



TWEED SHIRE COUNCIL

AGENDA

TWEED COAST RESERVE TRUST MEETING

Tuesday 13 November 2007

Chairman: Trustee Max Boyd AM

**Trustees: Mr Max Boyd AM
Mr Garry Payne AM**



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ITEMS FOR CONSIDERATION OF THE TRUST:

ITEM	PRECIS	PAGE
	CONFIRMATION OF MINUTES	5
	Minutes of the Ordinary and Confidential Tweed Coast Reserve Trust Meeting held Tuesday 10 July 2007	5
	REPORTS THROUGH THE EXECUTIVE MANAGER OF THE TRUST/GENERAL MANAGER	7
1	[TCRT-EO] Tweed Coast Road, Pottsville - Reserve 140049	7
	REPORTS FROM DIRECTOR ENGINEERING & OPERATIONS	11
2	[EO-OC] Vegetation Clearing - Lot 500 Adjacent to SALT	11



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CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Tweed Coast Reserve Trust Meeting held Tuesday 10 July 2007

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).

1. Minutes of the Ordinary Tweed Coast Reserve Trust Meeting held Tuesday 10 July 2007 (DW 1632118).
 2. **Confidential Attachment** - Minutes of the Confidential Tweed Coast Reserve Trust Meeting held Tuesday 10 July 2007 (DW 1632117).
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REPORTS THROUGH THE EXECUTIVE MANAGER OF THE TRUST/GENERAL MANAGER

1 [TCRT-EO] Tweed Coast Road, Pottsville - Reserve 140049

ORIGIN:

Design

FILE REFERENCE: PF 1190/2395 Pt 1

SUMMARY OF REPORT:

Council are the Reserve Trust Manager for Crown Reserve number 140049 located on Tweed Coast Road, Pottsville – Lot 509 DP 728257, by notification in the Government Gazette on 9 September 1988, folio 4766. The property is currently occupied by Pottsville Community Preschool.

Due to the expenditure required to generate a lease agreement as well as any ongoing financial support that is requested of Council by the preschool, and the fact that Council gain no benefit from being the Reserve Trust Manager of this property, it would be recommended that Council revoke its management of Reserve 140049 and place it back in the care and control of Department of Lands.

RECOMMENDATION:

That Council advises the Department of Lands of the revocation as Trust Manager of Reserve 140049 and that the necessary notification be issued to the relevant authorities and that a notice of revocation of Council as Reserve Trust Manager be published in the Government Gazette.



REPORT:

Council are the Reserve Trust Manager for Crown Reserve number 140049 located on Tweed Coast Road, Pottsville – Lot 509 DP 728257, by notification in the Government Gazette on 9 September 1988, folio 4766. The property is currently occupied by Pottsville Community Preschool.

Originally Tweed Villages Community Preschool Inc. were the Trust Managers of the reserve (then known as Reserve number 140031) for the purpose of constructing a preschool building to service the community of Pottsville. To enable the construction of the building the preschool committee approached Council to go Guarantor for the loan required. Council were advised by the Shires Association at the time that it would only be permitted to act as guarantor of the loan if the land was under Council control and management. The preschool agreed to this provision and on 9 September 1988 by notification in the Government Gazette Council became the Reserve Trust Manager.

Following recent investigations it was discovered that the preschool do not have, nor it would appear have ever had any form of lease or licence agreement with Council covering their occupation of the property. Department of Lands were contacted and it was confirmed that no tenure existed between themselves and the preschool.

Over the many years of occupation of the premises Council have been requested and have provided financial assistance to this community group by the waiving of DA fees and rates, and also in providing maintenance of the car park and surrounding grounds and materials for the play areas.

Council are now, as Reserve Trust Manager, required to implement a lease for the property between Pottsville Community Preschool and Council, to be approved by the Department of Lands. Any rental income from this lease will be paid directly to Department of Lands. To date Council have, as required by Department of Lands, obtained a current market valuation of the property at a cost of \$2,640.00, which is unlikely to be recouped from the preschool as it is a Community group with limited funding. The implementation of a new lease, in accordance with the Department of Lands requirements will further add to the overall cost to Council in staff time and resources.

Due to the expenditure required to generate a lease agreement as well as any ongoing financial support that is requested of Council by the preschool, and the fact that Council gain no benefit from being the Reserve Trust Manager of this property, it would be recommended that Council revoke its management of Reserve 140049 and place it back in the care and control of Department of Lands.

Aerial plan showing Lot 509 DP 728257 and location of Preschool building



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.



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REPORTS FROM DIRECTOR ENGINEERING & OPERATIONS

2 [EO-OC] Vegetation Clearing - Lot 500 Adjacent to SALT

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

On Tuesday 16 October 2007 ten Banksia trees, between 2m and 4m tall, were discovered cut down in the coastal dunes east of Salt. There have been previous reports (some unsubstantiated) of vegetation removal from the area since July 06, ranging from small seedlings to individual trees. No one has been identified as responsible.

The site is Crown Land under Council Administration. Regeneration works, being part of the original conditions of consent for the development of the "Salt" subdivision, are being undertaken under Crown Land licence by the Ray Group, with the works guided by the 'Lot 500 & 7(f) Zone Management Plan, Salt'.

Discussion on appropriate action has been held with Department of Lands, the Ray Group, Landpartners, (The Ray Group revegetation contractors), the independent monitoring contractor and Council (as Crown Reserve Trustee).

Actions which can be taken include regeneration works, erecting visual screens, installation of warning signs and a public education program. Legal action against the perpetrators cannot be taken at this stage as no one has been identified as responsible.

RECOMMENDATION:

That the Tweed Coast Reserve Trust recommends to Council that subject to concurrence with Department of Lands, take the following actions to deter unlawful clearing of vegetation on dunes in public land adjacent to SALT:-

- 1. Erect visual screens, of size similar to the lost vegetation view line profile, at the location of unauthorised clearing with signage explaining why screens have been erected.**
- 2. Department of Lands to be asked to contribute 50% of the cost of screens and signs.**
- 3. Replace removed trees with tubestock on a 2:1 basis, with the number planted to be related to the number of trees recorded as having been removed to date. The species to be selected from the Management Plan species list.**



4. Request the Ray Group, as an extension of the 'Lot 500 & 7(f) Zone Management Plan, Salt', to provide additional funding to meet the cost of planting and maintaining these additional plantings.
5. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Sections 10A(2)(e) and (g) of the Local Government Act, 1993, because:
 - (e) information that would, if disclosed, prejudice the maintenance of law
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

REPORT:

On Tuesday 16 October 2007 ten Banksia trees, between 2m and 4m tall, were discovered cut down in the coastal dunes east of Salt. The trees had been cut only one or two days prior as there was no sign of wilting. A map and photographs are attached to this report.

There have been previous reports (some unconfirmed) of vegetation removal from this area since July 06. These range from removing small seedlings to sawing through individual trees.

The area where this occurred is Crown Land under Council Administration. Salt's development consent conditions require the Ray Group (developers of Salt) to implement the 'Lot 500 & 7(f) Zone Management Plan, Salt' for 5 years, up to October 2008. This is primarily a regeneration plan aiming to maintain dune stability, regenerate native plant species, control weeds and minimise the impact of the urban development on the dunes.

Regeneration works are being undertaken by the Ray Group under license from the Department of Lands. The Ray Group has contracted 'Landpartners' to do the works required under the Plan.

Meetings have taken place between stakeholders to determine the best options for managing this incident. These stakeholders represent the committee monitoring implementation of the Plan.

At this meeting, options such as regeneration works, visual screens, warning signs and public education campaigns were discussed.

Specific options considered included:-

1. Erect visual screens, similar in size to the lost vegetation view line profile, at the locations of the clearing with signage explaining why the screens have been erected. Removed trees to be replaced with tubestock on a 2:1 basis, with the number planted to be related to the number of trees recorded as having been removed to date. The trees to be selected from the Management Plan species list.
2. Erect three large signs (3m x2m), to be positioned at locations corresponding to vegetation removal sites. Smaller signs to be installed at 100m intervals along the fence (12 in total). The signs to state that screens will be the next step should further vandalism occur. An education campaign to be undertaken by the Ray Group through their regular resident newsletter. Removed trees to be replaced with tubestock on a 2:1 basis. The number planted to be related to the number of trees having been removed to date. The species to be selected from the Management Plan and be of medium to large growth habit.

Option Analysis

Council recently erected a large screen at Casuarina after a similar unauthorised clearing event. Council has promoted a zero tolerance policy to unauthorised clearing and erection of a screen at Salt in accordance with Option 1 would be consistent with Council's action at Casuarina. It is likely that implementation of Option 1 will generate some opposition.



Option 2 represents a less punitive approach to the issue, and is likely to come at less financial cost to Council and Department of Lands. Actions similar to Option 2 were carried out at Casuarina around 2003. Department of Lands, with the support of Council, installed 3m x 2m signs and undertook an education program. The success of that program was mixed with some reduction in the rate of unauthorised clearing but it continued in some locations. Ultimately a large 40m x 5.6m screen was installed following a large clearing incident in January 2007.

Conclusion

Notwithstanding that the erection of screens is likely to be costly and generate some opposition in the locality it is considered that to be consistent with Council Policy and the recent actions taken at Casuarina, that Option 1 with erection of screens should be pursued. Other actions should include regeneration and public information activities.

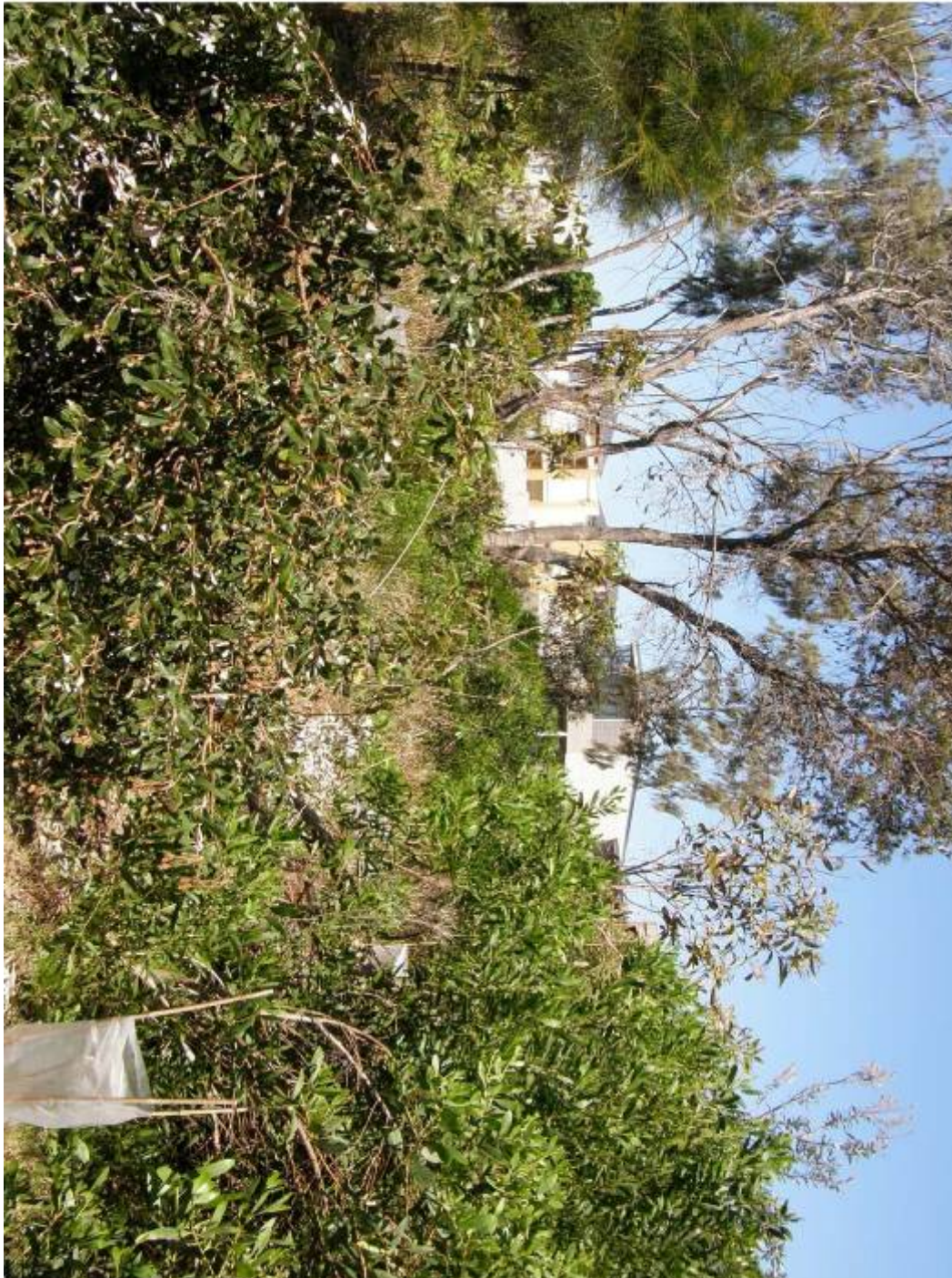
Photographs











LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

1. Cost of screens may be around \$15,000. This is unbudgeted with no current commitment from Department of Lands to contribute funds.
2. The possibility of legal action against Council has been raised as a possible consequence if screens are erected. This possibility has also been raised in the past but to date no such legal action has eventuated.



POLICY IMPLICATIONS:

Adoption of Option 1 will be consistent with Council's actions at Casuarina.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachment** - Supplementary Information - Lot 500 Adjacent to SALT provided with the Operations Committee Agenda.
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