



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

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

Agenda

Ordinary Council Meeting Thursday 5 September 2019

held at

**Council Chambers, Murwillumbah Civic & Cultural Centre,
Tumbulgum Road, Murwillumbah**

commencing at the conclusion of the Planning Committee meeting
which commences at 5.30pm.

Principles for Local Government

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

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

Items for Consideration of Council:

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CONFIRMATION OF PLANNING COMMITTEE MINUTES

1 [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 5 September 2019

SUBMITTED BY: Corporate Governance

nhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

The recommendations of the Ordinary Planning Committee Meeting held Thursday 5 September 2019 require their adoption by Council for the resolutions to be acted upon.

RECOMMENDATION:

That the recommendations of the Ordinary Planning Committee Meeting held Thursday 5 September 2019 be adopted.

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

2 [GM-CM] Tweed Tourism Company - June 2019 Quarterly Report

SUBMITTED BY: Land & Economic Development

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

SUMMARY OF REPORT:

A requirement of the current funding and performance agreement with The Tweed Tourism Company (TTC), a quarterly performance report and summary financial statement are to be provided for Council's review.

This report provides The Tweed Tourism's quarterly reports for the April to June 2019 quarter.

At its July meeting Council resolved to pay two months of the second quarter 2019 payment to TTC. The reason for this early part payment was that Council did not meet in August 2019 therefore this would have caused the quarterly payment for the June 2019 quarter to be late. This leaves one month of the June 2019 quarter outstanding.

This report recommends that Council receives the quarterly report from The Tourism Company and endorses payment for the outstanding quarterly payment for the June 2019 quarter.

RECOMMENDATION:

That Council:

1. **Receives and notes The Tweed Tourism Company's quarterly report for the April to June 2019 quarter,**
2. **Pays The Tweed Tourism Company (DR Tourism Pty Ltd) one month of its third quarter 2019 payment immediately on submission of an appropriate tax invoice,**

3. **ATTACHMENTS 2, 3, 4 and 5 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

REPORT:

As there were no Council meeting scheduled for July 2019, The Tweed Tourism Company (TTC) were unable to present their quarterly report to Council in accordance with the funding agreement. As a result Council agreed to pay two months of the third quarter 2019 payment be authorised to be paid to TTC immediately. The remaining one month payment was agreed to be paid on presentation of the June 2019 quarterly report.

The Council report presents TTC's second (April to June) quarterly report for 2019 and recommends the final payment of the outstanding amount for this quarter. The third quarter 2019 report is due to be presented to the October 2019 meeting which will follow the scheduled quarterly pattern.

OPTIONS:

Council has two options available;

1. Approves to pay The Tweed Tourism Company (DR Tourism Pty Ltd) one month of its June quarter 2019 payment immediately on submission of an appropriate tax invoice and receives and notes this quarterly report – In receiving The Tweed Tourism Company's quarterly report Council acknowledges the work performed by and agree to process payment of the contract instalment in accordance with The Tweed Tourism Company in accordance with ED-RFT 01-2017 Contract For Marketing, Promotion and Destination Management Services, or
2. Council does not receive and note this quarterly report - If Council is not satisfied with the progress The Tweed Tourism Company has made in achieving the milestones identified in their funding contract and the agreed Destination Management Plan then it would be prudent to postpone the endorsement and commence discussions with The Tweed Tourism Company regarding their performance.

CONCLUSION:

It is recommended that Council receives and notes the April to June 2019 quarterly report from The Tweed Tourism Company.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

This quarterly report is submitted by Tweed Tourism Company in accordance with their current funding agreement.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1. Tweed Tourism Company Quarterly Report – April to June 2019 (ECM 6026286)
- (Confidential)* Attachment 2. Tweed Tourism Company Financial Report – Balance Sheet as at 30 June 2019 (ECM 6026284)
- (Confidential)* Attachment 3. Tweed Tourism Company Financial Report – Profit and Loss for April to June 2019 (ECM 6026285)
- (Confidential)* Attachment 4. Tweed Visitor Information Financial Report – Balance Sheet as at 30 June 2019 (ECM 6026287)
- (Confidential)* Attachment 5. Tweed Visitor Information Financial Report – Profit and Loss for April to June 2019 (ECM 6026288)
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3 [GM-CM] Commercial Use of Murwillumbah Airfield - Sky Diving Operations

SUBMITTED BY: Land & Economic Development

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.1 Airfield - To provide a public access general aviation airstrip that encourages aviation businesses, recreational users and tourism.

ROLE: **Leader**

SUMMARY OF REPORT:

At its meeting on 21 February 2019 Council considered a proposal from a commercial skydiving operation based at the Gold Coast Airport to use Murwillumbah Airfield as an alternative base to run their operations.

Council resolved to defer the matter to allow the sky dive operator to address the matters raised in the submission. To date no response has been received from the sky dive company.

Given the attrition of time this report recommends that Council not endorse the commercial skydiving operations at the Airfield and also recommends that Council resolve to discourage ongoing skydiving operations from the Airfield due to an incompatibility with existing operations.

RECOMMENDATION:

That Council:

1. **Advises Learn to Skydive that it does not endorse the use of the Murwillumbah Airfield for any ongoing skydive operations.**
2. **Notes in the “Murwillumbah Airfield Pilots Notes” and Council's web page that “ongoing skydive operations will not be endorsed at Murwillumbah Airfield due to the incompatibility with current Airfield operations”.**
3. **Forwards any submissions received in relation to the air safety of the parachute drop zone located at the Murwillumbah Racecourse to Air Services Australia.**

REPORT:

Late last year a commercial skydiving operation, Learn to Sky Dive, based at the Gold Coast Airport approached Council seeking approval to use the Murwillumbah Airfield as an alternative base to run their operations.

Consultation was undertaken with the existing users and lessees who identified serious concerns with the proposal. These concerns along with the proposal were presented to Council at its meeting in February 2019. It was resolved at this meeting that:

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

Numerous attempts have been made to contact "Learn to Skydive" since February seeking their response. This has include formal letters, emails and phone calls. Given this lack of response this report recommends that Council attempts to advise Learn to Skydive that it does not endorse the use of the Murwillumbah Airfield for any ongoing skydive operations.

Proposal

The proposal would be for their aircraft to commence daily operations at Gold Coast Airport by loading parachutists and drop them over the drop zone located at the Murwillumbah Racecourse before landing at Murwillumbah Airfield. The plane would then reload with fresh parachutists, refuel and drop again. Continuing this pattern until the last load of the day which would then return to the Gold Coast Airport.

Fresh parachutists would be brought into Murwillumbah Airfield on a mini-bus for each circuit. There would be up to five loads a day with five parachutists per load. After dropping the final parachutists off over the racecourse, the plane will descend back into Coolangatta. The pickup vehicle would then transfer the dropped parachutists back to the Gold Coast Airport.

Operations will be restricted to 9.00am to 6.00pm, seven days a week. There is no proposal to park or hangar the aircraft at Murwillumbah Airfield overnight.

Drop Zone

In June 2017 a Letter of Agreement was entered into by Air Services Australia which established a set of protocols and procedures for Parachuting Operations at Gold Coast Airport and Murwillumbah. Air Services Australia are the principle authority for all airspace and safe aircraft operations in Australia. Specifically this agreement establishes a parachute drop zone within the middle of the race track at 28.305S 1534088E, refer Figure 1.



Learn to Skydive have also entered into a commercial arrangement with the Tweed Valley Jockey Club to use the Racecourse as a drop zone.

On their initial approach to Council in 2017, Learn to Skydive presented all necessary approvals to operate their skydive operations within the air, however it was identified to them that they did not have a development approval for their ground operations at the Racecourse.

Development Approval

Learn to Skydive submitted a development application for their operations at the Racecourse. This was approved (DA18/0492) on 30 August 2018. This approval, along with the approval from Air Services Australia, allows them to operate a drop zone at the Racecourse. It does not include any operations at the Gold Coast Airport or Murwillumbah Airfield.

The approval restricts the operations to five loads a day with five parachutists per load with operations being restricted between 9.00am to 6.00pm, seven days a week.

The proposed operations at the Murwillumbah Airfield would be within the current approvals and zoning for the operations at the Airfield.

If Council resolves not to allow the skydive operations to operate from the Murwillumbah Airfield there is nothing in the current approvals between Air Services Australia and the development approval to prevent them from using the Racecourse as the drop zone and to continue to operate out of Gold Coast Airport or some other airport.

Consultation

As part of the ongoing liaison with the airfield community, an informal consultation was undertaken to poll their general sentiment of the sky dive proposal. The proposal was presented to users, lessees and the Murwillumbah Aero Club in a public meeting session on 1 November 2018. A considerable amount of concern was raised at this meeting.

It was advised that any concerns should be forwarded to Council in written correspondence. As a result there were seven submissions. These are summarised below. In accordance with Council's policies the submitters names have been suppressed.

Submitter	Issues Raised
Commercial Aeronautical Business Operator / Airfield Lessee	<p>Air safety concerns. No consultation with Airfield users. Concerns for trainees pilots using the Airfield. Interference with other commercial operations at the Airfield. Risks posed by parachutists and other non-radio aircraft who can legally use the Airfield.</p> <p>Other issues: Limited public toilet facilities and public car parking. Excessive wear on runway, increase aircraft noise associated with aircraft climbing to drop altitude.</p>
Commercial Aeronautical Business Operator / Airfield Lessee	Aircraft operations and parachutists are incompatible uses. Wear on the Airfield. Drop zone is very close to the Airfield circuit (aircraft operating airspace surrounding the Airfield). Introduction of tandem skydiving increases users, jumpers etc. No facilities for passengers / jumpers.
Airfield User	<p>Safety: Passengers / parachutists uncontrolled access to air side.</p> <p>Security: Airfield used by non-radio equipped aircraft. No facilities for set up, waiting, busses etc.</p> <p>Maintenance: Increased wear on Airfield due to heavier aircraft and increased movements</p>
Airfield User / Aero Club Executive	Drop Zone area would interfere with the Airfield circuit posing a serious safety risk. Passengers / parachutists intrude into air side. Not enough parking. Excessive uses will increase wear.
Airfield User / Aero Club Executive	Drop Zone area would interfere with the Airfield circuit posing a serious safety risk. Passengers / parachutists intrude into air side. Not enough parking. Excessive uses will increase wear.
Commercial Aeronautical Business Operator / Airfield User	Airfield used by non-radio equipped aircraft. Drop zone is very close to the Airfield circuit.
Executive Archerfield Airport Chamber of Commerce	Drop zone is very close to the Airfield circuit. Airfield used by non-radio equipped aircraft. Interference with the aircraft using Airfield, delays and diverts. Interference with controlled airspace (above 2,000ft).

User Concerns

The submissions can be considered in two categories. Those that specifically relate to the immediate ground operations of the Murwillumbah Airfield and those that relate to air safety resulting from the approved drop zone at the Racecourse.

Ground Operations

The concerns that have been raised in relation to the lack of facilities including car parking, public toilets as well as pedestrian access safety authorised are valid, there is a bigger issue underlying these concerns and that is the incompatibility of the Airfield uses.

Over the years there have been several approaches by sky diving operations to use Murwillumbah Airfield. These approaches have always been refused on the grounds that skydiving represents an incompatible use at the Airfield. Murwillumbah Airfield hosts private

hangars, recreational users, commercial operations including several aircraft servicing businesses and an aerial spraying operation.

These users have expressed a clear concern that ongoing sky dive operations at the Airfield would pose a real risk of incompatible uses. Furthermore there are commercial skydive operations already operating out of Gold Coast Airport and Tyagarah Airfield near Byron Bay.

Air Safety

A particular concern across most submissions is the proximity of the drop zone to the circuit of the Murwillumbah Airfield. Numerous experienced pilots have made submissions to the effect that this represents a very clear and present risk and demonstrated the incompatibility that skydiving operations from Murwillumbah Airfield represents to the existing users.

A further valid point is that there are some users that fly non General Aviation aircraft at Murwillumbah Airfield. These include sports aircraft, gyrocoptors, paragliders etc. These are specific types of recreational aircraft that are not required to operate radios to broadcast their position and intended actions.

Aeronautical safety is not an area of expertise within Council. The role of the Economic Development Unit is as owner and operator of the Airfield. As previously discussed Air Services Australia are the principal authority for the safe operations of aircraft within the skies above Australia. This is an area mandated through the Airports Act which is federal legislation. Local councils have no input or concern in relation to the operations of this Act.

Given that Council lacks any expertise to determine if any claims that these operations will impinge on the safe operations of aircraft within the air space surrounding the Murwillumbah Airfield this matter should be referred to Air Services Australia.

Therefore this report recommends that all submissions made to Council in relation to the air safety of relating to the drop zone located at the Murwillumbah Racecourse be referred to Air Services Australia.

OPTIONS:

Council has two options available;

1. That Council grants Learn to Skydive the right to use the Murwillumbah Airfield as a turnaround point to load skydivers,
2. That Council advise Learn to Skydive that it does not endorse the Murwillumbah Airfield for any ongoing skydive operations.

CONCLUSION:

Given the lack of response from the applicant this report recommends that Council not endorse the use of Murwillumbah Airfield for ongoing commercial skydiving operations due to an incompatibility with existing operations.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR SUSTAINABLE COMMUNITIES AND ENVIRONMENT

4 [SCE-CM] Charging for Goods for Sale at the Council Tip Shop

SUBMITTED BY: Resource Recovery

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

SUMMARY OF REPORT:

At the Council meeting on 4 July 2019 Council resolved as follows:

"that Council take over all facets of operations for the salvage and recovery of metals, reusable material and items and to run the tip shop. To revamp the tip shop to improve presentation, customer experience and to maximise community education and awareness of the circular economy."

Council set up a meeting with the current operators of the site, St Vincent de Paul, on 18 July 2019 and offered a three month period of notice to allow them to transition off the site. On the following Monday, 22 July, St Vincent de Paul decided to leave the site immediately and closed the shop.

Council has since commenced clearing and refurbishing the shop with the tip shop expected to be closed for at least 12 weeks to allow for recruitment of staff, reconfiguration of the site and installation of staff and customer facilities.

This report is submitted seeking Council's endorsement of the proposed methodology to be used, once the tip shop reopens, to determine prices for goods that have been salvaged for resale.

RECOMMENDATION:

That Council endorses the methodology for determining appropriate sale prices for goods salvaged that are to be resold at the tip shop.

REPORT:

At the Council meeting on 4 July 2019 Council resolved as follows:

"that Council take over all facets of operations for the salvage and recovery of metals, reusable material and items and to run the tip shop. To revamp the tip shop to improve presentation, customer experience and to maximise community education and awareness of the circular economy."

A meeting was held with St Vincent de Paul (the Contractor), on Thursday 18 July to discuss transitional arrangements to allow them to vacate the shop and remove any plant and equipment from the site. At the meeting the Contractor was offered three months' notice (to mid-October) to continue operating, after which they would need to vacate the site. They advised that they would confirm their intentions within seven days and on 22 July they contacted Council and advised that they would be closing the shop immediately.

The shop was subsequently closed and Council's refurbishment plans have been expedited to reopen the shop as soon as possible. To reopen, the following actions need to be undertaken:

- The development of appropriate governance policies and procedures
- Recruitment and training of staff
- Purchase of plant and equipment
- The refurbishment of the current facility

This report is presented to inform Council of the process and seeking endorsement of the proposed methodology for pricing of goods for resale through the tip shop once it reopens. Under current policy for fees and charges Council is required to place fees on public exhibition for 28 days inviting submissions, in accordance with Sections 404 and 405 of the Local Government Act 1993.

Establishing a set price for second-hand goods of varying quality and for which demand changes frequently is not practical. The relative quality of the products and these items new will need to determine the price of their price and will necessarily vary over time.

The *Operating a Sustainable Community Recycling Enterprise* guide (Community Recycling Network Australia 2013) provides guidelines that indicate items should be sold for no more than 30% of the retail price, but the condition of goods may mean it is legitimately worth more or less, with the value to be determined by an inspection of the goods. Other sites such as second-hand goods shops have established a price guide which is maintained to show what prices should be applied for items. Experience will be the guide in this area and staff will build up their knowledge over time, which will be captured in a pricing guide that is developed over time.

Council has also consulted both Lismore City Council and Logan City Council as they operate salvage operations using in-house staff. Both were happy to share their experience and discussed their methodologies when determining prices and in selecting stock to sell.

Both expressed the importance of turning over stock and managing your inventory. The initial price is established based on experience and if items are not moving they review the prices and adjust to ensure they are more attractive to customers. Both operations have built considerable knowledge over time of what the public are seeking and this helps them to understand what they can charge for items.

Lismore has recruited knowledgeable people with retail experience to run their operations and have in the past looked to provide training and development opportunities in order to access cheaper labour. The manager indicated that the staff that were recruited at Lismore initially had a learning curve when it came to understanding sales and operations with second hand goods as it is not a typical retail environment. They now have a core staff level of three including the shop supervisor and two staff used on various days to cover their week. They are open to the public four days per week (Tuesday, Thursday, Friday and Saturday).

The Logan site used a combination of Council and external staff, all of whom were relatively experienced. The shop only opened fixed days each week and used the other days to collect stock and materials for sale, and to clean and organise the shop. Their shop was extremely busy on the days that they were open, with hundreds of customers converging on the site at opening to grab the bargains. They had been forced to put on security staff to manage the day when they were open.

The Logan shop was very well laid out with areas for different types of goods. Items that were not sold relatively quickly (two weeks) were reduced in price to ensure stock turnover.

The resale of second-hand goods does not fit within the typical fees, charges and pricing policies as controlled by the Local Government Act, where fees and charges need to be set 12 months in advance and advertised. The sale of second-hand goods is similar in nature to a shop that acquires stock and sells it based on its value. The sale of goods at a tip shop is not the charging of a 'fee for service' and does not fit within the definitions of such provided in Sections 608 and 610A of the *Local Government Act 1993*.

This report seeks Council's endorsement of the proposed method of charging for goods at the tip shop. It is proposed that the tip shop supervisor will be given the necessary delegations to determine fair process for items using the retail value of the goods recovered and depending on the condition of the item, attach a price that represents a percentage of the new value. Over time a guide of the recommended range of charges for the various types of goods will be established. If there is an item which is new or different, the tip shop supervisor will investigate the value of the good and attach a suitable price which ensures the good is attractive to customers, with the overarching objective of less going to landfill.

Periodically the tip shop supervisor will review stock and if items are not turning over, will adjust the price to ensure they are more attractive to customers. The tip shop supervisor should also have the delegated authority to negotiate prices with customers who wish to negotiate.

From time to time the tip shop may elect to have various discounts on certain items or vent give-aways to clear out old stock if it hasn't been sold within an acceptable time period. This will ensure the shop can be cleaned out and stock refreshed periodically to ensure a positive shopping experience. The tip shop may decide to donate all proceeds from a day's trading to certain local charities such as Fred's Place.

OPTIONS:

As the establishment of prices is exempt from the need to advertise, Council has the option to use any system it wishes to determine appropriate pricing. The establishment of a guide and the use of retail knowledge will assist the development of our knowledge base and in determining the range of prices that should be applied.

CONCLUSION:

Council is in the process of taking over the operations of the tip shop and will need to establish a method to determine prices for goods to be sold in the tip shop. The question has also been asked whether the establishment of prices would be regulated by the *Local Government Act 1993* and the Council policy requiring the advertising of fees and charges.

The guide on *Operating a Sustainable Community Recycling Enterprise* (Community Recycling Network Australia) recommends the determination of a price based on a maximum 30% of the retail value. The goods that are recovered will vary considerable in their value depending on quality and the quantity of goods recovered, so initially it is proposed to use the retail value as a guide to determine a sale price. Over time a journal listing the range of prices received for various items will be built up which will be used to inform the pricing of similar items.

The establishment of pricing for second-hand goods at the tip shop does not fit within the typical fees, charges and pricing structure as controlled by the *Local Government Act*. The tip shop is similar to a shop that acquires stock and sells it based on its value. The sale of goods at a tip shop is not the charging of a 'fee for service' and does not fit within the definitions provided in Sections 608 and 610A of the *Local Government Act 1993*, and is therefore exempt from the requirement to advertise the charges.

Risk Issues

The collection and sale of second-hand good poses some risks to Council that need to be considered and addressed prior to commencing operations. Risks associated with the sale of second hand goods include, application of appropriate pricing methodology, cash handling and risks associated with the sale of used goods, such as electrical equipment.

Policies and procedures are being developed to ensure appropriate controls are put into place in relation to these risks, in particular pricing and management of cash. Monitoring put in place to manage the controls, including through random audits. All electrical goods to be resold will be tagged and tested prior to sale.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.7.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

The establishment of pricing for second-hand goods at the tip shop does not fit within the typical fees, charges and pricing structure as controlled by the *Local Government Act*. The tip shop is similar to a shop that acquires stock and sells it based on its value. The sale of goods at a tip shop is not the charging of a 'fee for service' and does not fit within the definitions provided in Sections 608 and 610A of the *Local Government Act 1993*, and is therefore exempt from the requirement to advertise the charges.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING

5 [E-CM] Water Strategies Review Project - Estimated Completion Date

SUBMITTED BY: Water and Wastewater - Business & Assets

nhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.4 Water Supply -- To provide secure, high quality and reliable drinking water which meets health and environmental requirements.

ROLE: Collaborator

SUMMARY OF REPORT:

A community Project Reference Group (PRG) is working with Council to deliver the Water Strategies Review project which is a comprehensive review of the Tweed District Water Supply, Demand Management and Drought Management strategies.

Council resolved, on 7 December 2017, that the work of the PRG is to be completed seven months prior to the end of the current Council, that is, February 2020.

The PRG has been meeting monthly since March 2019 and has made good progress, however the February 2020 deadline is unlikely to be met.

The preparation of scopes of work for external consultants has been slower than anticipated. To ensure probity, Council will be going to open tender with the scopes of work and the consultants will not be engaged until the end of September 2019. The work to be undertaken by these consultants is likely to take up to three months.

After the consultants complete their work, the PRG will require two or three more meetings to consider the consultants' findings and make recommendations to Council.

A more realistic timeframe for the project is completion by May 2020.

The revised timeframe still delivers recommendations to Council four months before the end of the current Council term. The revised timeframe will allow the external consultants sufficient time to deliver quality work and it will allow the PRG to make better and more informed recommendations to Council.

RECOMMENDATION:

That the Water Strategies Review project be completed and the recommendations of the Project Reference Group be provided to Council by May 2020.

REPORT:

Council has resolved, in part on 16 March 2017, that:

- "1. *A comprehensive independent review of Council's Tweed District Water Supply, Demand Management and Drought Management reports be undertaken, as a matter of priority*"
- "2. *The community working group that was previously established to consider the water augmentation options be reconvened ... as a project reference group for the review.*"

and on 7 December 2017 that:

- "4. *This review (Comprehensive Review of Tweed District Water Supply, Demand Management and Drought Management) should be completed 7 months prior to the end of the current Council (February 2020).*"

Council endorsed the proposed methodology for the project, the terms of reference for the PRG and membership of the PRG in March 2019. Council has established the community Project Reference Group (PRG) and five Group meetings have been held.

Progress of the PRG

It is considered unlikely that the February 2020 deadline will be met if a high quality of work is required. A more realistic timeframe is completion by May 2020.

The first meeting of the PRG was held on 19 March 2019 and the PRG has met monthly since then. The PRG has agreed on scopes of work for consultants to review the demand management/water efficiency and water supply augmentation strategies. The PRG is yet to agree on the scope of work for review of the drought management strategy.

While good progress has been made, agreement on the scopes of work for consultants has been slower than anticipated. To ensure probity, it is likely that Council will seek open tenders for each scope of work. At this stage it is envisaged that consultants will not be engaged until the end of September 2019.

The work of the consultants is expected to take up to three months. Council risks compromising the quality of the consultants' work if the time allowed for the work is too short.

After this, the PRG will require two or three meetings to consider the consultants' findings and make recommendations to Council.

PRG members and Council staff are already heavily loaded with monthly meetings of the PRG so increasing the frequency of PRG meetings is not feasible.

OPTIONS:

The options available are:

1. Maintain the February 2020 deadline.

2. Extend the time available to complete the work and establish a new deadline of May 2020.

A revised timeframe will still deliver the recommendations to Council four months before the end of the current Council term. This proposed timeframe will enable the PRG to make better and more considered recommendations to Council.

Alternatively, if Council resolves to keep with its February 2020 deadline, the PRG may not have enough time to adequately consider the consultants' findings.

CONCLUSION:

May 2020 is a more realistic timeframe for the Water Strategies Review project and the work of the PRG to be completed. This will allow the external consultants sufficient time to deliver quality work and it will allow the PRG to make better recommendations to Council.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

The current budget for the review of water strategies including demand management, drought management and water supply augmentation is \$280,000. This budget does not include any subsequent studies that these reviews may identify.

It is noted that the original strategies developed between 2006 and 2011 for integrated water cycle management, demand management, drought management, secure yield and water supply augmentation had a total cost of \$780,000.

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.

Council is working with the PRG to review the demand management/water efficiency, water supply augmentation and drought management strategies. The PRG will make recommendations to Council regarding a way forward with these strategies.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

6 [PCG-CM] Council Meeting - December 2019

SUBMITTED BY: Corporate Governance

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

At its meeting held Thursday 6 June 2019, Council resolved to accept both the Code of Meeting Practice version 3.0 and reaffirmed the meeting dates for 2019/2020.

This report outlines an amendment to the meeting schedule to combine the Planning Committee Meeting and Council Meeting scheduled to be held in December 2019.

RECOMMENDATION:

That Council:

1. **Determines to hold one combined Planning Committee Meeting and Council Meeting on 5 December 2019 in the Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads.**
2. **Confirms the following amendment to the meeting dates and venues schedule:**

PLANNING COMMITTEE		COUNCIL MEETING	
Date	Venue	Date	Venue
<i>4 July 2019*</i>	<i>Murwillumbah</i>		
<i>1 August 2019</i>	<i>Tweed Heads</i>	<i>15 August 2019</i>	<i>Tweed Heads</i>
<i>5 September 2019</i>	<i>Murwillumbah</i>	<i>19 September 2019 %</i>	<i>Murwillumbah</i>
<i>3 October 2019</i>	<i>Tweed Heads</i>	<i>24 October 2019 ^</i>	<i>Tweed Heads</i>

PLANNING COMMITTEE		COUNCIL MEETING	
Date	Venue	Date	Venue
7 November 2019	Murwillumbah	21 November 2019	Murwillumbah
5 December 2019	Tweed Heads	5 December 2019	Tweed Heads
2020		2020	
6 February 2020	Murwillumbah	20 February 2020	Murwillumbah
5 March 2020	Tweed Heads	19 March 2020	Tweed Heads
2 April 2020	Murwillumbah	16 April 2020 *	Murwillumbah
7 May 2020	Tweed Heads	21 May 2020	Tweed Heads
4 June 2020	Murwillumbah	18 June 2020	Murwillumbah
2 July 2020**	Tweed Heads		
6 August 2020	Murwillumbah	20 August 2020	Murwillumbah
3 September 2020	Tweed Heads		

NOTE:

- * No Council Meeting on 18 July 2019.
- % 19 September 2019 will include an Extraordinary Meeting for the election of the Deputy Mayor.
- ^ 24 October 2019 to allow consideration of the Annual Financial Statements.
- # **5 December 2019 given proximity to Christmas Period combines a Planning Committee Meeting and Council Meeting.**
- ** No Council Meeting on 16 July 2020.

REPORT:

At its meeting held Thursday 6 June 2019, Council resolved to accept both the Code of Meeting Practice version 3.0 and reaffirmed the meeting dates for 2019/2020 as follows:.

"... that Council adopts the Code of Meeting Practice as attached to this report and confirms the following meeting dates and venues for the period 1 July 2019 to September 2020:

PLANNING COMMITTEE		COUNCIL MEETING	
Date	Venue	Date	Venue
4 July 2019*	Murwillumbah		
1 August 2019	Tweed Heads	15 August 2019	Tweed Heads
5 September 2019	Murwillumbah	19 September 2019 %	Murwillumbah
3 October 2019	Tweed Heads	24 October 2019 ^	Tweed Heads
7 November 2019	Murwillumbah	21 November 2019	Murwillumbah
5 December 2019	Tweed Heads	11 December 2019 #	Tweed Heads
2020		2020	
6 February 2020	Murwillumbah	20 February 2020	Murwillumbah
5 March 2020	Tweed Heads	19 March 2020	Tweed Heads
2 April 2020	Murwillumbah	16 April 2020 *	Murwillumbah
7 May 2020	Tweed Heads	21 May 2020	Tweed Heads
4 June 2020	Murwillumbah	18 June 2020	Murwillumbah
2 July 2020**	Tweed Heads		
6 August 2020	Murwillumbah	20 August 2020	Murwillumbah
3 September 2020	Tweed Heads		

NOTE: * No Council Meeting on 18 July 2019.
 % 19 September 2019 will include an Extraordinary Meeting for the election of the Deputy Mayor.
 ^ 24 October 2019 to allow consideration of the Annual Financial Statements.
 # 11 December 2019 given proximity to Christmas Period.
 ** No Council Meeting on 16 July 2020.

It has been identified that the last Planning Committee Meeting for the year is scheduled to take place on Thursday 5 December 2019 and the last Council meeting for the year is scheduled to take place on Wednesday 11 December 2019. Both meetings are scheduled to be held at Tweed Heads.

On the basis that these meetings are less than one week apart, combining the meetings will allow for resource efficiency in the production of the business paper. It will also provide the Councillors with one business paper to read, rather than two within one week.

Further, as staffing levels typically drop over the December/January period, a meeting held in the first week of December, will likely allow officers to start actioning resolutions from that meeting before the holiday period.

OPTIONS:

That Council:

1. Determines to combine the December 2019 Planning Committee and Council Meetings into one meeting to be held on 5 December 2019.
2. Does not determine to combine the meetings.

CONCLUSION:

For the purposes of efficiency and resourcing effectiveness, combination of the two December meetings is requested.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice v3.0

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM SUBCOMMITTEES/WORKING GROUPS

7 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 8 May 2019

SUBMITTED BY: Community and Cultural Services

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.2 Places
- 3.2.6 Museum - To preserve and share the history of the Tweed for the benefit and enjoyment of visitors and the community.

ROLE: **Leader**

SUMMARY OF REPORT:

The Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 8 May 2019 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 8 May 2019 be received and noted.

REPORT:

The Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 8 May 2019 are reproduced as follows for the information of Councillors.

Venue:

Tweed Regional Museum Murwillumbah

Time:

4pm

Present:

Robyn Grigg (Manager Community & Cultural Services); Gary Fidler (Community); Sandra Flannery (Community); Ian Fox (Community); Christian Ellis (Community); Marion Mewett (Community); Chris Core (Community); Brian O’Keeffe (Tweed Heads Historical Society); Fay O’Keeffe (Tweed Heads Historical Society); David Taylor (Murwillumbah Historical Society); Erika Taylor (Acting Museum Director); Emma Shield (Acting Museum Program and Support Officer).

Apologies:

Cr Warren Polglase; Tracey Stinson (Director Community & Natural Resources); Andrew Illingworth (Acting Director Community & Natural Resources); Judy Kean (Museum Director); Marion Roberts (Uki & South Arm Historical Society); Jim Sachs (Tweed Heads Historical Society); Helena Duckworth (Uki & South Arm Historical Society); Max Boyd (Murwillumbah Historical Society).

Minutes of Previous Meeting:

Moved: Ian Fox

Seconded: Brian O’Keeffe

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee meeting held Wednesday 27 February 2019 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Item from Meeting held 27 February 2019

1. Councillor Workshop

Erika Taylor, Acting Museum Director, informed the Committee that the Councillor Workshop is scheduled for 30 May 2019, during which the Museum’s Strategic Plan 2019/2020 – 2020/2021 will be introduced.

Gary Fidler, Chair, queried whether Committee members could attend the Councillor Workshop. Robyn Grigg, Manager of Community and Cultural Services, confirmed that this workshop is with internal staff and Councillors.

2. Query regarding statistics on uptake of Tweed Link online

From advice provided by the Council’s Communication Team, Erika presented the Committee with statistics regarding the online up-take of the Tweed Link, now that the print version is longer delivered to households.

The figures showing online subscriptions before and after the print version are as follows:

- Final printer/distributed version was 12 December 2017;
- First one in the newspapers was 16 January 2018;
- Online subscription in November 2017 = 826;
- Online subscription currently = 2332, and
- More than 1000 people signed up in December 2017/January 2018 because of the change.

At this meeting:

Agenda Items:

Order of Business altered to the following order:

A1. Proposed Museum Strategic Plan 2019/2020 – 2020/2021

A draft of the Museum Strategic Plan was electronically circulated to Committee members prior to the meeting. Erika Taylor, provided an overview of the plan to the Committee. The plan was primarily authored by Museum Director, Judy Kean, with input from a staff workshop.

Robyn Grigg advised the Committee that she and the Acting Museum Director, Erika Taylor will present and speak to the plan at the Councillor Workshop on 30 May 2019.

Specific areas of the plan considered by the Committee included, the Museum's strategic goals, key strategies, and timelines. Further discussions followed, comprising collection care, digitisation, and accessibility; visitor expectations (of a regional museum); marketing and promotion, and continued collaboration with local organisations.

Action: *Erika Taylor to liaise with Museum Director, Judy Kean, to provide a verbal report about the Museum's social media statistics and strategy, including online promotion and visitor engagement at the next Museum Advisory Committee meeting.*

Moved: Sandra Flannery

Seconded: David Taylor

RESOLVED that the proposed Museum Strategic Plan be accepted and endorsed by the Tweed Regional Museum Advisory Committee.

A2. Acting Museum Director's Report

Erika tabled a draft corporate document titled "Good Work, Keep Going!", which is a review of the Museum's achievements and good news stories from last five years. The document does not require the endorsement of the Committee.

The Committee was provided with an update of the Natural History Wall permanent exhibition at Murwillumbah. This included a power point presentation by Erika of current draft designs and renders. Discussion followed regarding various visual and educational elements of the wall, and Erika informed the Committee of the Museum's sponsorship strategy for the wall.

Installation is scheduled for the end of 2019, and to open to the general public in early 2020. Committee Members were unanimously pleased with the plans and commended Museum staff for their work to date.

A3. Proposed Deaccessions

List of Proposed Deaccessions was circulated prior to the meeting.
No queries were received from members at the meeting.

Moved: Ian Fox

Seconded: Chris Core

RESOLVED that the proposed deaccessions be accepted by the Tweed Regional Museum Advisory Committee.

A4. Proposed Acquisitions

List of Proposed Acquisitions was circulated prior to the meeting.
No queries were received from members.

Moved: Marion Mewett

Seconded: Christian Ellis

RESOLVED that the proposed acquisitions be accepted by the Tweed Regional Museum Advisory Committee.

General Business:

GB5. Agenda Items

Gary Fidler, Chair, reminded Committee Members that agenda and general business items for the next Museum Advisory Committee meeting were due a fortnight prior to the meeting date.

Next Meeting:

The next meeting of the Tweed Regional Museum Advisory Committee will be held on 28 August 2019.

The meeting closed at 5pm.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Reviewed 21 August 2012 (ECM 3283132).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

8 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 July 2019

SUBMITTED BY: Community and Cultural Services

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Leader

SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 July 2019 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 July 2019 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:
 - IC1. Email from Mayor Milne seeking clarification re Procurement Policy, together with reply email

That the Aboriginal Advisory Committee:

1. *Acknowledges the inclusion of an Indigenous Procurement clause in the draft Procurement Policy and supports the adoption of the Policy.*
2. *Reserves the right to make further comment following presentation of the policy by the relevant Council staff.*
3. *Requests that an Officer of the Contracts Team presents the policy at the August AAC meeting.*

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 July 2019 are reproduced as follows for the information of Councillors.

Venue:

Minjungbal Aboriginal Museum and Cultural Centre

Time:

10.00am

Present:

Des Williams (Tweed Byron Local Aboriginal Land Council representative), Victor Slockee (Canowindra representative), Dale Williams (Bugalwena representative), Leweena Williams (Tweed Aboriginal Corporation for Sport representative), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Mayor Katie Milne (Tweed Shire Council).

Ex-officio:

Tracey Stinson, Robyn Grigg, Robert Appo (Minutes) (Tweed Shire Council).

Guests (in order of arrival):

Selina Ryan (Richmond Tweed Regional Library), (arrived 10.28am), Sally Cooper (Tweed Shire Council) (arrived at 10.55am).

Apologies:

Desrae Rotumah (Tweed Aboriginal Co-operative Society representative).

Chair: Des Williams

Moved: Victor Slockee

Seconded: Jackie McDonald

RESOLVED that the Chair was declared vacant and nominations were called. Des Williams was nominated and was unanimously elected to Chair the meeting.

Des opened the meeting and asked Victor to welcome all present and paid respect to Elders past, present and those emerging.

Minutes of Previous Meeting:

RESOLVED that the acceptance of the Minutes of the Aboriginal Advisory Committee meeting held on Friday 3 May 2019 be held over until the meeting on Friday 2 August 2019 due to the Minutes being unavailable at the meeting.

Selina Ryan arrived 10.28am

Agenda Items:

Business suspended for Agenda Item A2.

A2. Library NAIDOC Week and Acknowledgement to Country for Children's section and Storytime - Selina Ryan (Richmond Tweed Regional Library)

The library is very interested in the local Aboriginal community and acknowledged there are many opportunities to work together including Aboriginal employment and NAIDOC Week. The library is considering a program highlighting Indigenous authors for NAIDOC Week and would appreciate feedback from the AAC. It was suggested that Selina liaise with the

NAIDOC Week Committee regarding being involved in NAIDOC Week. Selina advised that the Pop-up library is having a stall at an event during NAIDOC Week.

The library would appreciate support and input from the Aboriginal community with selecting resources for the Indigenous collection. The AAC was encouraged to make suggestions of books particularly from local authors which could be added to the collection. Suggestions included accessing Aboriginal resources/stories from different local communities, as well as truthful accounts of history with publications such as 'Blood on the Wattle', 'Dark Emu' and 'Up Rode the Troopers'.

Selina also asked whether an acknowledgement or rhyming text could be used for the story time reading groups. Des suggested the Kids Caring for Country group would be a good place to start and should be able to assist.

Action: *CDO-Aboriginal to provide contact details for Kids Caring for Country group to RTRL (Selina Ryan).*

Sally Cooper arrived at 10.55am
Selina Ryan left at 11.00am

A1. Workshop Future AAC Agendas - Rob Appo (TSC)

Rob discussed the need to talk with the AAC about future agenda items for meetings in the future as Planning matters are dealt with through the Aboriginal Cultural Heritage Management Plan (ACHMP) process. Jackie asked whether it is still possible for Due Diligence assessments to go through the AAC?

Action: *CDO-Aboriginal to make enquiries regarding whether it is possible for Due Diligence Assessments to go through the AAC under the current ACHMP process.*

Rob asked the AAC for suggestions on future agenda items or if other sections of Council may be able to attend to give an overview of their work responsibilities. Tracey advised Units under her Directorate may be of interest to AAC members which include: Sustainability & Environment, Resource Recovery, Parks & Active Communities and Tweed Holiday Parks. Lewena also suggested the Rangers and Compliance section would be of interest, especially the Coastal Ranger position.

Rob also suggested that the Reconciliation Action Plan (RAP), ACHMP and Aboriginal Statement of Commitment Policy may be relevant future agenda items. Other suggestions included Social Housing, Homelessness, Youth, Ageing and Disability and Health.

Action: *CDO-Aboriginal to discuss future AAC Agenda Items with Manager Community and Cultural Services.*

Business suspended for IC1.

IC1. Email from Mayor Milne seeking clarification re Procurement Policy, together with reply email

CDO-Aboriginal tabled a copy of the draft Procurement Policy and advised that Council has updated the policy which was recently on public exhibition from 22 May to 20 June 2019.

The draft policy includes for the first time an Indigenous Procurement Clause.

Mayor Milne advised she has sought clarification on whether there will be any actual positive weightings given for Aboriginal procurement. The response from Tim Mackney (Manager Infrastructure Delivery and RAP Working Group) was that the new Policy does not propose any positive weighting criteria per se, but rather looks to support greater Indigenous supplier diversity within the organisation.

The new Policy compliments current initiatives such as:

- Council's Reconciliation Action Plan's procurement focussed actions which include setting specific numbers of contracts with Indigenous businesses, promoting a list of Indigenous businesses and identifying barriers to working with Indigenous businesses.
- Requirement that companies bidding for tenders must disclose whether they are an Aboriginal and Torres Strait Islander supplier (i.e. any business that is 50% or more Indigenous owned).

The above approach does not preclude use of positive weightings on specific procurement activities from time to time where they are suitable. This would be up to the individual or unit procuring the goods or services at the time.

Rob noted that the time for comments has expired however if the AAC would like to make comment then they are encouraged to do so.

Moved: Leweena Williams

Seconded: Victor Slockee

RECOMMENDATION that the Aboriginal Advisory Committee:

1. Acknowledges the inclusion of an Indigenous Procurement clause in the draft Procurement Policy and supports the adoption of the Policy.
2. Reserves the right to make further comment following presentation of the policy by the relevant Council staff.
3. Requests that an Officer of the Contracts Team presents the policy at the August AAC meeting.

Action: *CDO-Aboriginal to arrange for a Contracts Officer to present the Procurement Policy to the AAC.*

A3. 'For Country For Nation' exhibition - Tweed Regional Gallery & MOAC

Item held over to next AAC meeting.

A4. Fingal Holiday Park Aboriginal Cultural Heritage Assessment - Sally Cooper (Tweed Shire Council)

Sally advised that she is attending to provide an update and to ask the AAC whether it has had time to discuss the stakeholder letter presented at the May 2019 AAC meeting.

Leweena asked Sally if the intention of the upgrade of the holiday park is for an upmarket facility? Sally advised that the main objective is to modernise the park, for example the size of the current allotments need to be increased to accommodate the larger modern day vehicles and will include the needed upgrade of services and utilities. Leweena advised that the character of the park should remain in keeping with the village of Fingal as discussed during the Fingal Locality Plan consultations.

Action: *CDO-Aboriginal to invite Andrew Illingworth (Coordinator Tweed Holiday Parks) to August AAC Meeting to discuss future plans for the holiday park and the strategy on how the parks are designed.*

Sally advised that she has been liaising with Council's Contracts Unit regarding the tender evaluation for the Aboriginal Cultural Heritage investigations as discussed at the previous AAC meeting.

Sally suggested that there are two options which may be suitable which include:

- AAC involvement in the tender criteria and making a recommendation to Council staff who will be assessing the applications.
- Nominate an Aboriginal Council staff member to participate in the assessment of tenders.

CDO-Aboriginal advised that he would decline an invitation to participate in the assessment if it was extended as it would not be appropriate. Des suggested Robyn Eisermann may be approached as she understands the legislative requirements and has the appropriate experience from the ACHMP.

The preferred tender evaluation process is option 2 with a change in wording: *Nominate a Council staff member to participate on the assessment of tenders.*

Action: *Sally Cooper (Environmental Scientist) to approach Robyn Eisermann (Acting Co-ordinator Strategic Planning and Urban Design Unit) to invite her to sit on the assessment panel.*

Sally advised Council has prepared a letter that it would like to distribute. Council will not distribute the letter until it receives advice from the AAC that it is ready for it to be distributed. The draft of the letter was tabled at the last AAC meeting for comment.

Jackie asked who the letter would be sent to regarding the proposed work. Sally advised that Council intended sending the letter to Aboriginal community members who would likely be stakeholders in the Aboriginal Cultural Heritage assessment and affected wider community stakeholders. Leweena suggested that Council should send the letter out to everyone in the Shire or publish it in the Tweed Link, otherwise potential stakeholders may be missed from a targeted mailing list. Leweena advised that approving the letter does not mean approving the redevelopment.

Tracey Stinson left at 11.40am

Action: *Sally Cooper (Environmental Scientist) to organise for the letter regarding Fingal Holiday Park Aboriginal Cultural Heritage Assessment to be published in the Tweed Link instead of a targeted mailing list of potential stakeholders.*

Sally advised that work will begin soon on the Faux Park site at Tweed Heads South and that previous stakeholders have been notified.

Sally also advised that the pipe upgrade at Philp Parade, Tweed Heads South will need an Aboriginal Cultural Heritage Assessment before any works can commence.

Sally Cooper left the meeting at 11.53am

Inwards Correspondence:

IC1. Email from Mayor Milne seeking clarification re Procurement Policy, together with reply email

See IC1 above.

IC2. Email from Jodie Hewett, Recreation Planner re Fingal Foreshore Playground consultation

CDO-Aboriginal distributed surveys to the AAC regarding Fingal Foreshore Playground consultation.

IC3. Email from Tweed NAIDOC Committee re: NAIDOC Awards 2019 Person of the Year nomination

Jackie suggested that Aunty Joyce Summers be nominated for the Person of the Year award for Tweed NAIDOC Week 2019. The AAC suggested Jackie present the award on its behalf at the NAIDOC Awards night.

Outwards Correspondence:

Nil.

General Business:

GB1. Membership of Tweed Aboriginal Co-operative Society Ltd

AAC members requested that a letter be sent to Tweed Aboriginal Co-operative Society Ltd requesting an alternate member attend future AAC meetings in the absence of Desrae Rotumah.

Action: *CDO-Aboriginal to send a letter to Tweed Aboriginal Co-operative Society Ltd requesting that an alternate member attend future AAC meetings.*

GB2. Sustainability Awards

Council is running its first Sustainability Awards to celebrate and build the capacity of the Tweed community to take action for great environmental outcomes. An information sheet in relation to the Awards was tabled and discussed. Nominations close on 2 September 2019 and award winners will be announced at an awards showcase event on Friday 15 November 2019.

Council is wanting to take the opportunity with the awards showcase event to reflect and respect local indigenous perspectives about caring for country, as much as possible and as much as is culturally appropriate. Council is seeking input and quotes from members of the local Aboriginal community in how they may wish to contribute to the event. The AAC provided some suggestions in relation to the following:

- Welcome to Country
- Host and Master of ceremonies
- Music
- Dance
- Catering
- Table and room decorations

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held Friday 2 August 2019.

The meeting closed at 1.05pm.

EXECUTIVE LEADERSHIP TEAM COMMENTS:

IC1. Email from Mayor Milne seeking clarification re Procurement Policy, together with reply email

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

IC1. Email from Mayor Milne seeking clarification re Procurement Policy, together with reply email

That the Aboriginal Advisory Committee:

- 1. Acknowledges the inclusion of an Indigenous Procurement clause in the draft Procurement Policy and supports the adoption of the Policy.**
- 2. Reserves the right to make further comment following presentation of the policy by the relevant Council staff.**
- 3. Requests that an Officer of the Contracts Team presents the policy at the August AAC meeting.**

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Aboriginal Advisory Committee adopted 19 September 2013 (ECM3146605).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Industry Central Land Swap - Acceptance of Infrastructure Funding Grant

REASON FOR CONFIDENTIALITY:

This report contains commercially sensitive information associated with the Industry Central Land Swap project which should not be publicly disclosed.

Local Government Act

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.2 Asset Protection
- 1.2.1 Floodplain Management - To manage the risk of flooding and its impacts for property owners and the community.

ROLE: **Leader**

C2 [GM-CM] Acquisition of Land

REASON FOR CONFIDENTIALITY:

Local Government Act

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.9 Local Emergency Management - To support strong and co-ordinated emergency services for the Tweed.

ROLE: **Provider**

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C3 [PR-CM] Development Application DA18/0730 for the Use of Part of the Shed as a Rural Workers Dwelling at Lot 22 DP 1006926 & Lot 23 DP 1006926 Kaners Road, Cudgera Creek

REASON FOR CONFIDENTIALITY:

This report is confidential due to commercial information provided within the report.

Local Government Act

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

C4 [PR-CM] Report from Prevention Partners NSW in Response to a Complaint from the Tweed Water Alliance in Respect of Council Compliance Actions relating to Water Extraction Uses

REASON FOR CONFIDENTIALITY:

This report is confidential as it contains reference to confidential matters affecting Council staff and members of the public.

Local Government Act

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

(e) information that would, if disclosed, prejudice the maintenance of law.

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Behind the scenes
- 4.1 Assurance
- 4.1.1 Governance - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

C5 [PR-CM] Unauthorised Vegetation (Cinnamomum camphora) Clearing at Lot 5 DP 1121836 No 492 Nobbys Creek Road, Nobbys Creek

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.4 Compliance Services - To support a safe and healthy built and natural environment through the enforcement of local government rules and regulations.

ROLE: **Provider**

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