



# **AGENDA**

## **OPERATIONS COMMITTEE MEETING Wednesday 14 December 2005**

**Chairman: Mr Garry Payne**

**Administrators: Mr Garry Payne  
Ms Lucy Turnbull  
Mr Max Boyd**

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## ITEMS FOR CONSIDERATION OF THE COMMITTEE:

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**CONFIRMATION OF MINUTES**

**Minutes of the Operations Committee Meeting held Wednesday 30 November 2005**

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. Minutes of the Operations Committee meeting held on Wednesday 30 November 2005. (DW 1306385).
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**REPORTS THROUGH THE ACTING GENERAL MANAGER**

**REPORTS FROM DIRECTOR GOVERNANCE & CORPORATE SERVICES**

**1 [GC] Tweed Community Kenya Mentoring Program - Stage 3**

**ORIGIN:**

**General Manager**

**SUMMARY OF REPORT:**

At its meeting of the 21 September 2005 Council endorsed the Tweed Community - Kenya Mentoring Program Stage 3 Operational Plan 2005 - 2010. This is the first report since initiation of Stage 3 of the Program. The report has been prepared both from the Kenyan Desk and by Council.

**RECOMMENDATION:**

**That Council:-**

- 1. Notes the contents of this report.**
- 2. Forwards the report to the International Riverfoundation for its information.**

## **REPORT:**

At its meeting of the 21 September 2005 Council endorsed the Tweed Community - Kenya Mentoring Program Stage 3 Operational Plan 2005 - 2010. At that meeting Council also resolved to accept the offer from the International Riverfoundation to administer the program funds, to transfer \$10,000 to the International Riverfoundation "Tweed Mentoring Account" from Council's Catchment Water Quality Program and to endorse the Memorandum of Understanding.

The Operational Plan requires the Mentoring Program desk in Kenya, and Tweed Shire Council to provide progress reports on a quarterly basis.

## **REPORT FROM TWEED COMMUNITY KENYA MENTORING PROGRAM DESK AT GNet:**

The following report has been submitted from the Kenyan desk covering the period for October and November 2005.

### **1. Introduction**

The stage three of the TSC-Kenya mentoring partnership program that was launched in September 2005 officially begun in October 2005 with a partnership desk at GNet ( a local NGO) in Kenya. The overall aim of the partnership in this stage is to improve water and environmental sanitation through awareness, engagement and intervention, using the TSC model, targeting Nairobi river catchment's in the Dagoretti Division of Nairobi District and kikuyu area of Kiambu District.

In the month of October 2005 the program was able to get into Dagoretti division and make contacts with key Governmental and Non Governmental agencies, community groups and individuals. In the month of November the program mainly undertook follow-up meetings that sought to raise awareness on factors that would lead to successful environmental conservation, water and sanitation. The month of November also saw meetings being held with some of the youth groups in Dagoretti, Kibera and Kiambiu with the view to hold a "soccer for environment awareness" tournament early December.

#### *Over view of Dagoretti and Nairobi river catchment's*

Nairobi has its source in the Ngong and Thogoto forests (partly within Kiambu District and the other part in Nairobi District) – the various streams that include the ondiri swamp and the kikuyu springs - that today is a scene of severe human activities in the form of agriculture and settlement activities. The Nairobi River Basin and catchments stretches from the Ngong forest and the Karen area to Kibera, Westlands and the city of Nairobi. Thus Dagoretti area which is 15 km west of the city of Nairobi includes areas such as Riruta-satellite, Gachui, Waithaka, Mutuine, Rithimitu, Kawangware and parts. Dagoretti area is poor and densely populated with an estimated population of almost 800, 000/- some of the issues one would notices besides heavy settlement in the area are indiscriminate waste disposal, problems of human waste (lack of sewerage, few pit latrine), poor drainage, the many slum settlements, over cultivation of the catchments area of kikuyu and the cutting down of trees. There are also small scale industrial and



business activities affecting the area – the Dagoretti abattoir and various market centers of the area have poor waste management facilities. In all the Nairobi river experiences pollution from its source that becomes more severe as it crosses the city of Nairobi. Other than the Nairobi River Initiative, which is a network and consortium of various organizations such as UNEP and NGOs, there isn't any serious initiative towards rehabilitation of this important river.

#### *Water and environment sector*

The government is in the process of implementing changes through water and environmental sector Acts with the view of achieving improved standards. These changes have seen the creation of bodies such as National Environmental Management Authority (NEMA) to coordinate and implement Environmental Management and Coordination Act (EMCA). Also the Water Act 2002 has introduced changes in the sector by creating new institutions to cater separately for Water Services Board (WSB) and Water Resources Management Board (WRMB). The water act has divided the country into seven-7 regions, with water services boards and water resources management in each of the region. Nairobi and its catchments falls within the Nairobi region and has both WSB and WRMB. The WSB undertakes the licensing of water services and has accordingly provided the license to the Nairobi Water and Sewerage Company (NWSC) to provide water services to the city.

## **2. Plans for the Month of October and November 2005**

The following were some of the planned activities for the period:-

- set desk
- make contact and raise awareness on the TSC model
- undertake rapid socio-economic and physical investigation of the area.
- organize soccer for environment awareness
- organize meeting and training
- formation of committee and initiative environmental activities
- undertake fundraising
- undertake to report to partners

## **3. Significant Socio-Economic and Political Occurrence in the Period**

The main socio-economic and political event in the period and which had an impact on this partnership program was the Kenya constitutional debate.

*Kenya constitutional debate* - The debate for a new constitution to replace the current one that was made in 1960 and then Kenya's independence three years has been raging in the country for past 15 years. This culminated in Constitution of Kenya Review Commission (CKRC) going around the country to collect views of Kenya on proposed constitution. This was followed by stormy meetings of delegate representing different interests, ethnic, political and also religion from all over the country who met constitution assembly at Bomas in Nairobi to discuss the views and the result was a Bomas Draft proposal for Constitution. This draft drew sharp opposition from the government. There were many contentious issues and significant ones included the excessive powers the Presidents of Kenya have enjoyed under the current constitution that many saw as the source of corruption and abuse of power; the entrenchment of Muslim Kadhi's court in

the proposed Bomas draft did not go well with many Christians; the proposal to create the post of powerful prime minister as head of government and thus rendering the President ceremonial invited opposition. It was at this point that Bomas proposals were taken over by the government who through the Attorney General Mr. Wako came up with a constitutional draft that is called the Wako Draft Constitution that many view as a diversion from the views of Kenya and the Bomas Draft. A referendum date to vote Yes or No to the Wako was set for 21<sup>st</sup> October 2005 where the government side – the YES camp lost to the NO. The president responded by sacking his entire cabinet and proroguing parliament. As we speak, there is a possibility that the president may call for a snap election, if not able to appoint a satisfactory cabinet soon.

Thus the months of October and November saw a heated campaign and the violence between the supporters of the proposed new constitution (the Yes Banana camp) and the opposition (the NO orange camp). In the country and especially the urban areas like in Nairobi, every other activity and meetings were made secondary to the constitutional debate that had taken a political direction. Since this had been the initial engagement with community and key actions significant to the start for the partnership program, we had to exercise a lot of caution, and not to be drawn into the either side of the political divide. Already some of the development programs were being accused of funding or supporting either side to the detriment of those programs. This is not to say that the proposals and debate were not important frame of reference to the program. The debate around environment and access to what was unanimous as everyone was in agreement that there is a dire need to improve on the water and environmental resources management.

*Famine* - There were also reports of impending famine especially in the Arid areas due to delayed rainfall. In the South western, Eastern and North Eastern parts of Kenya where the communities such as the Maasai, Boranas, Gabra, Somalis, Samburus, Turkanas – predominantly pastoralist- are faced with severe drought. In some areas such as Kitui in Eastern Kenya already small children were reported to be dying and government and agencies in the month had started soliciting for help and mobilizing resources to aid the affected.

#### **4. Progress in the Planned Activities**

##### **4.1 Set Desk**

###### *Open Bank Account & Money Transfer*

GNet agreed to the partnership program usage of their Barclays Bank account at Queensway to facilitate funds transfer. The same was communicated to partners TSC and IRF who obliged by sending the first disbursement of AUD 11 964 or Kshs. 636 805/55 on 31<sup>st</sup> October 2005. Upon receiving this start up funding, the desk was able to setup on its planned activities.

###### *Signing Of Mou 5 October 2005 At The Stanley*

The partnership agreement was officially signed on 5<sup>th</sup> October 2005 at The Stanley hotel in Nairobi. This event was witnessed by a group of holiday makers and rotaritarians from Australia (led by John and Janice of the Murwillumbah Central Rotary), staff at GNet, representative from Thika Rotary in Kenya, and the two partnership desk officers. Also at the signing occasion more soccer boots and shirts donated by the Tweed community were handed over.



**Olita, John, Janice & Mr. Ogola - signing MOU**

*Accounting System*

The program is in the process of developing simple accounting and finance systems for the program. This will be documented in a simple manual to guide financial, accounting and procurement processes within the program. The proposed document will be sent to both partners for comment and feedback.

*Procure Additional Equipment*

The program due to budget limitation only acquired two additional tables and chairs for the two desk officers.

*Roles of the Two Desk Officers*

The main role of the two program desk officers is to see to it that the program is implemented as agreed with TSC and IRF partners. John will oversee the technical implementation and Olita will oversee the community engagement component. John has been, in addition, given the responsibility of managing the accounts and Olita will manage information and communication for the program. Both the officers will be involved in fundraising for the program.

It was observed earlier that there may be a need to have an additional field worker in light of the huge coverage and work that need to be done, and if this is to happen, given the money circumstances than it would have to be done by taking off some amount of money from the allowances of the two desk officers. A proposal for a pay of Kshs 20, 000/ for one additional trainee field worker. But this will have to be further explored and discussed with TSC and IRF.

#### **4.2. Contact and Awareness**

The actual contact with community and other key stakeholders to this partnership program started in September and was stepped up in October with the signing of agreement. This initial contact has been mainly to identify water & environmental issues and raise awareness about the program. This so far has been taking place at two levels, first directed at government agencies and Non governmental agencies and individuals who are significant to this program. The second level has been directly with individuals and community groups at Dagoretti/Kikuyu areas and the other with government agencies and organization that are important to the program. The contacts that so far have been made are as follows.

##### *Contact with Government Agencies and NGOs, Individuals*

National Environmental Management Authority (NEMA) - A body created by law to coordinate and manage all the environmental conservation activities. It is an equivalent of EPA in Australia. Representatives from this agency participated in the discussion in Karen's meeting November 2004. We made contacts once more with Mr. Mbegeria, Director enforcement and compliance and are to schedule a meeting to agree the way forward after 21<sup>st</sup> November 2005. NEMA will be key since it is the authority, in facilitating linkages and support. The program has a chance to access funds from the environmental trust fund to implement some of the projects to be identified later.

Water Boards – The water act 2002 created various water boards to oversee the water resources service deliver and management. The Act has adopted a catchment approach to water resources management and service delivery and Nairobi now falls within the jurisdiction of the Athi river region water boards. Nairobi River is a key tributary of the Athi river that feeds into the Indian ocean. We have made contacts and introduced the program to Professor Gichaga of the Water Resources Regulation Board. An appointment is being sought with the Water Services Board and the Water Trust Fund in last week of November.

Universities – contacts were made with Dr. Waweru Gathumbi - environment scientist, a lecturer at Kenyatta university and who participated at our November 2004 (ref report stage 2) forum. Also contacts with Dr. Muma environmental lawyer, lecturer at University of Nairobi and who participated at our November 2004 forum. Dr. Muma has been very instrumental in the writing of water and environmental legislation for the country, while Dr. Waweru has done extensive research on waste in the Nairobi city.

United Nations – Both the UN-Habitat and United Nation Environment Program(UNEP) have been instrumental in human settlement, water and environmental sanitation initiatives in the region. Program made contact with Mr. Dede of the UNEP who coordinating the Nairobi River Basin Initiative. A follow-up meeting is being sought to explore the possibilities of linkages

Council and government contacts – appointment with Ministry of environment, Ministry of Water, Nairobi water & sewerage company, Nairobi city council – departments of environment and public health are being followed up. This should happen in the last week of November 2005.

Way forward – All the contact and initial discussion are planned to have happened by end of November. This is to be followed by a meeting of above contacts that would critically look at the proposed stage three of the partnership program - formulate an action plan and to mobilize needed resources for the activities planned

*Contact with Community and Individual at Dagoretti*

*Mutuinie* - Mutuinie is one of the sub-location of Dagoretti Division in Nairobi Province. Mutuinie borders Kiambu District, at the edge of Ngong/Thogoto forest and has five villages namely Saigon, Muoroto, Kamwanya, Kirigu and Gitiba. According to an assessment carried out by the St Nicholas Community Development Center (SNDC) in 2004 the population of the area is estimated at 350,000 and is mainly composed of children/ youth and the elderly. SNDC is a homeless children's center that provides a home and support to homeless/orphaned children. The number of children at the center has been on a steady increase with a majority of them coming from Mutuini settlement of Dagoretti Division. There was debate as to whether Mutuini is urban or rural with some people holding the view that the settlement is urban because it is within the influence of Nairobi from a regulatory point of view. Many feel it is rural because of the distinctive way life and issues that made it similar to many rural areas in Kenya. There is small holding farming and a lot of human settlement that has been conducted up to the river and stream bank. The infrastructure is poor and lacking in some of the area to include water and toilet facilities. The most common mode of human waste disposal is through pit latrine. Mutuine is important as the streams that ultimately feed into the Nairobi Dam in Kibera traverse through this settlement from Ngong/Thogoto forest.

The contact were made with Dagoretti for Kid (children rehabilitation center managed by youths), St Nicholas Community Development Center (SNDC), Gitiba women Group, Dagoretti Market Artisans and the Dagoretti market Abattoir. There is already possibility for settlement meeting and workshop. The Dagoretti for Kids have expressed interest in participating in the football tournament.

*Riruta-satellite* – settlement sandwiched between Ngong road and kawagware that is densely populated, and for which the mutuine stream feeding into Kibera' s Nairobi Dam pass through. The area has slum settlements along this stream. The area suffers from poor drainage, waste disposal problem and lack of planning. There are two significant youth environmental initiatives: Vijana kwa Mazingira a youth Community Based Organization of 30 active members for sports and environment conservation involved in garbage collection from households as a business in the city. They own a truck and the Riruta Environmental Group (REG) CBO of 100 youth members for sports and environment conservation involved in garbage collection from households as a business in the city. They are also involved in recycling and own a truck. These two groups are important in reaching out to the wider community and other youth groups in the neighbouring settlements. Already the committee to organize soccer for environment will be meeting at REG on 1<sup>st</sup> December 2005.

**Image 3**



**Aderi, Ouma and members of Riruta Environment Youth Group**

*Kawangware-* a slum settlement in Dagoretti that is surrounded by the affluent Lavington area on one side, Kangemi, Riruta-Satellite and Waithaka area. At the border of Kangemi and Kawangware flows the Nairobi River as it heads towards the city from its source. Along the river in this part there is heavy cultivation in some parts and settlement. Both household and human waste from Kawangware and Kangemi are readily disposed into the river at various points. Contacts made here include Kawangware Youth Network, Kangemi Health Center, Kangemi Women Empowerment, Redcross Youth Initiative and Amref Youth Initiative. The youths have shown great willingness to be involved in sports for environment

*Waithaka, Rithimitu and Gachui-* we are yet to visit and make contact in the areas and this will happen by end of November. We are in the process of following up with Waithaka Youth and Women Environment Network (WAYWEN) group

*Kikuyu-* a settlement on the high slopey areas near the Thogoto forest. Here the various streams that include the Kikuyu spring and the Ondiri springs collect as a source of The Nairobi River. The area is heavily cultivated with small scale farming in maize and beans. There are also livestock rearing. We are in the process of making contacts in the area, which should happen by end of November.

*Kibera -* Kibera is significantly largest slum settlement in Africa, with an area size of 2200 ha and a population of 700, 000. The settlement borders the Nairobi Dam, which up to 1960s was sources of clean drinking water to the city. Nairobi Dam has its sources from the Ngong Forest in Dagoretti and Karen areas, and this transects into Kibera and other settlements from where it receives waste from human settlement. The dam today is choking from waste and water hyacinth. Initiatives are being made by the UN Habitat, the government, UNEP and NGOs to rehabilitate the dam through improved waste management. The TSC- Kenya program has a potential of making a positive contribution. Given our previous work in the settlement, it was not a problem making contacts in the area. Some of the contacts made include:-

Christ the king youth – a catholic in Iaini saba village of Kibera, youths members who particularly campaign against abuses in the village. Have been involved in sports, music and cultural activities. Will be effective in sports for improved environment.

Initiative for sports and culture – youth organization of Kibera for sports but willing to adopt environment conservation as activity. Will be effective in sports for improved environment.

Ushirika wa usafi Iaini saba – a water and environmental sanitation CBO of 300 members in Kibera. There has been previous contact with this group and TSC staff had even donated 200 dollars for the benches for their community hall. This CBO is involved in environmental cleans, supply of water, provision of toilet facilities and has constructed drainages in Iaini saba.

Soweto usafi group – a CBO of 200 members in Soweto village that overlooks the Nairobi dam in Kibera. This CBO is involved in the supply of water and toilet facilities in the village. It is also involved in environmental clean ups.

**Image 4**



**Waste Dump Outside Donyo Market Of Dagoretti**

#### **4.3. Soccer**

Three boxes of soccer has so far been received with one still yet to arrive. Tweed Shire Council gave a donation of 700 AUD or Kshs. 37, 100/- to support in clearance of the boxes at customs and in soccer tournament. So far only Kshs. 14, 500/- has been spent at the customs leaving a balance of Kshs. 22, 600/- to be used in supporting the soccer tournament.

As part of community engagement, various youth groups in Dagoretti and Kibera have been engaged and there is a consensus on holding a football tournament for both boys and girls in the targeted area. The theme of tournament will be around environment. A committee comprising of youth representative from the target area is being constituted and will have its first meeting 1<sup>st</sup> of December to set date and plan days activities. Already from consultation with the youth suggestions have been made for a three day event – one day for soccer, 2<sup>nd</sup> day for environmental lectures and sessions and third final day for finals and prize giving. Among the important dignitaries being proposed to grace the occasion include the Australian Ambassador, Wangari Mathai (legislator, environmentalist and peace laureate winner), Director NEMA and representative from

UN bodies in Kenya and representative from the water boards. We are discussing with NEMA on co-hosting possibilities. Groups who have indicated interest include

Kibera – ISA & Christ the king

Kiambiu youth

Mutuine – Dagoretti 4 kids, Mutuini youth network

Kawangware – Kawangware youth network

Kangemi – Kangemi youth network

Riruta- satellite – REG, Vijana kwa Mazingira na Taka

Waithaka, Gachui, Rithmitu and Kikuyu– Waithaka Youth Environment Network (WAYEN)

Other important contacts – shalom (Jeff), St. Nicholas (Livingstone).

#### **4.4. Rotary links**

This was initiated by the visit of John and Janice early October. We have made follow up with Martin and Valery of Thika Rotary club and have discussed possibility of establishing a long-term relationships. They are making arrangements for us to go and make presentation to the club in December. The only problem is that Thika is outside of Nairobi- 30 km, and we have suggested if also they can help link us with clubs closer to the program area.

#### **4.5. Farmer Links**

Two small scale sugar farmer groups have been contacted at the sugar growing areas of Nyanza province near Lake Victoria in western parts of Kenya. These are in Sony and Muhoroni areas. We have organized visits in December 2005 .

#### **4.6. Fundraising**

The program desk was able to put out the following proposals.

National Civic Education Program (NCEP-2) – titled “*STRENGTHEN DEMOCRATIC AND POLITICAL CULTURE AND PRACTICE OF CBO AND GROUPS WITHIN THE INFORMAL (SLUM) SETTLEMENTS AROUND NAIROBI* – ref. attached copy

Global market place – in the process of being developed deadline is 30<sup>th</sup> November .

More funding opportunities are being explored and follow-ups are being made with potentials partners that include Cord Aid, SIDA(Sweden), CIDA(Canada), UNDPs Community Water Initiative, Ford Foundation and Rockefeller Foundation.

#### **4.7. Plans for the Month of December 2005**

The following are plans for the coming month:-

- Collect more background information about Dagoretti and Nairobi catchments
- Conduct follow up meeting with identified government and non-governmental agencies with aim of conducting at least one workshop in January organize youth “soccer for environment” in Dagoretti early December 2005
- Using TSC model raise awareness through lectures and meeting on factors that would lead to successful management of environment



- Prepare ground for youth, wider community and government and non government agencies to participate in networking meetings, environment task committee formation with view to conduct environmental cleans, tree planting
- Participate in local forums namely the Nairobi River Basin Initiative and the Waste Net
- Step up fund raising

4.8.Financial report.

<b>TSC-KENYA PROGRAM PRELIMINARY STATEMENT OF INCOME &amp; EXPENSES FOR OCT/NOV MONTH AS AT 21/11/05</b>					
cash in			cash out		
date	particulars	amount Kshs	date	particulars	amount Kshs
31/10/05	IRF funds to GNet a/c no. 8567458 at Barclays Bank Nairobi.	637,555.55	31/10/05	bank charges	750.00
			2/11/05	registration- bank account	2,000.00
			2/11/05	October allowance	150,000.00
			2/11/05	nov, dec 05 & Jan 06 rent	45,000.00
			15/11/05	2pcs desk and 2pcs chairs	18,000.00
			21/11/05	oct email & telephone	3,500.00
			21/11/05	photocopy & stationery	1,500.00
				total of expense	<u>220,750.00</u>
				<i>b/f</i>	<u>416,805.55</u>
		<u>637,555.55</u>			<u>637,555.55</u>

**REPORT FROM ACTIONS TAKEN AT TWEED:**

**Webpage**

A program webpage has been developed.

The website will be set-up in a dedicated area within the existing Tweed Shire Council website using the URL <http://www.tweed.nsw.gov.au/kenya>. The website will provide information related to the Tweed Community - Kenya, Mentoring Program including:-

- History of the program
- Program status
- Media releases and newspaper articles
- Latest news
- Newsletters
- Reports
- Photo gallery
- Sponsorship information
- General information on the project

### **Natalie Baker**

Natalie Baker is a scientist currently employed with the Department of Primary Industries in Queensland. Natalie became aware of the Mentoring Program during the International Riversymposium in Brisbane in September 2005. Natalie attended the "twinning" session at the Symposium and subsequently made contact with Council. Natalie has offered her services to the program and intends to work as a volunteer at the Program Desk in Nariboi for 2 months commencing February 2006. Natalie is meeting her own travel cost. Arrangements are currently being finalised to have Natalie hosted by a Rotary Club in Kenya located near Dagoretti which is one of the 2 pilot areas.

Options for providing some allowance to Natalie during her time in Nairobi through community sponsorship are being pursued. Natalie Baker's CV is a confidential attachment to this report.

Prior to going to Kenya Natalie has volunteered ½ day per week to work on identifying funding sources for the International Riverfoundation Twinning Projects, including Tweed's. Natalie will be working out of the IRF offices in Brisbane.

### **Murwillumbah Central Rotary Club "Twinning"**

The Murwillumbah Central Rotary Club have resolved to "twin" with a Nairobi Club. A member of Murwillumbah Central Rotary Club's executive met with the executive of the Kenyan Club during a recent visit to Nairobi. It is through this connection that Natalie's accommodation arrangements are being made.

There has been interest from other individuals offering to volunteer for the program as well. If implemented the model could prove effective in hosting further visits to Kenya and similarly for appropriate Kenyan people involved in the program to be hosted in the Tweed.

### **Tweed Kenya Sports Day**

Council might recall that Stage 3 involves 2 parallel streams being intervention (the technical stream) and education and awareness (the community based stream). As noted in Olita and John's report the youth have been identified as the key group to link the program to the broader community.

"The Great Nairobi River Soccer Tournament" for under 18 years boys and girls has been programmed to take place between the 14, 15 and 16 December 2005. The tournament will be 7 aside and will coincide with environmental sessions, poems and plays themed on the environment. The event will be used to launch the TSC Kenya Program and for the formation of a youth network to link with the community. 40 teams from the 6 villages of Waithaka, Mutoine (Rithimitu and Kikuyu), Riruta-satellite, Kawangware (& Kangemi), Kibera and Kiambiu will compete using the soccer shirts, shoes and socks provided from the Tweed community. The National Environment Management Authority (NEMA) of Kenya has agreed to provide environmental personnel during the tournament. Arrangements are being made through the local member to have an Australian Embassy representative attend the event to represent the Tweed.

Invitations to the Australian Ambassador issued from the Program's Kenyan Desk and the Draft Program of Events for the Tournament is an attachment to this report.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. Natalie Baker's CV (Confidential Attachment) (DW 1309520).
  2. [Letter of Invitation \(DW No. 1310641\)](#)
  3. [Draft Program of Events \(DW No. 1310642\)](#).
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## 2 [GC] Draft Disposal of Assets and Lands Policy

### ORIGIN:

Corporate Performance

### SUMMARY OF REPORT:

A review of Council's Draft Disposal of Assets Policy has been undertaken resulting in the existing document be split into two (2) policies, as follows:

1. Draft Disposal of Assets; and
2. Draft Disposal of Land.

### RECOMMENDATION:

That:

1. The Draft Disposal of Assets Policy; and
2. Draft Disposal of Land Policy be adopted:

#### 1.1 DISPOSAL OF ASSETS

##### Objective

The objective of Tweed Shire's Council's Disposal of Assets Policy ~~and Procedures are is~~ as follows: -

- ~~• To ensure Council at all times complies with Council's Disposal of Assets Policy and Procedures;~~
- To clearly define a framework, responsibilities and procedures guidelines for Council Officers to manage the disposal of assets and scrap materials.

This Policy does not apply to Disposal of Land as there is a separate Disposal of Land Policy.

##### Sourcing Of Council Policy

The Disposal of Assets Policy ~~and Procedure~~ is: -

Listed on the Council's ~~Intranet~~ Intranet and Internet under Policies.

### Legal Requirements

The disposal of goods and services by Council is not prescribed in the Local Government Act other than:

Section 55 of the Local Government Act 1993

This section of the Act does not apply in respect to :-

- ~~☐ • a contract for the sale by Council of land, or~~
- ~~☐ • a contract for the sale of goods by Council at public auction.~~

### ~~Council Policy – Council Land~~

#### ~~Sale~~

~~Council must authorise the sale of land or other property.~~

### Disposal of Land

~~Council will dispose of land or property in accordance with its Policy – Council Land Sale.~~

~~Council Policy requires :-~~

~~Before Council makes any decision to dispose of Council-owned land, the proposal is to be advertised for 21 days and any submissions received as a result of this advertising shall be considered in a report to Council prior to a final decision being made;~~

~~All Council-owned land shall be sold by public auction except in special circumstances as resolved by Council. For the purpose of fixing a price or reserve, Council is to obtain a valuation of the property being sold from a registered qualified valuer operating within the Tweed Council area.~~

### Disposal of Plant, Equipment and Goods

The General Manager has the delegation to authorise the sale of items of plant, equipment and goods.

Internal controls for goods with a value over and under \$1,000 have been developed to manage disposal of assets which includes scrap materials.

#### Value over \$1,000

Council will dispose of plant, equipment and goods with an apparent value of \$1,000 or more by auction or ~~the~~ by invitation of tenders or quotations with the Unit Director or Manager recommending the most appropriate method of disposal. The General Manager must authorise the sale of the item of plant, equipment or goods.

In determining the most appropriate method of disposal, the Unit Director or Manager must evaluate the best value for money return on the item being disposed. The Officer will take into ~~the~~ consideration the costs that Council will incur if the item was being disposed of separately, in comparison to bottom line of change-over price of the replacement item being purchased.

The Council Officer responsible for disposing of the item of plant, equipment or goods must advise the Finance Section – Assets of the item being disposed to enable the Asset Register to be managed effectively and efficiently.

#### Value under \$1,000

The method of disposal of plant, equipment and goods with an apparent value of under \$1,000 shall be at the discretion of the Unit Director or Manager.

Council Officers are to ensure that they determine the most appropriate method of disposing of these assets, managing potential risks of corruption and that the process is documented.

#### Low Value Assets and Scrap Materials

##### Definition

*Consumable materials – sand, gravel, chemicals, paint, turf, hardware items, pavers;*

*Off-cut materials – pipe, cables, timber, plumbing fittings;*

*Recyclable metals- scrap metals, steel posts, brass, street signs; Office Furniture;*

*Technology – IT equipment, mobile phones, cameras, calculators, computers, printers*

Council has identified low value assets and scrap materials as potential targets for misappropriation of its assets. Council Officers will monitor the disposition of low value assets and scrap materials to ensure that no inappropriate activities are being conducted by employees.

#### Disposal of Assets Administration

This policy has identified who is responsible for managing the processes for disposing of the assets.

Council actively encourages employees to come forward when they suspect corrupt conduct or ~~substantial~~ waste of its resources.

Employees are to return from the work site with goods and materials resources that have been purchased and not used on the project. These

items must be placed in the relevant compound or left on vehicles to be used on the next project.

Where Council has established storage facilities for scrap materials, employees are to ensure that surplus goods and materials are placed in the storage facilities upon return to the depot and not left for potential misuse.

~~Council Officers are to conduct on an appropriate basis an audit of technology equipment, such as mobile phones, and cameras, calculators, computers and printers to ensure that the equipment are in the possession of the allocated employee.~~



## **DISPOSAL OF LAND**

### **Objective:**

The objective of Tweed Shire Council's Disposal of Land Policy is as follows:-

- To clearly define a framework, responsibilities and procedures for Council Officers to manage the disposal of land.

### **Sourcing of the Council Policy**

The Disposal of Land Policy is listed on the Council's Intranet and Internet.

### **Legal Requirements**

The disposal of land by Council is not prescribed in the Local Government Act other than:

#### **Section 55 of the Local Government Act 1993**

This section of the Act does not apply in respect to :-

- a contract for the sale of land; and

Council will dispose of land or property in accordance with its Policy - Council Land - Sale.

Council will dispose of all land owned in fee simple under the Real Property Act, 1900 or the Roads Act, 1993 in accordance with this Policy.

### **Real Property Act 1900**

1. Council owned land held in fee simple under the Real Property Act, 1900 shall be disposed of in the following ways:

- (a) by public auction, or
- (b) by public tender,

except in special circumstances as resolved by Council.

1.1 Council shall call for expressions of interest to conduct the auction from auctioneers who have an office established within the Tweed Local Government area. The expressions of interest must be received by Council within fourteen (14) days from the calling. The auctioneer is to be appointed in a manner to be determined by Council.

1.2 Should the process by public auction or public tender not result in a sale, then the land will be listed with at least two (2) local real estate agents.

Council shall call for expressions of interest from real estate agents who have an office established within the Tweed Local Government area. The expressions of interest must be received by Council within fourteen (14) days from the calling. The real estate agents are to be appointed in a manner to be determined by Council

- 1.3 For the purpose of fixing a price or reserve, Council is to obtain a valuation of the property being disposed of from a registered valuer operating within the Tweed Local Government area.
- 1.4 Prior to the resolving to dispose of any Council owned land under the Real Property Act, 1900 Council will advertise its intentions to dispose of the land in a local newspaper and seek written submissions on the proposal to be made within a period of twenty (21) days from the date of the advertisement.

Any submissions received in response to the advertising shall be considered in a report to Council prior to any decision to proceed with disposal of the land.

- 1.5 Where land is to be sold in special circumstances as resolved by Council and before a Contract for the Sale of Land is entered into, the prospective Purchaser may be required to demonstrate to Council that any development proposed for the land is suitable for the site and adheres to the requirements of the current zoning and/or necessary rezoning applications will be pursued by the Purchaser at the Purchaser's expense.

#### **Roads Act 1993 - Disposal**

2. Council owned land held in fee simple under the Roads Act, 1993 includes all roads within the Tweed Local Government area excepting Crown Public Roads and freeways.

The disposal of land under the Roads Act, 1993 will proceed under the provisions of Divisions 1, 2 and 3 of Part 4 of the Roads Act, 1993.

- 2.1 Disposal of land under the Roads Act, 1993 will not require the proposal to be advertised as required for land held under the Real Property Act, 1900.

Disposal of Council owned land under the Roads Act 1993 requires a resolution of Council

**REPORT:**

As per summary.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

1.1 Disposal of Assets Policy - Amendment

1.0 Disposal of Land Policy - New Policy

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**3 [GC] Tweed Heads Southern Boat Harbour Slipway Refurbishment Project**

**ORIGIN:**

**Governance**

**SUMMARY OF REPORT:**

Following a request from the Tweed Economic Development Corporation (TEDC) and the Department of Transport and Regional Services (DOTARS) for an increase in Council's financial contribution, of an additional \$30,000, towards the abovementioned project, due consideration needs to be given to this request.

Within the 2005/2006 budget, expenditure of \$10,000 has been allocated to this project. Due to the importance of this Project, which is fundamental to the future sustainability of the Tweed Marine Industry whilst contributing \$35 million per annum to the Tweed economy and employing directly 165 people, Council should accede to the request for an additional \$30,000 to be allocated to this Project.

Refurbishment of the slipway as proposed, will also address significant environmental management issues that have plagued the Tweed River for decades.

The project is with the Minister for Transport and Regional Services for approval and there is an urgent imperative for the Federal Government to sign off on all projects prior to the 2005 Christmas period in order to meet the 30 June 2006 deadline.

Council is fully aware of the budgetary implications that this request places upon the current financial position and a suitable funding source will need to be determined.

**RECOMMENDATION:**

**That due to the significant ongoing economic importance of the Tweed Heads Southern Boat Harbour Slipway Refurbishment Project, Council confirms its commitment of a total financial contribution of forty thousand dollars (\$40,000) towards the project.**

**REPORT:**

As per the Summary.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Council is fully aware of the budgetary implications that this request places upon the current financial position and a suitable funding source will need to be determined.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## 4 [GC] Code of Meeting Practice

### ORIGIN:

#### Governance

### SUMMARY OF REPORT:

Council's Code of Meeting Practice that was revised in June 2005 sets out the frequency of Council meetings. Section 365 of the Local Government Act, 1993 specifies that Council is required to meet at least 10 times each year, in a different month.

A review of the meeting dates and commencement times for these meetings has taken place for 2006. It is proposed that Council meetings will be held every three (3) weeks, commencing Tuesday, 7 February 2006.

The proposed meeting format:

4.15pm Reserves Trust  
4.30pm Planning Committee (includes Planning Access Session)  
followed by Operations Committee (includes Operations Access Session)  
followed by Community Access Session  
(every 2<sup>nd</sup> meeting)  
followed by Council meeting

A further proposed change is that all reports will be prepared in the Council meeting agenda with appropriate references in the Operations / Planning Committee to the items, to enable discussion and appropriate access to occur.

The proposed meeting dates will result in there being 15 meetings during 2006, with no meeting proposed for 7 November 2006. The frequency of these meetings will satisfy the requirements of Section 365 of the Local Government Act 1993.

### RECOMMENDATION:

**That the Code of Meeting Practice - How Often Does Council Meet - and any other associated sections be amended to cater for the following meeting arrangements:**

#### 1. Format

**Meetings will be held every 3 weeks commencing Tuesday, 7 February 2006:**

**4:15pm Reserves Trust**

**4:30pm**            **Planning Committee (includes Planning Access), followed by Operations Committee (includes Operations Access), followed by:**  
**Community Access every second meeting date**  
**Council Meeting**

**2.            Proposed Dates (note meetings now proposed to be held on Tuesday)**

<b>7 February 2006</b>	<b>Community Access included</b>
<b>28 February 2006</b>	
<b>21 March 2006</b>	<b>Community Access included</b>
<b>11 April 2006</b>	
<b>2 May 2006</b>	<b>Community Access included</b>
<b>23 May 2006</b>	
<b>13 June 2006</b>	<b>Community Access included</b>
<b>4 July 2006</b>	
<b>25 July 2006</b>	<b>Community Access included</b>
<b>15 August 2006</b>	
<b>5 September 2006</b>	<b>Community Access included</b>
<b>26 September 2006</b>	
<b>17 October 2006</b>	<b>Community Access included</b>
<b>7 November 2006</b>	<b>(No Meeting)</b>
<b>28 November 2006</b>	<b>Community Access included</b>
<b>19 December 2006</b>	



**REPORT:**

As per summary.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Code of Meeting Practice - Amendment to Version 1.1.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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5 [GC] Code of Conduct Amendments

**ORIGIN:**

Governance

**SUMMARY OF REPORT:**

A review of Council's Code of Conduct adopted on 6 April 2005 has been conducted in accordance with the Department of Local Government's Circular 05/58 and it is suggested that the document be enhanced with two (2) alterations.

Furthermore, that no review of Section 6.15 - Political Support be undertaken until January 2008.

**RECOMMENDATION:**

That the following amendments (in italics) to the Code of Conduct be approved:

1. **Section 6.6 - Conflict of Interest**  
*Where necessary, you must disclose an interest promptly, fully and in writing on the Disclosure of Interest Form. If a disclosure is made at a council or committee meeting, both the disclosure and nature of an interest must be recorded in the minutes.*
  
2. **Section 8.9 - Meetings with Developers and Consultants**  
*All Council Officials must record details of all meetings relating to development applications or sale of Council Property, which take place with Developers and Consultants on the appropriate form (file note). The record will include information on any meetings with persons who may want to develop or have other matters that should be reported to Council.*  
  
*The appropriate form must be registered in Council's Corporate Records Management system within five (5) days of the meeting.*
  
3. **No review of Section 6.15 be made until January 2008.**

**REPORT:**

A review of Council's Code of Conduct adopted on 6 April 2005 has been conducted in accordance with the Department of Local Government's Circular 05/58 and it is suggested that the document be enhanced with two (2) alterations (refer italics):

**1. Section 6.6 - Conflict of Interest**

Where necessary, you must disclose an interest promptly, fully and in writing *on the Disclosure of Interest Form*. If a disclosure is made at a council or committee meeting, both the disclosure and nature of an interest must be recorded in the minutes.

The Circular states that Council could consider implementing a system of declaration forms and a process for council officials to record any disclosures of interest prior to council and committee meetings.

The Disclosure of Interest form (refer below) has been prepared on information sourced from a number of councils who currently utilise the form.

**2. Section 8.9 - Meetings with Developers and Consultants**

*All Council Officials must record details of all meetings relating to development applications or sale of Council Property, which take place with Developers and Consultants on the appropriate form (file note). The communication will include information on any meetings with persons who may want to develop or have other matters that should be reported to Council.*

*The appropriate form must be registered in Council's Corporate Records Management system within five (5) days of the meeting.*

The above Section in the Code of Conduct is designed to formalise the process of recording meetings with Developers and Consultants relating to Development Applications for the sale of Council property. This information is in addition to any correspondence that may be disseminated between the parties.

Furthermore, that no review of Section 6.15 - Political Support be undertaken until January 2008. It is likely that the Department of Local Government could review this section of the Model Code of Conduct in the lead up to the September 2008 elections.

**DECLARATION OF INTEREST FORM:**

Name of Person declaring interest: \_\_\_\_\_

Matter in which you have an interest: \_\_\_\_\_

Nature of the Interest: \_\_\_\_\_

- Is this interest:          Pecuniary (see s442 of the Local Government Act)  
                                    Non-Pecuniary (see s6.8 of the Code of Conduct)

If this is a pecuniary interest you must comply with Chapter 14 of the Local Government Act.

If this is a non-pecuniary interest you should disclose what action you propose to take (see s6.12 of the Code of Conduct):

Please specify \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I, _____, disclose the above interest and acknowledge that I will take appropriate action as I have indicated above.	Signed:	
	Dated:	/        /
I have noted the above declaration and: <input type="checkbox"/> concur with the action proposed <input type="checkbox"/> do not concur with the action proposed, please explain _____	Director: (Staff only)	
	Dated:	/        /
I have noted the above declaration and: <input type="checkbox"/> concur with the action proposed <input type="checkbox"/> do not concur with the action proposed, please explain _____	General Manager:	
	Dated:	/        /

**CONFLICTS OF INTEREST**

A conflict of interest arises if it is likely that a private interest could conflict, or be seen to conflict, with the performance of your public or professional duties.

It is essential that members of the public, when dealing with our Council, can be confident that when making decisions staff and Councillors are free of any conflicts of interest.

**Conflicts of interest can be of two types:**

1. Pecuniary - An interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated. (*sections 442 and 443*)
2. Non-pecuniary - A private or personal interest the council official has that does not amount to a pecuniary interest as defined in the Act (for example; a friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature). Attention has to be given to ensure that the influence of the non-pecuniary interest does not conflict with the obligation to exercise due diligence in the determination of the matter, or that a reasonable person would believe that the person could be inappropriately influenced.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Code of Conduct - Amendment

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**6 [GC] Monthly Investment Report for Period Ending 30 November 2005**

**ORIGIN:**

**Financial Services**

**SUMMARY OF REPORT:**

This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

**RECOMMENDATION:**

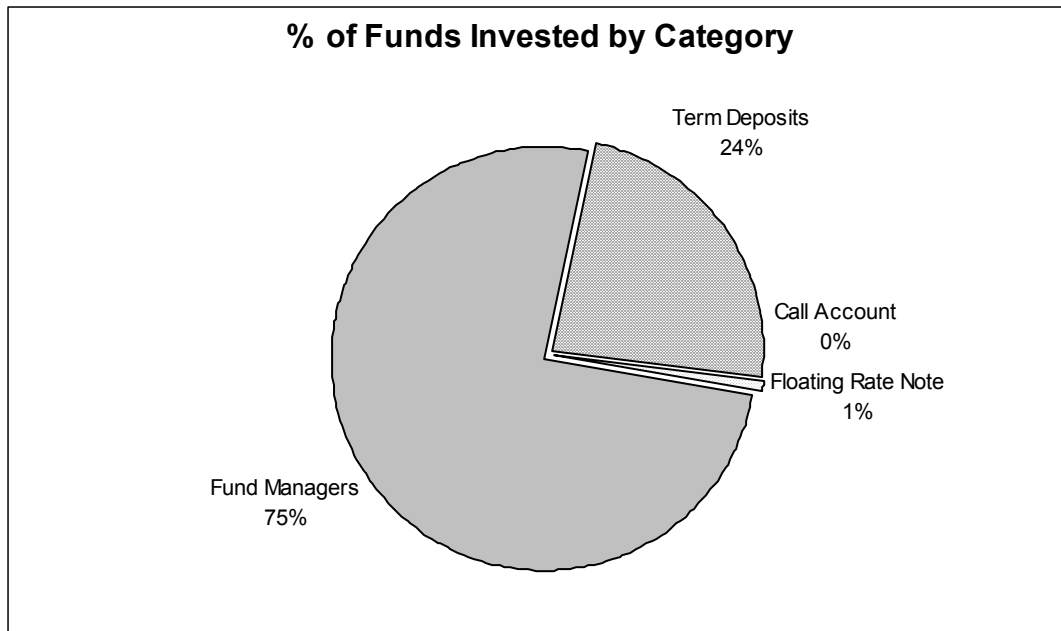
**That this report be received and noted.**

**REPORT:**

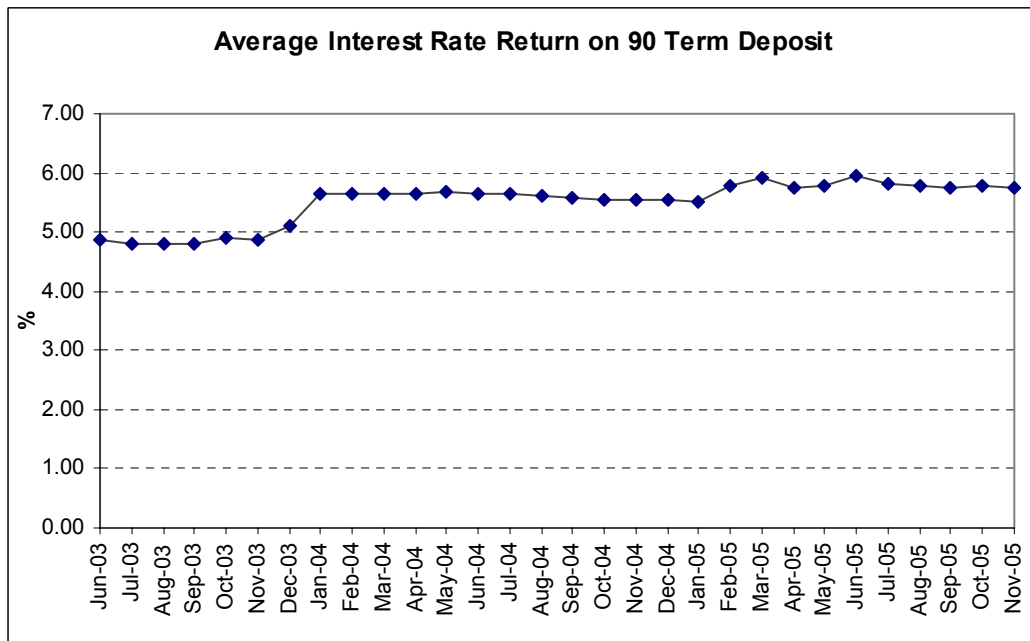
**Report for Period Ending 30 November 2005**

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies.

**1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY**

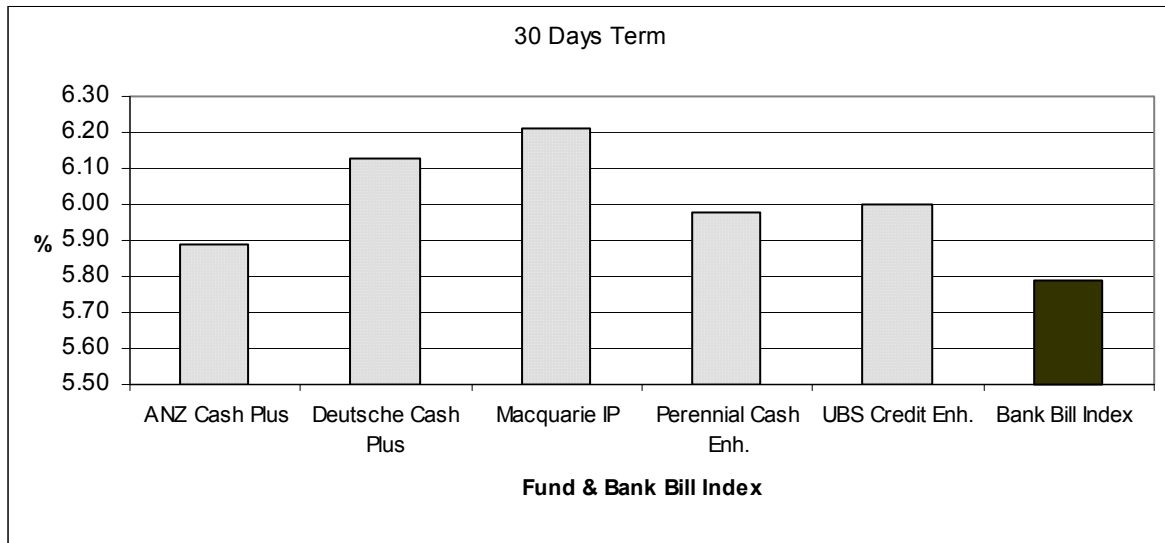


**2. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)**

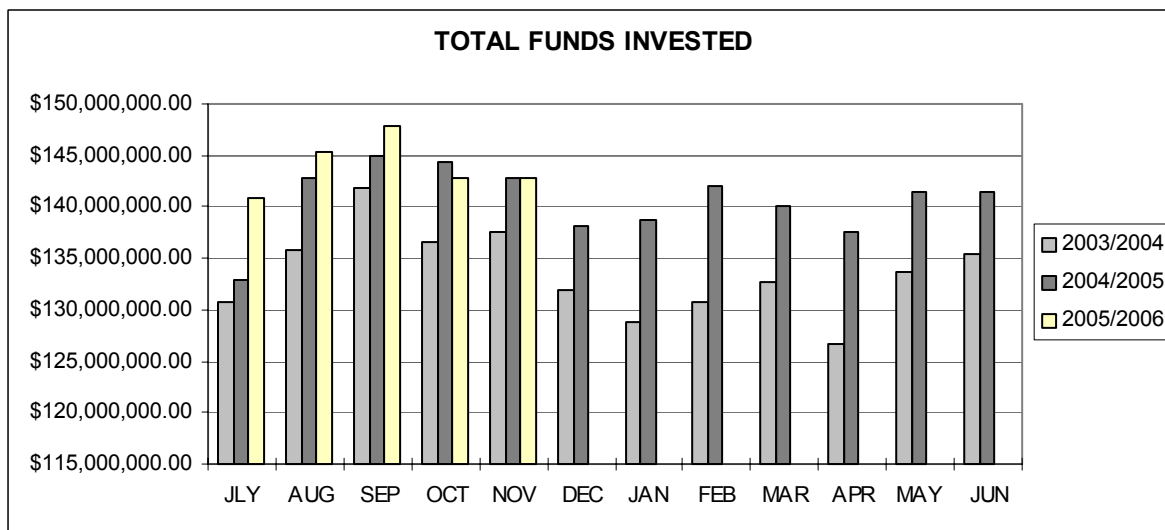




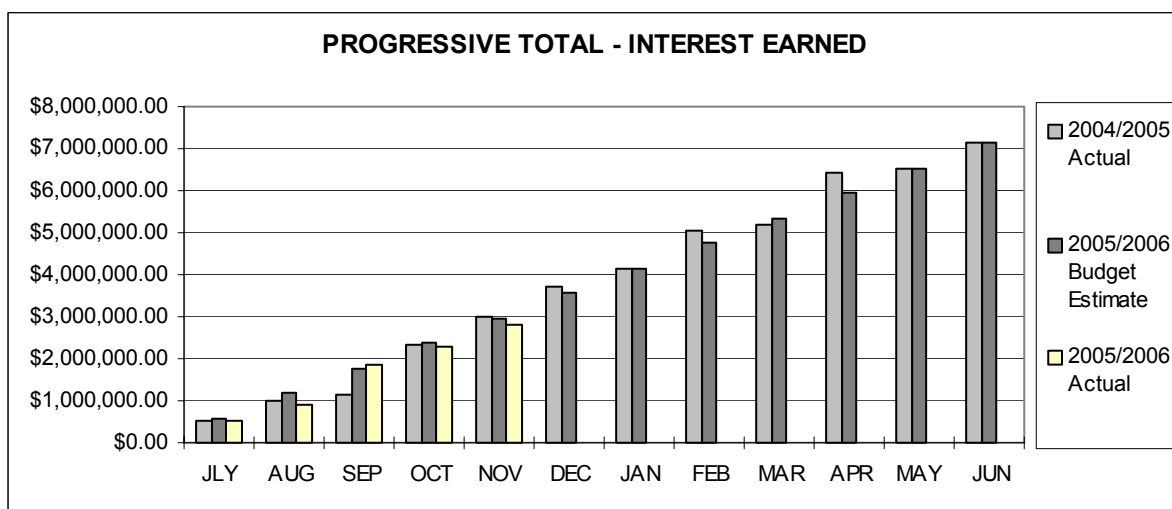
**3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS - NET OF FEES**



**4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED**



**5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED**



**6. MARKET COMMENTARY**

The Reserve Bank of Australia again left interest rates on hold during November and December.

The global economic situation is continuing to provide a favourable environment for the Australian economy. Most regions of the world are experiencing good economic growth this year, with the United States and China in particular performing strongly. There has been a notable improvement in conditions in Japan, where spending by businesses and consumers has strengthened and there has been good progress in winding back the balance sheet excesses that had hampered growth in the past.

Elsewhere, solid growth is being recorded in the east Asian region and in the emerging economies of Eastern Europe and Latin America, with the euro area the only significant weak spot at present. Overall the world economy is likely to record a further year of above-average growth in 2005, and most observers expect this to continue next year.

*Source: Reserve Bank of Australia Statement on Monetary Policy November 2005*

**7. INVESTMENT SUMMARY AS AT 30 NOVEMBER 2005**

**GENERAL FUND**

TERM DEPOSITS	19,282,625.00	
FUND MANAGERS	61,777,264.00	
FLOATING RATE NOTE	0.00	
CALL	0.00	<b>81,059,889.00</b>

**WATER FUND**

TERM DEPOSITS	1,000,000.00	
FUND MANAGERS	28,069,654.71	<b>29,069,654.71</b>

**SEWERAGE FUND**

TERM DEPOSITS	13,500,000.00	
FUND MANAGERS	18,146,926.32	
CALL	0.00	
FLOATING RATE NOTE	1,000,000.00	<b>32,646,926.32</b>

**TOTAL INVESTMENTS** **142,776,470.03**

It should be noted that the General Funds investments of \$81 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.

**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.



**Chief Financial Officer (Responsible Accounting Officer)**

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM ACTING DIRECTOR ENGINEERING & OPERATIONS

### 7 [EO] Kallaroo Bund - Mooball / Crabbes Creek Drainage Union

#### ORIGIN:

**Water**

#### SUMMARY OF REPORT:

On or about May 1992 a bund was constructed across a drainage canal (Capricornia Canal) on Kallaroo Circuit (Road Reserve) by a developer within Byron Shire. The bund comprised an embankment with 2 x 900 mm pipes set at approximately 0m AHD. The bund severely restricted the flow of floodwaters from catchments contained within Tweed Shire and under the Control of the Mooball - Crabbes Creek Drainage Union.

Following various forms of consultation, studies, and threats of legal action by Tweed Shire Council and the Drainage Union against Byron Shire Council, a tri-partied Deed of Agreement was signed (see attachment A) on 28 March 1996.

In April 2005 following a period of exhibition, an LEP amendment was put before Byron Shire Council. This amendment would have allowed the additional drainage cells to be installed in the Bund as their inclusion would increase downstream flood heights which is contrary to the LEP. The Council did not adopt the recommendation for the LEP amendment thus indicating an intention not to proceed with implementation of the Deed of Agreement.

On 30 June 2005 a significant wet weather event caused inundation of residential properties within Byron Shire upstream of the Bund. This has provided the impetus for BSC and the Department of Natural Resources (DNR) to take action to remediate the impacts of the Bund.

#### RECOMMENDATION:

**That Council Officers write to Byron Shire Council advising them that:-**

- 1. Their obligations under the 1996 Deed of Agreement relating to the Kallaroo Circuit Bund must be met.**
- 2. The cost of damages to Tweed Shire landowners caused by the bund restricting floodwaters are substantial and are compounded by Byron Shire Council's failure to implement the agreement.**

3. **Within sixty (60) days of receiving this advice, Tweed Shire Council requires a written timetable of actions by Byron Shire Council leading to full implementation of the agreement by 30 November 2006.**
4. **If Byron Shire Council fails to comply with 3 above or fails to meet the timetable then Tweed Shire Council will initiate legal action.**

**REPORT:**

On or about May 1992 a bund was constructed across a drainage canal (Capricornia Canal) on Kallaroo Circuit (Road Reserve) by a developer within Byron Shire. The bund comprised an embankment with 2 x 900 mm pipes set at approximately 0m AHD. The bund severely restricted the flow of floodwaters from catchments contained within Tweed Shire and under the Control of the Mooball - Crabbes Creek Drainage Union. As seen on the attached figure (Attachment B) the floodplain that delivers flow to Capricornia Canal is contained with the 2 adjoining Shires. It is also noted that this floodplain delivers flows to both Yelgun Creek (which flows into Capricornia Canal and then into Marshalls Creek and then to the Brunswick River) and Crabbes Creek which flows into Mooball Creek at Pottsville. Depending on the locality of the rainfall and intensity some sections of the floodplain can experience flows in either direction.

The bund was illegal in nature as it contravened Byron Shire Council's (BSC) LEP (adopted 1988) which does not allow developments that result in increased flood levels. It also restricted the flow in a watercourse and therefore contravened the Rivers and Foreshores Act which at the time was administered by the Department of Land and Water Conservation. The bund did however enhance the habitat of an upstream fresh water wetland and reduce flood impacts downstream.

Following various forms of consultation, studies, and threats of legal action by Tweed Shire Council and the Drainage Union against Byron Shire Council, a tri-partied Deed of Agreement was signed (see attachment A) on 28 March 1996. This agreement provided a way forward by detailing works to be done including clearing of drains within Tweed Shire and most importantly the installation of additional drainage cells in the Bund. The agreement also set out a funding framework which to date has been supported by the State Government with a current total budget of \$623,000. The drainage work in Tweed Shire was completed in 1998. Since 1996 BSC has spent over \$150,000 (funded 2/3 NSW State Gov and 1/3 BSC) on studies and consultations, in an endeavour to complete the work. In 1999, Byron Shire Council lodged a Development Application (DA1) for the so-called Bund Amplification i.e. increasing the waterway area as specified in the 1996 agreement. The associated environmental assessment was assessed by an independent consultant who found that the only issue to be determined by Byron Shire Council was the impact of opening of the bund on flooding downstream at New Brighton where an increase of 3cm was predicted. Council's LEP disallows any activity that increases flood levels on the floodplain.

In April 2005 following a period of exhibition, an LEP amendment was put before Byron Shire Council. This amendment would have allowed the additional drainage cells to be installed in the Bund as their inclusion would increase downstream flood heights which is contrary to the LEP. After intense lobbying from downstream landowners Council did not adopt the recommendation for the LEP amendment thus indicating an intention not to implement the Deed of Agreement.

On 30 June 2005 a significant wet weather event caused inundation of residential properties within Byron Shire upstream of the Bund. This has provided the impetus for BSC and the Department of Natural Resources (DNR) to take action to remediate the

impacts of the Bund. DNR called a meeting of TSC and BSC representatives to discuss the issues and a way forward on the 29 November 2005. This meeting was attended by Des Schroder (Regional Director DNR), Dennis Milling (DNR), Toong Chin (DNR), Cr Jan Barham (Mayor BSC), Pamela Westing (General Manager BSC), Brett Lee (Director Asset Management Services BSC), Administrator Max Boyd (TSC), and David Oxenham (Manager Water TSC). DNR and BSC have undertaken additional modelling of the June 30 event and are finalising a study that illustrates the impacts of this event and the 1 in 100 year event with and without the additional cells in the Bund. The preliminary results indicate that there will be a substantial reduction in peak flood levels in the residential areas that were flooded by the June 30 event and a small increase in flood levels downstream of the Bund with the additional cells installed.

The outcome of the meeting was that following completion of the study that the group will meet again to discuss the findings. Following this a workshop will be held with BSC and DNR with TSC representatives in attendance, prior to the submission of a detailed report to Byron Shire Council. This report will map a way forward for the BSC's flooding issues in the area concerned as well as address as soon as possible the flooding impacts caused by the Bund.

BSC have been reluctant to implement this agreement because of local Byron Shire issues. They have been responsive to the concerns of their residents downstream of the Bund but seemingly indifferent to the damage their actions have caused to landowners upstream in Tweed Shire. Unless they now commit to a firm course of actions and timetable to fully implement the agreement the risk of further delays and inaction remains.



**Deed of Agreement:**

(A)

THIS DEED made the 28<sup>th</sup> day of MARCH 1996

BETWEEN:

BYRON SHIRE COUNCIL

("Byron")

AND:

TWEED SHIRE COUNCIL

("Tweed")

AND:

THE BOARD OF DIRECTORS OF THE MOOBALL/CRABBES  
CREEK DRAINAGE UNION

("the Union")

WHEREAS:

- (a) A Bund known as the Kallaroo Circuit Bund ("the Bund") was constructed across the Capricornia Canal partially damming it.
- (b) The Bund is within the area administered by Byron.
- (c) The construction of the Bund increased flood peaks upstream and increased the duration of upstream flooding but decreased downstream flood peaks.
- (d) The Union administers the drainage of lands within its Drainage Area upstream from the Bund.
- (e) Tweed is the Council responsible for administering lands someway north and upstream from the Bund.
- (f) A dispute has arisen between the parties as to what remedial action should be taken to remedy upstream flood peaks and the duration of upstream flooding.

- (g) Extensive modelling of the effects of various options have been undertaken by Webb McKeown and Associates Pty Ltd ("the Consultants").
- (h) The parties have agreed upon the remedial work to be carried out.

**NOW THIS DEED WITNESSETH:**

1. Byron agrees that it shall, as soon as is reasonably practicable:
  - (a) Install 2 cells each 3.3m by 2.1m box culverts in the wall of the Bund.
  - (b) Retain the two existing 900mm diameter pipes in the Bund.
  - (c) Install one additional 900mm diameter pipe in the wall at an invert level 500mm lower than the existing pipes.
2. Byron and Tweed agree that they shall lodge an application with the Department of Land and Water Conservation ("DLWC") for flood mitigation works for the Mooball/Crabbes Creek area including the alteration to the Bund and that the costs of the flood mitigation works shall be apportioned as follows:

	<u>Byron</u>	<u>Tweed</u>	<u>DLWC</u>
The Bund	1/3		2/3
Mooball/Crabbes Creek	1/6	1/6	2/3

-3-

3. Byron shall pay to the Union the sum of nineteen thousand eight hundred and twenty seven dollars and fifty cents (\$19,827.50) being reimbursement in full for its legal and consultants fees.
4. Tweed shall as soon as practicable undertake flood mitigation works on OP Drain/Mooball Creek in consultation with the Union and Byron. ~~Byron shall be responsible for~~ 1/6 of the cost but not exceeding thirty thousand dollars (\$30,000).
5. Tweed shall be the Constructing Authority for the work for administration purposes. On receipt of a certificate/claim by Byron for works on the Kallaroo Circuit Bund, Tweed shall issue a certificate for all the works undertaken under this agreement to DLWC claiming reimbursement in accordance with the approved subsidy and shall reimburse Byron in accordance with clause 2.
6. Subject to this deed and the completion of the works referred to in Clause 1 the Union agrees to release Byron from all claims which it has now or later in respect of:
  - (a) The Construction of the Bund.
  - (b) The increase in the level of flood peaks and/or the duration of flooding upstream of the Bund.
7. Subject to this deed and the completion of the works referred to in clause 1 Tweed agrees to release Byron from all claims which it has now or later in respect of:
  - (a) The Construction of the Bund.

(b) The increase in the level of flood peaks and/or the duration of flooding upstream of the Bind.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and affixed their seals on the day and year hereinbefore written.

THE COMMON SEAL of the BYRON SHIRE COUNCIL )  
 was hereunto affixed on this 28<sup>th</sup> day ) Mayor  
 of MARCH 1996 in pursuance of a )  
 resolution of Council passed on the )  
 28<sup>th</sup> day of MARCH 1996 ) General Manager

THE COMMON SEAL of the TWEED SHIRE COUNCIL )  
 was hereunto affixed on this 28<sup>th</sup> day ) Mayor  
 of FEBRUARY 1996 in pursuance of a )  
 resolution of Council passed on the )  
 21<sup>st</sup> day of FEBRUARY 1996 ) General Manager

SIGNED SEALED AND DELIVERED by the Board )  
 of Directors of the Mooball/Crabbes Creek )  
 Drainage Union in the presence of: )

E. T. Forster  
 John Harb  
 J. McTayler  
 J. W. Emery  
 P. A. Wells  
 C. A. Bodman

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Possible legal action against Byron Shire. Cost of legal action.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

[1. \*May 1987 Flood Heights \(Attachment B\) \(DW 1308965\).\*](#)

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**8 [EO] Draft Generic Plan of Management - All Sporting Fields in Council's Ownership or Management**

**ORIGIN:**

**Recreation Services**

**SUMMARY OF REPORT:**

Pursuant to the matters under Section 36 of the Local Government Act 1993, a Plan of Management must be prepared for all Community Land. The process undertaken in the preparation of a Plan of Management is as follows:

- Prepare a draft plan of management
- The draft plan is to be exhibited for at least 28 days and a submission period of at least 42 days during which submissions must be made to Council.
- Hold a public meeting in respect of the plan of the plan if the proposed plan categorises community land under Section 36 (4) or (5) of the Local Government Amended Act 1998.
- Consider all submissions made to the public hearing and any written submissions made to Council on the draft plan during the period of public exhibition. Council may then choose to amend the draft plan or to adopt the plan without amendment.
- Should the draft plan require amendment then the public consultation process (exhibition and submission period) must be re-held. Another public hearing is not required.
- Subject to no further amendments being required the Plan of Management is then formally adopted by Council.

Council initially prepared a Generic Plan of Management for its sporting fields in 1996. As this plan was prepared some time ago and additional lands have now been included, a more contemporary plan is considered necessary. Council has engaged Planit Consulting to prepare this plan which is now considered ready to proceed towards public consultation. A copy of the draft plan is attached.

**RECOMMENDATION:**

**That pursuant to the provisions of Section 36 of the Local Government Act 1993:-**

- 1. The generic Draft Plan of Management covering all Council owned and managed sporting fields be placed on exhibition for 28 days allowing a submission period of 42 days.**
- 2. During the exhibition and submission period, a public meeting is to be held in respect of the Draft Plan of Management.**

## REPORT:

### Background

The Local Government Act 1993 (the Act) determines that plans of management are to be produced for all Community Land.

The Local Government Amended Act 2000 introduced further requirements in relation to the management of community land and the production of management plans. Section 44 of the Act states "*Pending the adoption of a plan of management for community land, the nature and use of the land must not be changed.*" The effect of Section 44 is that no construction or issuing of leases or licences can proceed on community land unless specified in an existing plan of management or until a new plan of management is produced allowing for such activities.

Plans of Management also act so as to assist Council's and landowners to budget and source funds for the future maintenance, improvement and development of community land. Each generic plan provides Council with a current survey of its resources and a guideline for the ongoing development of community land.

### Requirements of a Plan of Management

Pursuant to the provisions of Section 36 of the Local Government Act 1993, a Plan of Management must be prepared for all Community Land.

Section 36 of the Local Government Act, 1993 sets out the relevant criteria pertaining to the both the need to prepare Plans of Management for public land and also the required form and content of such plans.

Section 36 of the Local Government Act, 1993 states, inter alia:-

#### *Section 36.*

- (1) A council must prepare a draft plan of management for community land.*
- (2) A draft plan of management may apply to one or more areas of community land, except provided by this division.*
- (3) A plan of management for community land must identify the following:*
  - (a) the category of the land;*
  - (b) the objectives and performance targets of the plan with respect to the land;*
  - (c) the means by which the council proposes to achieve the plans objectives and performance targets;*
  - (d) the manner in which the council proposes to assess its performance with respect to the plans objectives and performance targets, and may require the prior approval of council to the carrying out of any specified activity on the land.*

*(3A) A plan of management that applies to just one area of community land:*



- (a) *must include a description of:*
- (i) *the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and*
  - (ii) *the use of the land and any such buildings or improvements as at that date, and*
- (b) *must:*
- (i) *specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and*
  - (ii) *specify the purposes for which any further development of the land will be permitted, whether under lease or license or otherwise, and*
  - (iii) *describe the scale and intensity of any such permitted use or development.*
- (4) *For the purposes of this section, land is to be categorised as one or more of the following:*
- (a) *a natural area;*
  - (b) *a sportsground;*
  - (c) *a park;*
  - (d) *an area of cultural significance;*
  - (e) *general community use.*

Once a draft Plan of Management has been produced, a consultation process is required prior to the final adoption of the plan by Council.

This consultation process is as follows:

- The draft plan is to be exhibited for at least 28 days and a submission period of at least 42 days during which submissions must be made to Council.
- Hold a public meeting in respect of the plan of the plan if the proposed plan categorises community land under Section 36 (4) or (5) of the Local Government Amended Act 1998.
- Consider all submissions made to the public hearing and any written submissions made to Council on the draft plan during the period of public exhibition. Council may then choose to amend the draft plan or to adopt the plan without amendment.
- Should the draft plan require amendment then the public consultation process (exhibition and submission period) must be re-held. Another public hearing is not required.
- Subject to no further amendments being required the Plan of Management is then formally adopted by Council.

### The Draft Generic Plan of Management

Council has engaged Planit Consulting to prepare a Generic Draft Management Plan that is relevant to the continued operations of all sporting fields owned and managed by Council in readiness for the public consultation process.

The Plan of Management covers those parcels of land categorised pursuant to the Local Government Act 1993 as Community Land – Sportsground and utilised for this purpose. These lands include Crown, Community and Operational lands.

A complete list and graphical representation of these lands is included with the Draft Plan of Management that is provided in its entirety under separate cover.

A summary list of the individual sportsgrounds relevant to this plan is provided below:-

Tweed Heads		Crown (CR) Community (CO) or Operational	Area Ha
1	Dave Burns Field	Co	2.1
2	Ron Wilkinson Field	Co	2.52
3	Banora Green	Co	1.9
4	Arkinstall Park	Co	11.76
5	Arkinstall Park West	Co	2.164
6	Recreation Park	Co	1425
7	St Joseph's College	Co	4.52
8	Piggabeen Sports Complex	Op	3.35
9	Bilambil West Sporting Fields	Op	2
10	Bilambil East Sporting Fields	Op	3
11	Bilambil Equestrian	Op	1.8
Tweed Coast			
12	Walter Peate Reserve - Kingscliff	Cr & TSC	5.3
13	Reg Dalton Oval - Kingscliff	Co	1.17
14	Merve Edwards Field – Kingscliff	Co	1.9
15	Cudgen Oval - Cudgen	Co	1.213
16	Casuarina North - Casuarina	Co	2.286
17	Casuarina South - Casuarina	Co	.88
18	Les Burger Field - Bogangar	Co	1.56
19	Pottsville Oval - Pottsville	Cr & TSC	1
20	Seabreeze Sports Field - Pottsville	Co	3.66

Murwillumbah & Villages			
21	Les Cave Oval - Murwillumbah	Co	2
22	John Rabjones Oval - Murwillumbah	Co	3.1
23	Barry Smith Fields - Murwillumbah	Cr & TSC	3.4
24	Stan Sercombe Oval - Murwillumbah	Co	4
25	Knox Park - Murwillumbah	Cr & TSC	4
26	Convent Ground Mt Saint Patrick's - Murwillumbah	Co	.38
27	Jim Devine Field - Murwillumbah	Co	1
28	Queens Park Oval - Murwillumbah	Co	.76
29	Willward Park & Brothers Leagues Grounds (not TSC owned) – Murwillumbah	Co & Pr	3.6
30	Brian Breckenridge Field - Tumbulgum	TSC	1.2
31	Uki Sports Ground - Uki	Op	2.68

The broad scale of this plan dictates that it should be read as a generic plan affecting all sporting fields under Council's controls. For those sporting fields that provide for more detailed site specific considerations, or where improvements of a significant nature are proposed, a separate management plan will be required. The thresholds for this process are detailed in the plan.

A number of key considerations were identified through the preparation of the draft generic Plan of Management. These include:

- Community Involvement
- Use
- Distribution & Linkages
- Access
- Facilities
- Funding Opportunities
- Safety & Security
- Traffic & Parking
- Sport Development & Risk Management
- Environmental Impacts
- Maintenance
- Impacts on Adjoining Residents
- Planning Anomalies

All of the above have been addressed in detail within the draft Plan of Management.

In addition, a specific action program has been developed that includes a priority allocation and the objectives to underpin Council's management of the lands.

**CONCLUSION:**

The preparation of a generic Plan of Management is a necessary step that ensures that Council complies with its statutory obligations whilst also providing a comprehensive document that will guide ongoing development of community land identified as sporting fields. It is considered appropriate that the Draft Management Plan proceed to the consultation phase.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The development, embellishment and maintenance of sportsgrounds within the Tweed LGA require the significant allocation of financial resources.

Council levies section 94 contributions on developers and applies for grant funding when available in order to maximise funding for sports facility development. However, while facilities are primarily funded through the Council's Annual Capital Works budget allocation and the aforementioned sources, the level of funding is often insufficient to meet the expectations of the sporting community. The draft Plan of Management encourages clubs and associations to contribute towards the implementation of structured sorting facilities relevant to their field of recreation.

Monies contained within Council's Assets Reserve Fund are traditionally limited in their use to the maintenance and structured embellishment of sportsgrounds. There are however considerable opportunities to reallocate some of these monies towards the promotion of sports in general, the promotion of elite sporting endeavours and the establishment of sustainable sporting associations and clubs. The latter may also assist in achieving and delivering wider social benefits, more specific allocation of monies to one off events and greater flexibility in relation to the allocation of funds. The allocation of these funds should be co-ordinated by Council with assistance from the Sports Advisory Committee. The Draft Plan of Management identifies the ability to draw from the Council's Assets Reserve Fund for these purposes.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- [1. Draft Generic Plan of Management \(DW 1310666\).](#)
-

**9 [EO] Casuarina Sportsfields**

**ORIGIN:**

**Recreation Services**

**SUMMARY OF REPORT:**

Contribution Plan No. 19 Kings Beach/Kings Forest describes the levying of contributions that are required to fund the cost of providing community facilities, open space, cycleways, environmental open space and amelioration of land as a consequence of increased demand generated by development in the development land and to Kings Forest for certain facilities.

With reference to structured open space, the Plan states that the developer shall dedicate a total of 5.5ha of structured open space to be used for multi-purpose sportsfields. This land was dedicated and embellished (topdressing, grassing and irrigation) in 2 locations comprising a 4ha area (Casuarina North) and a 1.5ha area (Casuarina South).

The Plan allows for the provision of amenities blocks at both fields. At Casuarina North, \$164,500 is allocated for a 4 change room facility with showers and toilets, store room and separate toilets for the public. Casuarina Junior Rugby Union Club have been utilising the facilities for the past 3 years and are now restricted in their use of the facility and ability to grow due to the lack of the above facilities at the site.

The Club has been liaising with Council regarding the future development and use of the site and are finalising a plan for the construction of the amenities as described above. To facilitate the progression of the proposal, it is recommended Council vote the expenditure of the funds as allocated in the Plan.

**RECOMMENDATION:**

**That Council votes expenditure of \$164,500 from Contribution Plan No. 19 to the construction of an amenities block at the northern sportsfields at Casuarina.**

**REPORT:**

As per Summary of Report.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Expenditure of \$164,500 from Contribution Plan No. 19 be used for the construction of an amenities block at the northern sportsfields at Casuarina.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**10 [EO] Park Naming 'Hec Beswick Park'**

**ORIGIN:**

**Recreation Services**

**SUMMARY OF REPORT:**

At its meeting held 19 October 2005 Council resolved to calls for comment regarding the naming of the Council park located on Winders Place, Banora Point being Lot 117 DP 874201 'Hec Beswick Park'.

At the close of comment, 7 submissions were received, 4 supporting the proposal including a petition containing several pages of signatures, 2 submissions objecting to the proposal (both unsigned) and one suggesting the name 'Princess Mary Park'.

With regard to the number of signatories to the petition and the fact the two objections were unsigned, it is recommended that Council name the park 'Hec Beswick Park' as proposed and erects appropriate signage.

**RECOMMENDATION:**

**That Council names the park located on Winders Place, Banora Point being Lot 117 DP 874201 'Hec Beswick Park' and erects appropriate signage.**

**REPORT:**

As per Summary of Report.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. **(Confidential Attachment)** - Submissions received (DW 1303155, 1291813, 1294676, 1302204, 1292795, 1295851, 1297953).
-



**11 [EO] Car Parking - Piggabeen Sports Complex**

**ORIGIN:**

**Recreation Services**

**SUMMARY OF REPORT:**

In 1997, Council purchased the Piggabeen Sports Complex from Seagulls Football Club. The proposal included construction of a 32 lot residential subdivision to offset the cost of purchase.

Stages 1 and 2 comprising of 27 residential lots were completed in 2000 and subsequently sold. The proposed Stage 3 consisting of an additional 5 lots did not proceed due to geotechnical investigations that raised concerns of landslip risk.

The Piggabeen Sports Complex is home to Seagulls Senior and Junior Rugby League, Tweed Touch Football and Tweed District Softball Association. The completion and population of the subdivision has created conflicts with overflow parking into the residential areas on many weekends, particularly when the Senior Rugby League has home games or the juniors host carnivals.

The site of the abandoned Stage 3 offers the potential to provide an additional 80 car spaces within the Sports Complex to alleviate this issue. The estimated cost of construction is \$104,000. Contribution Plan No 5 – Local Open Space allocates \$100,000 for the construction of the car park. Therefore, it is recommended \$100,000 be voted from Contribution Plan No. 5 to the construction of the car park with the balance of funds being sourced from the Annual Sportsfields Capital Works Budget.

**RECOMMENDATION:**

**That Council votes expenditure of \$100,000 from Contribution Plan No. 5 to the construction of a car park within the Piggabeen Sports Complex.**

**REPORT:**

As per Summary of Report.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Expenditure of \$100,000 is voted from Contribution Plan No. 5 to the construction of a car park within the Piggabeen Sports Complex.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**12 [EO] Implementation of the Tweed Heads Masterplan - Jack Evans Boatharbour**

**ORIGIN:**

**Recreation Services**

**SUMMARY OF REPORT:**

The Department of Lands is seeking confirmation of Council's support for the progression of the implementation of the Tweed Heads Masterplan, particularly issues related to the Jack Evans Boatharbour (JEBH), in line with the key outcomes of a meeting held 10 November 2005 with Council Administrators and executive staff.

**RECOMMENDATION:**

**That Council confirms its support for the proposed actions to implement the Tweed Heads Masterplan (Jack Evans Boatharbour) including the preparation of a Memorandum of Understanding as outlined in the letter from the Department of Lands dated 1 December 2005.**

**REPORT:**

The Department of Lands is seeking confirmation of Councils support for the progression of the implementation of the Tweed Heads Masterplan, particularly issues related to the Jack Evans Boatharbour (JEBH) in line with the key outcomes of a meeting held 10 November 2005 with Council Administrators and executive staff.

The letter is reproduced below:-

Mr Mike Rayner  
A/General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

36 Marina Dve  
PO Box 291 J  
Coffs Harbour Jetty NSW 2450

ph 6651 9985  
fax 6651 9975

Contact: Phil Fogarty  
e-mail phil.fogarty@lands.nsw.gov.au  
mobile 0413 852 544

[www.lands.nsw.gov.au](http://www.lands.nsw.gov.au)

1 December 2005

Dear Mr Rayner,

**Implementation of the Tweed Heads Masterplan - Jack Evans Boatharbour**

Thank you for the opportunity to meet with the Administrators and executive staff on 10 November 2005 to discuss implementation of the Tweed Heads Masterplan particularly issues relating to Jack Evans Boatharbour (JEBH). This letter seeks to carry forward the key outcomes from that meeting.

The Department of Lands proposes to consolidate the existing reserves around JEBH and create a new reserve for Public Recreation, Tourist Facilities and Services and Cultural Heritage. A diagram of the affected land is attached.

It is proposed to create a new Trust (Tweed Heads Reserve Trust) to manage this new reserve and appoint Tweed Shire Council as the corporate manager of the Trust.

Key commercial sites would be managed by the Department. However, in recognition of Council's skills and interests in any commercial dealings, and the need to work cooperatively, the Department proposes a Memorandum of Understanding (MoU) as a means to clarify roles and responsibilities (a draft to be provided under separate cover).

In respect of the Fire Station site in Bay Street we propose a separate MoU, given the site has unique features and that NSW Fire Brigades are a key stakeholder.

We acknowledge there are a number of operational issues to resolve and a table of operational matters and suggested actions is attached for your information and advice.

In the first instance the Department seeks confirmation from Council that it supports the proposals outlined above.

We look forward to working closely with council staff to implement the Masterplan as it affects Crown lands. Please refer any correspondence or inquiries to Phil Fogarty Manager Coffs Harbour at the above address or contact 02 6551 9985.

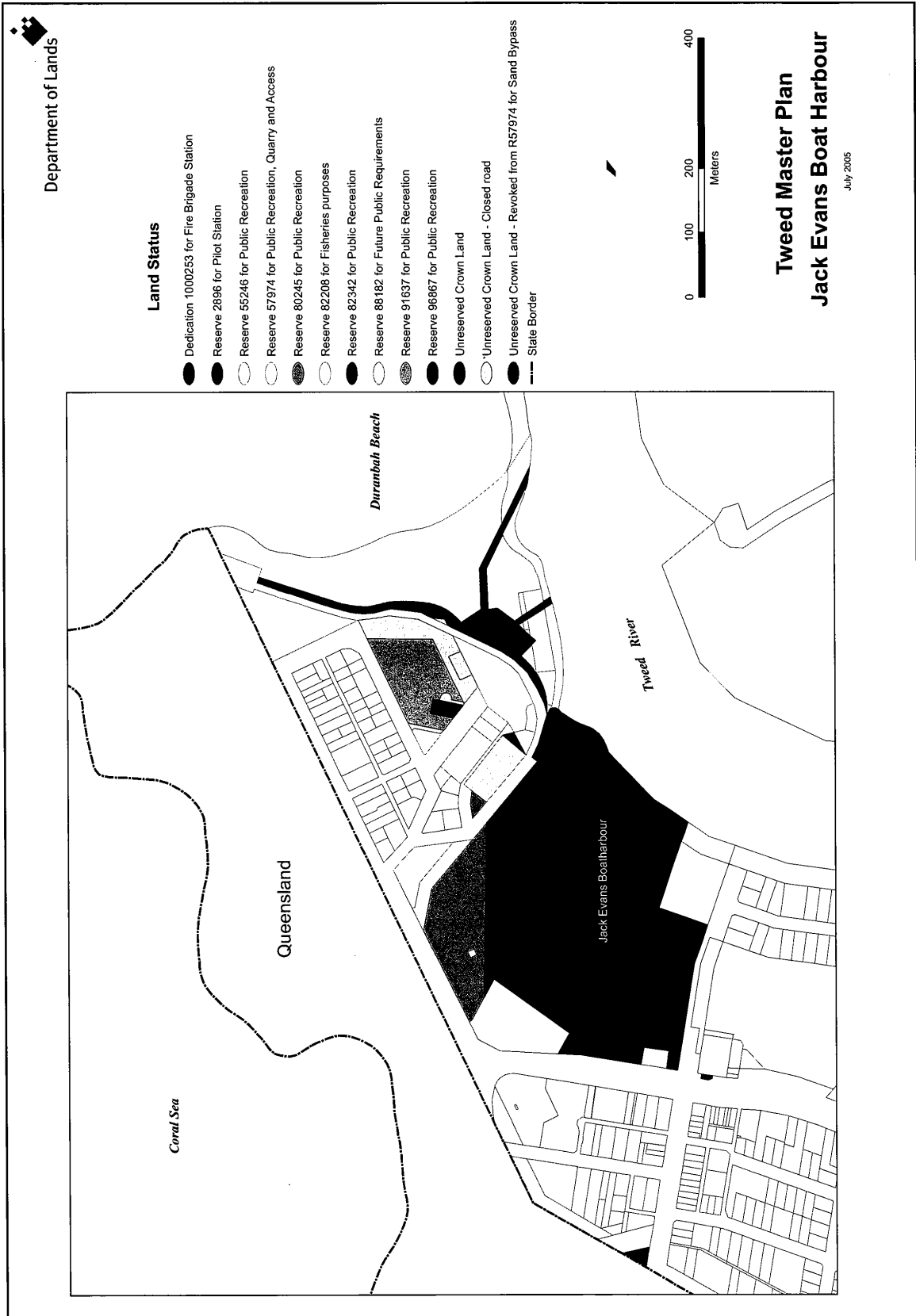
Yours sincerely



Craig Barnes  
Regional Manager

**JACK EVANS BOATHARBOUR – RESERVE CONSOLIDATION**  
**Summary of operational matters**

<b>Issue</b>	<b>Suggested Actions</b>
Current Aboriginal Land Claims	Determination by Lands prior to reserve action over subject land
Fisheries reserve and derelict cottage	Lands to revoke reserve and arrange demolition of cottage
Consultation with the Aboriginal community in respect of proposed actions and future commercial opportunities	Lands and LALC via TSC Indigenous Advisory group
Status of formed roads within the subject lands	TSC to clarify process with Lands to formalise status
Land identifiers for unidentified lots	Lands to create 7000 series identifiers where necessary
Gazettal action including naming of reserve and trust	Written confirmation from council required



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**13 [EO] Regional Sports and Recreation Facility Plan**

**ORIGIN:**

**Recreation Services**

**SUMMARY OF REPORT:**

In May 2005, Council engaged consultants to prepare a Regional Sports and Recreation Facilities Plan to identify the present and future needs for sporting and recreational facilities at a regional or higher level in the Tweed Shire until 2022.

The draft plan has been endorsed by the Tweed Shire Council Sports Advisory Committee and is presented to Council to be placed on public exhibition.

**RECOMMENDATION:**

**That Council places the Draft Regional Sports and Recreation Facilities Plan on public exhibition for an eight (8) week period.**

**REPORT:**

**Background:**

In 2001, Tweed Shire Council adopted Section 94 Plan No 26 – Shirewide /Regional Open Space. The plan was introduced to allow adequate funding for Shirewide/regional open space and facilities to satisfy the demand created by population growth until 2022.

An amendment to the plan to include funding for the implementation of the Tweed Heads Masterplan will be considered by Council at its meeting to be held 14 December 2005. The plan has a works program totalling \$36,574,921 being \$13,155,421 for casual open space, and \$23,419,500 for structured open space as detailed below.

**Works Program**

**Shire-wide / Regional Structured Open Space**

Proposed Amenity	Area to be Acquired	Land Cost	Reval.Cost:	Capital Cost	Project Cost	Establishment cost	Total Cost <sup>2</sup>
Upgrade Aquatic Facility, M'bah					\$1,500,000		\$1,500,000
2 Court Indoor Facility					\$1,500,000		\$1,500,000
Grandstand Facilities and Lighting					\$2,000,000		\$2,000,000
Regional Athletics Facility					\$2,000,000		\$2,000,000
Murwillumbah Hockey Fields	-	-	-	\$145,000 (includes parking)	\$10,000	-	\$155,000
46.8ha of land (30 ha embellished)	46.8ha	\$9,360,000		\$2,525,500 (includes parking and amenities block)		\$2,250,000	\$14,135,500
Sub-Total							\$21,290,500
Administration Levy 10%	-	-	-	-	-	-	\$2,129,000
<b>TOTAL</b>	-	-	-	-	-	-	<b>\$23,419,500</b>

**Works Program  
Shire-wide / Regional Casual Open Space**

Proposed Amenity	Area to be Acquired	Land Cost	Revaluation Cost <sub>1</sub>	Capital Cost	Project Cost	Establishment cost	Total Cost
Kingscliff township and North Kingscliff Foreshore and Sutherland Point Embellishment (walkway/ bikeway, landscaping, earthworks, revegetation, parking, amenities, viewing platform, amphitheatre, seats, information kiosk, and associated recreation facilities)	-	-	-	\$1,600,000	\$160,000	\$100,000	\$1,860,000
Eviron Botanic Gardens (visitors centre, amenities, access, parking, revegetation, landscaping, nursery)	-	-	-	\$500,000	\$700,000	\$800,000	\$2,000,000
Cabarita / Bogangar Foreshore Upgrade (landscaping, facilities, amenities, shade, walkways, and associated recreation facilities)	-	-	-	\$200,000	\$20,000	\$20,000	\$240,000
Tweed Heads Master Plan - Jack Evans Boatharbour Landscape Provisions					\$4,417,308 (capital) \$3,442,166 (interest)		\$7,859,474
Sub- Total							\$11,959,474
10% Administration Levy	-	-	-	-	-	-	\$1,195,947
Total	-	-	-			-	\$13,155,421

The structured open space program was based on a review of the type of facilities constructed by local government areas with a population of approximately 120,000, and discussions with the New South Wales Department of Sport and Recreation. There was no consideration to the timing and prioritisation of construction of facilities in relation to a projected income stream. Nor was there consideration to preferred locations for the various facilities or proposed land acquisition.

Accordingly, Council engaged a consultant to produce a regional sport and recreation facilities plan to identify and analyse the present and future needs for sporting and recreational facilities at a regional or higher level in the Tweed Shire until 2022. The results of this analysis will be utilised to review the works program for CP 26 and provide an accompanying implementation schedule.

The consultants were asked to complete the following tasks:

1. Analyse the various sports and recreational pursuits within the area to determine those which have or will have the capacity to sustain a regional facility
2. Determine the trends influencing sport and recreation participation and the implications of these trends for regional facility development

3. Produce a regional sport and recreation facilities plan that identifies the type of regional sporting facilities the Tweed Shire will require over the next 20 years. The plan will also consider the most appropriate locations for the facilities.
4. Review and amend as required the works program in Contribution Plan 26 in line with the recommendations within the regional sport and recreation facilities plan.
5. Analyse the projected income stream for Contribution Plan 26 and produce an implementation schedule for the amended works program. Amend Contribution Plan 26 accordingly.

Items 1 to 3 have been completed and the draft facilities plan finalised for community consultation.

### **Summary of the Regional Facilities Plan**

In compiling the plan, the consultants consulted with and surveyed an extensive range of regional and local sporting organisation and clubs. Additionally, a sports forum was held which was well attended by representatives' form the majority of sports organisations in the Tweed.

From the information gathered through the survey and consultation process, future facility needs at a regional (and local) level were identified, as well as key priority areas that require developing.

The plan recommends that Arkinstall Park, Tweed Heads be developed as a regional sports complex. The facilities to be developed at Arkinstall Park are:-

- A Regional level hard court tennis complex;
- A two court indoor sports complex;
- A regional level rectangular multi-use field with grandstands and lighting
- A regional netball complex
- A multi-user clubhouse, changing facilities and meeting rooms.

Other recommended regional facilities are:-

- The upgrading of Murwillumbah swimming pool;
- Additional stages of the Murwillumbah hockey complex;
- A regional soccer facility at Piggabeen sports complex;
- A regional softball complex at future fields to be located at Banora Point;

Arkinstall Park is approximately 12 ha in area and located centrally in Tweed Heads. Facilities currently located at Arkinstall Park that will be expanded upon to create regional facilities are a 12-court artificial grass tennis complex and a 26-court netball facility (10 asphalt, 3 rebound ace and 15 grass).

Tweed Heads Soccer Club currently utilises Arkinstall Park, and Seagulls Rugby Leagues Club utilises Piggabeen Sports Complex. As Seagulls Rugby League Club competes in the highest level of competition of sports based within the Shire, it is felt they will be best positioned to utilise the proposed grandstand facility at Arkinstall Park on a weekly basis. Additionally, this facility would then serve as a regional touch football facility and provide a venue capable of hosting higher-level events. Therefore, it is

proposed to swap the two clubs locations, moving Seagulls Rugby League Club to Arkinstall Park and Tweed Heads Soccer Club to the Piggabeen Complex. With minor upgrading, the Piggabeen complex will serve well as regional soccer complex.

Tweed Softball Association are also located at the Piggabeen Sports Complex, but are restricted in their ability to develop a regional facility due the requirement to share facilities with other sports. Therefore, it is recommended they relocate to new sports fields planned for Fraser Drive, Banora Point.

Table 1 sets out the timeline and estimated costs for each facility.

**Table 1**  
**Item Description**

	<b>Short Term Projects 1-3 Years</b>	<b>Amount AU\$</b>
<b>1.0</b>	<b>Regional Tennis Complex – Arkinstall Park (stage one)</b>	
1.1	7 Rebound Ace courts – lights, fencing, shelters \$120,000 per court	840.000
<b>2.0</b>	<b>Multi-user Club House – Arkinstall Park (stage one)</b>	
2.1	Two story building 800m2 @ \$2,900 per m2	2,320.000
2.2	Balcony 180m2 at \$1,700 per m2	300.000
<b>3.0</b>	<b>Murwillumbah Pool Complex</b>	
3.1	Pool Redevelopment	7,000.000
<b>4.0</b>	<b>Indoor Sports Complex – Arkinstall Park</b>	
4.1	Two court indoor sports complex – seating for 300	3,500.000
<b>5.0</b>	<b>Murwillumbah Hockey Complexes (Stage one)</b>	
5.1	Clubhouse – viewing area 350m2 @ \$2,00 per m2	1,000,000
<b>Sub total</b>	- Short Term Project	<b>14,960.00</b>
	Professional design and project management fees (13%)	1,945.000
<b>Total</b>	- Short Term Projects	<b>16,905.000</b>

	<b>Mid Term Projects 4 – 8 Years</b>	<b>Amount AU\$</b>
<b>6.0</b>	<b>Grandstand &amp; Upgraded Lighting</b>	
6.1	Rectangular field Covered Grandstand – 500 seat	1,700.000
<b>7.0</b>	<b>Regional Netball Complex</b>	
7.1	7 courts – lights, shelters \$90,000 per court	630.000
<b>7.0</b>	<b>Multi-user Club House (Stage two)</b>	
7.0	Expansion to club house 500m2 \$2,900 per m2	1,450.000
<b>8.0</b>	<b>Murwillumbah Hockey Complexes (Stage two)</b>	
8.1	Additional synthetic turf pitch	1,300.000
<b>9.0</b>	<b>Regional Softball Complex (Banora Point)</b>	
9.1	Earthworks–5 diamonds, fencing, lighting @ \$130,000 per diamond	520.000
9.2	Clubhouse 300m2 @ \$2,900 per m2	870.000
<b>10.0</b>	<b>Regional Soccer Complex (Piggabeen)</b>	
10.1	Ground works, lighting upgrade	200.000

<b>Sub total</b>	- Mid Term Project	<b>6,970.00</b>
	Professional design and project management fees (13%)	1,865.000
<b>Total</b>	- Mid Term Projects	<b>7,535.000</b>

## 1.0 Regional Tennis Complex – Arkinstall Park (stage one) Sports Development

The plan notes that whilst general population growth is a contributor to the potential development of regional facilities, the comprehensive establishment of the facilities feasibility is critical. Long-term financial sustainability, increased participation, increased facility utilisation and professional planning are key aspects that should be clearly and tangibly demonstrated by Council and clubs and associations prior to the development of regional facilities.

There is limited planning within the Tweed sport structures (clubs and associations), which affects the ability of the sport to identify issues and project future needs, particularly facility needs. The plan has identified that the undertaking of formalised facility and club development planning by clubs and associations is a critical future need.

Accordingly, the plan recommends that Council assess the future appointment of a sports and Recreation Development officer responsible for the coordination action and implementation of recommendations within the plan and to assist clubs and associations to establish facility and club development plans.

### Recommendations:

The following are the recommendations for Council from the draft plan:

#### 1. Provide appropriate human resources to support the implementation of the recommendations within the plan

It is recommended that Council assess the future appointment of a full time Sports and Recreation Development Officer. Reporting to the Manager Recreation Services, the development officer would be responsible for the coordination, action and implementation of recommendations within this plan and other development duties as identified by the Manager Recreation Services.

It is recommended that Council contribute appropriate financial resources to assist clubs and associations to establish facility and club development plans and that these resources are provided on a priority basis, which are supported by Council policy. Opportunities may exist for the position of Sports and Recreation Development Officer to be partially funded through the Assets Reserve Fund and NSW Sports and Recreation.

#### 2. Initiate the development of a feasibility and master plan study for the staged development of Arkinstall Park as a regional sports complex

It is recommended that in the short term (1-3 years) funding is obtained to undertake a feasibility and master plan for the establishment of Arkinstall Park as a regional sports complex.

In the first instance it is recommended that the feasibility addresses the establishment of a:-

- Regional level hard court tennis complex. Estimated outline capital cost stage one \$700,000 to \$1 million.
- Two court indoor sports complex. Estimated outline capital cost \$2.1 million to \$2.5 million.
- Multi-user clubhouse, changing facilities and meeting rooms (stage one). Estimated outline capital cost \$1.1 million to \$1.5 million.
- Regional level rectangular multi-use field with grandstand/s and lights.
- Multi-user clubhouse, stage two development.

The feasibility should also take consideration of:-

- The development of a regional level softball complex at Banora Point.
- The establishment of a regional level soccer complex at Piggabeen Sports Ground.
- The establishment of a regional level athletics complex at West Kingscliff.

It is estimated that the feasibility and master plan would cost %50,000 - \$55,000.

### **3. Develop internal (Council) policy and procedures for a coordinated delivery of Sport and Recreation**

It is recommended that Council continue to develop and implement relevant policies and procedures to support the plan. These policies would include:

- Provision of Council Land
- Tenure of Council Land
- Financial Assistance

The support Council's existing sport and recreation related policies, Council should consider the following when reviewing policies:

1. Further clarify the roles and responsibilities of sporting organisations and Council within each policy.
2. Where possible use the standard of provision ratio to determine the capacity of current facilities when making decisions on assisting sporting organizations.
3. To have a transparent process for the allocation of leases, licenses and Right of Use agreements.
4. Increasing the leasing agreements to three or five years for those sporting organisations that have demonstrated sustainability.
5. Incorporate the need for sporting organisations to have a Risk Management Plan in place as well as the appropriate Public Liability Insurances.

6. Promote and deliver education to sporting organisations regarding Council's sport and recreation related policies.
  7. Ensure all policies support sporting organisations becoming more self reliant which will lead to long term sustainability.
  8. All Council staff delivering sport and recreation related services to assist in the review and updating of policies.
  9. Offer relevant awareness and training programs on the policy to Council staff and future Councillors.
- 4. Establish a network with neighbouring Councils to develop a regional sports planning process**
- Gold Coast Council
  - Byron Shire Council
  - Lismore City Council
  - Kyogle Shire Council
  - Richmond Valley Shire Council
- 5. Develop the Tweed Shire Regional Sports Forum**

It is recommended that Council coordinate the delivery of a sports forum (or other communication channels as identified) to:

- Disseminate information to sports
  - Gather information from sports
  - Provide education
  - Encourage sports to collectively solve relevant and common issues
- 6. Review of The Regional Sports and Recreation Facilities Plan**

It is recommended that Tweed Shire Council review the Regional Sports and Recreation Facilities Plan in 2011.

### **Consultation**

With consideration to the Christmas / New Year period, it is recommended the Plan be exhibited for an eight (8) week period inviting comment. The Plan will be available at the Tweed and Murwillumbah Civic Centres and Libraries, as well as being on Council's web site.

Additionally, a Forum will be held in early February 2006 to discuss the Plan and answer any questions.



## **Contribution Plan 26**

Upon finalisation of the plan, contribution plan 26 - Shirewide /Regional Open Space will need to be amended to reflect the recommendations of the plan.

### **Proposed Implementation Timetable**

The propose implementation timetable for the plan is as follows:-

1. December 14 2005 – Place draft plan on exhibition for 8 weeks.
2. February 2006 – review submissions
3. February 2006 – Present final plan to Council for adoption with any amendments as a result of submissions. If major issues are raised in the submission period, further amendments and consultation may be required.
4. February 2006 – An amended draft Contribution Plan 26 be prepared and submitted to Council to reflect recommendations of the Regional Facilities Plan and placed on exhibition.
5. A brief for a feasibility and masterplan study of the Arkinstall Park facilities as recommended in the plan is to be prepared and advertised.

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Funds will be collected in Contribution Plan 26. However, should Council elect to proceed with any of the facilities prior to funds being available in the plan, the cost of borrowings may be incurred.

### **POLICY IMPLICATIONS:**

Amendment required to Contribution Plan 26

### **UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. [\*Draft Regional Sport and Recreation Facilities Plan \(DW No. 1310272\).\*](#)
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**14 [EO] Naming of Public Road, Hideaway Lane, Murwillumbah**

**ORIGIN:**

**Design**

**FILE NO: GS5/1 Pt3**

**SUMMARY OF REPORT:**

Council at its meeting of 5 October 2005, resolved to publicise its intention to name the road reserve coming off the intersection of Kyogle Road and Riverview Street, Murwillumbah as "*Hideaway Lane*" and allowed one month for objections to the proposal.

Two letters were received requesting the road be named "*Harrison Way*", being the name of one of the property owners accessing their property from the road reserve.

As per Councils Road Naming Policy s3.1, "Names of living persons should not be used". Neither of these letters gave any evidence of historical or pioneering significance for the suggested name and did not state any valid objection to "*Hideaway Lane*". Council contacted both authors requesting such information or objection and no response has been received.

**RECOMMENDATION:**

**That:-**

- 1. Council adopts the name of "*Hideaway Lane*", being the road reserve coming off the intersection of Kyogle Road and Riverview Street, Murwillumbah; and**
- 2. The naming of the public road be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.**

**REPORT:**

As per summary of report. The location plan is shown below for ease of referral.



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**15 [EO] Local Government Excellence in the Environment Awards**

**ORIGIN:**

**Water**

**SUMMARY OF REPORT:**

Tweed Shire Council was selected as a finalist in Biodiversity Category of the 2004/2005 Local Government Excellence in the Environment Awards, the presentation of which occurred in Sydney on 2 December 2005. Council's Water Unit entered the Fingal Wetland Conservation project in this competition.

The Fingal Wetland Conservation project was awarded a 'Highly Commended' certificate.

The Fingal project is a partnership between Council and the Tweed Byron Local Aboriginal Land Council and was funded and managed through the Tweed River Committee. Work in the area has restored significant areas of tidal wetland and has helped build a better working relationship between the two organisations.

**RECOMMENDATION:**

**That this report be received and noted.**

**REPORT:**

As per Summary of Report.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

### 16 [EC] Request for "In Kind" Support/Waive Fee

#### ORIGIN:

Environment & Health Services

#### SUMMARY OF REPORT:

Council has received a request from the United Hospital Auxiliaries of NSW asking that Council waives fees for room hire of Tweed Heads Civic Centre. Details of the request is reproduced in the body of this report.

In accordance with Section 356 of the Local Government Act 1993 - Donations, Council resolved on 6 October 2004 that:-

*"... in future, all donations made by Council, whether in cash or in kind, be made by way of a resolution of Council."*

#### RECOMMENDATION:

**That Council:-**

- 1. Approves the use of the South Sea Islander Room by the United Hospital Auxiliary for their meetings during 2006 and the Tweed Heads Auditorium for the Annual meeting at no charge.**
- 2. Not approve free use of the Tweed Heads Auditorium for the annual fete of the United Hospital Auxiliary, with the normal charge of \$174.00 to remain.**

**REPORT:**

Council has received a request from the United Hospital Auxiliaries of NSW asking that Council waives fees for room hire of Tweed Heads Civic Centre. Details of the requests are reproduced as follows:-

Organisation	Request	Est \$ Amount of Waiver	Application Summary	Meet Guidelines?
United Hospital Auxiliaries of NSW Inc	Waive fees for use of:-		The request is for free use of the THCC Auditorium, kitchen, dressing rooms and South Sea Islander room from the afternoon of 12 October 2006 to 13 October 2006 to hold the Annual Fete.	
	• Tweed Heads Civic Centre for Annual Fete	\$174.00		No.
	• Islander Room for meetings during 2006	\$656.10		Yes
	• Auditorium use for one day to hold AGM	\$174.00		Yes

Council has previously granted free use of the Tweed Heads Auditorium for the purposes of the fete however such use does not meet the current guidelines as sales occur at the fete which nets the Auxiliary thousands of dollars. If Council wishes to support this activity it should be under Council's Donations Policy.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Should requests be approved for the waiving of fees for room hire, the income for the meeting room will be impacted by the amount of the fee reduction.

Should requests for "in kind" support be approved, this will impact on the costing of Council's involvement in the activity.

**POLICY IMPLICATIONS:**

In considering this request, reference should be made to:-

- Festivals Policy.
- Donations Policy.
- Guidelines for Fee Reduction, Auditoriums, Meeting Rooms and Halls.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- [1. Correspondence from the United Hospital Auxiliaries of NSW Inc \(DW 1299490\)](#)



- 17 [EC] Northern Rivers Catchment Management Authority: Coastal Floodplain and Acid Sulfate Soil Management Project (Part A – Tweed Floodplain)

**ORIGIN:**

**Environment & Health**

**SUMMARY OF REPORT:**

Fast-track funding of \$40,000 has been awarded to Tweed Shire Council to extend the works of the Northern Rivers Catchment Management Authority (NRCMA) Project No.22 - Coastal Floodplain and Acid Sulfate Soil Management Project (Part A Tweed Floodplain) - \$60,000.

**RECOMMENDATION:**

**That:-**

1. **The contract of \$40,000 to extend the works of Project No 22 - Coastal Floodplain and Acid Sulfate Soil Management Project (Part A Tweed Floodplain) be accepted by Tweed Shire Council and managed by the Floodplain Project Officer.**
2. **Council votes the funds.**

**REPORT:**

Tweed Shire recently accepted a contract with the Northern Rivers Catchment Management Authority (NRCMA) to undertake environmental projects. This project was titled Project No.22 Coastal Floodplain and Acid Sulfate Soil Management Project (Part A Tweed Floodplain) - \$60,000. The NRCMA has received further funding which it will deliver through extension of the approved contracts. This is titled Fast-track funding and Tweed Shire Council has been awarded a \$40,000 contract to extend the works of the \$60,000 project for modification of floodgates to improve tidal flushing, active management of drains and monitoring of the results.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

[1. Copy of NRCMA Contract for further funding of \\$40,000 \(DW1306211\)](#)

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**18 [EC] Moving to the Tweed: Migration Heritage, People and Demographic Change, Stage 1**

**ORIGIN:**

**Environment & Health**

**SUMMARY OF REPORT:**

In the last 35 years the Tweed Shire has undergone huge population changes which have completely transformed the landscape and culture of the Shire. Recent work on the thematic scope of the collections has identified a weakness in the Museum's collections in the area of migration heritage, and people stories more generally.

**RECOMMENDATION:**

**That Council accepts the grant offer of \$5,000 from The Migration Centre and considers matching funding as part of Council's budget allocation for the Museum for the 2006/2007 budget period.**

**REPORT:**

Tweed Shire Council has been offered a grant of \$5,000 to be matched by Tweed Shire Council in the 2006/2007 budget period. Council has also applied to the NSW Ministry for the Arts for a grant of \$15,000 as part of its annual grant request. Announcements are expected in early December 2005. The total budget for the project is \$25,000. If the Ministry's grant is not forthcoming the project will not proceed and grant from The Migration Centre in this instance will be returned.

The project is proposed to run over the next three years. This grant is for stage one and is focussed primarily on migration history and scoping the next stage of work on new settlers and the "sea changers".

The project will underpin the development of new exhibitions at the Tweed River Regional Museum and strategically build the collection and research base of the Museum. Stage one will document object stories and personal histories before they are lost as the post-war migrants age.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Funds will need to be budgeted within the Museum allocation in the 2006/2007 budget period

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**19 [EC] Tweed Surf Life Saving Strategy 2020**

**ORIGIN:**

**Environment & Health**

**SUMMARY OF REPORT:**

Council, at its meeting of 16 February 2005, resolved to establish the above Strategy for community comment.

Only one (1) submission has been received.

**RECOMMENDATION:**

**That Council adopts Option 2 referred to in the body of this report being:-**

- 1. Adopts the Tweed Surf Life Saving Strategy 2020 and implements its actions subject to budget constraints.**
- 2. Includes in Table A2 under heading "Paid Life Guards" requirements:**
  - i) to investigate and review the possibility of using Council paid life guards or other possible contractual arrangements; and**
  - ii) to develop thresholds that determine when new or expanded life guard services may be required.**
- 3. Establishes a Beach Safety Management Committee consisting of the Managers Environment & Health, Strategic Planning, Recreation Services, Chairperson of the Coastal Management Committee, one (1) representative for the four (4) local volunteer surf clubs and one (1) representative of Surf Life Saving NSW.**

## **REPORT:**

Council at its meeting on 16 February 2005 resolved to exhibit the Tweed Coast Surf Life Saving Strategy 2020 for community comment (copy of report attached).

Only one (1) submission was received from Tweed Coast Sea Rescue Inc (copy attached). This submission, in two parts, strongly highlighted that the current volunteer surf life savings clubs only provide a service on weekends and strongly emphasised the need for an 'in house' permanent Council funded lifeguard service.

During the exhibition of the draft Strategy a public meeting was held on 29 March 2005. This was chaired by the Mayor and attended by representatives from the Surf Clubs and Tweed Coast Sea Rescue Inc. Two major issues arose out of discussions:-

- The difficulty of funding surf clubs and the lack of recognition as an essential emergency service.
- The role of paid lifeguards, particularly in respect of surf clubs.

## **Comment**

It is considered that the above two points are very valid, especially the possible need for Council to investigate and review the possibility of providing extended paid lifeguard services to newly identified sites along the Tweed Coast for possible increasing periods of time i.e. school holidays. Also to investigate the possible creation of thresholds in population growth, beach usage, etc that could trigger the introduction of new beach areas that need a life guard service.

Accordingly, in reconsidering the adoption of the Strategy, such should include in Table A-2, action headed "Paid Life Guards", the expanded requirement to investigate the possibility of Council paid life guards and other contract arrangements such as with Gold Coast City Council and to develop thresholds when new or expanded life guard services may be required.

Further the Strategy proposes the establishment of a Beach Management Committee. With the adoption of the Strategy, it is recommended that such committee consists of the Managers Environment & Health, Strategic Planning, Recreation Services, Chairperson of the Coastal Management Committee, one (1) representative for the four (4) local volunteer surf clubs and one (1) representative of Surf Life Saving NSW.

## **Conclusion:**

Council has two options in determining this report:

- Option 1. Conduct a Workshop with Administrators and relevant staff to review the Tweed Surf Life Saving Strategy.
- Option 2. 1. Adopt the Tweed Surf Life Saving Strategy 2020 and implements its actions subject to budget constraints.

2. Include in Table A2 under heading "Paid Life Guards" requirements:
  - i) to investigate and review the possibility of using Council paid life guards or other possible contractual arrangements; and
  - ii) to develop thresholds that determine when new or expanded life guard services may be required.
3. Establishes a Beach Safety Management Committee consisting of the Managers Environment & Health, Strategic Planning, Recreation Services, Chairperson of the Coastal Management Committee, one (1) representative for the four (4) local volunteer surf clubs and one (1) representative of Surf Life Saving NSW.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- [1. Tweed Surf Life Saving Strategy 2020 \(DW 1311106\)](#)
  - [2. Report to Council Meeting held 16 February 2005 on Tweed Coast Surf Life Saving Strategy 2020 \(DW 1156327\)](#)
  - [3. Submission received from Tweed Coast Sea Rescue Inc \(DW 1176589\)](#)
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**20 [EC] Kingscliff Amenities Hall Restoration**

**ORIGIN:**

**Environment & Health**

**SUMMARY OF REPORT:**

Correspondence concerning the above hall has been received and it requests such be reported to Council to allow representatives an opportunity to address the Operations Committee Meeting on the subject of the Kingscliff Amenities Hall.

**RECOMMENDATION:**

**That this report be received and noted.**

**REPORT:**

Correspondence as set out below has been received from three (3) Community Groups from Kingscliff concerning the current renovation program for the Kingscliff Amenities Hall.

The thrust of the correspondence is to request an opportunity to address the Operations Committee Meeting on 14 December 2005.

*"Dear Geoff and Don,*

*Re : Agenda item for Planning and Operations Committee to be held on Wednesday the 14th December, 2005.*

*The Kingscliff Ratepayers and Progress Association, Kingscliff Chamber of Commerce and Kingscliff Community Hall Rejuvenation Committee would like to request the addition of the restoration of the Kingscliff Amenities Hall as an agenda item on the final Planning and Operations Committee for 2005. The purpose of this agenda item is for a representative to speak to the following points as community and business members of the Kingscliff community.*

*The Project Plan - the work of the Kingscliff Community Hall Rejuvenation Committee re the renovation of existing hall and the surrounding areas for use as town common.*

*Formal communication with Council - the communication interface between Council and the Kingscliff Community Hall Rejuvenation Committee and the Kingscliff Residents and Progress Association regarding the Amenities Hall throughout 2005 has been ineffectual. The stakeholdes mentioned above would like to see an improvement in prioritising, delegation, time management and communication with relevant stakeholders in 2006.*

*Policy Direction - The recent attachment of a 1.8 by 1.3 m bingo sign to the front of the Amenities Hall highlights the lack of communication and direction from Council. The Heritage listing of the Amenities Hall requires planning as to what and how information can be displayed and this requires communication with relevant committees, community groups and members.*

*We would like the opportunity to speak to these issues at the Planning and Operations Committee meeting on the 14th December, 2005 in a time efficient and expedient manner. Once the Hall is listed as an agenda item a representative will be delegated from the Hall Committee to contact Council by this Wednesday , 7th December 2005 for inclusion on the agenda.*

*Pete Gladwin*

*President*

*Kingscliff Ratepayers and Progress Association*

*and the Kingscliff Community Hall Rejuvenation Committee*

*5.12.05"*

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

### 21 [SUB-PTW] Minutes of the Public Transport Working Group Committee Meeting held 26 October 2005

#### FOR THE CONSIDERATION OF COUNCIL:

Minutes of the Public Transport Working Group Committee Meeting held Wednesday 26 October 2005

GT1/41 Pt3

VENUE:

Tweed Heads Civic Centre

TIME:

11.00am

PRESENT:

Committee Members: Bill McKennariey, Don Stubbs  
Informal: Robin Spragg (TSC); Linda Lomman (PTDP), Penny Baldwin (TBBCT).

APOLOGIES:

Garry McDougal (Surfside), Rob Lake (MoT)

MINUTES OF PREVIOUS MEETING:

Moved: Bill McKennariey

Seconded: Penny Baldwin

RESOLVED that the Minutes of the Public Transport Working Group Committee meeting held Friday 30 September 2005 be accepted as a true and accurate record of the proceedings of that meeting with the following amendments:

BUSINESS ARISING:

Item from Meeting held 30 September 2005

1. Goals Workshop

*Proposal is going to Council; waiting on approval.*

*Questions (from goals paper) raised about who is Committee Chair - Chair must be a Member. Quorum is made up of members, selected annually. Could permanent observers become Members? Need to consider conflict of interest, include a call for declarations as part of Agenda. Suggest remove DIPNR as observer, regular attendance unlikely, on invitation possible.*

*Group suggested a delegation could address the Planning Committee about the proposal. Ask Robin Spragg to follow up.*

*Suggested interim arrangements - Chair elected post acceptance of revised Terms of Reference, and recruitment of new Committee. Chair for meeting should be appointed at beginning/end of meeting.*

The roles of the Chair and the Convenor be clarified as:

Chair – a Committee member who sets the agenda in conjunction with the Convenor, presides at meetings and drafts letters on behalf of the Committee;

Convenor – a Committee member who works with Council Departments to maintain a flow of information to the Committee, flags issues, researches material, advises the Committee on processes and structures within Council, takes down and distributes minutes.

RECOMMENDATION:

That the organisations previously proposed to be observers at Committee meetings become full members of the Committee, subject to any Council rules relating to staff being members of advisory committees.

RECOMMENDATION:

That Council considers arrangements for reimbursement of costs of attending Committee meetings for members who meet CentreLink income tests for a Seniors Health Care Card. Letter to be sent to the General Manager explaining the above, that were not included in the circulated Minutes for September.

---

Item from Meeting held 30 September 2005

5. Tweed Centro Taxi Rank

*Council to be contacted re policing Café at taxi rank and where they place their outdoor tables - ask Ranger or Centre management?*

RECOMMENDATION:

That Council enforces the regulations relating to placement of café tables on footpaths at Tweed Centro Taxi Rank.

---

Item from Meeting held 30 September 2005

7. Surfside

*Kirkwood Road West bus stop is considered dangerous.*

*Need for assessment by Council pending Surfside timetable and route changes. An accident occurred in September 2005.*

*Suggestion to obtain copies of the Federal Senate Sustainable Cities report for Members.*

*Discussed Redland QLD travelsmart trial and possible options for Tweed.  
Requested that Translink Annual Report be distributed to Members.*

RECOMMENDATION:

That in view of the occurrence of an accident at Kirkwood Road West bus stop, Council proceeds with safety works there irrespective of possible future bus route changes.

---

AGENDA ITEMS:

1. Policy Document Review

(a) Regional Bus Reform Implementation

No bus service changes are expected in regional areas of the State for 12 months or more.

(b) The Taxi Review

There is no further information whether the taxi voucher scheme will be implemented.

(c) Integrated Land Use/Transport Planning

It was proposed to hold a workshop when the new Committee has been formed. It would focus on Council processes for implementing sustainable transport policies.

(d) Sustainable Local Transport Plan

Committee members will review the draft document and discuss final amendments in January prior to the intended report to Council in February.

(e) Draft Regional Industry and Economic Plan (NRRDB)

Strategies for the Transport Sector focus on infrastructure to support the regional economy (submissions now closed).

(f) Taxi Subsidy Scheme

See Taxi Review above.

---

2. Major Development Review

(a) Kingscliff TAFE Bus Terminal

It was reported that construction will start as soon as DIPNR approves necessary changes to the CPTIGS program. CPTIGS are being contacted for an indication when approval is expected.

(b) Taxi Rank Canopies

Canopies for Kingscliff and Murwillumbah will be erected in November.

(c) Bay St Coach Stop

Following closure of the Transit Centre, temporary measures to provide seating and information are in train; Council investigations for possible long term relocation to a site in Wharf St. in conjunction with ticket sales at the Tourist Bureau are being pursued.

(d) Sexton Hill Proposals

It is necessary to establish whether Surfside is satisfied with the plans, and whether cycling and walking is adequately provided for. A letter will be sent to the Consultants with an invitation to the next meeting, and requesting plans.

(e) State of the Shire Report

The proposed Transport performance report for 2005 was circulated for information.

(f) Kennedy Drive Pipeline Works

During excavations provision will be made for bus stops to be temporarily relocated away from working areas. It was suggested that this should be notified in the Tweed Link.

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3. Studies & Submissions

(a) Federal Parliament Committee Report on Sustainable Cities

Transport section to be circulated to members for information. The Report supports proposals in the draft Sustainable Local Transport Plan.

(b) Tweed Coast-Murwillumbah Bus Service Proposals

Still under review.



(c) Surfside Timetable Review

The Committee will write to Surfside about its concerns for the timetable review process.

(d) Transport Week Planning and Mobility Management

A working party is preparing a promotion to older people in four town centres during the first half of 2006.

Separately, a business plan for a grant for a regional Mobility Management Office for NR will go to MoT by December.

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GENERAL BUSINESS:

4. Community Transport Conference at Byron, 17 September

Penny reported that a committee was established to set up a national Community Transport organisation to lobby on behalf of the sector. The Conference focused on improving coordination of trip generators of community transport, such as health providers.

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NEXT MEETING:

The next meeting of Public Transport Working Group Committee will be held at 11.00am on Wednesday, 23 November 2005.

The meeting closed at 1.15pm.

**DIRECTOR'S COMMENTS:**

Nil.

**DIRECTOR'S RECOMMENDATIONS:**

**Business Arising:**

**Item from Meeting held 30 September 2005**

**1. Goals Workshop**

**That the Committee's recommendation be endorsed, being:**

***"That the organisations previously proposed to be observers at Committee meetings become full members of the Committee, subject to any Council rules relating to staff being members of advisory committees."***

***"That Council considers arrangements for reimbursement of costs of attending Committee meetings for members who meet CentreLink income tests for a Seniors Health Care Card. Letter to be sent to the General Manager explaining the above, that were not included in the circulated Minutes for September.:"***

Item from Meeting held 30 September 2005

5. Tweed Centro Taxi Rank

That the Committee's recommendation be endorsed, being:

***"That Council enforces the regulations relating to placement of café tables on footpaths at Tweed Centro Taxi Rank."***

---

Item from Meeting held 30 September 2005

7. Surfside

That the Committee's recommendation be endorsed, being:

***"That in view of the occurrence of an accident at Kirkwood Road West bus stop, Council proceeds with safety works there irrespective of possible future bus route changes."***

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**22 [SUB-TRC] Minutes of the Tweed River Committee Meeting held 30 November 2005**

**FOR THE CONSIDERATION OF COUNCIL:**

**Minutes of the Tweed River Committee Meeting held Wednesday 30 November 2005**

Tweed River Committee

**VENUE:**

Canvas & Kettle Meeting Room, Murwillumbah Civic Centre

**TIME:**

9.00am

**PRESENT:**

Robert Quirk (Tweed River Advisory Committee & NSW Cane Growers' Association) (Chair); Max Boyd – from 9.00-10.10am (Tweed Shire Council Administrator); Harry Christopher (Bilambil Heights Progress Assoc); Claire Masters (Tweed Landcare Inc); Richard Hagley (DIPNR); Errol Wright (Tweed River Charter Operators); Bob Loring (Dept of Primary Industries – Fisheries); Rhonda James (Caldera Environment Centre); Jane Lofthouse, Tom Alletson, Geoff Edwards, Douglas Jardine – from 9.15am, Marty Hancock – from 10.50am, (Tweed Shire Council).

**INFORMAL:**

Garry Payne (Administrator) – from 9.25-10.10am; Mark Kingston – from 9.00-10.40am; Tom Ridges (Southern Cross University student); Jan McCrohon (Minutes Secretary)

**APOLOGIES:**

Martin Dobney (Action Sands Chinderah); Carl Cormack (NSW Maritime); David Oxenham (Tweed Shire Council)

Moved: Max Boyd

Seconded: Richard Hagley

RESOLVED that the Apologies be accepted.

MINUTES OF PREVIOUS MEETING:

Moved: Max Boyd

Seconded: Claire Masters

RESOLVED that the Minutes of Meeting held Wednesday 12 October 2005 be accepted as a true and accurate record of the proceedings of that meeting.

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BUSINESS ARISING:

Item from Meeting held 12/10/2005

Dredging Stotts Channel

Dredging; Master Boating Plan

Council has received bathymetric survey data from NSW Maritime, which Tom Alletson tabled for the Committee. Preparation of an REF will commence as soon as Council's environmental scientists are able to allocate time.

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Item from Meeting held 12/10/2005

River Bank and Flood Levee Erosion Kynumboon

Riverbank Erosion

A preliminary design for this site has been prepared, and a bush regeneration contractor is preparing a quote in accordance with the plan. Tom Alletson summarised his meetings with Beverley Fairley and informed the Committee that this work was going ahead.

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Item from Meeting held 12/10/2005

Letitia Spit Rehabilitation

Fingal Peninsula

Fencing along Murphy's Road and Letitia Spit Road will be carried out in the near future through Land Council labour, Tweed Shire Council, Bitou Bush funds, and a grant from the Land Council.

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CORRESPONDENCE IN:

1. Letter from Local Government Association of NSW

Tweed River Committee

Notification of Finalist, Local Government Excellence in Environment Awards - Fingal Project. Tom Alletson was asked by the General Manager to enter the Fingal Project into the Australian Local Government Excellence in Environment Awards which was a joint application between Tweed Shire Council and the Land Council, and was then selected as a finalist. Tom is travelling to Sydney with Sean Phillips of the Land Council to attend the presentations (1 December).

CORRESPONDENCE OUT:

NIL

AGENDA ITEMS:

1. Tweed Vegetation Management Plan - Mark Kingston

Vegetation Management Plan

The Chair welcomed Garry Payne (Administrator) to the meeting and asked Committee members to introduce themselves.

Mark Kingston, who is the author of the Vegetation Management Plan, presented an overview of the recommendations of the plan.

Conservation Planning Officer – someone is urgently needed in Strategic Planning with natural resource background – an Ecologist/Planner. (Douglas Jardine said there were no suitable applicants for this position interviewed as yet.)

Environmental levy –Garry Payne pointed out that environmental levies are very popular across the state as long as there is a good reporting system on what the projects are and how the money has been spent.

A funding and coordination structure is required to implement the vegetation management plan. The TRC has been suggested as the appropriate forum to management this process.

Aboriginal liaison is an important consideration in vegetation management plan implementation, however we need some way of including them, other than meetings – maybe an Aboriginal person in Council, or applications referred to the Land Council for their comments. Max Boyd suggested that the Aboriginal Advisory Board would be able to advise on this matter.

Garry Payne noted that an environmental levy was an acceptable way to generate funds for management of natural areas and implementation of the vegetation management plan. It was suggested that this concept should be raised with the community between now and July 2006, with a request going forward to the Minister in about April to approve a levy, and the levy commencing from August for the rate year of 2006/07. Gary noted that there could be opposition, but it is seen as critical for the future of this area. Gary believes that Council staff are needed to run the vegetation management plan, as opposed to consultants.

The Chair closed the debate and thanked Max Boyd and Garry Payne for attending the meeting, and they departed at 10.10am.

Further discussion was held with Mark Kingston:

Aims:

- Identify areas
- Identify issues
- Identify practical mechanisms
- Develop administrative framework – Mark feels that 2 people are needed, a Natural Resource Management person as well as a Strategic Planning person
- Accommodate economic and social considerations
- Promote cooperative and integrated approach
- Promote stewardship and consultation

Moved: Rhonda James

Seconded: Claire Masters

RESOLVED that as a matter of urgency Council finalise the Vegetation Management Plan components of the Vegetation Management Strategy, so that appropriate inclusions can be made in the budget preparations for 2006/07, including an environmental levy, the appointment of an Ecologist and the development of an appropriate management regime.

RECOMMENDATION:

That as a matter of urgency Council finalise the Vegetation Management Plan components of the Vegetation Management Strategy so that appropriate inclusions can be made in the budget preparations for 2006/07, including an environmental levy, the appointment of an Ecologist and the development of an appropriate management regime.

The Chair thanked Mark Kingston for his report, who left the meeting at 10.40am.

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2. Floodplain Project Officer - Report by Marty Hancock

Acid Sulphate Soils

Marty presented an update of his work over the past 6 months. He is on a 12 month contract for CMA, and this has been extended to June 2006.

Future funding:

- NRCMA \$60,000 + \$40,000
- NRCMA Strategic Reserve – application in for new floodgate - \$96,000
- Fisheries \$90,000 & Environmental Trust \$100,000 – applications in for tidal floodgates.

Marty's work has included replacing flood gates at Condong and Cudgera, drain filling at Cudgen, capping of acid scalds in Bray Park and Blacks Drain, and assistance with the construction of an artificial wetland at Dinseys Creek.

The Chair congratulated Marty on the great progress achieved over a short time.

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3. Creek Name Signs on Bridges, Tweed Catchment

Tweed River Committee

Most of the road bridges over streams in the upper catchment do not name the creek that they cross. This could be a simple but effective project to increase knowledge of, and care for our catchment. Tom to come back to Committee with creek sign options.

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4. Cobaki and Terranora Broadwater Management Plans - Update

Estuary Management

Meetings with the Healthy Waterways group, Ian Fox and Aboriginal Advisory Committee have been undertaken. The brief for the project is still being developed. AAC has endorsed Ian on working with Council. Finalising terms of reference for his work, and he will be formally engaged early next year. Jane and Tom talked to Healthy Waterways group last week, and can now formally write to them and ask them to present a scoping study for an ecosystem health monitoring program.

A Sustainability Assessment may still be carried out by the Australian National University, with the potential for this work to be funded by the CMA. It is expected that the CMA will write to Council to advise on availability of funding for a sustainability assessment. If this happens, production of an overall plan may take up to 12 months.

A sustainability assessment would include a management framework upon completion, therefore it was agreed that at this stage Council does not need to develop its brief further, and should wait to hear from the CMA.

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It was agreed that someone should contact Simon Walsh, CMA-DPI – strategic reserve funding for work in lake system - \$440,000 for several key projects.

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5. Integrated Water Cycle Management Plan Update

Tweed River Committee

The draft scoping phase of this project has been completed and recommends a range of investigations that Council must undertake to determine the future of water supply and use in the Shire.

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6. Banora Point and West Tweed Sewage Treatment Plants - Effluent Disposal Strategy EIS

Estuary Management

An overview of the package of measures proposed for implementation to management of the impact of the discharge on the Tweed River was presented by Tom Alletson. There are two STP's, West Tweed and Banora Point. The EIS has been out for public comment, and responses have gone back to the consultants preparing the report. The main points to be noted were:-

- Upgrade the capacity of the plants to improve the quality of the effluent;
- Reuse in new developments;
- Invest in urban and rural catchment rehabilitation works – in the Terranora and Cobaki system
- Continue to discharge effluent into the Terranora Creek.

The Administrators have been briefed, and EPA have been advised of the package of measures proposed.

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GENERAL BUSINESS:

7. Environmental Trust

Tweed River Committee

Claire Masters identified the opportunity of new funding becoming available in January from the Environmental Trust. She asked if the Committee would like to support and develop an educational project with Landcare.



Moved: Richard Hagley  
Seconded: Harry Christopher

RESOLVED that the Committee would offer in principal support for Claire Masters' project, Environmental Trust, in their application for up to \$50,000 for education, information and skills development.

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8. Barneys Point Bridge

Tweed River Committee

Errol Wright informed the Committee of the dangerous practice of kids dropping rocks onto boats as they travelled under the bridge, and he had informed the RTA and Police.

Moved: Errol Wright  
Seconded: Bob Loring

RESOLVED that the Committee recommend to Council that they write to RTA requesting a screen over the navigation channels of Barneys Point Bridge to prevent access to boats underneath the bridge.

RECOMMENDATION:

That Council write to RTA requesting a screen over the navigation channels of Barneys Point Bridge to prevent access to boats underneath the bridge.

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9. Chinderah Marina

Boating; Estuary Management Plan

Harry Christopher expressed his concern and that of most Chinderah residents about the effects of the proposed Chinderah Marina on flooding levels. They feel that it is in the wrong area and would create a dam area in flood times. There was a public meeting of protest at Cudgen last night, with another one to be held in a few weeks time.

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10. NSW Coastal Conference

Tweed River Committee

Jane and Tom attended the conference in Narooma two weeks ago, and Tom presented a paper. Next year's conference to be held at Coffs Harbour.

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NEXT MEETING:

The next meeting of the Committee is to be held on Wednesday 8 February 2006 at the Canvas & Kettle Meeting room commencing at 9.00 am.

The meeting closed at 12.15pm.

DIRECTOR'S COMMENTS:

Agenda Item

1. Tweed Vegetation Management Plan - Mark Kingston

The recommendation needs to be considered in context with other budget requests before Council.

General Business

8. Barneys Point Bridge

Tweed River Committee

That Council requests the Roads & Traffic Authority to install screens on those sections of the Barneys Point Bridge that pass over navigation channels to prevent articles being dropped from the bridge deck onto to boats utilising the channels.

**DIRECTOR'S RECOMMENDATIONS:**

**Agenda Item**

1. **Tweed Vegetation Management Plan - Mark Kingston**  
**Vegetation Management Plan**

**That Council fully considers the importance of the Vegetation Management Plan and its implementation in its budget deliberations for the 2006/2007 year and in the 7 Year Infrastructure Plan.**

**General Business**

8. **Barneys Point Bridge**

**Tweed River Committee**

**That Council requests the Roads & Traffic Authority to install screens on those sections of the Barneys Point Bridge that pass over navigation channels to prevent articles being dropped from the bridge deck onto boats passing below.**

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