



**TWEED**  
SHIRE COUNCIL

**Chair:** Tr Barry Longland

**Trustees:** M Armstrong  
G Bagnall  
C Byrne  
K Milne  
W Polglase  
P Youngblutt

## **Agenda**

**Jack Evans Boat Harbour  
Reserve Trust Meeting  
Thursday 24 January 2013**

held at Murwillumbah Cultural and Civic Centre  
commencing at 5.45pm

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## Items for Consideration of the Trust:

ITEM	PRECIS	PAGE
	<b>CONFIRMATION OF MINUTES</b>	<b>5</b>
<b>1</b>	<b>[CONMIN] Confirmation of the Minutes of the Meeting of the Jack Evans Boat Harbour Reserve Trust held 15 September 2009</b>	<b>5</b>
	<b>REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS</b>	<b>7</b>
<b>2</b>	<b>[EO-JEBH] Markets - Jack Evans Boat Harbour</b>	<b>7</b>

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## CONFIRMATION OF MINUTES

- 1 [CONMIN] Confirmation of the Minutes of the Meeting of the Jack Evans Boat Harbour Reserve Trust held 15 September 2009

### UNDER SEPARATE COVER/FURTHER INFORMATION:

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

1. Minutes of the Ordinary Meeting of the Jack Evans Boat Harbour Reserve Trust held 15 September 2009 (ECM 5739487)
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## REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

### 2 [EO-JEBH] Markets - Jack Evans Boat Harbour

SUBMITTED BY: Recreation Services

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**Supporting Community Life**



**Strengthening the Economy**

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#### SUMMARY OF REPORT:

An important aspect of the Jack Evans Boat Harbour Parkland Use and Event Protocol is the establishment of public markets at the site. Markets are considered a critical activity or element in activating the precinct to enable the redevelopment to realise its full potential and objectives.

Two submissions have been received which propose markets at the site and Council has submitted a development application and received approval to conduct markets at the site.

Reserves Trust support is sought before a Local Government Act Section 68 approval is issued for the markets.

A separate full report will be put to Council for endorsement.

#### RECOMMENDATION:

**That the Jack Evans Boat Harbour Reserve Trust consents to:**

- 1. The issue of an approval to conduct a market at the Jack Evans Boat Harbour for the period ending 30 June 2015, and**
- 2. An option for the successful candidate to renew the approval for a further three year period ending 30 June 2018, subject to operation of the market to the satisfaction of the General Manager or his delegate.**

## REPORT:

An important aspect of the Jack Evans Boat Harbour Parkland Use and Event Protocol is the establishment of public markets at the site. Markets are considered a critical activity or element in activating the precinct to enable the redevelopment to realise its full potential and objectives.

Two submissions have been received which propose markets at the site and Council has submitted a development application and received approval to conduct markets at the site.

Similar market approvals have historically been issued for Kingscliff, Pottsville and Recreation Street Tweed Heads. The current approvals expire on 30 June 2015.

The submissions being recommended to Council proposes to operate a market the first Friday evening of the month (October to May) and Saturday morning (June to September) with an option to conduct markets fortnightly as the market operation develops.

The matter will be reported separately to Council to determine the most suitable applicant.

## CONCLUSION

Having expended a considerable sum to revitalize the Jack Evans Boat Harbour precinct it is now considered vital that Council encourage and facilitate activities and community events at the site which engage the community and utilise the facilities offered.

Reserves Trust consent is sought before a Local Government Act Section 68 approval is issued for a market at the site.

It is recommended that the Tweed Coast Reserves Trust consents to:

1. The issue of an approval to conduct a market at the Jack Evans Boat Harbour for a period ending 30 June 2015, and
2. An option for the successful candidate to renew the approval for a further three year period ending 30 June 2018, subject to operation of the market to the satisfaction of the General Manager or his delegate.

## COUNCIL IMPLICATIONS:

- a. **Policy:**  
**Vending of Food on Public Reserves Version 1.1**

### ***"Objective***

*To control the vending of food on public reserves, streets and roads to maintain the highest levels of public health, safety and convenience of persons using public reserves, streets and roads and to cause minimum financial impact to nearby retail outlets.*



## **Policy**

*Approval will not be given for the vending of food on Public reserves, streets and roads within the Tweed Council area except in the following circumstances:*

- 1. Where a specific one-off event has been approved by Council then the organising body may apply for approval for the vending of food. Such approval will be subject to the vendors complying with Council's "Code for the Vending of Food at markets and One-Day Events".*
- 2. Where Council approval has been granted for the conducting of a market or similar on a regular basis on a reserve only "home-made" or "home-grown" produce may be sold, provided "home-made" products are correctly pre-packaged and labelled and their sale complies with the "Code for the Vending of Food at Markets and One Day Events".*
- 3. Where Council approval has been granted for the conducting of market or similar on a regular basis on a reserve then approval may be given for the sale of drinks provided there are no nearby retail outlets that may be affected and the sale of drinks complies with the requirements of the "Code for the Vending of Food at Markets and One Day Events".*

Despite the adopted Policy restrictions Council has previously approved variations to this policy at approved markets by specific resolution which permit the operation of a limited number of food businesses (stalls and vans) at public markets which sell 'conventional foods and drink' (Pottsville - two, Kingscliff - four and Tweed Heads - four). Pottsville is limited to two food businesses because it is immediately opposite several small businesses which sell take-away food.

There is one take away food business in close proximity to the proposed market site. It is recommended that the number of food businesses (stalls or vans) which are permitted to sell conventional food and drink be limited to four (ie unlimited separate sale of home-made or home-grown food remains permissible). Importantly, this is unlikely to result in any conflict with the restrictions placed over existing market operators on public land in the Shire.

### **b. Budget/Long Term Financial Plan:**

Council's adopted fees and charges require the payment of 15% of gross stall rental income.

Tweed Twilight Market proposes 16% (one market per month) whereas Starspec proposes a flat amount of \$600 per month (weekly market) and \$5,000 annually to a charity.

### **c. Legal:**

Not Applicable.

### **d. Communication/Engagement:**

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

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

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

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
- 2.1.3.7 Develop and implement management policies and structure for Jack Evans Boat Harbour to ensure it functions effectively as an events space
- 2.1.6 Provide social, economic and cultural initiatives which enhance access, equity and community well-being
- 3 Strengthening the Economy
- 3.1 Expand employment, tourism and education opportunities
- 3.1.6 Support creative practitioners and entrepreneurs to access professional and business development opportunities to enhance their contribution to the creative economy
- 3.1.6.1 Creative economy

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Nil.

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