is causing the impact*

This is the final principle and involves the consideration of a complying vs non complying application. In particular, a development that complies with all planning controls would be considered more reasonable than one that breaches them.

In considering the provision of this principal, the height bulk and scale of the development is most relevant to the merits of the assessment. Commentary on these building elements is provided below:

Height

The proposed overall height of the proposed addition is 4.8m and single storey. It is below the existing roof line of the club and far below the maximum height of building permitted in the zone (10m permitted under TLEP2014).

Scale

The addition results in an additional gross floor area of 501m². It is noted that the site is not affected by a maximum floor space ratio and therefore a merit based assessment of the appropriateness of the additional GFA has been carried out. The merits rely on the height of the development and its character and siting in terms of the existing built form in the vicinity of the site.

It is noted that the existing KBBC building is single storey in nature and comprises of a rectangular shaped building that expands along the east/west elevation of the site. In addition, the caravan park on the southern side of the club also comprises of single storey structures. The location of the proposed addition is highlighted below, and based on merit, is considered to be 'complying' in terms of its scale.



Figure 12: Streetscape view of subject site

Bulk

The design of the addition comprises of a range of materials and colour schedules that are considered to be in keeping with the local character of the area. The addition is likely to improve the aesthetics of the building by providing a modern design that lends itself to a relatively low profile in terms of height, bulk and scale. The provision of glass enclosure and window opening aims to facilitate opportunity for spectators to overlook the green which reduces the perceived bulk and scale of the addition from the Marine Parade interface.



Figure 13: Montage of proposed addition to the KBBC building (submitted by the applicant)

It is considered that the compliant height, colour schemes and overall design is conducive to a low profile development as does not add to the overall 'bulk' of the existing building.

In considering the overall impact of the development on principles of view sharing, whilst it is acknowledged that this assessment has revealed a minor impact to some ground floor units at Marine Parade, the overall impact of the development to existing residential units opposite the subject site, in the vicinity of the club building is negligible given that the majority of residential units are above ground floor. As such, on merit, refusal of the proposed addition on grounds of view sharing is not considered reasonable.

Access, Transport and Traffic

The proposed development has been considered having regard to the existing operations and functions of the club (and associated traffic surveys) which are outlined in a Traffic Report. It is highlighted that the locality of the subject site favours patron access via various modes of transport, being pedestrian orientated movement, cycling or bus drop. In addition, the range of uses within the club often result in shared purpose journey.

The report highlights a 60: 40% split in patrons accessing the club via private vehicle and patrons accessing the club via other means of transport.

Having regard to the location of the site and its proximity to the Kingscliff CBD, the shared journey uses that are offered by the club (and its operation), it is considered that the provision of 7 additional parking spaces (both on site and on the adjacent crown land car park) is suitably for the development. Furthermore, existing pedestrian and vehicle access to the site is considered to be adequate for the proposal.

Traffic generation has been calculated based on the likely trip generation resulting from the proposed development, and will be levied under Section 7.11 Plan No 4, based on the calculations provided in Table 1 of this report.

Council can be satisfied that the development is satisfactory in terms of access, transport, parking and traffic generation.

Acoustic Impacts

The applicant has submitted an Acoustic Report which has been prepared by a suitably qualified consultant (see **Attachment 1**) generally in accordance with the NSW Industrial Noise Policy and the established noise criteria specified by NSW Liquor and Gaming. The criteria applied is considered to be appropriate for the development having regard to the use of the site as an existing licensed premise.

The report adequately considers the level of noise impacts resulting from the proposal having regard to existing background noise levels at nearby sensitive receiver locations (residential properties).

It is noted that the hours of operation in the report are as follows:

Monday 9.30am – 9.30pm
Tuesday 10am – 10pm
Wednesday 10am – 10pm
Thursday 10am – 10.30pm
Friday 9.30am – 11.30pm
Saturday 9am – 11.30pm
Sunday 8am – 9.30pm

Whilst the above is noted, there is no explicit discussion in the SEE or Acoustic Report regarding the existing approved hours of operation for the pop up bar/café under DA18/0517 (which are 4.30pm -8.30pm Monday – Sunday) and therefore to ensure consistency, the terms of the approved pop up bar/café under that DA in regard to hours of operation have been separately reiterated in the recommended consent condition of consent regarding hours of operation.

In regard to the new additions to the club (i.e. kids play area, outdoor alfresco area and dining areas), it is noted that existing conditions of consent for the most recent alterations and additions to the club (DA05/1246) state:

'The LA10 noise level emitted from any activity shall not exceed the background noise level (LA90) by more than 5dB(A) at the boundary of any affected residence between 7am and 10pm. Notwithstanding the above, noise shall not be audible within any habitable room in any premise between the hours 10pm and 7am'.

Further to this existing condition which the club is bound to comply with, the Industrial Noise Policy 2017 defines night time as 10pm to 7am and therefore whilst the club operations may continue as per the recommendations in the report, a further special condition has been recommended to restrict the use of activities in the alfresco and kids play area after 10pm and before 7am. This is aimed to secure the outcomes of previous conditions of consent in accordance with the Industrial Noise Policy 2017.

In addition to the above, it is noted that some building treatment has been recommended to achieve the outcomes in the Acoustic Report. In particular, recommendations are made for the use of absorptive treatments in the alfresco area and therefore further special conditions have been recommended to ensure that a post construction noise report be prepared by a suitably qualified consultant in accordance with the recommendations of the submitted Acoustic Report. This report is to be submitted to Council prior to the issue of an Occupation Certificate.

In considering the operational side of the KBBC, the Acoustic Report includes a Noise Management Plan which aims to provide additional operational measures to respond to community concerns and complaints in the event that noise becomes an issue for the site. The Noise Management Plan combined with the regulation of noise as part of the existing license agreement by NSW Office of Gaming and Liquor as well as the construction attenuation measures for the proposal (as recommended in the Acoustic Report) together with special conditions of consent to limit outdoor activities associated with the alfresco area and kids play area after 10pm are all aspects of the development that will contribute to the mitigation of acoustic impacts as a result of the proposal. It is therefore considered that appropriate measures have been employed to mitigate additional acoustic impacts as a result of the development.

(c) Suitability of the site for the development

Surrounding Landuses/Development

The proposed additions to the KBBC is considered to be conducive to the approved use of the land as a registered club. Furthermore, the registered club in the subject location is conducive to the zoning of the land being an RE2 – Private Recreation zone.

It is acknowledged that the subject site is located within proximity to residential dwellings, and for this reason a high level assessment of the proposal has been undertaken having regard to potential amenity impacts. Measures are identified to minimise opportunity for amenity impacts to nearby residences (particularly in regard to noise) and these measures will be enforced via conditions of development consent.

It is noted that the existing club operations have been long standing and therefore the subject of this DA is not the provision of a registered club on the site (given this is an existing approved activity on the land). Rather, the appropriateness of the additions to the club on the subject site having regard to the relevant matters for consideration under Section 4.15 of the Act. In considering the surrounding residential land uses and the information submitted as part of the DA, Council can be satisfied that the proposed additions are appropriate for the site and measures are employed to protect the local residential amenity from unacceptable additional adverse impacts.

Natural Hazards – Bushfire

The subject site is mapped as bushfire prone land and a Bushfire Assessment Report was submitted with the DA. The report outlines specific requirements that would apply to the proposal given the character of the site and the level of threat of bushfire, none are relevant except for the provision of water supply which is already provided in the street (i.e. hydrant and booster) to service the subject site.

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

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

The subject application was notified for a period of fourteen (14) days from Wednesday 12 September 2018 to Wednesday 26 September 2018. During the notification period two (2) submission was received. The submissions related to acoustic impacts resulting from the proposed addition to the club, view loss resulting from the extended club area across the southern extent of the site, privacy impacts to nearby residences, lighting impacts resulting from illumination of the outdoor area, impact to prevailing sea breezes and an objection to the reduction of the bowling green to account for the club dining area expansion.

The submission details were referred to the applicant for consideration and response and on 12 December 2018, a response to the objection matters including an Acoustic Report and view analysis plan was received.

On 21 December 2018, the applicant's response was referred to the objectors and they were each provided with an opportunity to put forward a further submission prior to 30 January 2019. As a result of this round of neighbour notification, two (2) additional responses were received.

Detail of Councils consideration of the matters raised in the submissions is contained below.

Acoustic Impacts

The concerns originally raised in regard to acoustic impacts were legitimised by Council's assessment officers as part of the preliminary assessment of the DA. As such, it was requested that an Acoustic Report be prepared and submitted with the application.

The acoustic report includes detailed background noise testing, a Noise management plan and makes appropriate recommendations to mitigate additional acoustic impacts to nearby sensitive receiver locations (residents). In addition, the noise management plan establishes operational measures to address complaints should they be received during the operation of the club addition.

The report has been considered by Council's EHO officers whom advised that it adequately addresses the likely acoustic impacts. It has been identified that there is scope to further mitigate noise impacts by way of conditions of consent limiting outdoor activities to occur after 10pm and this condition is included in the recommendation report. Furthermore, the recommended attenuation measures identified in the submitted Acoustic Report are to be implemented to the satisfaction of Council and a special condition has been applied to require a Post Construction Noise Impact Compliance Assessment report to ensure appropriate mitigation outcomes are achieved for the development.

It is considered that subject to compliance with conditions of consent, appropriate measures can be established to mitigate acoustic impacts resulting from the proposed development.

Specific contentions have been raised in regard to the content of Noise Report which was submitted as additional information. A summary of the concerns raised and Council officers response is provided in the breakdown of issues below:

Validity of random acoustic testing of 3 days and how this measures correctly. (to this extent it is noted that an objector raised concerns regarding the content of the acoustic report stating that the testing over a 3 day period is inadequate to determine the extent of impact. It was highlighted that the times for background testing are inaccurate to the level of noise emission from the site).

In considering the validity of this contention, Council officers have reviewed the guidelines and standard practices for the preparation of Acoustic reports. Acoustic testing has been undertaken in accordance with standard practice and the duration of testing is considered acceptable for the purposes of preparing the Acoustic Report.

It is further noted, that Long term measurements for background noise were taken over a period of time between 08/02/2018 and 15/02/2018 in vicinity of 150 Marine Parade.

An attended noise measurement was taken between 7.30pm and 8.30pm on 10/02/2018 in the vicinity of 130 Marine Parade to determine typical frequency spectrum of the ambient noise.

Noise measurements were taken by a qualified experienced noise consultant and predicted noise levels are modelled based on day, evening and night time periods. Given the selected background noise testing time was during a quieter time of the day, a measured background which is quiet results in a conservative noise criteria that the business is required to comply with. This favours the residents as opposed to hindering them as the limitations set above background noise levels will be relatively low levels.

Receiver noise measured at 150 Marine Parade to avoid construction noise but objector believes readings should have been taken at 130 Marine Parade and should be done again as there is no longer construction work.

The background measurements at No.150 Marine Parade is considered adequate as measurements taken were for the purpose of determining a background noise level. No.150 Marine Parade is considered a suitable representation for background noise and therefore another background noise test location is not required for the purposes of preparing an Acoustic report.

Monitoring occurred at 7.30 but operation hours are until 11.30pm. Objector claims that testing needs to be done at interval up until closing time (11.30pm) and that the Noise monitoring was undertaken at quietest time of year, affected noise levels should be assessed at the most

The report outlines that long term measurements for background were taken over a period of time between 08/02/2018 and 15/02/2018 in vicinity of No.150 Marine Parade. An attended noise measurement was taken between 7.30pm and 8.30pm on 10/02/2018 in the vicinity of 130 Marine Parade to determine typical frequency spectrum of the ambient noise. Based on those noise measurements and the LAG NSW noise criteria; the development specific noise criteria was determined.

affected point in or within the property boundary.

The acoustic report does consider the modelled noise of patrons and hours of operation of the bistro, playground and club in the above concerned hours however to mitigate impacts from these activities, a special condition of consent has been recommended to restrict use of the outside area after 10pm on any given night. This further secures an appropriate outcome for the subject DA as well as previous consent conditions under DA05/1246 which limit noise levels from 10pm – 7am.

Opening up of dining area will exacerbate noise.

The acoustic report has considered the area being used as being an open area with people dining outside and kids playing in the outdoor playground having regard to appropriate recognised technical papers. Recommendations have been for these areas to be constructed with the use of absorptive treatments in the alfresco area the implementation of acoustic attenuation treatment in accordance with the report has been enforced via conditions of consent which requires a post implementation report to be prepared and submitted to Council prior to the issue of an occupation certificate.

Operational Noise Management Plan in the report is not quantifiable, accountable or no process other than a record and a few suggestions.

Noise modelling is based on approximately 100 patrons and 15 children in the play area which is an accurate representation of the likely maximum number of people likely to occupy this area.

The Acoustic Report includes the addition of a Noise Management Plan that can be used by the facility. The inclusion of an operational noise management plan provides residents with a direct link and an improved communication line to management to ensure concerns are dealt with at the time of making a complaint.

The Noise Management Plan is provided as an additional means of enforcing compliance and responding to community concerns. However residents can still report a breach to Liquor and Gaming NSW for inadequate management of a facility.

It is considered that the provision of the Acoustic Report which has been prepared in accordance with industry guidelines and provides a conservative approach to the assessment of acoustic impacts, the inclusion of special conditions of Council by Council which requires a post construction implementation

report and restricts outdoor operations after 10pm, together with the submission of a robust Noise Management Plan and the existing license regulations which are in play (by NSW Office of Liquor and Gaming) are all sound measures to protect the community from unacceptable acoustic impacts. Therefore, there is no planning merit to refuse the application based on likely acoustic impacts.

Expansion of club in the proposed location of the site is not appropriate due to the proximity to dwellings (on western side of Marine Parade).

The proposed extension at the western extent of the site is an appropriate location that does not encroach land constrained by coastal erosion and that is leased by the club. The land further east of the club is not subject to a lease agreement between the Club and Crown land and is used for the purpose of a car park for use by the club patrons as well as the general public.

Any club expansions into this car parking area would have undesired impact on public parking provisions within the Kingscliff Locality.

The proposed addition to the club will impact on views to the ocean from ground floor apartments on the western side of Marine Parade.

The applicant submitted a view impact analysis which demonstrates that part of the view obtained from the ground floor units at the western side of Marine Parade obtain a partial view of ocean between the existing club building and the existing adjacent caravan park. These partial views will be moderately impacted upon by the proposed single storey addition. As such, to determine whether the impact to views is acceptable, Council officers have undertaken a view impact analysis in accordance with the Land & Environment Court view sharing principles (previously outlined in this report). The view sharing assessment has established that extent of impact is acceptable having regard to the principles and guidelines established through the NSW LEC.

Lighting Impacts

The proposed alterations and additions do not seek any modification to existing approved illumination of the site. The existing lighting environment will remain unchanged as a result of the development and conditions of consent are recommended to secure this outcome.

Furthermore, the applicant has confirmed there will be no increase in lighting and if anything, there is likely to be a slight reduction due to half of the green being occupied by the proposed extension. Further, there will

be no change in operating hours beyond existing approvals.

Where illumination is proposed for signage, conditions of consent are recommended to ensure that the level of illumination can be controlled by appropriate devices to address any impacts to nearby residents should they arise.

Impact on sea breezes

The proposed building is single storey in nature and is not wider than the existing building, and no change to the overall height plane of buildings on the site is proposed as part of the development. As such, having regard to opportunity for prevalent eastern breezes to travel between structures on the eastern side of Marine Parade, the impact on sea breezes is considered to be negligible.

Privacy

The findings and recommendations in the submitted Acoustic Report indicate that appropriate measures can be employed to protect adjoining residences from experiences unreasonable additional amenity impacts as a result of the proposed development. The proposed alfresco area is open design however is a considerable distance from residential properties thus minimising opportunity for cross-viewing between properties.

(e) Public interest

The proposed development is generally consistent with the applicable environmental planning instruments and the Tweed Development Control Plan. The proposed development is ancillary to the use of the land as a recreational club and will improve the function and amenity that the club provides for its members and guests. Appropriate measures have been identified in the various consultant's report as well as by Council officers (by way of special conditions of consent) to mitigate potential amenity impacts to surrounding residences as a result of the proposed development. As such, the development is therefore considered to be in the broader public interest by providing a commercially viable development which provides a degree of social amenity on appropriately zoned land.

OPTIONS:

That Council:

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

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

2. Refuses the application, providing reasons.

Option 1 is recommended.

CONCLUSION:

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

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

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

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not applicable,

c. Legal:

Not applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Acoustic Report prepared by Acousticworks, referenced 2018026 and dated 29 Nov. 2018 (ECM 5802496)

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

15 [CNR-CM] Surf Life Saving Services Summer Report 2018-2019

SUBMITTED BY: Recreation Services

mhm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.8 Lifeguard Services - To reduce the human risk to beach users on the Tweed Coast through surf lifeguard services and education.

ROLE: **Provider**

SUMMARY OF REPORT:

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

The ALS have provided the summer 2018-2019 report. The main season statistics are summarised in this report with the full report provided as an attachment

RECOMMENDATION:

That the Australian Lifeguard Service report for Summer 2018-2019 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 2018-2019. The following extract provides the main patrol season statistics and the full report is provided as an attachment to this report.

Service Summary

The festive summer holidays and ideal beach weather brought about one of the busiest summers the Tweed area has experienced in years. The majority of local caravan parks and resorts reached full capacity, further correlating with the beach attendance. The attendance records revealed an increase from the 2017-2018 summer (126,986), to 149,549 attendees for summer of 2018-2019.

With significantly less beach closure time compared to summer of 2017-2018 (387.5 hours to 59.25 in 2018-2019), the crowds were consistent, keeping the lifeguards on high alert at all times, especially with the large influx of approximately 720 marine stings throughout summer.

As a result, First Aid treatments jumped from 103 to 897 when compared to 2017-2018. Fortunately, the high degree of preventative actions and immediate care from our skilled lifeguards in the Tweed Shire meant there were minimal reactions to the marine stings and therefore, no transportations to the hospital for any patients. The lower amount of rescues, 59 in 2017-2018 to 56 in 2018-2019, also coincides with the excellent work presented by the lifeguards.

Due to the large tidal flow and increased number of people at the creek mouth, a manual surveillance system was implemented at both North and South Pottsville Beach. The lifeguards on duty rotated regularly, spending 30 mins at the creek mouth providing extra supervision to swimmers in the creek. As a result, 12 rescues were successfully conducted during that time as lifeguards were able to provide rapid responses as they were already at the creek mouth. As well, the Emergency Beacon at Dreamtime beach allowed the lifeguards to regularly check the beach via the State Operations Centre to see if the amount of beach goers warranted a lifeguard to supervise.

Overall, the summer holiday period of 2018-2019 was extremely busy, however, the beaches were well managed by the lifeguards in the Tweed Shire area.

Highlights:

| | |
|--------------------|--|
| Beach Visitation: | 149,549 people were recorded visiting the Tweed Shire Council with the highest number at Duranbah (31,195). |
| Prevention: | 17,341 preventative actions |
| Rescues Performed: | 56 rescues performed |
| First Aid: | 897 first aid treatments |
| Law Enforcement: | 123 law enforcement actions |
| Public Relations: | 20,006 cases of providing information and advice to the public |

Service Statistics:

A full list of statistics for the summer holiday period 2018-2019 is included below:

| Beach | Rescue | Preventative Action | First Aid | Law Enforcement | Public Relation |
|-------------------|---------------|----------------------------|------------------|------------------------|------------------------|
| Cabarita | 8 | 995 | 57 | 10 | 1,178 |
| Casuarina | 1 | 1,408 | 12 | 13 | 1,547 |
| Duranbah | 7 | 2,508 | 258 | 20 | 3,565 |
| Fingal | 14 | 2,351 | 181 | 23 | 1,925 |
| Hastings Point | 1 | 1,599 | 56 | 8 | 1,736 |
| Kingscliff/Cudgen | 4 | 2,176 | 156 | 2 | 3,149 |
| North Kingscliff | 4 | 2,061 | 75 | 21 | 2,328 |
| Pottsville | 9 | 1,589 | 48 | 5 | 1,581 |
| Pottsville South | 8 | 1,469 | 15 | 21 | 1,684 |
| Salt | 0 | 1,185 | 39 | 0 | 1,313 |
| TOTAL | 56 | 17,341 | 897 | 123 | 20,006 |

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 holiday period 2018-2019.

| Beach | Attendance |
|-------------------|-------------------|
| Cabarita | 12,250 |
| Casuarina | 10,363 |
| Duranbah | 31,195 |
| Fingal | 14,842 |
| Hastings Point | 17,988 |
| Kingscliff/Cudgen | 18,955 |
| North Kingscliff | 14,099 |
| Pottsville | 10,001 |
| Pottsville South | 9,782 |
| Salt | 10,074 |
| Total | 149,549 |

OPTIONS:

1. That the Australian Lifeguard Service report for Summer 2018-2019 be received and noted.
2. That Council determines an alternate response.

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:

Nil.

b. Budget/Long Term Financial Plan:

The lifeguard service is a four year contract with funding provided in the long term financial plan.

2018-2019 season costs \$656,500.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Australian Lifeguard Service Summer 2018-2019 report -
Tweed Shire Council (ECM 5778599)

16 [CNR-CM] Proposed Renaming of Park - Burringbar

SUBMITTED BY: Recreation Services

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.2 Places
- 3.2.7 Parks and Gardens - To provide and manage quality and accessible public parks and gardens for the enjoyment and wellbeing of the community and visitors to the Tweed.

ROLE: **Provider**

SUMMARY OF REPORT:

At its meeting held 12 December 2018 Council resolved to call for comments regarding the renaming of the park located at the old railway station in Burringbar 'Masterson and RSL Memorial Park' in accordance with Council's policy for the Naming of Public Parks.

At the close of comment three submissions were received, one in support of the proposal and two opposing the proposal and submitting an alternate name.

RECOMMENDATION:

That:

1. Council considers the options and determines this matter.
2. ATTACHMENTS 1, 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
 - (a) personnel matters concerning particular individuals (other than councillors)

REPORT:

At its meeting held 12 December 2018 Council resolved to call for comments regarding the renaming of the park located at the old railway station in Burringbar 'Masterson and RSL Memorial Park' in accordance with Council's policy for the Naming of Public Parks.

At the close of comment three submissions were received, one in support of the proposal, one opposing the proposal and one opposing the proposal and submitting an alternate name.

The submission in support of the proposal was from the proponent reinforcing the process and support from the Masterton family.

The submissions in opposition raises a number of concerns and recommends that Council consider the alternative options of *Masterton Park and Burringbar Memorial Reserve* or similar iterations combining the names Masterton Park and Memorial Reserve.

One of these submissions is from the Burringbar Community Association who advise that they initially gave in principle support to the advertised proposed name, but after undertaking further research and becoming better informed about the origins and purpose of the park have changed their preference.

The submissions are provided in full as attachments.

OPTIONS:

1. That Council renames the park located at the old railway station in Burringbar '*Masterson and RSL Memorial Park*' and erects signage.
2. That Council considers calling for comment for an alternative renaming of the park located at the old railway station in Burringbar.
3. That Council does not rename the park located at the old railway station in Burringbar.
4. That Council considers an alternate course of action.

CONCLUSION:

There appears to be general support within the community to add to the name Masterton Park to recognise the original intent of the park as a memorial to all local servicemen. The divergence is whether the name should remain generic using the term *memorial* or whether the RSL should be included in the name.

COUNCIL IMPLICATIONS:

a. Policy:

Naming of Council Public Parks and Sportsfields v2.0

b. Budget/Long Term Financial Plan:

The installation and production for the park sign and memorial 'story board' sign will be approximately \$1,250. If the renaming is supported it will provide the opportunity to provide information about Major Masterson after who the park was original named.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The proposal was advertised in accordance with Council's policy for the Naming of Public Parks.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Submission (ECM 5755575)

(Confidential) Attachment 2. Submission (ECM 5765871)

(Confidential) Attachment 3. Submission (ECM 5764438)

17 [CNR-CM] Amendment to Deed of Agreement - Richmond Tweed Regional Library

SUBMITTED BY: Community and Cultural Services

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.2 Places
- 3.2.5 Libraries - To provide accessible community spaces and access to books, learning resources and other information.

ROLE: **Provider**

SUMMARY OF REPORT:

The Richmond Tweed Regional Library (RTRL) Committee at its 16 November 2018 meeting considered a report on an amendment to the Richmond Tweed Regional Library's Deed of Agreement (DOA). The amendment relates to how the net assets or equity of the RTRL would be split between the member councils on termination.

The DOA states in 23.2.2 that "*Each Member Council will be entitled to a share of any changes in total equity from the commencement of this Agreement....*". In accordance with the DOA, the commencing date is the date the agreement was executed being 29 November 2017.

As the intention was for total equity to be shared from 1 July 2017 and not from 29 November 2017, the DOA needs to be amended.

RECOMMENDATION:

That Council:

1. **approves the following amendment to Clause 23 of the Deed of Richmond Tweed Regional Library Deed of Agreement dated 29 November 2017:**

23 Termination

23.1 This Deed may be terminated before the Expiry Date if written notice to that effect is given to the Executive Council signed by a majority of the Member Councils.

23.2 Upon termination of this Deed or the Expiry Date, whichever occurs first, the value of the RTRL Assets is to be realised by the Executive Council and the net proceeds are to be distributed to the Member Councils as follows:

23.2.1 Each Founding Member Council will be entitled to an equal share of the total equity of the Regional Library as at 30 June 2017; and

23.2.2 Each Member Council will be entitled to a share of any changes in total equity from 1 July 2017 to the date of termination in the same proportion as its financial contribution to the Regional Library bears to the total of all the financial contributions by each Member Council over the duration of this Agreement.

2. delegates the General Manager to finalise and execute the amendment as proposed in this report to the Richmond Tweed Regional Library Deed of Agreement dated 29 November 2017.

REPORT:

The Richmond Tweed Regional Library (RTRL) Committee at its 16 November 2018 meeting considered a report on an amendment to the Richmond Tweed Regional Library's Deed of Agreement (DOA). The amendment relates to how the net assets or equity of the RTRL would be split between the member councils on termination.

The DOA states in 23.2.2 that "*Each Member Council will be entitled to a share of any changes in total equity from the commencement of this Agreement....*". In accordance with the DOA, the commencing date is the date the agreement was executed being 29 November 2017.

As the intention was for total equity to be shared from 1 July 2017 and not from 29 November 2017, the DOA needs to be amended.

The RTRL Committee resolved to request Member Councils agree to a change in the Deed of Agreement by adopting the following amended Clause 23 – Termination to reflect the intention of this clause:

23 Termination

23.1 This Deed may be terminated before the Expiry Date if written notice to that effect is given to the Executive Council signed by a majority of the Member Councils.

23.2 Upon termination of this Deed or the Expiry Date, whichever occurs first, the value of the RTRL Assets is to be realised by the Executive Council and the net proceeds are to be distributed to the Member Councils as follows:

23.2.1 Each Founding Member Council will be entitled to an equal share of the total equity of the Regional Library as at 30 June 2017; and

23.2.2 Each Member Council will be entitled to a share of any changes in total equity from 1 July 2017 to the date of termination in the same proportion as its financial contribution to the Regional Library bears to the total of all the financial contributions by each Member Council over the duration of this Agreement;

Prior to reporting this to the RTRL Committee meeting, the proposed amendment was reported to the RTRL's Senior Leadership Group meeting held on 9 October 2018. It was agreed by the Senior Leadership Group to report the proposed DOA amendment to the RTRL Committee.

It is proposed for an amended Deed of Agreement to be prepared and circulated to Member Council's for signing.

OPTIONS:

That Council:

- 1. approves the amendment proposed in this report to the attached Richmond Tweed Regional Library Deed of Agreement November 2017, and**
- 2. delegates the General Manager to finalise and execute the amendment as proposed in this report to the Richmond Tweed Regional Library Deed of Agreement, November 2017; or**
- 3. requests additional information.**

CONCLUSION:

The amendment to the DOA is proposed to correct the date for the calculation of the division of net assets or equity of the RTRL between the member councils in the event of a termination of the agreement. As the intention was for total equity to be shared from 1 July 2017 and not from the date of signing the agreement on 29 November 2017, the DOA needs to be amended.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Deed of Agreement 29 November 2017 (ECM 5280646)

18 [CNR-CM] Allocation of Community Sponsorship

SUBMITTED BY: Community and Cultural Services

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator

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 (2017-2027).

Council has \$38,908 available for donations to eligible community organisations in the 2018/2019 Budget. The recommended total amount allocated to this round is \$29,600 disbursed between five organisations. This leaves \$9,308 for the 2018/2019 financial year to be retained in the Community Sponsorship budget.

RECOMMENDATION:

That:

1. Council endorses the following recommendations for the allocation of the 2018/2019 Community Sponsorship Policy:

| Applicant | Amount |
|--|-----------------|
| Tweed Valley Rural and Community Advancement Co-Op | \$10,000 |
| Victory House Rehabilitation Program (Vibe Care Ltd) | \$5,000 |
| Support for New Mums Inc. | \$5,000 |
| Public Act Theatre | \$2,600 |
| Cabarita Youth Service Inc. | \$7,000 |
| Total | \$29,600 |

2. **The remaining budget for Community Sponsorship at the end of the financial year be carried over and added to the 2019/2020 budget allocation.**
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 \$38,908 in the 2018/2019 Budget for donations to eligible community organisations. Twelve applications were received totalling requested funds of \$97,788.

Eligibility for funding was assessed against the following criteria:

1. Projects, initiatives or services must be delivered 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. Applications must be from incorporated organisations or association. Unincorporated not-for-profit community organisations can apply for assistance through eligible incorporated sponsor organisations. Sponsor organisations must agree to take responsibility for the receipt, application and acquittal of the assistance provided.
4. No financial assistance will be given to projects, services or initiatives that are receiving Council funding or resources.
5. No financial assistance will be given to Government Departments or agencies or for support of Government or Council owned facilities/fixed assets.
6. No financial assistance will be given to reimburse groups or organisations for Council fees and charges.
7. No financial assistance will be given to competitive sporting activities or clubs.
8. Council will not support/fund applications that are specifically fundraising for donations and charities.
9. The funds are not to be used for social activity for members of the organisation exclusively.
10. For applications which include a public/community celebration component, evidence of adequate public liability insurance and/or other relevant insurance cover must be provided.
11. Applicants must have formally and fully acquitted any previous grants provided by Tweed Shire Council.
12. Applicants must submit applications on the official application form.
13. Applications must be received by Close of Business (4.30pm) on the advertised closing date.

The recommended total amount allocated this round is \$29,600 disbursed between five organisations. This leaves a remainder of \$9,308 for the 2018/2019 Financial Year.

Funds remaining at the end of the 2018/2019 Financial Year are recommended to be carried over and added to the 2019/2020 Community Sponsorship budget.

OPTIONS:

1. Allocate the funds in accordance with Councillor recommendations based on the criteria set out in the Community Sponsorship Policy Version 1.1.

Or

2. Not allocate the funds in accordance with Councillor recommendations and request further information.

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 for activities and projects that benefit the health and wellbeing of Tweed Shire residents. The sponsorship agreement acknowledges the contribution Council makes to local community groups and organisations that contribute to community life in the Tweed Shire and respond to local needs and issues. Applications were assessed against priorities identified in the Community Strategic Plan (2017-2027).

COUNCIL IMPLICATIONS:

a. Policy:

Community Sponsorship v1.1

b. Budget/Long Term Financial Plan:

The total budget available for 2018/2019 is \$38,908. After the recommended allocation of \$29,600 an amount of \$9,308 will be available.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

The funding round opened between 7 November 2018 and 24 January 2019 and was advertised in the Tweed Link on 6 November 2018 and through Council's social media channels inviting applications from community organisations. Applications were considered by Council in a confidential workshop on 28 February 2019.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Community Sponsorship Policy 2018-2019 - Applications Assessment Table (following Council Workshop held Thursday 28 February 2019) (ECM 5792809)

19 [CNR-CM] Tweed Coast Koala Study 2018

SUBMITTED BY: Natural Resource Management

mhm



Leaving a Legacy

Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

SUMMARY OF REPORT:

Council resolved in February 2015 to adopt the Tweed Coast Comprehensive Koala Plan of Management (KPoM). One of the ongoing actions of the Plan is the reassessment of the status of the Tweed Coast koala population at three-yearly intervals. Field work and data analysis for the 2018 Koala Study is complete, and a technical report has been prepared describing the methods, results and implications of the survey.

Results of the study are encouraging and suggest that populations may be beginning to expand again into areas that had experienced decline as reported in 2015, most notably around Cudgen Nature Reserve and the Round Mountain area. Koala occupancy and activity levels remain relatively stable in the Pottsville Wetland and Black Rocks areas.

The findings provide support for ongoing investment in implementation of the KPoM, as it works to support population recovery.

RECOMMENDATION:

That the report on the Tweed Coast Koala Study 2018 be received and noted.

REPORT:

At its meeting on 21 May 2015 Council resolved to adopt the Tweed Coast Comprehensive Koala Plan of Management. The reassessment of the koala population on the Tweed Coast at three-yearly intervals is one of the ongoing actions of the Tweed Coast Comprehensive Koala Plan of Management, which has now been completed by Council staff. This work was necessary in order to:

- Inform tracking of the effectiveness of the Plan in achieving the recovery of the Tweed Coast koala population; and
- update and respond to current knowledge on the status of the Tweed Coast koala population.

The aim of the study was to determine the current status of the Tweed Coast koala population and examine any changes in the distribution and levels of koala activity since the Koala Habitat Study was initially released in 2011.

Surveys were carried out between August and December 2018 and involved resampling a large proportion of those sites surveyed during the two previous monitoring events in 2010 and 2015, utilising identical methodology. Sixty-nine sites across Council owned and managed land, private land and Nature Reserve were surveyed. Records of koala sightings were also collated from all available sources.

Koala activity remains widespread throughout the study area, and in contrast with the findings of the 2015 study, a number of encouraging observations arise from the results of the current study. The amount of available habitat that is currently occupied by permanent resident koala populations has shown a slight increase since 2015, however this is still well below that recorded in 2010. When areas of low and infrequent use are also included, overall, koalas are using a larger proportion of the study area than was recorded in 2015 and 2010.

Monitoring results indicate that the Pottsville Wetland population continues to remain stable, and koalas appear to have slightly increased their use of habitat in the Kings Forest and Round Mountain areas since the previous monitoring period. Infrequent use by koalas of areas between the main population centres may indicate some recovery beginning to occur. However, these results must be interpreted with caution recognising that recovery and sustaining of resident populations above and beyond the 2010 levels is required for long term koala population persistence.

A significant increase in koala sightings reported by community members indicates that community engagement efforts by Council and partner agencies are being effective. Continued use by koalas of restored and newly-created koala habitat also confirms the success of these KPoM actions.

Until currently isolated koala populations are well connected and resident populations occupy a larger proportion of the available habitat, the Tweed Coast koala population remains at high risk of extinction. The results of this study suggests that the substantial ongoing decline observed between 2010 and 2015 has slowed, and thus provide support for the ongoing investment in implementation of the KPoM, as it works to support population recovery.

The technical report contains a number of recommendations aimed at continuing and building on the management actions contained in the Koala Plan of Management. It is important that Council and the broader community continue working together to reduce threats and plan for the future expansion of the koala population to a more sustainable level.

OPTIONS:

This report is to receive and note only.

CONCLUSION:

The Tweed Coast Koala Study 2018 is complete, with results of the study suggesting that the status of the koala population may have improved slightly since the previous monitoring period. Improvements are most notable in the Cudgen Nature Reserve and Round Mountain areas. Koala occupancy and activity levels remain relatively stable in the Pottsville Wetland and Black Rocks areas.

Results of the study are encouraging but it is recognised that the population is still at high risk of extinction. Ongoing investment in all aspects of threat-mitigation actions within the KPoM is required as it works to provide the best opportunity for population recovery.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable
Tweed Coast Comprehensive Koala Plan of Management

b. Budget/Long Term Financial Plan:

Implementation of the Tweed Coast Comprehensive Koala Plan of Management is funded through an ongoing budget allocation and supplemented with grant funds as opportunities arise.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Completing the Tweed Coast Koala Study 2018 is a required action of the Tweed Coast Comprehensive Koala Plan of Management, adopted by Council in 2015. Engaging with the community regarding koala management and recovery is identified as a critical element of the whole of community response required to meet the significant challenge of koala conservation. The technical report will be published on Council's website. The outcomes of this study will also be shared with regional partners and project groups, Council's advisory committees, the Koala Management Committee, and the Tweed Coast and Waterways Committee, as well as through relevant Council communications outlets. The technical report will be shared directly with key stakeholders, including landholders of properties where survey work was undertaken.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Tweed Coast Koala Study 2018 (ECM 5793231)

REPORTS FROM THE DIRECTOR ENGINEERING

20 [E-CM] RFO2019002 Boyd Street Tweed Heads Road Stabilisation and Asphalt Works

SUBMITTED BY: Roads and Stormwater

Valid



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

| | |
|-------|---|
| 3 | People, places and moving around |
| 3.3 | Moving around |
| 3.3.4 | Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible. |

ROLE: **Provider**

SUMMARY OF REPORT:

Request for Offer RFO2019002 Boyd Street Tweed Heads Road Stabilisation and Asphalt Works was called to engage a suitably qualified and experienced Provider to carry out profiling of existing bitumen pavements, pavement stabilisation, re-compaction and trimming of stabilised pavements, application of 10mm primer seal and asphalt wearing surface on Boyd Street, Tweed Heads between Wharf Street and Florence Street.

The Providers services shall include but not be limited to:

- Profiling of existing asphalt
- Stabilisation of the pavement as specified
- Re-compaction and trimming of stabilised pavement
- Application of a 10mm primer seal to new pavement
- Application of an asphalt wearing surface to new pavement
- Reinstate two vehicle detector loops at Boyd Street and Wharf Street intersection

At the time of closing four 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 RFO2019002 Boyd Street Tweed Heads Road Stabilisation and Asphalt Works:

- 1. Council awards the offer to Stabilised Pavements Australia Pty Ltd ABN 90 002 900 736 ACN 002 900 736 for the amount of \$313 836.07 (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 finalisation of the contract.**
- 3. 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 RFO2019002 Boyd Street Tweed Heads Road Stabilisation and Asphalt Works was called to engage a suitably qualified and experienced Provider to carry out profiling of existing bitumen pavements, pavement stabilisation, re-compaction and trimming of stabilised pavements, application of 10mm primer seal and asphalt wearing surface in accordance on Boyd Street, Tweed Heads between Wharf Street and Florence Street.

The Providers services shall include but not be limited to:

- Profiling of existing asphalt
- Stabilisation of the pavement as specified
- Re-compaction and trimming of stabilised pavement
- Application of a 10mm primer seal to new pavement
- Application of an asphalt wearing surface to new pavement
- Reinstate two vehicle detector loops at Boyd Street and Wharf Street intersection

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 26 January 2019 in the Brisbane Courier Mail and on 29 January 2019 in the Sydney Morning Herald and in the Tweed Link.

Offer submissions closed at 4.00pm (local time) on 20 February 2019 in the Tender Box located in the foyer at the tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Addendums

There were 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 offers were received. Offers were recorded as below:

| Bidder | ABN |
|---|----------------|
| Downer EDI Works Pty Ltd | 66 008 709 608 |
| Civil Engineered Construction Group Pty Ltd | 58 620 263 121 |
| Hiway Stabilizers Australia Pty Ltd | 40 150 650 150 |
| Stabilised Pavements of Australia Pty Ltd | 90 002 900 736 |

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:

| Position |
|---|
| Daniel Boyle, Acting Project Manager - Contracts |
| Cameron Maxwell, Engineer - Construction |
| Shaun Halberstater, Engineer - Assets & Maintenance |

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 (%) |
|--|---------------------------|----------------------|
| Assessed Offer Price (as adjusted) | Schedule 3 | 50 |
| Previous Experience and Capability | Schedule 4 | 10 |
| Proposed Key Personnel | Schedule 5 | 5 |
| Methodology and Work Program | Schedule 6 | 5 |
| Management Systems (WH&S, Quality and Environmental) | Schedule 7 | 10 |
| Proposed subcontractors | Schedule 8 | 5 |
| Insurances | Schedule 9 | Yes / No Item |
| Sustainable Procurement | Schedule 10 | 5 |
| Local Content | Schedule 11 | 10 |
| Business Associations | Schedule 13A | Yes / No Item |
| | Total | 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. Recommendations appear below for the Offer.

OPTIONS:

That Council:

1. Awards the offer to Stabilised Pavements Australia Pty Ltd (ABN 90 002 900 736 ACN 002 900 736) for the amount of \$313 836.07 (exclusive of GST).
2. Declines to accept any of the Offers, including reasons for this course of action in accordance with Regulation 178 of the Local government (General) Regulation 2005).

CONCLUSION:

Council awards the Contract RFO2019002 Boyd Street Road Stabilisation and Asphalt Works to Stabilised Pavements Australia Pty Ltd (ABN 90 002 900 736 ACN 002 900 736) for the amount of \$313,836.07 (exclusive of GST).

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.8

In accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

Provision for the RFO2019002 Boyd Street Tweed Heads Road Stabilisation and Asphalt Works is included in the 2019 – 2020 Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2019002 – Boyd Street Tweed Heads Road Stabilisation and Asphalt Works – Offer Evaluation Report (ECM5789759).

(Confidential) Attachment 2. RFO2019002 – Boyd Street Tweed Heads Road Stabilisation and Asphalt Works - Offer Evaluation Scoresheet (ECM5789786).

21 [E-CM] Drought Water Restrictions Policy - Residential Consumption Targets

SUBMITTED BY: Water and Wastewater

mhm



Leaving a Legacy

Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.4 Water Supply -- To provide secure, high quality and reliable drinking water which meets health and environmental requirements.

ROLE: **Leader**

SUMMARY OF REPORT:

The Drought Water Restrictions Policy sets out the water restrictions that would apply, should Council be required to implement water restrictions.

The residential water consumption targets set out in Section R.1 of the table of water restrictions need to be updated to reflect the current average residential water consumption of 180L/person/day, as shown in the table below.

| | Level 1 Restrictions (15% Demand Reduction Target) (75% Dam Level) | Level 2 Restrictions (20% Demand Reduction Target) (60% Dam Level) | Level 3 Restrictions (25% Demand Reduction Target) (50% Dam Level) | Level 4 restrictions (30% Demand Reduction Target) (40% Dam Level) |
|--|--|--|--|--|
| Current Target Residential L/person/day | 170 | 160 | 150 | 140 |
| Proposed Target Residential L/person/day | 153 | 144 | 135 | 126 |

The residential water consumption targets need to be updated to assist in achieving the required reduction in water demand at each successive water restriction level.

As the changes proposed to this Policy are minor, it is considered that placing the amended Policy on public exhibition is not warranted.

RECOMMENDATION:

That Council adopts the updated targets for residential water consumption, in the event of Water Restrictions, as set out in the table above and amends the Drought Water Restrictions Policy accordingly.

REPORT:

The Drought Water Restrictions Policy v3.1 sets out the water restrictions that would apply, should Council be required to implement water restrictions. The Policy contains a table of the 4 Levels of water restrictions, arranged in different water user categories.

Section R.1 of the table of water restrictions, relating to Residential Urban & Rural Premises is reproduced below for Council’s reference:

| CODE | CUSTOMER GROUP | Level 1 Restrictions (15% Demand Reduction Target) (75% Dam Level) | Level 2 Restrictions (20% Demand Reduction Target) (60% Dam Level) | Level 3 Restrictions (25% Demand Reduction Target) (50% Dam Level) | Level 4 restrictions (30% Demand Reduction Target) (40% Dam Level) |
|---|---|--|--|--|--|
| Residential Urban & Rural Premises | | | | | |
| R.1 | Internal Water Use e.g. showers, toilets, taps etc. | Residents using water from the town water supply are requested to conserve water wherever possible. Target total residential consumption is 170 litres per person per day. Showers, toilets and taps should be at least 3-star WELS rated. | Residents using water from the town water supply are requested to conserve water wherever possible. Target total residential consumption is 160 litres per person per day. Showers, toilets and taps should be at least 3-star WELS rated. | Residents using water from the town water supply are requested to conserve water wherever possible. Target total residential consumption is 150 litres per person per day. Showers, toilets and taps should be at least 3-star WELS rated. | Residents using water from the town water supply are requested to conserve water wherever possible. Target total residential consumption is 140 litres per person per day. Showers, toilets and taps should be at least 3-star WELS rated. |

The residential water consumption targets in Section R.1 were based on an average residential water consumption of 200L/person/day. The targets were designed to achieve the required 15%, 20%, 25% and 30% reductions in water demand for water restriction Levels 1, 2, 3 and 4 respectively.

As the average residential water consumption in the Shire is now about 180L/person/day, the residential water consumption targets in Section R.1 need to be updated.

The table below shows the existing residential water consumption targets and the new proposed targets based on 15%, 20%, 25% and 30% of 180L/person/day.

| | Level 1 Restrictions (15% Demand Reduction Target) (75% Dam Level) | Level 2 Restrictions (20% Demand Reduction Target) (60% Dam Level) | Level 3 Restrictions (25% Demand Reduction Target) (50% Dam Level) | Level 4 Restrictions (30% Demand Reduction Target) (40% Dam Level) |
|--|--|--|--|--|
| Existing Target Residential L/person/day | 170 | 160 | 150 | 140 |
| Proposed Target Residential L/person/day | 153 | 144 | 135 | 126 |

Updating the residential water consumption targets will help to ensure that each successive Water Restriction Level achieves the required reduction in water demand.

OPTIONS:

Council has the option of adopting the new proposed residential water consumption targets or not adopting them. If we do not update the residential water consumption targets there is a risk that we will not achieve the required reduction in water demand and we will run out of water.

CONCLUSION:

The residential water consumption targets need to be updated to reflect the current average residential water consumption of 180L/person/day.

As the changes proposed to the Policy are minor, it is considered that placing the amended Policy on public exhibition is not warranted.

COUNCIL IMPLICATIONS:

a. Policy:

Drought Water Restrictions v3.1

b. Budget/Long Term Financial Plan:

Nil

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

In the event that water restrictions are required to be implemented, Council will implement a comprehensive community awareness campaign.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Drought Water Restrictions Policy Version 3.2
(ECM 5791626).

22 [E-CM] B-Double Applications - Meeting held 28 February 2019

SUBMITTED BY: Director

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: Advocate

SUMMARY OF REPORT:

The Minutes of the B-Double Agency Advisory Group Meeting held Thursday 28 February 2019 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the B-Double Agency Advisory Group Meeting held Thursday 28 February 2019 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

Business Arising From Meeting held 20 December 2018:

1. Leddays Creek Road, Stotts Creek Consent Request No 190490r1v1 (ECM 5594381) from Meetings held 18 October 2018, 22 November 2018 and 20 December 2018.

That the application (NHVR Consent Request Number 190490r1v1) for the use of up to a 26m B-Double truck on Leddays Creek Road, Stotts Creek to the Waste Recovery Centre application is not supported as the minimum lane and shoulder widths are too narrow to cater for Level 2 heavy vehicles according to the PBS Network Class Guidelines.

Agenda Items:

1. New Trailer Configuration - request from Sunshine Sugar

That a written response confirming Tweed Shire Council's "Approval in Principle" to Sunshine Sugar's proposal to run quad axle trailers under the PBS scheme be provided to Sunshine Sugar.

REPORT:

The Minutes of the B-Double Agency Advisory Group Meeting held Thursday 28 February 2019 are reproduced as follows for the information of Councillors.

Venue:

Mt Warning Meeting Room

Time:

9:30am

Present:

Cr Chris Cherry, Snr Constable Chris Davis, NSW Police, Mr Col Brooks on behalf of Mr Thomas George MP (Member for Lismore), Ms Jennifer Brinsmead on behalf of Mr Geoff Provest MP, (Member for Tweed), Ms Linda Makejev (Roads and Maritime Services of NSW).

Informal:

Mr Ray Clark (Chairperson), Alana Brooks, Mr Shane Davidson, Cheryl Jackson and Linda Cooper (Minutes).

Apologies:

Mr Geoff Provest MP, (Member for Tweed), Mr Thomas George MP (Member for Lismore), Ms Katherine Boulton (Roads and Maritime Services of NSW), Cr James Owen, Cr Pryce Allsop (alternate), Cr Reece Byrnes, Cr Ron Cooper, Cr Katie Milne, Cr Warren Polglase, Ms Judith Finch

Minutes of Previous Meeting:

RESOLVED that the Minutes of the B-Double Routes Agency Advisory Group meeting held 20 December 2018 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

From Meeting held 20 December 2018:

- 1. Leddays Creek Road, Stotts Creek Consent Request No 190490r1v1 (ECM 5594381) from Meetings held 18 October 2018, 22 November 2018 and 20 December 2018.**

The meeting was advised that the trial took place on 20 December 2018 with Police, RMS, Mr Thomas George's representative and TSC staff in attendance. The Police Rep advised that on the way to the Waste Recovery Centre, the vehicle did go over double unbroken lines however on the return trip was more cautious and travelled slower than 60km/hr. Concern was raised by Police and RMS that if there was a truck coming the other way there could be problems passing each other without significant upgrades to the road.

The RMS rep advised that they had contacted the RMS heavy vehicle area who advised that the RAVRAT tool has been superseded and there are now 2 new guides:

- PBS Route Classification Guideline and
- NHVR approved Guidelines for Granting Access

The RMS Rep advised that some of the requirements are the width of the road, type of vehicles and acceleration lane for right turn of B-Doubles on to Tweed Valley Way, which are a requirement in the Route Classification Guidelines. Shoulder widening is also referred to for any corner below a 60m radius. Advice is that a 60km/hr permit is not enforceable as truck and dogs would not be on the permit and other B-doubles that are under a different combination. In essence every other B-Double would not have to adhere to the speed limit.

RMS have requested that their representative, Mr Mark Foran be consulted for advice in relation to the new guidelines including possible changes to the intersection and upgrade of the route possibly through a Freight Productivity Grant or Safer Roads Grant.

RECOMMENDATION FROM ADVISORY GROUP MEETING HELD 20 DECEMBER 2018:

That:

1. The current application (NHVR Consent Request Number 190490r1v1) for the use of up to a 26m B-Double truck on Leddays Creek Road, Stotts Creek to the Waste Recovery Centre is not supported due to concerns in relation to the road width, available road shoulder, geometric constraints, and its intersection with Tweed Valley Way. Further technical advice will be sought from Roads & Maritime Services and tabled at the next available meeting.
2. The application be brought back to the 28 February 2019 meeting following further advice from Roads and Maritime Services.

From Meeting held 28 February 2019:

According to the 'PBS Network Class Guidelines' provided to Council Officers by the RMS after the last meeting, the minimum lane and shoulder widths are too narrow to cater for Level 2 vehicles. Given the vehicle volumes are between 500-1500 vehicles, a minimum 3.1m lane width and a 1.2m shoulder is required to cater for Level 2 heavy vehicles. The minimum width on Leddays Creek Road is 3m with no shoulder.

Col Brooks did not support the recommendation as he considered the road is suitable for the proposed vehicle.

RECOMMENDATION FROM ADVISORY GROUP:

That the application (NHVR Consent Request Number 190490r1v1) for the use of up to a 26m B-Double truck on Leddays Creek Road, Stotts Creek to the Waste Recovery Centre application is not supported as the minimum lane and shoulder widths are too narrow to cater for Level 2 heavy vehicles according to the PBS Network Class Guidelines.

Agenda Items:

1. New Trailer Configuration - request from Sunshine Sugar

Sunshine Sugar has been working with a team from the Roads and Maritime Services (Freight branch) over the last 12 months to see if they can get a better transport outcome for all stakeholders.

As part of that project they have identified a new trailer configuration that would utilise their existing plant and sugar cane bins, and require no changes to their harvesting equipment. They would like to run this configuration under the Performance Based Standards (PBS) Scheme.

The approval process to operate under the PBS requires them to seek permission from Local Government Authorities (LGAs), RMS and the National Heavy Vehicle Regulator (NHVR). At this stage, they are seeking a written response, confirming Tweed Shire Council's "Approval in Principle" to Sunshine Sugar's proposal to run quad axle trailers under the PBS scheme.

Jennifer Brinsmead declared a conflict of interest in this item.

RECOMMENDATION FROM ADVISORY GROUP:

That a written response confirming Tweed Shire Council's "Approval in Principle" to Sunshine Sugar's proposal to run quad axle trailers under the PBS scheme be provided to Sunshine Sugar.

General Business:

Nil.

Next Meeting:

The next meeting of the B-Double Routes Agency Advisory Group will be held as and when required.

The meeting closed at 9.57am.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

Business Arising From Meeting held 20 December 2018:

- 1. Leddays Creek Road, Stotts Creek Consent Request No 190490r1v1 (ECM 5594381) from Meetings held 18 October 2018, 22 November 2018 and 20 December 2018.**

Nil.

Agenda Items:

1. **New Trailer Configuration - request from Sunshine Sugar**

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

Business Arising From Meeting held 20 December 2018:

1. **Leddays Creek Road, Stotts Creek Consent Request No 190490r1v1 (ECM 5594381) from Meetings held 18 October 2018, 22 November 2018 and 20 December 2018.**

That the application (NHVR Consent Request Number 190490r1v1) for the use of up to a 26m B-Double truck on Leddays Creek Road, Stotts Creek to the Waste Recovery Centre application is not supported as the minimum lane and shoulder widths are too narrow to cater for Level 2 heavy vehicles according to the PBS Network Class Guidelines.

Agenda Items:

1. **New Trailer Configuration - request from Sunshine Sugar**

That a written response confirming Tweed Shire Council's "Approval in Principle" to Sunshine Sugar's proposal to run quad axle trailers under the PBS scheme be provided to Sunshine Sugar.

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.

23 [E-CM] Classification of Land as Operational - 701 Doon Doon Road, Doon Doon

SUBMITTED BY: Design

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.4 Water Supply -- To provide secure, high quality and reliable drinking water which meets health and environmental requirements.

ROLE: Provider

SUMMARY OF REPORT:

Council at its meeting of 7 December 2017 resolved to purchase Lot 32 DP 755743, 701 Doon Doon Road, Doon Doon due to the impact on the property by the raising of Clarrie Hall Dam.

Settlement of the purchase occurred on 19 September 2018. The transfer of the land was finalised on 21 January 2019. 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, it is necessary for a notice of its intention to classify the land to be published in a locally circulated publication. Such notice was published in the Tweed Link on 4 February 2019, with no submissions received in response.

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:

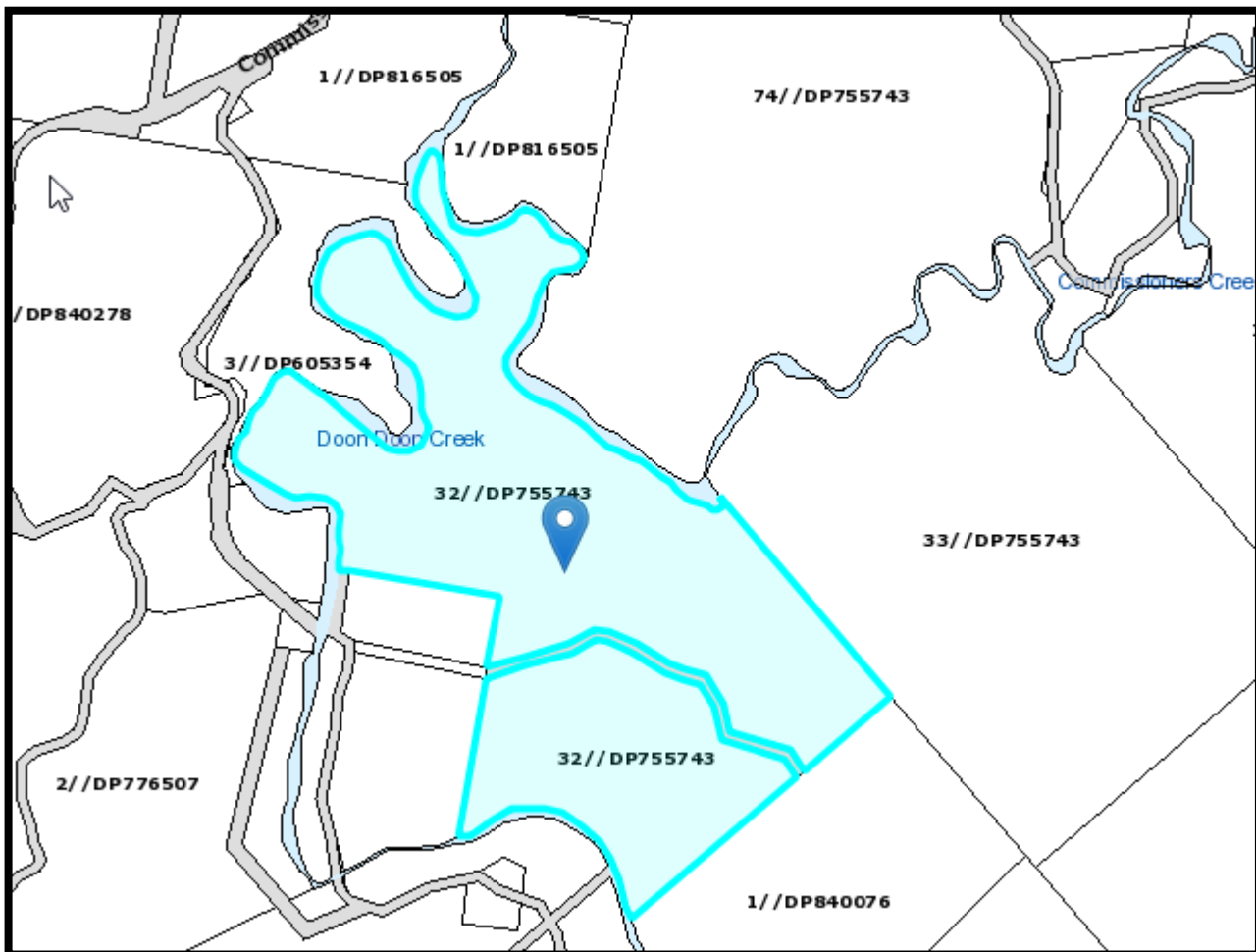
That Council, in accordance with Section 31 of the Local Government Act, 1993, classifies Lot 32 DP 755743, 701 Doon Doon Road, Doon Doon as "Operational Land".

REPORT:

Council at its meeting of 7 December 2017 resolved to purchase Lot 32 DP 755743, 701 Doon Doon Road, Doon Doon, due to the impact on the property by the raising of Clarrie Hall Dam.

Diagram 1 below shows the location of the property.

Diagram 1 – 701 Doon Doon Road, Doon Doon



Settlement of the purchase occurred on 19 September 2018, and the registration of the transfer for the land was finalised on 21 January 2019.

Pursuant to Section 31 of *the Local Government Act, 1993*, Council is required to classify all land held by it within three (3) months of the date of transfer to Council. Failure to classify land intended to be classified as "Operational Land" will result in the land being automatically classified as "Community Land", and will limit the use of the land, pursuant to Section 35 of *the Local Government Act, 1993*.

It is intended to classify 701 Doon Doon Road, Doon Doon as "Operational Land" to reflect the operational nature of the land and its improvements and enable its use for operational purposes associated with the raising of Clarrie Hall Dam.

Prior to resolving to classify the land, Council must publish a notice of its intention to classify the land in a locally circulated publication. Such notice was published in the Tweed Link on 4

February 2019, with a submission period of 4 weeks, this period expired on 4 March 2019. No submissions were received.

OPTIONS:

As the classification of land is a statutory obligation under Section 31 of the *Local Government Act, 1993*, there are no alternative options available regarding this matter. The property is to be utilised for operational purposes associated with the raising of Clarrie Hall Dam and as such, is required to be classified as "Operational Land".

CONCLUSION:

Council is required to classify all land held by it pursuant to Section 31 of the *Local Government Act, 1993*. The intention of this report is to satisfy that statutory obligation.

It is recommended that Council approves the classification of 701 Doon Doon Road, Doon Doon as "Operational Land" in pursuance of its obligations under the *Local Government Act, 1993*.

COUNCIL IMPLICATIONS:

a. Policy:

Classification of Land, pursuant to Section 31 of the *Local Government Act, 1993*.

b. Budget/Long Term Financial Plan:

No future budget implications arise from this report.

c. Legal:

Section 31 of the *Local Government Act, 1993* sets out the statutory requirement to classify land as "Operational".

d. Communication/Engagement:

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

Advertised in the Tweed Link on 4 February 2019 seeking written submissions from the public.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

24 [E-CM] Appointment of Native Title Managers

SUBMITTED BY: Design

mhm



Behind the scenes

Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

The *Crown Land Management Act, 2016* (“the Act”) commenced on 1 July 2018. Part 8 of the Act provides for the employment of Native Title Managers by Councils as Crown Land Managers to ensure that Council complies with the new Act.

The Act provides, in Part 8, that only persons who maintain qualifications or have completed training approved by the Minister can provide such advice as a Native Title Manager.

Council cannot grant a lease, licence or easements or undertake works over Crown Land unless written advice is given regarding the impact on native title is prepared by a Native Title Manager.

Part 8.8 of the Act also provides that Council must give written notice to the NSW Minister for Lands and Forestry the names and contact details of its Native Title Manager/s.

Giving notice to the Governor or Minister is a non-delegable function and requires a Council resolution having regard to section 377(1) of the *Local Government Act, 1993*.

A Council officer has attended the approved training by the Crown Solicitors Office and the Department of Industry (Crown Lands Office) and is qualified as a Native Title Manager.

It is now necessary for Council to resolve to give written notice to the Minister for Lands and Forestry of the details of Council’s native title manager to comply with Part 8.8 the *Crown Land Management Act, 2016*.

RECOMMENDATION:

That:

- 1. Notice be given to the Minister for Lands and Forestry of the names and contact details of any person that Council employs who meets the requirements of the *Crown Land Management Act, 2016* as Native Title Manager/s.**
- 2. Council provides such future notices as required by the *Crown Land Management Act, 2016* in relation to employees who meet the requirements to act as Native Title Manager/s.**

REPORT:

The *Crown Land Management Act 2016* ("the Act") commenced on 1 July 2018 with the purpose of governing Crown land in a more streamlined process. The change means Councils:

1. must manage Crown Land as community land in accordance with the *Local Government Act 1993*;
2. are responsible for the management of native title issues on Crown land; and
3. must employ or engage a Native Title Manager to meet the obligations of section 8.6 of the Act, and then give notice to the Minister that a Native Title Manager or Managers have been engaged, and provide the name and contact details of same.

This report only relates to item 3 above, and the necessity for Council to give written notice to the Minister for Lands and Forestry that it has either employed or engaged staff as Native Title Managers.

The Native Title Manager is responsible for Council's compliance with the *Native Title Act 1993* ("NT Act") and Council's dealings with Crown land in relation to native title matters. Such dealings include the granting of leases, licences or easements over Crown land, and any works occurring on Crown land.

To comply with both the NT Act and the new Crown Land legislation, Council must assess the impact of the proposed dealings or works on native title and undertake any necessary actions in accordance with the NT Act before the proposed dealings or works can occur on Crown land.

The NT Act requires notification of proposed dealings or works to either a native title claimant, or where there is no native title claim, to the Local Aboriginal Land Council and other locally recognised Aboriginal groups. This will ensure the validity of the dealing or works under the NT Act.

Such notification will arise when a native title assessment is made of any proposed dealings or works.

Council, as a Crown Land Manager is obliged to adhere to the requirements of both the *Crown Land Management Act 2016* and the *Commonwealth Native Title Act 1993*.

Nela Turnbull, Council's Legal Services Officer attended the approved training by the Crown Solicitors Office and the Department of Industry (Crown Lands Office) and is now qualified as a Native Title Manager.

Section 8.8 of the *Crown Land Management Act 2016* (CLM Act) requires each Council to give written notice to the Minister for Lands and Forestry (the Minister) of the names and contact details of any person/s the Council has engaged or employed as a Native Title Manager. Currently the names and contact details are to be forwarded annually to the Minister.

Section 377(1) of the *Local Government Act 1993* states that the giving of written notice to the Governor or Minister is a non-delegable function, meaning a resolution of Council is required.

It is now recommended that Council resolves to give written notice to the Minister for Lands and Forestry of the details of Council's native title manager to comply with Part 8.8 the *Crown Land Management Act, 2016*.

OPTIONS:

It a legislative requirement of Council to give written notice to the Minister of the names and contact details of its native title managers. The giving of a notice to the Minister is a non-delegable function and therefore requires a resolution of Council.

CONCLUSION:

Pursuant to legislative requirements, Council now has a Native Title Manger and must now give written notice to the Minister for Lands and Forestry of the names and contact details of any person the Council employs as Native Title Manager/s to satisfy the requirements of the *Crown Land Management Act, 2016*.

COUNCIL IMPLICATIONS:

a. Policy:

Crown Land Management Act, 2016.

b. Budget/Long Term Financial Plan:

No future budget implications.

c. Legal:

If no such notice is given to the Minister, this will not allow Native Title Managers to provide the necessary advice to allow dealings and works to occur on Council managed Crown Land.

d. Communication/Engagement:

Inform - We will keep you informed.

No community consultation required.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

25 [E-CM] Licence for Temporary Access on Council Land - Tweed Heads Wastewater Treatment Plant

SUBMITTED BY: Water and Wastewater

mhm



Behind the scenes

Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

SUMMARY OF REPORT:

This item was considered at Council's meeting held on 21 February 2019. It was resolved to defer the item to the meeting being held on 21 March 2019.

Council issued a licence to use part of the Tweed Heads Wastewater Treatment Plant to Garbind Pty Ltd and Feitelson Holdings Pty Ltd in 2014, for a term of 2 years. The purpose of the licence was to allow the licensees to construct an access road to their land so that they could haul in fill for an approved industrial subdivision.

The applicant has an approved industrial subdivision which required them to purchase land from Council through the Waste Water Treatment Plant, the cost of the land was \$120,000 paid by the applicant in 2000. The parcel created in the subdivision of the land was dedicated as road, now known as Hakea Drive. This access has not been formed to date.

Council prefers the applicant to utilise the northern most access through the Waste Water Treatment Plant site to minimise traffic impact on Kennedy Drive for the haulage of fill.

A further 2 year term was requested in 2016 in response to the applicants being unable to source the required type and quantity of fill to complete the job at an economic rate, Council resolved on 18 February 2016 to provide a further 2 year licence from July 2016, this licence expired on 28 July 2018.

The applicants have now lodged a request for a new licence for a further 2 years as there have been issues outside of their control with commencing the formation of the haul road due to infrastructure impeding the construction of the haul road and ongoing negotiations for the sourcing of the fill.

RECOMMENDATION:

That Council:

- 1. Approves granting a licence for a temporary licence to Feitelson Holdings Pty Ltd and Garbind Pty Ltd over Lot 1 DP 1011625, for a term of 2 years, at a peppercorn rental.**
- 2. Executes all necessary documentation under the Common Seal of Council.**

REPORT:

This item was considered at Council's meeting held on 21 February 2019. It was resolved to defer the item to the meeting being held on 21 March 2019.

Council issued a licence to use part of the Tweed Heads Wastewater Treatment Plant to Feitelson Holdings Pty Ltd and Garbind Pty Ltd ("the applicants") in 2014, for a term of 2 years. The purpose of the licence was to allow the licensees to construct a temporary access road to their land so that they could haul in fill for an approved industrial subdivision.

The plan below shows the location of these 2 parcels, the Wastewater Treatment Plant is Lot 1 DP 1011625, showing the area to be licensed outlined in yellow, with the land being developed by the applicants to the west adjacent to the waterway:



A further 2 year term was requested in 2016 in response to the applicants being unable to source the required type and quantity and fill to complete the job at an economic rate, Council resolved on 18 February 2016 to provide a further 2 year licence from July 2016, this licence expired on 28 July 2018.

These reports are attachments to this report to provide a context and background information to this report.

The applicants have now lodged a request for a new licence for a further 2 years. During the term of the second licence period, the applicants have been in discussions with various parties to remove an Essential Energy Switching Station in the road reserve in Sussyer Avenue, previously Parkes Drive, which is the street access point for the northern part of Council's Lot 1.

Discussions to resolve this issue have been held with Council officers, Essential Energy, Queensland Airport Corporation and Queensland Department of Main Roads. These discussions are ongoing and the sourcing of the fill for the applicants' site is nearly complete.

OPTIONS:

1. To approve the granting of a licence to the applicants for a further 2 year term.
2. To not approve the granting of a licence.

CONCLUSION:

As the Applicants have not been able to commence the physical works to utilise the area licensed to them in the previous licences due to circumstances beyond their control, it is recommended that a further 2 year licence is granted to allow them to commence the works under their approved consent.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

A peppercorn rental is proposed for this temporary access on the basis that the Applicant has previously purchased from Council a permanent access to their site through the Wastewater Treatment land for the amount of \$120,000.

c. Legal:

A licence agreement will provide a temporary right to use the licensed area for the purpose of temporary road and haulage of fill purposes only. The agreement provides that there will be no permanent access over the Council land.

d. Communication/Engagement:

Inform - We will keep you informed.

No public engagement required.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Council report and resolution dated 21 August 2012 (ECM5736556).

Attachment 2. Council report and resolution dated 18 February 2016 (ECM5736557).

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

26 [FRIT-CM] Fossil Fuel Divestment

SUBMITTED BY: Financial Services

mhm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.5 Financial Services - To collect and manage Council funds and provide information and advice to support sound financial decision-making.

ROLE: **Leader**

SUMMARY OF REPORT:

Council at its meeting held 21 February 2019 considered a report on Fossil Fuel Divestment and resolved as follows:

*Cr K Milne
Cr C Cherry*

RESOLVED that this item be deferred for consideration at the 21 March 2019 Council meeting.

The Motion was Carried

The report is reproduced as follows for Council's consideration.

On 20 September 2018 Council resolved:

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

The legislative and fiduciary responsibilities of Council and the constraints and difficulties in providing for targeted social/environmental investing are included within the body of this report.

Options that Council may wish to consider that:

- are practical and protect Council's underlying capital, as outlined in Councils adopted investment policy;
- use a source that is accredited and recognised within the industry; and
- provide an open, transparent and positive strategy for ethical investments

are outlined within this report.

RECOMMENDATION:

That Council officers continue to

- 1. Adopt a positive screening approach for indirect divestments, utilising Australian Ethical as the source of advice, and prioritise investments in non-fossil fuel aligned Authorised Deposit-taking Institutions if the investment transaction is compliant with Council's investment policy and the rate of investment is no worse than other investments available to Council at the time.**
- 2. Highlight within the monthly investment report those investments that are acknowledged by Australian Ethical as worthy ethical investments and monitor progress in increasing levels of ethical investments.**

REPORT:

On 20 September 2018 Council resolved:

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

This report provides an analysis of options which Council may consider that are practical, protect Council's underlying capital, as outlined in Council's adopted investment policy, and that use a source that is accredited and recognised within the industry whilst providing an open, transparent and positive strategy for ethical investments.

Fossil fuel divestment is one of a number of criteria that fit within the Ethical investments charter, which includes:

seek out investments which provide for and support:

- a. the development of workers' participation in the ownership and control of their work organisations and places*
- b. the production of high quality and properly presented products and services*
- c. the development of locally based ventures*
- d. the development of appropriate technological systems*
- e. the amelioration of wasteful or polluting practices*
- f. the development of sustainable land use and food production*
- g. the preservation of endangered eco-systems*
- h. activities which contribute to human happiness, dignity and education*
- i. the dignity and well being of non-human animals*
- j. the efficient use of human waste*
- k. the alleviation of poverty in all its forms*
- l. the development and preservation of appropriate human buildings and landscape*

avoid any investment which is considered to unnecessarily:

- i. pollute land, air or water*
- ii. destroy or waste non-recurring resources*
- iii. extract, create, produce, manufacture, or market materials, products, goods or services which have a harmful effect on humans, non-human animals or the environment*
- iv. market, promote or advertise, products or services in a misleading or deceitful manner*
- v. create markets by the promotion or advertising of unwanted products or services*
- vi. acquire land or commodities primarily for the purpose of speculative gain*
- vii. create, encourage or perpetuate militarism or engage in the manufacture of armaments*
- viii. entice people into financial over-commitment*
- ix. exploit people through the payment of low wages or the provision of poor working conditions*
- x. discriminate by way of race, religion or sex in employment, marketing, or advertising practices*
- xi. contribute to the inhibition of human rights generally"*

Parts of this report are based on the Council report of 21 May 2015 on ethical investments as a majority of the issues are related.

1. Divestment, screening strategies and constraints

What is divestment?

a) Divestment

There are two types of fossil fuel divestment:

- 1 **Direct divestment:** no direct investment in any company that involves fossil fuel in their core business strategy or principle business activity.

This usually refers to stocks held for resources companies and alike, and has been the main focus of many organisations that have declared their commitment to fossil fuel divestment (e.g. Dunedin City Council in New Zealand, City of San Francisco (USA), City of Seattle (USA), Australian National University, Local Government Super, The University of Sydney, Stanford University, Uniting Church of Australia, etc.). These organisations had a direct exposure via shares or bonds of companies or indirect exposure through holdings with managed funds.

Constrained by the *Local Government Act 1993*, the Ministers Investment order and the Tweed Shire Council Investment Policy, Council does not invest in direct shares of companies or invest in managed funds and therefore complies with direct divestment.

- 2 **Indirect divestment:** divest from financial institutions or companies that invest in fossil fuel companies. Diversification of portfolios amongst companies makes it difficult to readily identify all indirect investments; therefore companies usually limit their divestment policies to direct investments only.

Council currently holds investments in Authorised Deposit-taking Institutions (ADIs), including large banks, in accordance with the Tweed Shire Council Investment Policy.

b) Screening

An increasingly popular investment analysis tool is 'Screening'.

Screening is the process of selecting companies to invest in based on their social and/or environmental performance.

Negative screening excludes certain securities from investment consideration based on social and/or environmental criteria. Negative impacts on society or the environment may exclude investments in tobacco, carbon intensive industries, old growth and native forest logging, land degradation caused by mining, uranium, animal cruelty, human rights abuses, weapons and armaments, gambling, genetic modification, excessive consumerism.

As acknowledged by '350.org Melbourne' *finance is heavily interlinked and it would be impossible to find a completely 'kosher' investment product that didn't perhaps inadvertently deal with the fossil fuel industry.*

Positive screening involves making investments in activities and companies believed to have a positive social impact. This investment approach allows investors to positively express their values on corporate behaviour issues such as social justice and the environment through stock selection --- without sacrificing portfolio diversification or long-term performance.

c) Resources and impartial advice

Council does not have the resources to undertake any form of screening and therefore must seek impartial advice from external parties, as is part of Council's fiduciary duty:-

- "(2) A trustee may, having regard to the size and nature of the trust, do either or both of the following:
- (a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,
 - (b) pay out of trust funds the reasonable costs of obtaining the advice."

There are many and often contradictory websites offering advice on ethical investments and fossil-fuel friendly financial institutions. Whose definition of ethical do you use? Where do you draw the line? These questions provide practical and fiduciary difficulties for Council Officers undertaking investment decisions.

1. Legislative and fiduciary responsibility

Council and Council Officers must have regard to several legislative and policy requirements in regard to investments. These include

Legislative responsibility

Section 625 How May Councils Invest?

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette. *
- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section.

*Ministerial Order is below as attachment 1

Fiduciary Duty

The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A (2), 14C (1) and (2)

14A (2) Duties of trustee in respect of power of investment

A trustee must, in exercising a power of investment:

- (a) if the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons, or
- (b) if the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

14C Matters to which trustee is to have regard when exercising power of investment

- (1) Without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee must, so far as they are appropriate to the circumstances of the trust, if any, have regard to the following matters:
 - (a) the purposes of the trust and the needs and circumstances of the beneficiaries,
 - (b) the desirability of diversifying trust investments,
 - (c) the nature of, and the risk associated with, existing trust investments and other trust property,
 - (d) the need to maintain the real value of the capital or income of the trust,
 - (e) the risk of capital or income loss or depreciation,
 - (f) the potential for capital appreciation,
 - (g) the likely income return and the timing of income return,
 - (h) the length of the term of the proposed investment,
 - (i) the probable duration of the trust,
 - (j) the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment,
 - (k) the aggregate value of the trust estate,
 - (l) the effect of the proposed investment in relation to the tax liability of the trust,
 - (m) the likelihood of inflation affecting the value of the proposed investment or other trust property,
 - (n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment,
 - (o) the results of a review of existing trust investments in accordance with section 14A (4).
- (2) A trustee may, having regard to the size and nature of the trust, do either or both of the following:
 - (a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,
 - (b) pay out of trust funds the reasonable costs of obtaining the advice.

Investment Policy

All Council investments must comply with Council's Investment Policy, available at <http://knowledge:1036/Policies/Investment%20Policy%20V1.8.pdf>

Major points within this policy include:-

Risk Management Guidelines

Investments obtained are to comply with seven key criteria relating to:

- i) **Preservation of Capital:** the requirement for preventing losses in an investment portfolio's total value, inclusive of both principal and income.
- ii) **Diversification/Credit Risk** limits overall credit exposure of the portfolio by diversification of credit ratings.

| Long-Term Credit Ratings | Overall Portfolio Credit Limits Short-Term Credit Ratings | Investments Maximum |
|--------------------------|--|---------------------|
| AAA | A1+ | 100% |
| AA | A1+ | 100% |
| A+ | A1 | 60% |
| A | A1 | 60% |
| A- | A1 | 60% |
| BBB+ | A2 | 20% |
| BBB | A2 | 20% |
| BBB- | A3 | 20% |
| Unrated | Unrated | 10% |

- iii) **Market Risk:** limiting the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices by restricting the amount invested in non-rated or lower rated institutions.

- iv) **Counterparty Credit Framework:** exposure to individual counterparties/institutions to remain within policy guidelines.

| Individual Counterparty Limits | | |
|--------------------------------|---------------------------|---------------------|
| Long-Term Credit Ratings | Short-Term Credit Ratings | Investments Maximum |
| AAA | A1+ | 25% |
| AA | A1+ | 20% |
| A+ | A1 | 15% |
| A | A1 | 15% |
| A- | A1 | 15% |
| BBB+ | A2 | 10% |
| BBB | A2 | 10% |
| BBB- | A3 | 10% |
| Unrated | Unrated | 5% |

- v) **Maturity Framework:** limits the duration of any investment term.

Overall Portfolio Term to Maturity Limits

| | |
|--------------------------|-------------------|
| Portfolio % <=1 year | 100% max; 40% min |
| Portfolio % >1 <=3 years | 60% |
| Portfolio % >3 <=5 years | 40% |

(vi) **Leveraging Risk:** the magnification of an investor's risk and return that occurs when the investor takes on financial leverage through an investment product. Leveraged investment products are prohibited by the Investment Policy.

vii) Council will seek independent investment advice where necessary when preparing an investment policy. Advisors must have no actual or potential conflict of interest in relation to investment products being recommended. Advisors are required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to investment they recommending or reviewing. Manufacturers and distributors of investment products are excluded from acting as investment advisors to Council.

2. Current Investment Portfolio/Reporting

On 21 May 2015, Council resolved:

That Council initially adopts, for the purposes of reporting and due to the lack of other impartial/accredited advice, the charter and credentials of the Australian Ethical and highlights within the monthly investment report those investments that are acknowledged by Australian Ethical as worthy ethical investments.

The January 2019 Investment Report showed Ethical Investments comprising 58.01% of the total portfolio. This portfolio contained working funds invested in the Overnight Money Market. If we exclude these funds from the calculation, the ethical investment proportion increases to 59.43%.

Further to this, there was an additional \$15 million invested in the Defence Bank and Credit Unions which, whilst not identified as ethical investments, the institutions exist to serve the financial needs of their members. They do not exist to make profits for shareholders and invest any profits back into providing products and services for the benefit of their members. If we include these funds in the ethical investments total, then the percentage increases to 64.15%

Following is an analysis of the total investment portfolio excluding Overnight Money Market deposits as at 31 January 2019.

| Description | Ethical | Other | Total |
|------------------------------|----------------|--------------|--------------|
| Value deposited | \$189million | \$129million | \$318million |
| Percentage of total value | 59% | 41% | 100% |
| No. of separate deposits | 87 | 62 | 149 |
| Percentage of total deposits | 58% | 42% | 100% |
| No. of institutions | 19 | 12 | 26* |
| Average deposit/institution | 4.58 | 5.16 | 5.73 |
| Average rate of return | 3.00% | 3.05% | 3.02% |

* some institutions provide both ethical and other investments

Whilst the average rate of return between ethical and other investments seems minor (0.05%), if applied to the total investment portfolio, it would represent a difference in interest income per annum of \$159,000.

Whilst it seems that the proportion of funds invested in ethical investments has been able to be increased slowly over time, it is apparent that further fossil fuel divestment needs to be managed carefully and prudently in order to continue to meet the sometimes conflicting investment objectives of maximising rates of return, diversifying investment (spreading risk), ensuring funds are available as and when required, and compliance with ministerial guidelines.

OPTIONS:

Option 1

Council Officers continue to adopt a positive screening approach for indirect divestments, utilising Australian Ethical as the source of advice, and prioritise investments in non-fossil fuel aligned Authorised Deposit-taking Institutions if the investment transaction is compliant with Council's investment policy and the rate of investment is no worse than other investments available to Council at the time.

Council Officers continue to highlight within the monthly investment report those investments that are acknowledged by Australian Ethical as worthy ethical investments and monitor progress in increasing levels of ethical investments.

Option 2

Council reviews its Investment Policy so as to only allow for investments in non-fossil fuel aligned Authorised Deposit-taking Institutions and all existing other investments be phased out as they mature.

Note: This would result in lower investment earnings, less diversification of Authorised Deposit-taking Institutions and will restrict available investment terms.

CONCLUSION:

The legislative and fiduciary responsibilities of Council and the constraints and difficulties in providing for targeted social/environmental investing are outlined above. Given the lack of a broadly accepted 'ethical' definition and maturity for ethical investing in local government, it may be more appropriate to maintain a watching brief and continue record Councils ethical investments, on the monthly investment register, with an aim to increase those investments categorised as ethical in accordance with Australian Ethical guidelines.

COUNCIL IMPLICATIONS:

a. Policy:

The Investment Policy may need amendment dependant on the option resolved by Council.

b. Budget/Long Term Financial Plan:

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

27 [FRIT-CM] NSW Government Parking Fine Concessions

SUBMITTED BY: General Manager

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

| | |
|-------|--|
| 3 | People, places and moving around |
| 3.1 | People |
| 3.1.4 | Compliance Services - To support a safe and healthy built and natural environment through the enforcement of local government rules and regulations. |

ROLE: Collaborator

SUMMARY OF REPORT:

On 30 November 2018, Council received advice and an invitation from the NSW Treasurer to opt into the parking fine concession arrangement.

In this letter, the Treasurer has advised that Council must respond in writing for the concessions to apply. Dates to opt into the concessions have been set at 1 January 2019, 1 April 2019, 1 July 2019 and 1 October 2019.

Council considered a report at its meeting held on 12 December 2018 and due to there being insufficient time to undertake a full analysis on the impacts, resolved:

That a further report be presented to Council at its 21 March 2018 meeting providing a full analysis on the regulatory, community, operational and financial impacts of opting into the NSW Parking Fines Concessions arrangement.

Opting into the NSW Parking Fines Concession arrangement will have operational and financial impacts on the Council. It is considered that these impacts outweigh any community benefits that might arise from the reduction in value for such a small number of fines.

RECOMMENDATION:

That Council does not opt into the NSW Parking Fines Concession arrangement.

REPORT:

The NSW Government announcement, in June 2018, that ten level 2 parking offence amounts were eligible to be reduced by 25 per cent under the NSW Parking Fines Concession arrangement. However at the time of announcement Council did not have the legislative power to act. The NSW Government subsequently made the regulatory changes necessary for councils to consider a potential reduction.

In addition to this, a further 42 level 2 parking offence amounts will be eligible for the 25 per cent reduction from 1 January 2019.

The NSW Government further announced that commencing 31 January 2019, that a 10 minute grace periods for metered parking will come into effect. There will be certain exceptions in the interest of safety and preventing congestion (such as at the commencement of a clearway zone).

On 30 November 2018, Council received advice and an invitation from the NSW Treasurer to opt into the parking fine concession arrangement.

In this correspondence, the Treasurer advised that Council must respond in writing for the concessions to apply. While the initial date to opt into the concessions was set at 1 January 2019, Council has further opportunities to opt in at later points (1 April 2019, 1 July 2019 and 1 October 2019). There is a two month lead time between notifying the Treasurer in writing of the decision to opt in and the date when the reduced fine amount would take effect.

Council considered a report at its meeting held on 12 December 2018 and due to there being insufficient time to undertake a full analysis on the impacts, resolved:

That a further report be presented to Council at its 21 March 2018 meeting providing a full analysis on the regulatory, community, operational and financial impacts of opting into the NSW Parking Fines Concessions arrangement.

Deferring consideration of the 'opt-in' decision until the 1 April 2019 deadline would also better align with Council's budgeting process as the two month lead time between notifying the Treasurer in writing of a decision to opt in would result in a transition date of 1 June 2018.

The available reduction applies to 52 common parking fines, these 52 fines are listed below.

Road Rules 2014

| Item | Law | Description |
|------|-----------------|---|
| 1. | Rule 168-1 (1) | Stop/park in restricted parking area |
| 2. | Rule 205 | Park continuously for longer than permitted |
| 3. | Rule 207-1 (6) | Park without paying meter fee |
| 4. | Rule 207-1 (11) | Park after meter expired |
| 5. | Rule 207-3 (1) | Park without current ticket displayed |
| 6. | Rule 207-3 (4) | Park after ticket expired |
| 7. | Rule 179-1 (1) | Park without current loading zone ticket |
| 8. | Rule 179-1 (5) | Park after loading zone ticket expired |
| 9. | Rule 210 (1) | Not park at 90° angle |
| 10. | Rule 210 (1) | Not park at 45° angle |
| 11. | Rule 210 (1) | Not park as on parking control sign/road marking |
| 12. | Rule 210 (1) | Not position vehicle correctly - front/rear (90° angle parking) |

| Item | Law | Description |
|------|------------------|--|
| 13. | Rule 210 (1) | Not position rear of vehicle correctly (45° angle parking) |
| 14. | Rule 211 (2) | Not park wholly within parking bay |
| 15. | Rule 211 (3) | Use more parking bays than necessary |
| 16. | Rule 184 (1) | Stop in minibus zone (other) |
| 17. | Rule 207-1 (1) | Park outside metered space |
| 18. | Rule 207-1 (12) | Park for longer than allowed by metered signs |
| 19. | Rule 207-2 (a) | Park in occupied metered space |
| 20. | Rule 207-2 (b) | Park across markings of metered space |
| 21. | Rule 207-3 (5) | Park for longer than allowed by ticket signs |
| 22. | Rule 207-4 (a) | Park in occupied ticket space |
| 23. | Rule 207-4 (b) | Park across marking of ticket space |
| 24. | Rule 207-5 (1) | Park without current coupon |
| 25. | Rule 207-5 (4) | Display more than 3 coupons at a time |
| 26. | Rule 207-5 (5) | Park after coupon expired |
| 27. | Rule 207-5 (6) | Park for longer than allowed by coupon signs |
| 28. | Rule 207-6 (a) | Park in occupied coupon space |
| 29. | Rule 207-6 (b) | Park across markings of coupon space |
| 30. | Rule 207-7 | Park in pay parking area or space that is closed |
| 31. | Rule 207-8 (1) | Park in phone parking area not pay parking fee as prescribed |
| 32. | Rule 207-8 (4) | Remain parked in phone parking area paid period expired |
| 33. | Rule 207-8 (5) | Remain parked in phone parking area beyond permissible |
| 34. | Rule 207-9(1)(a) | Park in phone parking space while other vehicle in space |
| 35. | Rule 207-9(1)(b) | Park in phone parking space not wholly inside markings |
| 36. | Rule 179-1 (4) | Display more than one loading zone ticket |
| 37. | Rule 179-1 (6) | Replace expired loading zone ticket |
| 38. | Rule 179-1 (7) | Park in discontinued ticket loading zone |

Local Government Act 1993

| Item | Law | Description |
|------|----------------|--|
| 1. | Sec 650 (1) | Stand vehicle in area longer than allowed |
| 2. | Sec 650 (1) | Stand vehicle in area other than time permitted |
| 3. | Sec 650 (4)(a) | Not stand vehicle in marked parking space |
| 4. | Sec 650 (4)(b) | Stand vehicle in occupied marked parking space |
| 5. | Sec 650 (4)(c) | Not stand vehicle wholly in marked parking space |
| 6. | Sec 650 (5) | Fail to comply with parking direction |
| 7. | Sec 650 (5) | Fail to comply with vehicle movement direction |
| 8. | 650A (1) | Park vehicle in strata parking area etc contrary to sign |
| 9. | 650A (1) | Park vehicle strata parking area etc not at times permitted |
| 10. | 650A (1) | Park vehicle strata parking area etc not for time permitted |
| 11. | 650A (4)(a) | Park vehicle not in marked parking space |
| 12. | 650A (4)(b) | Park vehicle in marked parking space with another vehicle |
| 13. | 650A (4)(c) | Park vehicle not wholly in marked parking space |
| 14. | 650A (5) | Not comply with direction regarding parking or movement of vehicle |

An analysis of fines paid within the last six months (September 2018 to February 2019) has revealed that Council has only issued fines for two of the above offence types during this period. They were Rule 205 - Park continuously for longer than permitted and Rule 207-5 (1) - Park without current coupon.

Further analysis of the fines paid within the last six months follows:

| | |
|---|--------------|
| Number of infringements relating to the proposed reduction | 52 |
| Total number of parking infringements | 325 |
| % of infringements relating to the proposed reduction | 16% |
| | |
| Value of infringements relating to the proposed reduction | \$4,628.44* |
| Total value of parking infringements | \$53,144.30* |
| % value of infringements relating to the proposed reduction | 8.7% |

***Note:** not all fines have been paid in full, some have only been partially paid.

The NSW Fines Review web page has shown that eighteen Councils have opted in from 28 February 2019. 110 Councils had not opted in at this point in time. The Councils that opted in are:

1. Inverell Shire Council
2. Lachlan Shire Council
3. Liverpool City Council
4. Nambucca Shire Council
5. Wingecarribee Shire Council
6. Yass Valley Council
7. Bland Shire Council
8. Hills Shire Council
9. Muswellbrook Council
10. Blacktown City Council
11. Glen Innes Severn Council
12. Camden Council
13. Richmond Valley Council
14. Clarence Valley Council
15. Eurobodalla Shire Council
16. Cessnock City Council
17. Fairfield City Council
18. Forbes Shire Council

OPTIONS:

1. That Council does not opt into the NSW Parking Fines Concession arrangement
2. That Council writes to the Treasurer to opt into the NSW Parking Fines Concession arrangement.

CONCLUSION:

Opting into the NSW Parking Fines Concession arrangement will have operational and financial impacts on the Council. It is considered that these impacts outweigh any community benefits that might arise from the reduction in value for such a small number of fines.

Parking rules and restrictions are intended to promote safe driving and parking practices, assist with traffic flow and encourage an equitable use of a limited number of parking spaces. The existing infringements and associated fines have been developed over a long period of time to achieve these aims. It is not considered good practice to alter these rules and restrictions on an ad hoc basis with no consideration of actual costs.

Based upon the six month analysis summarised earlier in this report, it is estimated that the financial cost of opting into the scheme will be in the range of \$5,000 to \$10,000 per annum. Whilst this is not a large amount of money, it is considered that there are multiple other ways in which Council could expend this level of funding which would benefit many more people than those that would benefit from the reduction in fines.

COUNCIL IMPLICATIONS:

a. Policy:

Road Transport (General) Amendment (Parking Fine Flexibility and Grace Period) Regulation 2018

b. Budget/Long Term Financial Plan:

Based upon the six month analysis summarised earlier in this report, it is estimated that the financial cost of opting into the scheme will be in the range of \$5,000 to \$10,000 per annum.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Letter from NSW Treasurer and Minister for Industrial Relations, the Hon Dominic Perrottet MP (ECM 5667860)

28 [FRIT-CM] Monthly Investment Report for Period ending 28 February 2019

SUBMITTED BY: Financial Services

mbm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

| | |
|-------|---|
| 2 | Making decisions with you |
| 2.2 | Engagement |
| 2.2.5 | Financial Services - To collect and manage Council funds and provide information and advice to support sound financial decision-making. |

ROLE: **Leader**

SUMMARY OF REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Executive Manager Finance, Revenue and Information Technology, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$328,354,162** invested as at **28 February 2019** and the actual net return on these funds was **\$891,658** or **3.26%** annualised for the month. (Note: this is income received during the month not accrued interest)

RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 January 2019 totalling \$328,354,162 be received and noted.

REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Executive Manager Finance, Revenue and Information Technology, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$328,354,162** invested as at **28 February 2019** and the actual net return on these funds was **\$891,658** or **3.26%** annualised for the month. (Note: this is income received during the month not accrued interest)

1. Ethical Investments

Ethical Financial Institutions
\$189,066,072 which represents 57.58% of the total portfolio.

Source: Australian Ethical

2. Economic Commentary

Australian and World Economy and Cash Rate

At its 5 March 2019 meeting, the Reserve Bank of Australia Board decided to leave the cash rate unchanged at 1.50 per cent.

The global economy grew above trend in 2018, although it slowed in the second half of the year. The slower pace of growth has continued into 2019. The outlook for the global economy remains reasonable, although downside risks have increased. The trade tensions remain a source of uncertainty. In China, the authorities have taken further steps to ease financing conditions, partly in response to slower growth in the economy. Globally, headline inflation rates have moved lower following the earlier decline in oil prices, although core inflation has picked up in a number of economies. In most advanced economies, unemployment rates are low and wages growth has picked up.

Overall, global financial conditions remain accommodative. They have eased recently after tightening around the turn of year. Long-term bond yields have declined, consistent with the subdued outlook for inflation and lower expectations for future policy rates in a number of advanced economies. Also, equity markets have risen, supported by growth in corporate earnings. In Australia, short-term bank funding costs have moderated, although they remain a little higher than a few years ago. The Australian dollar has remained within the narrow range of recent times. While the terms of trade have increased over the past couple of years, they are expected to decline over time.

The Australian labour market remains strong. There has been a significant increase in employment and the unemployment rate is at 5 per cent. A further decline in the unemployment rate to 4¾ per cent is expected over the next couple of years. The vacancy rate is high and there are reports of skills shortages in some areas. The stronger labour market has led to some pick-up in wages growth, which is a welcome development. The improvement in the labour market should see some further lift in wages growth over time, although this is still expected to be a gradual process.

Other indicators suggest growth in the Australian economy slowed over the second half of 2018. The central scenario is still for the Australian economy to grow by around 3 per cent this year. The growth outlook is being supported by rising business investment, higher levels of spending on public infrastructure and increased employment. The main domestic uncertainty continues to be the strength of household consumption in the context of weak growth in household income and falling housing prices in some cities. A pick-up in growth in household income is nonetheless expected to support household spending over the next year.

The adjustment in the Sydney and Melbourne housing markets is continuing, after the earlier large run-up in prices. Conditions remain soft in both markets and rent inflation remains low. Credit conditions for some borrowers have tightened a little further over the past year or so. At the same time, the demand for credit by investors in the housing market has slowed noticeably as the dynamics of the housing market have changed. Growth in credit extended to owner-occupiers has eased further. Mortgage rates remain low and there is strong competition for borrowers of high credit quality.

Inflation remains low and stable. Underlying inflation is expected to pick up over the next couple of years, with the pick-up likely to be gradual and to take a little longer than earlier expected. The central scenario is for underlying inflation to be 2 per cent this year and 2¼ per cent in 2020. Headline inflation is expected to decline in the near term because of lower petrol prices.

The low level of interest rates is continuing to support the Australian economy. Further progress in reducing unemployment and having inflation return to target is expected, although this progress is likely to be gradual. Taking account of the available information, the Board judged that holding the stance of monetary policy unchanged at this meeting would be consistent with sustainable growth in the economy and achieving the inflation target over time.

(Source: RBA Monetary Policy Decision)

Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with NSW Office of Local Government guidelines with approximately 80% of the portfolio held in cash and term deposits. Term deposits and bonds are paying average margins over the 90 day bank bill rate.

Bank demand for term deposit funds has increased as overseas wholesale funding alternatives become more expensive in conjunction with a rising interest rate outlook. At the same time Australian Prudential Regulation Authority (APRA) imposed mortgage lending restrictions is crimping bank demand for depositor's funds. Banks are also using debt issuance (bonds) as a less expensive source of funds than term deposits.

Many "cash at call" rates are at levels below the RBA cash rate. The historic low cash rate is still translating to lower total investment yields. This continues to present difficulties obtaining reasonable investment income without risking capital.

All investment categories except cash at call out-performed the UBS 90 day bank bill benchmark this month. The investment portfolio again benefited this month from some longer-dated, higher yielding bonds and recently purchased short-term term deposits.

Longer-dated bonds and term deposits and are being replaced with high yielding short-term deposits. Overall, the investment portfolio has returned a weighted average 1.01% pa above the 90 day UBS bank bill index for the last month.

3. Term to Maturity

| Maturity Profile | Actual % Portfolio | Policy Limits |
|--|--------------------|---------------|
| Less than 365 days | 42.78%* | Minimum 40% |
| More than 365 days and less than 3 years | 42.83% | Maximum 60% |
| 3 years and less than 5 years | 14.39% | Maximum 35% |
| Portfolio Total | 100.00% | |
| *Note: Some of Council's Bond Portfolio is included with longer dated maturities i.e. >1 year < 5 years however this type of investment can generally be liquidated within two (2) business days | | |

4. Investment Summary

General Fund

| | | |
|----------------------------|---------------|-----------------------|
| Corporate Fixed Rate Bonds | 6,682,929.29 | |
| Floating Rate Notes | 60,671,233.50 | |
| Asset Backed Securities | 0.00 | |
| Fund Managers | 0.00 | |
| Term Deposits | 93,999,999.00 | |
| Call Account | 12,000,000.00 | 173,354,161.79 |

Water Fund

| | | |
|---------------|---------------|----------------------|
| Term Deposits | 58,000,000.00 | |
| Fund Managers | 0.00 | 58,000,000.00 |

Sewerage Fund

| | | |
|---------------|---------------|----------------------|
| Term Deposits | 97,000,000.00 | |
| Fund Managers | 0.00 | 97,000,000.00 |

| | | |
|--------------------------|--|-----------------------|
| Total Investments | | 328,354,161.79 |
|--------------------------|--|-----------------------|

It should be noted that the General Fund investments of **\$173 million** are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

All Water and Sewerage Fund investments can only be expended in accordance with Government regulation and Council resolution.

Statutory Statement - Local Government (General) Regulation 2005 Clause 212

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulations and Council's investment policies.



Responsible Accounting Officer

Executive Manager
Finance, Revenue & Information Technology
Tweed Shire Council

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:

Attachment 1.

Tweed Shire Council Investment Report – February 2019
(ECM 5801111).

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

29 [PCG-CM] RFO2018145 Casual Labour Hire and Associated Services Contract

SUBMITTED BY: Corporate Governance

Valid



Behind the scenes

Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Behind the scenes
- 4.2 Support Services
- 4.2.2 Human Resources and Work Health and Safety - To support a productive, respectful and safe work environment.

ROLE: **Leader**

SUMMARY OF REPORT:

Request for Offer RFO2018145 casual Labour Hire and Associated Services was called to select an experienced organisation to provide suitably qualified personnel on a casual labour hire basis to perform various duties associated with Council functions, projects and activities. There are no guaranteed minimum quantities of services under this Contract however the expenditure is estimated to be in the vicinity of \$3M annually.

At the time of closing four 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 RFO2018145 Casual Labour Hire and Associated Services:

1. Council awards the offer to Programmed Skilled Workforce Limited (ABN 66 005 585 811) for the schedule of rates tendered.

2. **The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.**

3. **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 RFO2018145 was called to engage an experienced organisation to provide suitably qualified personnel on a casual labour hire basis to perform various duties associated with Council functions, projects and activities.

Request for Offer Advertising

The Offer was invited by Local Government Procurement (LGP) through the Vendor Panel tendering platform, in accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government. Quotations were requested from the established panel of providers on 12 November 2018 and submissions were received on the 26 November 2018

Offer Addendums

There was 1 Offer Addendum (Notice to Bidders) issued before close of Offer.

Notice to Bidders No.001 was issued to issue Bidders with additional information on Salary Structure for the State and Industry Awards

Offer Submissions

Offer submissions closed at 4:00pm (local time) on 26 November 2018 on the Vendor

Panel Tender portal and the following Offers were received:

| Bidder | ABN | Offered Amount (incl GST) |
|---|----------------|----------------------------------|
| Hays Specialist Recruitment (Australia) Pty Ltd | 47 001 407 281 | Schedule of Rates |
| NORTEC Staffing Solutions | 88 129 092 280 | Schedule of Rates |
| Programmed Skilled Workforce Limited | 66 005 585 811 | Schedule of Rates |
| Spinifex Recruiting | 77 100 120 474 | Schedule of Rates |

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:

| Position |
|---|
| Charlotte Neilson - Coordinator-Contracts |
| Suzanne Richmond - Executive Manager People, Communication & Governance |
| Matt McCann - Operations Coordinator - Parks |

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 (Normalised Offer Price) | Schedule 2 | 40 |
| Relevant Experience & Capability | Schedule 4 | 20 |
| Management Systems & Implementation Methodology | Schedules 5, 6 and 7 | 10 |
| Finance Procedures | Schedule 8 | 20 |
| Local Preference | Schedule 9 | 10 |
| | Total | 100 |

Offers were evaluated as per the Offer Evaluation Plan dated 23rd November and updated 11 December 2019. An initial evaluation shortlisted two preferred bidders and these were both invited to attend an interview with the Evaluation Panel to present their proposals. A number of referee interviews were also held by the Evaluation Panel

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. Recommendations appear below for the Offer.

OPTIONS:

That Council:

1. Council awards the offer to Programmed Skilled Workforce Limited (ABN 66 005 585 811) for the schedule of rates tendered.
2. Declines to accept any of the Offers, including reasons for this course of action in accordance with Regulation 178 of the Local government (General) Regulation 2005).

CONCLUSION:

Programmed Skilled Workforce Limited (ABN 66 005 585 811) has been determined to satisfy the non-price criteria and has been deemed to demonstrate good value for money.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.7

In accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

Provision for the RFO2018145 Casual Labour Hire and Associated Services is included in the 2018-2019 Budget. Significant savings and efficiencies are anticipated.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2018145 Casual Labour Hire and Associated Services – Offer Evaluation Report (ECM 5796913)

(Confidential) Attachment 2. RFO2018145 Casual Labour Hire and Associated Services – Offer Evaluation Worksheet - Offer Evaluation Report (ECM 5795141).

30 [PCG-CM] Customer Experience Standards and Managing Unreasonable Customer Conduct

SUBMITTED BY: Communication and Customer Experience and Human Resources

mhm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK: 2.2.3 Customer Service

ROLE: **Leader**

SUMMARY OF REPORT:

At the December 2018 Council meeting, Council:

RESOLVED that Council endorses the:

- Draft Customer Experience Standards Version 1.7; and
- Managing Unreasonable Customer Conduct Policy Version 1.3

to be put On Exhibition for a period of 50 days from Monday 17 December 2018 until close of business Monday 4 February 2019.

This report provides a summary of the submissions and feedback received during the On Exhibition period of 17 December 2018 to 4 February 2019; lists the amendments and recommended changes to the draft documents; and provides the final versions recommended for Council adoption.

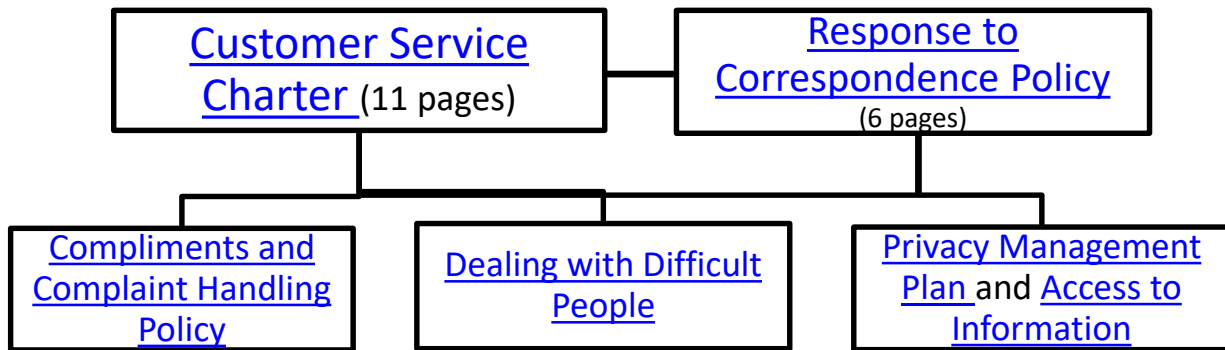
RECOMMENDATION:

Following a 50 day On Exhibition period from Monday 17 December until close of business Monday 4 February 2019, it is recommended that Council adopt:

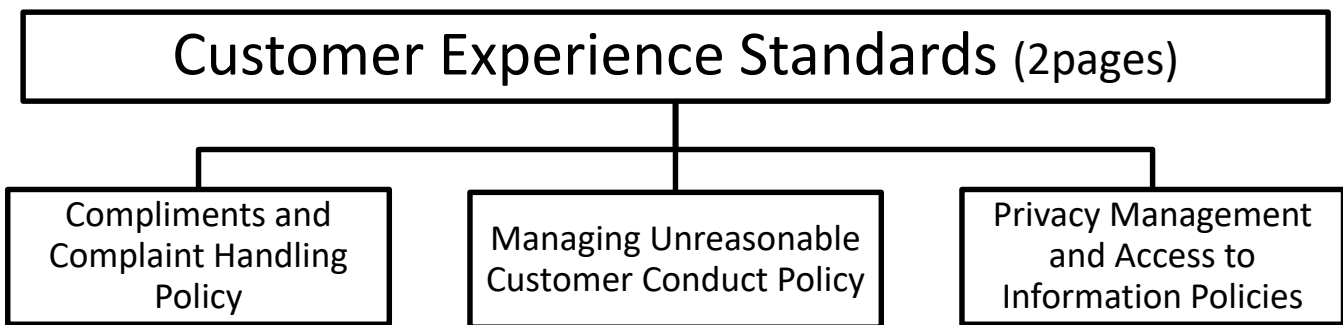
1. The Service Experience Standards to replace the Customer Service Charter v1.2 and Response to Correspondence Policy.
2. The Managing Unreasonable Customer Conduct Policy to replace the Dealing with Difficult People Policy.

REPORT:

The current Customer Experience Framework



The proposed simplified Customer Experience Framework



Summary of Submissions

There were 12 submissions received during the exhibition period. Please see the attachment for copies of the submissions received. One additional follow up submission was received after the exhibition date closed, from the Kingscliff Resident and Ratepayer Association. This submission provided a supporting statement of the draft Policies as part of another overall piece of correspondence to Council and was in addition to their initial submission included in the attachment.

The submissions received addressed a range of comments from supporting the policies and their approach to raising suggestions or concerns with the documents. Several submissions used the opportunity to express their concerns over past experiences or commenting on matters outside of the scope of these two Policies, for example illegal dumping fees, requests for Delivery Plan items or past Dealing with Difficult Customer situations.

In summary the themes of submissions received were:

- **Overall the service experience standards were not straight forward or simple to understand and the explanations too complicated.**
 - Action taken:
 - Reviewed the exhibited 8 standards, and reduced to 7, merging the two telephone related standards, reordering and sorting the others.
 - Introduced icons and headings to improve accessibility and clearly group the types of interaction the service standard applies to.
 - Reviewed and simplified the language throughout the document.

- The Communication and Customer Experience Unit recommends amending the resolution standard from the exhibited 60% resolution at first point of contact, to 80%. The Contact Centre currently resolves 60% of enquiries at the first point of contact, and in addition completes Customer Service Requests for another 20% of enquiries, taking the total resolution figure to the recommended 80%. By considering the completion of a Customer Service Request as a resolution, we believe this a more accurate grade of service for the Contact Centre.
- The Communication and Customer Experience unit recommends amending the telephone answering time from the exhibited 60 seconds, to 90 seconds. Council strives to do this at all times, however the reality is our contact centre is not resourced to achieve this consistently. It would require an additional 1-2 full time resources to achieve this target regularly. We concluded that it is more appropriate to commit Council to a standard we have the reasonable ability to achieve. The alternative was to recommend 70% of calls answered in 60 seconds, however this was considered a lower grade of service with our goal being 80% of the time. As only a 30 sec increase in target time, 90 seconds is still a reasonable wait time for the local government industry. One or two of the submissions make reference that Council 'rarely' answers calls within 60 seconds, 90 seconds is a more realistic service level and may support these submissions.
- **Councillors should be required to meet the same service standards:** Several submissions made comments about communication with Councillors and lack of replies or acknowledgement.
 - Action Taken: Councillors are not bound by this Policy. In the small print explaining where the standards do not apply, a sentence referencing Councillors has been included. *"Councillors are not required to meet these Service Experience Standards and replying to correspondence is at their discretion, however they are encouraged to consider these standards when carrying out their role."*
- **There was no way identified to simply escalate a customer enquiry:**
 - Action taken: The compliments, feedback, escalations and complaints about our people and processes now includes an option called 'Enquiry Escalation' suggesting customers can ask to speak to the supervisor if they have general concerns, issues or a compliment about how their enquiry has been dealt with.
- **The subjective nature of who determines 'unreasonable conduct':** Several submissions provided comments about who and how unreasonable conduct is determined and then applied. A couple of submissions expressed their concerns with the draft Unreasonable Conduct Policy by revisiting their past experience.
 - Action Taken: The policy currently outlines the 'how', with the 'who' being determined as incidents that are escalated to management for reporting and possible action. Where it is determined that restrictions should be applied and they have been advised in writing, the customer has 30 days to make a written submission to dispute. The policy also makes reference to the Complaints Handling Policy should the customer continue to be dissatisfied with the decision.
 - The Purpose section has been updated to include the policy's compliance with WHS Legislation and NSW Ombudsman's Guidelines.

- The Managing Unreasonable Customer Conduct Protocol and Handbook (both internal documents) include clear instruction for the reporting of incidents and the process for determining the course of action to be taken and by whom.
- **The concern that people exhibiting unreasonable behaviour may be impacted by mental health issues:**
 - Action Taken: The section on Response to Unreasonable Customer Conduct now includes a statement regarding mental health awareness and consideration when referring to this policy for possible action.

One submission makes reference to Council showing less accountability for its customers by producing a shorter and less detailed document for service standards. We do not agree with this statement and believe that a two page concise and easy to read document, with improved visual layout is a significant improvement to an 11 page written Policy which ultimately provided the same explanation of standards. The final version is a far superior and more engaging visual presentation.

As a result of this process, a range of other internal Council initiatives have commenced including:

1. A review and audit of inbound communication channels and enhanced ways acknowledgements can occur at the first point of contact to provide people with the confidence Council has at least received the correspondence, with action and further responses to be determined by the relevant unit.
2. A review of and improvements to the online submission and On Exhibition process to confirm when submissions are received and forwarded to the relevant Council officer.
3. Some minor enhancements and review to auto-attendant (press 1 for this, press 2 for that) when you first call the Contact Centre.

Draft Service Experience Standards: Updates made:

All service standards have been reviewed and enhanced with the aim of simplifying them. Overall the document amendments include:

- A name change to Service Experience Standards (was Customer Experience Standards) based on a Councillor feedback.
- In summary this helps to align our service standards to consistent figures making it easier to recall – 80% across the board and 10 days for correspondence and customer service requests.
- A review from 8 to 7 standards – two were merged, none were lost, all were enhanced.
- Introduced icons and headings to group and clarify the service standard.
- First resolution standard has changed from 60% to 80%. An additional line has been included to explain our aim to serve customers within 2 minutes at our front counters.
- Telephone answering was amended to 90 seconds from the original 60 seconds, as per explanation above.
- Websites – we have also included that Council aims to review content on pages every four months. This is an aim, not a service standard, however it is important to include so customers can be confident to rely on information available on our website.
- Change of hours – planned to provide 5 business days-notice. The exhibited figure was 7 days. It has changed to bring the language consistent to business days as it is throughout the document – hence 5 business days is equivalent to 7 days. Unplanned

changes to operating hours is notified in a range of ways that best suit the facility/service that is closing.

- Inclusion of an 'enquiry escalation' rather than the only option of moving straight to Complaint – this simply highlights that customers can request to speak to the relevant Supervisor if they are unhappy with a way matter is being dealt with.
- Some minor text changes and updates throughout to improve the way it is written.

Draft Managing Unreasonable Customer Conduct: Updates made:

The Managing Unreasonable Customer Conduct policy has been reviewed to include:

- a statement on the policy's compliance with WHS Legislation and NSW Ombudsman's Guidelines.
- a statement regarding mental health awareness and consideration when referring to this policy for possible action.

This Policy will be supported by a suite of internal protocols, and training programs through the Human Resources Unit. The program will be two fold developing preventative measures to reduce the risk of incidences occurring and providing support to deliver a safe and healthy workplace. This Policy is connected to and reinforced in the Service Experience Standards by highlighting behaviours we will not accept.

OPTIONS:

- a) That Council agrees to adopt the Service Experience Standards and the Managing Unreasonable Customer Conduct Policies to replace previous policies including Customer Service Charter, Response to Correspondence Policy and Dealing with Difficult People.
- b) That Council does not adopt the Service Experience Standards and the Managing Unreasonable Customer Conduct Policies and leaves the existing Customer Service Charter, Response to Correspondence Policy and Dealing with Difficult People in place.

CONCLUSION:

Improving and simplifying our Service Experience Standards is a positive outcome for Council. These updated Policies will provide clearer expectations for customers and Council staff.

COUNCIL IMPLICATIONS:

a. Policy:

The Service Experience Standards are to replace the current Customer Service Charter v1.2 and Response to Correspondence Policy.

The Managing Unreasonable Customer Conduct is to replace the Dealing with Difficult People Policy.

b. Budget/Long Term Financial Plan:

Nil

c. Legal:

Both Policies are being updated to support Council's legislative requirements. The Managing Unreasonable Customer Conduct will further support Council's legislative responsibilities under the Work Health and Safety Act.

d. Communication/Engagement:

As per Council's adopted Community Engagement Strategy this is a low impact project requiring the appropriate levels of engagement. These draft Policies feature minimal changes to our existing standards, are operational in nature and bring them into line with operational standards and best practice.

During the On Exhibition period there were a number of engagement and notification activities, these are summarised and demonstrated in the attached Summary of Engagement Evaluation. Activities include, however are not limited to:

- ✓ On Exhibition Notification appeared in the Tweed Link
- ✓ Your Say Tweed Project Page: www.yoursaytweed.com.au/customerexperience
- ✓ A dedicated e-news alert was sent to the 3000+ Your Say Tweed registered users of the project and encouraging them to have their say.
- ✓ Email communication to resident and ratepayer groups encouraging them to have their say.
- ✓ Media Release, social media posts and digital marketing campaign about the Policies and opportunity to provide feedback.
- ✓ Customers who called Council offices during the On Exhibition period heard a short recorded message encouraging them to have their say.
- ✓ A short customer poll was conducted through the Contact Centre and Your Say Tweed project page.
- ✓ Copies of both Policies were available at Council offices and libraries.

UNDER SEPARATE COVER/FURTHER INFORMATION:

| | |
|---------------|---|
| Attachment 1. | Service Experience Standards [ECM 5801175) |
| Attachment 2. | Managing Unreasonable Customer Conduct Policy V 1.4 (ECM 5801144)) |
| Attachment 3. | Copies of the submissions received for the Draft Customer Experience Framework Policies (ECM5801164). |
| Attachment 4. | Summary of Engagement Activities for Draft Customer Experience Framework Policies (ECM 5801189). |

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

31 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held 4 February 2019

SUBMITTED BY: Recreation Services

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.2 Places
- 3.2.9 Sporting Fields - To provide a range of accessible sports facilities and major event venues to promote an active and healthy lifestyle.

ROLE: **Leader**

SUMMARY OF REPORT:

The Minutes of the Sports Advisory Committee Meeting held Monday 4 February 2019 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Sports Advisory Committee Meeting held Monday 4 February 2019 be received and noted.

REPORT:

The Minutes of the Sports Advisory Committee Meeting held Monday 4 February 2019 are reproduced as follows for the information of Councillors.

Venue:

John Rabjones Oval Clubhouse

Time:

5.30pm

Present:

Cr Pryce Allsop, Matt McCann, Gillian Austin, Linton Alford, Dion Andrews, Rob Nienhuis, Steve Twohill (Murwillumbah Cricket Club)

Apologies: Cr Warren Polglase, Helen Rigney, Bruce Campbell, Elke Readman (Tweed Border Hockey Association) and Grant Vidler (Murwillumbah Vulcans AFLC)

Minutes of Previous Meeting:

Moved: Dion Andrews

Seconded: Rob Nienhuis

RESOLVED that the Minutes of the Sports Advisory Committee meeting held Monday 10 December 2018 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Follow up with Gillian Austin after attending the strategic meeting with Gold Coast Football.

Gold Coast Football has not held this strategic meeting yet, however even though has announced her resignation from the Gold Coast Football Committee she will be attending this meeting and bring the information back to the Sports Advisory Committee.

NSW Office of Sport - Child Safe Sport Workshop.

NSW Office of Sport has a new Child Safe Sport initiative and North Coast Coordinator North Coast - Lyn Larsen is holding a free workshop in the Tweed to assist our Sporting Community (please refer to details below). An email notification has been forwarded to all Council Sports Field Seasonal Licence holders inviting them to attend.

Child Safe Sport – Free training for sport volunteers

Sport and recreation clubs have a responsibility to protect children from harm and abuse. The Child Safe Sport workshop will help club committees, administrators and volunteers to understand the practical ways to create safer clubs for children and young people.

The workshop will also provide an overview of Working with Children Check responsibilities.

Date: Tuesday, 21 May

Time: 6pm to 9pm

Venue: Cudgen Leagues Club

<https://sportandrecreation.nsw.gov.au/event/child-safe-sport-workshop-kingscliff>

Agenda Items:

1. Welcome by Matt McCann Tweed Shire Council

Murwillumbah Cricket Club was thanked for kindly offering their clubhouse at John Rabjones Oval to host the first Sports Advisory Committee meeting for 2019. It was explained that a new interactive meeting format had been adopted for 2019. All meetings are being held at Council licenced sports clubs/venues allowing a great opportunity for committee members to gain an insight into how sports clubs operate, gain a better understanding of some of the challenges being faced by individual clubs and most importantly share information with the Tweed Sporting Community. The invitation to attend the meeting was also extended to Murwillumbah Vulcans AFL Club and Tweed Border Hockey Association other sports field user groups who share this facility and surrounding fields but regrettably they were unable to attend.

2. Club Operations Overview - Murwillumbah Cricket Club

Club president Steve Twohill shared some invaluable information when presented with the following questions:

What has been your player registration numbers over the past 3 seasons?

Steve explained that Tweed District Cricket Association has experienced a slight decline in overall player registration numbers over the past three years, however Murwillumbah Cricket Club has had an increase in player numbers over the same period of time.

What are your biggest challenges faced as a non for profit sports club/association?

Steve mentioned kid's fascination with computers, parents being time poor, competition for players with other sporting codes and the cost to register as a player being the biggest hurdles.

The club has addressed some of these issues by introducing modified variations of the game to meet a wider range of participants, moving away from the traditional cricket game model which is played on a weekend and takes up to 4-5 hours to get a match in.

Milo T20 Blast

MILO T20 Blast is a super fun, social, safe, cricket program for boys and girls aged eight to 12. The program is much shorter than traditional cricket, with a maximum of 90 minutes playing time. All the equipment is supplied and the games take place at one venue each week around the Tweed Valley. Each child gets an equal turn at batting, bowling and fielding regardless of ability. They get the opportunity to play games of T20 cricket, whilst developing fundamental movement skills, social skills and team values. The matches are played on a smaller field allowing parents to get close to all the action and with several games taking place on the same oval at the same time it creates an action packed fun atmosphere where every kid is involved. The program is professionally delivered and it's aligned with the T20 Big Bash League held over the Xmas / New Year Period.

Each participant receives twelve action-packed games of MILO T20 Blast in an exciting carnival atmosphere designed to give kids a taste of what it's like to play T20. Each participant receives a MILO T20 Blast t-shirt, cap and bag, MILO giveaways and KFC T20 Big Bash League items. Participation Registration Fee - \$125 per child for the 12 week program.

Wednesday Evening Twilight Tonk

The club introduced this eight a side version of the game to help meet the needs for players of all ages and abilities as well as people who work on weekends. The ball used playing Twilight Tonk is a lot softer than a standard cricket ball making it more appealing for those with limited cricket experience. It is very affordable with teams charged \$100 for a seven week competition. The atmosphere is very laid back and a game takes an hour and a half to complete and starts at 5:30pm and finishes at 7pm. Many participants choose to hang around for a BBQ dinner sharing social interaction which also assists the club by providing some extra needed dollars.

In addition to this the club has also introduced a casual playing rate of \$15 dollars a week for people who cannot commit to playing each week of a season.

Active Kids Program

Parents, guardians and carers can now apply for one voucher per calendar year (up to the value of \$100) for each student enrolled in school to be used for registration, participation and membership costs for sport, fitness and active recreation activities. The vouchers represent an excellent opportunity for school-aged children to play cricket, with a number of entry-level programs being priced at \$99 which has certainly help to increase player numbers.

Does your club/association have a strategic plan ie. Five Year Business Plan?

The club doesn't currently have a strategic plan, however this is something they are extremely interested in implementing. It was explained that the committee in conjunction with Council will be looking into developing a Strategic Plan template to assist clubs, helping them create a more sustainable future. The Strategic Plan will be aligned with the goals and objectives Tweed Shire Council is trying to achieve for the community.

3. Annual Report of Detailed Participation Numbers of Individual Sports Clubs - Matt McCann

At the last Sports Advisory Committee meeting held 10 December 2018, the committee requested a report detailing participation numbers of individual sports clubs. With this information the committee will be able to gauge the exact number of senior and junior registrations for each sport. This information will assist the committee in identifying trends in growth and decline of individual clubs and sports. The committee's aim will be to work with clubs to establish and implement strategies to become more sustainable, encouraging an active and healthy Tweed community.

A draft club participation numbers report has been developed and will be up for discussion and review at our next meeting on 1 April.

4. Australia Day Award Nomination - Sporting Achievement Eliza Campbell Tweed Sports Person of the Year Award 2019

Eliza was a Bilambil United player having found Soccer at the age of six and went on to represent at School level and then state along with playing as a goal keeper for the young Matilda's. At the age of 18 she spent three years away from home living as a professional player in Norway. She made her Matilda's debut in November 2017.

Eliza has demonstrated that her chosen sport can lead to a very exiting career as a professional player, being able to travel the world.

Eliza only weeks ago represented Perth Glory in the final of the W-League the premier women's football competition in Australia, unfortunately going down to Sydney Football Club. Eliza's achievements have been amazing and there is no one prouder then her father William Campbell who is a member on Tweed's Sports Advisory Committee.

5. Northern NSW Football Facility Fund Application

The shire has three football clubs who participate in the Northern NSW Football Competition. Pottsville, Uki Pythons and Tumbulgum Rangers were sent an email on 23 January 2019 detailing the information below.

Media Release: Northern NSW Football Facility Fund Applications Open

Applications for Northern NSW Football's (NNSWF) Facilities Fund are now open providing a fantastic opportunity for clubs to improve their facilities for club members and their community.

This is the first ever football facilities fund that NNSWF has offered its member zones and clubs.

The NNSWF Facilities Fund is an initiative which has been established to provide funding assistance to football clubs to partner with local councils, government and local stakeholders to improve the quality, availability, accessibility and safety of their facilities.

Total funding being made available by NNSWF is \$325,000 with a minimum of \$20,000 & maximum of \$100,000 matched funding available.

For further details and to view the guidelines, see the media release at <https://footballfacilities.com.au/2018/11/01/nswf-facilities-fund-applications-open>

6. Activate Inclusion Sports Days - Sport NSW

Sport NSW has led the way in collaborating with key stakeholders including Local Councils, State Sporting Organisations, Universities, as well as third party providers including NDIS and NSW State Government Departments to increase the awareness around opportunities for people with a disability, and in the greater inclusion space, within sport and active recreation.

Variety - The Children's Charity NSW has supported this initiative with their partnership through delivery of Activate Inclusion Sports Days in NSW across various Council regions each year. Students are provided the opportunity to try a number of sports in a positive and adaptive environment with specialised coaches on hand to run each activity.

Activate Inclusion Sports Days are designed to promote the pathways for inclusion programs in the Local Council area and encourage students to continue participating in sport and active recreation on a regular basis.

Sport NSW with **Variety - The Children's Charity NSW** also aims to provide superior knowledge to families, teachers and other active advocates in communities by inviting community organisations such as Ability Links to attend the event and provide information on their services.

Unfortunately we ran out of time to discuss this wonderful program in any great detail at the meeting. However we are extremely excited that an Activate Inclusion Sports Day will be held in the Tweed Shire in 2019 and this item will remain on the agenda for the April 1 meeting so the committee can discuss the event in more detail.

General Business:

The topic discussed in general business was the importance of clubs developing Strategic Plans/ Business Plans to help guide them towards a sustainable future. It was agreed that the committee and Council need to work towards developing a Strategic Plan template to assist clubs. The plan template will be closely aligned with the goals and objectives Tweed Shire Council and the Sports Advisory Committee is trying to achieve for the community.

Next Meeting:

The next meeting of the Sports Advisory Committee will be held Monday 4 April 2019 at Cudgen Leagues Club, Kingscliff.

The meeting closed at 7:00pm.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - adopted 21 August 2012 (ECM 2846627).

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.

32 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 13 February 2019

SUBMITTED BY: Community and Cultural Services

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator Leader

SUMMARY OF REPORT:

The Minutes of the Tweed Shire Youth Council Meeting held Wednesday 13 February 2019 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 13 February 2019 be received and noted.

REPORT:

The Minutes of the Tweed Shire Youth Council Meeting held Wednesday 13 February 2019 are reproduced as follows for the information of Councillors.

Venue:

Council Chambers, Murwillumbah Civic and Cultural Centre

Time:

4.00pm

Present:

Ari Cummins, Ryan Thomas and Joshua Carpenter (Banora Point High School); Cassandra Pollard and Madeline Maugueret (Pacific Coast Christian School); Will Fitzgibbons and Jaidah Fergus-Mackie (Lindisfarne Anglican Grammar); Shelby Johnston, Nava Bergman and Jasper Tiffen (Murwillumbah High School); Noemi Suter, Conner Insull, Amanda Widen-Battaglini and Maddie Idle (Kingscliff High School); Jazmine Cooke (Tweed River High School); Scarlet Magnus and Jacob Wilson (St Joseph's College)

Guests:

Cr Katie Milne (Mayor); Cr Pryce Allsop; Cr Ron Cooper; Cr Warren Polglase; Cr Chris Cherry; Troy Green (General Manager); Tracey Stinson (Director Community and Natural Resources); Matt Greenwood (Acting Executive Officer) Robyn Grigg (Manager Community and Cultural Services); Chantelle Howse (Coordinator Community Development); Shannon Carruth (Program Leader - Communication and Engagement)

Ex-Officio:

Sylvia Roylance (Community Development Officer - Families and Youth); Shane Davidson (Acting Team Leader - Compliance / Executive Officer); Abby Wallace (Communications and Engagement Specialist) Lisa Bailey (Minutes).

Apologies:

Stephanie Papadopoulos (Manager Corporate Governance)

Jazmine Cooke opened the meeting as the previous year's Youth Council Chairperson, noting that Councillors and Directors present would need to leave the meeting at 4.30pm to attend an urgent Councillor workshop.

Aboriginal Statement

The Mayor acknowledged the Bundjalung Aboriginal Nation with the following statement:

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."

Youth Council Meeting Agenda Items:

A1. Introductions - Youth Council, Council Officers, Councillors

Guest and Ex-Officio attendees introduced themselves to Youth Council members giving a brief outline of their role at Council. Councillors are always keen to have young people involved in council decision-making and thanked members for giving up their time to join this committee.

A2. Housekeeping

An overview of the amenities and the evacuation procedures for Council Chambers and the Murwillumbah Civic and Cultural Centre was carried out. The contents of the Youth Council Handbook and Information pack were also reviewed.

A3. What would you like to gain from your Youth Council experience?

In a round table format, Youth Council members responded with the following:

- Experience in a leadership role
- An understanding of how Council operates
- Continue a project from previous years to see it through to completion
- To better understand the values of the community
- An understanding of how community issues are responded to
- To work on projects that young people are passionate about to implement in the community
- To influence young people in a positive way
- To share information with other young people so they are better informed on community matters

A5. 2018 Youth Council Highlights

Student projects and involvement as Youth Council members for 2018 included:

- Attendance at International Women's Day seminar
- National Youth Week supporting Youth Homelessness Matters Day
- Attendance during Reconciliation Week at a screening of 'Sweet Country' followed by panel discussion on past improvements and opportunities for the future
- Civic Reception with the Governor of NSW
- Walk in My Shoes program with Council during Local Government Week
- Fraser Drive road repairs
- Adjustment to the length of the bus zones at Tweed River High School to improve student/pedestrian safety
- Advocacy for changes to parental shared care legislation
- Drug awareness - Save a Mate Training, Australian Red Cross
- Teen Mental Health First Aid - similar to first aid but gives skills to help reach out to a person in need and support them as a peer
- Fishing Line Debris project - as a result of a project which commenced in 2017, Josh is now at the stage of preparing to install the bins around Tweed and presented a bin for all members to view.

A6. Election of Chairperson and Deputy Chairperson - Speeches and Nominations

Shane Davidson, attending in his role as Executive Officer, explained the voting process for Chairperson and Deputy Chairperson. Each nominee took the opportunity to campaign for their appointment. Voting for Chairperson took place by show of hands.

Jasper Tiffen was voted Chairperson for the 2019 Youth Council.

Shane advised that the Deputy Chairperson will act as the Chairperson for the meetings if Jasper is not available. Voting for Deputy Chairperson took place by show of hands.

Amanda Widen-Battaglini was voted Deputy Chairperson for the 2019 Youth Council.

A6. Code of Conduct

Youth Council members were provided with a copy of the Terms of Reference for the Committee, along with of 'Standards of Conduct for Council Officials' and 'Your Obligations as a Council Committee Member'. Shane Davidson reminded Youth Council members to ensure they treat each other with courtesy and respect, don't make things personal, and to listen to other people's point of view. Members were also asked to maintain information integrity and use Council resources effectively.

A7. Tweed Shire Council - What's on Exhibition

What's on Exhibition information is available on Council's website. Details of how to access this information is included in the handbook. Currently on Exhibition: Draft Developer Servicing Plans for Water Supply and Sewerage.

A8. Future Guest Speaker Suggestions

The following suggestions were made for Guest Speaker invitations at a future meeting:

- A representative from a homelessness support organisation such as 'You Have a Friend'.
- A representative from within the youth mental health service area such as 'headspace'.
- Youth Transport options.

Youth Councillor Workshop:

1. What do you think are the important issues for your school community - and does your school run programs to address any of these issues?

1.1 Mental Health

Issues are not reported to be as serious as they are; mental health not covered in class lessons. Schools have guidance officers/welfare officers and chaplains for young people to access, however still not enough support/education being provided in schools on how to achieve/maintain a strong state of mental health and well-being. Young people need to learn what normal mental health is and when they are experiencing a genuine problem.

1.2 Positive Focus

Students are looking for a more positive outlook in life, create more positive opportunities and experiences, and increase confidence in young people.

1.3 Transport

Lack of transport causes a lack of involvement in areas young people are interested in such as: school activities; recreational activities; employment; attendance at TAFE and/or University (in conjunction with school - extra-curricular). Also expressed need for increased security on transport currently available.

1.4 Environmental Issues

Whilst student Green Teams do exist in some schools, there is a general lack of concern from some young people, and others would like assistance from teaching staff to increase awareness of the need to: recycle right; promote environmental change; connect with larger activities such as Zero Hour Global Warming and Clean Up Australia Day.

1.5 Homelessness

Educate homeless people on topics such as how to manage their money. Some schools support homelessness services.

1.6 Education support

Young people need additional resources for education support, such as school based homework hub, after school homework lab. Students expressed difficulty understanding school work and preparing for Year 11 and 12 exams. If more school support was provided, young people indicated they won't feel so stressed/anxious.

2. National Youth Event Dates 2019

- NSW National Youth Week - Wednesday 10 April to Thursday 18 April
- Youth Homelessness Matters Day - Wednesday 17 April
- Wear It Purple Day to support LGBTTTQQAAP (lesbian, gay, bisexual, transgender, transsexual, queer, questioning, intersex, asexual, ally, pansexual) - Friday 30 August
- headspace Day (National Mental Health Week) - October

General Business:

Nil.

Next Meeting:

The next meeting of the Tweed Shire Youth Council Committee will be held Wednesday 8 May 2019, Harvard Room, Tweed Heads Administration Building, 21 Brett Street, Tweed Heads.

The meeting closed at 6pm.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - adopted 22 October 2015 (ECM 3808358).

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.

33 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 28 February 2019

SUBMITTED BY: Roads and Stormwater

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: Advocate

SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee meeting held 28 February 2019 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

1. **The Minutes of the Local Traffic Committee Meeting held Thursday 28 February 2019 be received and noted; and**
2. **The Executive Leadership Team's recommendations be adopted as follows:**

A1. [LTC] Tweed Food Fest Saturday 18 May 2019

That the proposed Tweed Food Fest on Saturday 18 May 2019 from 12 noon to 11pm be supported, subject to:

1. ***NSW Police approval being obtained.***
2. ***Endorsement of the event by Murwillumbah Business Chamber, emergency services and affected business owners.***
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 including a letterbox drop to directly affected residents.***

5. ***The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.***
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 and select 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 and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) 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.***
15. ***The Traffic Control Plan for the road closure of Murwillumbah Street associated with Tweed Foodie Fest be modified to include "u turn" facilities on Murwillumbah Street at Police Lane.***

A2. [LTC] Tweed Food Fest Saturday 21 September 2019

That the proposed Tweed Food Fest on Saturday 21 September 2019 from 12 noon to 11pm be supported, subject to:

1. ***NSW Police approval being obtained.***
2. ***Endorsement of the event by the Murwillumbah Business Chamber, emergency services and affected businesses owners.***
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 including a letterbox drop to directly affected residents.***
5. ***The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.***
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 and select 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 and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) 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.***

A3. [LTC] Tweed Food Fest Saturday 7 December 2019

That the proposed Tweed Food Fest on Saturday 7 December 2019 from 12 noon to 11pm be supported, subject to:

1. ***NSW Police approval being obtained.***
2. ***Endorsement of the event by Murwillumbah Business Chamber, emergency services and affected businesses owners.***
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 including a letterbox drop to directly affected residents.***
5. ***The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.***
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 and select 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 and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) 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.***
15. ***The Traffic Control Plan for the road closure of Murwillumbah Street associated with Tweed Foodie Fest be modified to include "u turn" facilities on Murwillumbah Street at Police Lane.***

A4. [LTC] 2019 Australian SLS IRB Championships

That the proposed IRB Championships at Kingscliff on Thursday 11 July 2019 through to Sunday 14 July 2019 be supported subject to:

1. ***NSW Police approval being obtained.***
2. ***Endorsement of the event by the Kingscliff Chamber of Commerce and affected businesses.***
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 including a letterbox drop to directly affected residents.***
5. ***The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.***
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 and select 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 and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) 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.***

A6. [LTC] Illegal Camping at Coral Street, Tweed Heads

That the Committee supports the installation of "No Parking 11.00pm to 4.00am" signs on Coral Street, Tweed Heads from Boundary Street to Eden Street, including road related areas.

A7. [LTC] Partial Road Closure - Coral Street, Tweed Heads

That the proposed closures of Coral Street, Tweed Heads to facilitate filming activities is supported, subject to modifications to the submitted Traffic Control Plans to enable adequate "u turn" facilities for motorists entering the closed area.

REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 28 February 2019 are reproduced as follows for the information of Councillors.

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 9.30am

PRESENT:

Committee Members: Ms Linda Makejev (via video conference), Roads and Maritime Services of NSW, Snr Constable Chris Davis, NSW Police, Mr Col Brooks on behalf of Mr Thomas George MP, Member for Lismore, Ms Jennifer Brinsmead on behalf of Mr Geoff Provest MP, Member for Tweed, Cr Pryce Allsop from 10.30am (alternate Councillor delegate)

Informal: Mr Ray Clark (Chairman), Miss Alana Brooks, Cr Chris Cherry, Mr Shane Davidson, Mathew Greenwood from 10.14am to 10.19am, Cheryl Jackson and Linda Cooper (Minutes Secretaries).

APOLOGIES:

Mr Geoff Provest MP, Member for Tweed, Mr Thomas George MP, Member for Lismore, Ms Katherine Boulton, Roads and Maritime Services of NSW, Cr James Owen, Ms Judith Finch

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MIN1 [LTC-MIN] Confirmation of Minutes of Previous Meeting held 20 December 2018

ORIGIN:

Roads & Stormwater

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 20 December 2018 be adopted as a true and accurate record of proceedings of that meeting.

SCHEDULE OF OUTSTANDING RESOLUTIONS

SCH1 [LTC-SOR] Schedule of Outstanding Resolutions - 28 February 2019

From Meeting held 28 February 2019

There are no Outstanding Resolutions for meeting held 28 February 2019.

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Tweed Food Fest Saturday 18 May 2019

ORIGIN:

Roads & Stormwater

FILE NO: ECM 5732614: Traffic - Committee: Festivals/Events - Other: Roads - Closures - Murwillumbah: Proudfoots Lane: Nullum Street: Wollumbin Street: Brisbane Street: Murwillumbah Street.

SUMMARY OF REPORT:

Applicant's Information:

The Tweed Foodie Fest has an approval in place for a road closure on Murwillumbah Street, from Brisbane Street to Commercial Road between 7am and 11pm on Saturday 18 May 2019. This application seeks to reduce the closure on Murwillumbah Street from Police Lane to Commercial Road. This follows consultation with adjacent businesses. The applicant has submitted Traffic Control Plans that no longer include traffic control persons.

The Organiser is also applying for a road closure in Proudfoots Lane, between Brisbane Street and Nullum Street from 12noon -11pm. Proudfoots Lane will be used for markets and buskers.

Affected businesses have been consulted and they are in support of the street closure. NSW Ambulance, SES, Murwillumbah Hospital have also been consulted and we are waiting for confirmation from the NSW Fire Brigade.

Lock It Down Traffic Management will implement the Traffic Control Plan and Eximm Security company will be engaged for the bar. Mount Warning Tours will supply a bus for each end of the street to act as vehicle impact barriers.

As the lighting in the lane is poor, a soft tower light will be provided as used at the Hastings Point event.

BP Surveys have given permission for use of the drive through access for emergency vehicles from Murwillumbah Street.

Observations have shown that Proudfoots Lane can have vehicles parking over night that do not belong to any of the businesses. The option of having a Special Event Clearway has been suggested to ensure overnight vehicles are cleared away.

Officer's Comment:

That the event be supported subject to the Standard Conditions.

RECOMMENDATION TO COUNCIL:

That the proposed Tweed Food Fest on Saturday 18 May 2019 from 12 noon to 11pm be supported, subject to:

1. NSW Police approval being obtained.
2. Endorsement of the event by Murwillumbah Business Chamber, emergency services and affected business owners.
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 including a letterbox drop to directly affected residents.
5. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
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 and select 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 and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) 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.
15. The Traffic Control Plan for the road closure of Murwillumbah Street associated with Tweed Foodie Fest be modified to include "u turn" facilities on Murwillumbah Street at Police Lane.

FOR VOTE - Mr Col Brooks on behalf of Mr T George, MP Member for Lismore, Ms Linda Makejev, Roads & Maritime Services, Snr Constable Chris Davis

PRESENT. DID NOT VOTE - Ms Jennifer Brinsmead on behalf of Mr G Provest, MP Member for Tweed

A2 [LTC] Tweed Food Fest Saturday 21 September 2019

ORIGIN:

Roads & Stormwater

FILE NO: ECM5770838 Application for Temporary or Partial Road Closure Including Road Related Areas. Traffic - Committee: Festivals/Events - Other: Roads - Closures - Murwillumbah: Proudfoots Lane.

SUMMARY OF REPORT:

Applicant's Information:

Tweed Food Fest Inc. are applying for a road closure for the Spring Tweed Foodie Fest. They are seeking approval to close Proudfoots Lane between Brisbane Street and Nullum Street from 12noon -11pm on Saturday 21 September 2019.

Officer's Comment:

That Standard Conditions be applied for approval.

RECOMMENDATION TO COUNCIL:

That the proposed Tweed Food Fest on Saturday 21 September 2019 from 12 noon to 11pm be supported, subject to:

- 1. NSW Police approval being obtained.**
- 2. Endorsement of the event by the Murwillumbah Business Chamber, emergency services and affected businesses owners.**
- 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 including a letterbox drop to directly affected residents.**
- 5. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.**
- 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 and select 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 and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) 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 - Mr Col Brooks on behalf of Mr T George, MP Member for Lismore, Ms Linda Makejev, Roads & Maritime Services, Snr Constable Chris Davis
PRESENT. DID NOT VOTE - Ms Jennifer Brinsmead on behalf of Mr G Provest, MP Member for Tweed

A3 [LTC] Tweed Food Fest Saturday 7 December 2019

ORIGIN:

Roads & Stormwater

FILE NO: ECM5777539 Application for Temporary or Partial Road Closure Including Road Related Areas. Traffic - Committee: Festivals/Events - Other: Roads - Closures - Murwillumbah: Murwillumbah Street.

SUMMARY OF REPORT:

Applicant's Information:

The Tweed Foodie Fest Inc. are seeking approval for a road closure on Murwillumbah Street, from Police Lane to Commercial Road between 2pm and 11pm on Saturday 7 December 2019.

RECOMMENDATION TO COUNCIL:

That the proposed Tweed Food Fest on Saturday 7 December 2019 from 12 noon to 11pm be supported, subject to:

1. NSW Police approval being obtained.
 2. Endorsement of the event by Murwillumbah Business Chamber, emergency services and affected businesses owners.
 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 including a letterbox drop to directly affected residents.
 5. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
 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 and select 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 and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) 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.
15. The Traffic Control Plan for the road closure of Murwillumbah Street associated with Tweed Foodie Fest be modified to include "u turn" facilities on Murwillumbah Street at Police Lane.

FOR VOTE - Mr Col Brooks on behalf of Mr T George, MP Member for Lismore, Ms Linda Makejev, Roads & Maritime Services, Snr Constable Chris Davis

PRESENT. DID NOT VOTE - Ms Jennifer Brinsmead on behalf of Mr G Provest, MP Member for Tweed

A8 Mooball Street, Murwillumbah moved to Section B - Item B5

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A4 [LTC] 2019 Australian SLS IRB Championships

ORIGIN:

Roads & Stormwater

FILE NO: ECM5772157 2019 Australian SLS IRB Championships

SUMMARY OF REPORT:

Applicant's Information:

A detailed Traffic Management Plan has been submitted for this event to be hosted by Cudgen Headland Surf Life Saving Club. There are no road closures associated with this event but there will be traffic controllers directing event goers to the designated event parking spaces.

The purpose of the event is to bring together the Surf Life Saving national movement and the community in a safe and spirited celebration of life saving traditions, culture and sport. The Australian and Interstate Inflatable Rescue Boat (IRB) Championships are an opportunity for the best IRB crews from across the country to compete against each other over one action-packed long weekend promoting the skills required to complete a successful IRB rescue.

To be held for four days (Thursday 11 July 2019 through to Sunday 14 July 2019). It is anticipated that approximately 1,500 competitors and 1,000 spectators will attend the event across these four days.

Officer's Comment:

The event organisers have also requested a temporary 40km/h speed zone in this precinct for the duration of the event.

It was considered that a temporary 40km/h speed zone may not necessarily address the expected issues associated with this event and the event organisers should address expected pedestrian high volumes associated with the event and their Traffic Management Plan which may include traffic marshalls and appropriate signage.

RECOMMENDATION TO COUNCIL:

That the proposed IRB Championships at Kingscliff on Thursday 11 July 2019 through to Sunday 14 July 2019 be supported subject to:

1. **NSW Police approval being obtained.**
2. **Endorsement of the event by the Kingscliff Chamber of Commerce and affected businesses.**
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 including a letterbox drop to directly affected residents.**
5. **The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.**
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 and select 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 and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) 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 - Ms Jennifer Brinsmead on behalf of Mr G Provest, MP Member for Tweed, Ms Linda Makejev, Roads & Maritime Services, Snr Constable Chris Davis, Cr Pryce Allsop

PRESENT. DID NOT VOTE - Mr Col Brooks on behalf of Mr T George, MP Member for Lismore

A5 Kennedy Drive, Tweed Heads moved to Section B - Item B6

A6 [LTC] Illegal Camping at Coral Street, Tweed Heads

ORIGIN:

Roads & Stormwater

FILE NO: ECM5779169 Memo dated 15 January 2019.

SUMMARY OF REPORT:

Council's Compliance Unit has been in receipt of numerous complaints regarding illegal camping in the road related areas of Coral Street, Tweed Heads. A check of Council's records has revealed that Council's Compliance Unit has received Thirteen (13) complaints from the 20 February 2018 that refers to illegal camping within the road related areas of Coral Street, Tweed Heads.

Council's Compliance Unit is now requesting that the Traffic Advisory Committee consider the installation of No Parking Signs (11.00pm to 4.00am) from the intersection of Boundary Street and Coral Street to meet up with the existing installed No Parking signage on the Northern end of Coral Street.

RECOMMENDATION TO COUNCIL:

That the Committee supports the installation of "No Parking 11.00pm to 4.00am" signs on Coral Street, Tweed Heads from Boundary Street to Eden Street, including road related areas.

FOR VOTE - Ms Jennifer Brinsmead on behalf of Mr G Provest, MP Member for Tweed, Ms Linda Makejev, Roads & Maritime Services, Snr Constable Chris Davis, Cr Pryce Allsop

PRESENT. DID NOT VOTE - Mr Col Brooks on behalf of Mr T George, MP Member for Lismore

A7 [LTC] Partial Road Closure - Coral Street, Tweed Heads

ORIGIN:

Roads & Stormwater

FILE NO: ECM 5779092; Traffic - Committee; Filming in the Shire; Roads - Closures - Temporary including Traffic; Coral Street

SUMMARY OF REPORT:

Request received for partial closure of Coral Street, Tweed Heads to support filming activities.

This is a confidential item to be discussed at the meeting.

Applicant's Information:

To be confirmed at the meeting.

Officer's Comment:

At its meeting held on 21 February 2019, Council indicated that it:

"Supports the proposed road closure of Coral Street, Tweed Heads as outlined in this report and subject to standard conditions of approval:

- a) *Local Traffic Committee and NSW Police approval being obtained.*
- b) *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
- c) *Stakeholder consultation, including a letterbox drop to directly affected residents.*
- d) *Adequate public liability insurance being held by Production Company.*
- e) *All signage erected for the filming activity to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the activity.*
- f) *Consultation with emergency services and any identified issues addressed."*

Council's Internal Auditor, Mathew Greenwood, attended the meeting from 10.14am to 10.19am to discuss this item and the Code of Conduct in relation to the in confidence status of this item.

RECOMMENDATION TO COUNCIL:

That the proposed closures of Coral Street, Tweed Heads to facilitate filming activities is supported, subject to modifications to the submitted Traffic Control Plans to enable adequate "u turn" facilities for motorists entering the closed area.

***FOR VOTE - Ms Jennifer Brinsmead on behalf of Mr G Provest, MP Member for Tweed, Ms Linda Makejev, Roads & Maritime Services, Snr Constable Chris Davis
PRESENT. DID NOT VOTE - Mr Col Brooks on behalf of Mr T George, MP Member for Lismore***

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE - MURWILLUMBAH

B1 [LTC] Bakers Road, Byangum

ORIGIN:

Roads & Stormwater

FILE NO: ECM5687631: Traffic - Committee: Weight of Vehicles: Bakers Road, Byangum.

SUMMARY OF REPORT:

Applicant's Information:

The applicant would appreciate if the 'Traffic and Road Safety Committee' consider requesting a vehicle weight limit of 14.5 tonnes on Bakers Road in Byangum.

The road has many blind corners, trees near the edge of the road and steep drop offs. Recently there has been an increase in very large water tankers using this road and making it extremely dangerous.

There has been some feedback on social media about how this road has become more dangerous.

Attached is a heavy vehicle trip planner showing the recommended route through Murwillumbah. It also shows some of the tight blind corners on Bakers Road.

Officer's Comment:

There is no evidence of the increase in heavy vehicle movements on Bakers Road and it is recommended that traffic volumes surveys be carried out to determine the actual number of heavy vehicles. However, it would be unlikely that heavy vehicles would use this road to bypass Murwillumbah town centre. Google Maps indicates that it would take longer and increased distance using Bakers Road to get to the roundabout at Alma Street at Tweed Valley Way.

COMMITTEE ADVICE:

That:

- 1. Traffic surveys be carried out on Bakers Road, Byangum to determine the extent of heavy vehicle use and these surveys be brought back to the Committee upon completion.**
 - 2. The item of Bakers Road, Byangum be added to the Schedule of Outstanding Resolutions.**
-

B5 [LTC-LATE] Mooball Street, Murwillumbah

ORIGIN:

Roads & Stormwater

FILE NO: ECM5784781 Email from Mt St Patrick Primary School Parent Forum

SUMMARY OF REPORT:

Applicant's Information:

Parents have been issued infringements for parking in the No Parking zone on Mooball Street adjacent to Mt St Patrick Primary School.

The current signage enable vehicles to park for two (2) minutes and for the driver to be no greater than 3m from the vehicle.

The Assistant Principal advises that some new parents of kindergarten children are leaving the car unattended and escorting the children to the School.

Upon Council's investigation, it appears that all infringements have been properly issued and to date, Council has had no drivers challenge the parking fines or requesting a review.

The applicant, on behalf of the Parish School Forum, requests that the current No Parking 8am to 9am be changed to 5 minute parking between those hours.

Officer's Comment:

The existing "No Parking" was determined in consultation with the Catholic Education Road Safety Officer. There are concerns that installing five (5) minute parking may result in the zone not being used as its intention, being to provide a safe drop off area adjacent to the School which caters for a high volume of traffic.

The proposed change to five (5) minute time limit is not supported and it is recommended that parents be informed on the intention and meaning of the current signage.

Cr Pryce Allsop arrived at the meeting at 10.30am.

The Chairperson advised that this item should be moved to the B Section of the Minutes.

COMMITTEE ADVICE:

That:

- 1. The request to change the existing No Parking signage on Mooball Street, Murwillumbah, adjacent to Mt St Patricks School to five (5) minute parking is not supported and recommend that the Road Safety Officer provide information to the school on best parking practices.**
- 2. The existing No Parking signs on Mooball Street, Murwillumbah adjacent to the school have an additional advisory template applied explaining the meaning of "no parking".**

GENERAL TRAFFIC ADVICE - TWEED HEADS

B2 [LTC] Cudgen Road, Cudgen

ORIGIN:

Roads & Stormwater

FILE NO: ECM5739405 inwards letter

SUMMARY OF REPORT:

Applicant's Information:

A longtime resident of Cudgen Village is bringing to Council's attention the increase in traffic volume and noise due to population and business growth. Claims are that vehicle's speed, especially after dark. Motorists are totally disregarding the 60kph limit from Cudgen Road / Tweed Coast Road intersection, to the 80kph sign just past Collier Street. More traffic and noise will occur with new Cudgen housing developments and the hospital construction.

The applicant would appreciate anything that Council could do to reduce traffic noise - perhaps a speed limit sign of 50kph through the Village.

Officer's Comment:

There is a reasonable argument based on the RMS guide to speed limits that Cudgen Road from Tweed Coast Road to Collier Street should be posted at 50 km/h therefore advice should be sought from the RMS on the appropriate speed limit for this section of the road.

COMMITTEE ADVICE:

That:

- 1. The request to reduce the speed limit on Cudgen Road, Cudgen to 50km/h between Collier Street and Tweed Coast Road is not supported as it does not meet the Roads and Maritime Services' warrants.**
 - 2. The speed limit on Cudgen Road, Cudgen be reviewed, should further adjacent development be forthcoming on Cudgen Road.**
 - 3. Council's speed advisory radar be placed on Cudgen Road, Cudgen within the zone to remind motorists of the prevailing speed limit.**
 - 4. A speed "60" pavement marking stencil be installed on Cudgen Road, Cudgen approaching the village from the west.**
-

B3 [LTC] Minerva Court, Banora Point

ORIGIN:

Roads & Stormwater

FILE NO: ECM5751398 and ECM 5757023 emails - Parking at Minerva Court, Banora Point.
ECM5752597 - community letter and petition

SUMMARY OF REPORT:

Applicant's Information:

School students are parking on both sides of Minerva Court, affecting resident safety by restricting access to the Court and to Lakeside Walk for large vehicles such as Fire Trucks and Ambulances. Mr Hammond requests restrictions to one side only, and preferably time limited to about 2 hours. These restrictions must also be applied to Liberty Place, as the problem will just move to there. Council Inspectors have just visited the area and have issued some fines for illegal parking in which they should be consulted about this situation. The local college provides ample student parking.

There is also a submission of a community letter and petition.

Officer's Comment:

During several site inspections there was evidence of a number of student vehicles parked in this area. Most of the vehicles were parked according to the road rules. However, the parking did reduce the cul-de-sac to one lane. This did not cause a significant issue as the traffic volumes are very low. Council parking inspectors have patrolled this area and issued some infringements for parking in the wrong direction and too close to the intersection.

During the middle of the day the public car park adjacent to Doyle Avenue and Machinery Drive was one third full. Discussions with the school revealed that although students are encouraged to use the public car park, congestion at school pick up and drop times and associated delays deter students from parking in the car park.

COMMITTEE ADVICE:

That:

- 1. Installing time limited parking on residential streets such as Winders Place and Minerva Court, Banora Point would mean that residents and their visitors would also be time limited when parking adjacent to their house. Generally, time limited parking is not supported in residential areas.**
 - 2. Parking inspectors are requested to include the Winders Place and Minerva Court precinct in their regular patrols.**
 - 3. Council trials the partial removal of the concrete centre median on Doyle Avenue to allow vehicles to turn right from the public car park onto Doyle Avenue.**
-

B4 [LTC] Terranora Road, Banora Point

ORIGIN:

Roads & Stormwater

FILE NO: ECM5687463 email from Alan Downes requesting a yellow no parking strip on Terranora Road, Banora.

SUMMARY OF REPORT:

Applicant's Information:

The applicant requests Council paint a yellow "no parking" strip on Terranora Road, at the intersection of Pacific Drive, Banora Point. There have been near misses with vehicle collisions due to the fact that vehicles are being parked on Terranora Road too close to Pacific Drive.

These vehicles block the line of sight for vehicles attempting to enter Terranora Road from Pacific Drive and the matter is made worse by vehicles exceeding the speed limit in both directions on Terranora Road. The applicant believes that the intersection has always been a place for an accident waiting to happen.

That predictable accident has occurred with a major collision at the intersection, causing chaos for local residents and motorists. Accordingly, I now make another request for Council to have a yellow line painted in the interests of safety.

Ideally, the placement of speed cameras near Johnston Street would be a solution to speeding motorists who treat Terranora Road as a private speedway.

Officer's Comment:

Photos will be submitted for discussion at the meeting.

COMMITTEE ADVICE:

That the installation of prohibitive parking on Terranora Road, Banora Point to the approaches of Pacific Drive is not supported as it is considered that appropriate sight distance is available when vehicles are parked near the intersection.

B6 [LTC] Kennedy Drive, Tweed Heads

ORIGIN:

Roads & Stormwater

FILE NO: TRA19/0003

SUMMARY OF REPORT:

Applicant's Information:

The applicant has requested yellow lines to be painted on road outside 33 Kennedy Drive. Cars are trying to exit Second Avenue onto Kennedy Drive often have to "floor" it or quickly pull back in to kerb due to other cars travelling more than 50km/h along Kennedy Drive. There is a bend which restricts view hence why drivers need to floor it or pull back in.

Officer's Comment:

There has been one 'left near' injury crash in 2014 at this intersection. There are give-way lines on Second Avenue and the sight distance to the right is approximately 45m.

The Chairperson advised that this item should be moved to the B Section of the Minutes.

Sight distance at the intersection is considered adequate for a Give Way sign and concerns were raised in relation to the constraints for installing an acceleration lane from Second Avenue into Kennedy Drive.

COMMITTEE ADVICE:

That:

- 1. A concept design be submitted for the Committee's consideration, showing an acceleration lane installed on Kennedy Drive from Second Avenue, Tweed Heads.**
- 2. The item of Kennedy Drive, Tweed Heads be added to the Schedule of Outstanding Resolutions.**

Next Meeting:

The next meeting of the Local Traffic Committee will be held 28 March 2019 in the Mt Warning Meeting Room commencing at 9.30am.

There being no further business the Meeting terminated at 12.10pm.

EXECUTIVE LEADERSHIP TEAM COMMENTS:

A1. [LTC] Tweed Food Fest Saturday 18 May 2019

Nil.

A2. [LTC] Tweed Food Fest Saturday 21 September 2019

Nil.

A3. [LTC] Tweed Food Fest Saturday 7 December 2019

Nil.

A4. [LTC] 2019 Australian SLS IRB Championships

Nil.

A6. [LTC] Illegal Camping at Coral Street, Tweed Heads

Nil.

A7. [LTC] Partial Road Closure - Coral Street, Tweed Heads

Nil.

EXECUTIVE LEADERSHIP TEAM RECOMMENDATIONS:

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A1. [LTC] Tweed Food Fest Saturday 18 May 2019

That the proposed Tweed Food Fest on Saturday 18 May 2019 from 12 noon to 11pm be supported, subject to:

1. ***NSW Police approval being obtained.***
2. ***Endorsement of the event by Murwillumbah Business Chamber, emergency services and affected business owners.***
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 including a letterbox drop to directly affected residents.***
5. ***The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.***
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 and select 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 and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) 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.*
15. *The Traffic Control Plan for the road closure of Murwillumbah Street associated with Tweed Foodie Fest be modified to include "u turn" facilities on Murwillumbah Street at Police Lane.*

A2. [LTC] Tweed Food Fest Saturday 21 September 2019

That the proposed Tweed Food Fest on Saturday 21 September 2019 from 12 noon to 11pm be supported, subject to:

1. *NSW Police approval being obtained.*
2. *Endorsement of the event by the Murwillumbah Business Chamber, emergency services and affected businesses owners.*
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 including a letterbox drop to directly affected residents.*
5. *The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
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 and select 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 and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) 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.*

A3. [LTC] Tweed Food Fest Saturday 7 December 2019

That the proposed Tweed Food Fest on Saturday 7 December 2019 from 12 noon to 11pm be supported, subject to:

- 1. NSW Police approval being obtained.*
- 2. Endorsement of the event by Murwillumbah Business Chamber, emergency services and affected businesses owners.*
- 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 including a letterbox drop to directly affected residents.*
- 5. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
- 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 and select 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 and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) 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.*
- 15. The Traffic Control Plan for the road closure of Murwillumbah Street associated with Tweed Foodie Fest be modified to include "u turn" facilities on Murwillumbah Street at Police Lane.*

A4. [LTC] 2019 Australian SLS IRB Championships

That the proposed IRB Championships at Kingscliff on Thursday 11 July 2019 through to Sunday 14 July 2019 be supported subject to:

- 1. NSW Police approval being obtained.*
- 2. Endorsement of the event by the Kingscliff Chamber of Commerce and affected businesses.*

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 including a letterbox drop to directly affected residents.**
5. **The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.**
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 and select 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 and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) 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.**

A6. [LTC] Illegal Camping at Coral Street, Tweed Heads

That the Committee supports the installation of "No Parking 11.00pm to 4.00am" signs on Coral Street, Tweed Heads from Boundary Street to Eden Street, including road related areas.

A7. [LTC] Partial Road Closure - Coral Street, Tweed Heads

That the proposed closures of Coral Street, Tweed Heads to facilitate filming activities is supported, subject to modifications to the submitted Traffic Control Plans to enable adequate "u turn" facilities for motorists entering the closed area.

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] Application Under Business Investment Policy

REASON FOR CONFIDENTIALITY:

Local Government Act

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

- (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.

mhm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.5 Economic Development - To support the local economy and attract new business and employment to the Tweed.

ROLE: **Leader**

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C2 [PR-CM] Class 1 Appeal - Development Application DA18/0001 for a Rural Land Sharing Community Comprised of 13 Dwelling Sites Over 5 stages at Lot 1 DP 1054943; No. 54 Wallum Court Clothiers Creek

REASON FOR CONFIDENTIALITY:

The report concerns legal matters that could influence the appeal process.

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.

mhm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] Proposed Disposal of Council Land - 218 Kennedy Drive, Tweed Heads West

REASON FOR CONFIDENTIALITY:

The commercial terms of sale of this property are to remain confidential.

Local Government Act

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

mbm



Behind the scenes

Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**
