



**TWEED**  
SHIRE COUNCIL

**Chair:** Tr K Milne

**Trustees:** G Bagnall (Deputy Chair)  
C Byrne  
B Longland  
W Polglase  
P Youngblutt

# Agenda

## **Tweed Coast Reserve Trust Meeting Thursday 21 April 2016**

held at Murwillumbah Cultural and Civic Centre  
commencing at 5.00pm

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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-TCRT] Minutes of the Ordinary Tweed Coast Reserve Trust Meeting held Thursday 17 March 2016</b>	<b>5</b>
	<b>REPORTS THROUGH THE ACTING EXECUTIVE MANAGER OF THE TRUST</b>	<b>7</b>
	<b>REPORTS FROM DIRECTOR ENGINEERING</b>	<b>7</b>
<b>2</b>	<b>[E-TCRT] Crown Licence for Habitat Restoration at Fingal Head</b>	<b>7</b>

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## CONFIRMATION OF MINUTES

- 1 [CONMIN-TCRT] Minutes of the Ordinary Tweed Coast Reserve Trust Meeting held Thursday 17 March 2016

SUBMITTED BY: Corporate Governance

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## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
  - 1.2 Improve decision making by engaging stakeholders and taking into account community input
  - 1.2.2 Decisions made relating to the allocation of priorities will be in the long-term interests of the community
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### SUMMARY OF REPORT:

The Minutes of the Ordinary Tweed Coast Reserve Trust Meeting held Thursday 17 March 2016 are attached for information and adoption by the Trust.

### RECOMMENDATION:

**That the Minutes of the Ordinary Tweed Coast Reserve Trust Meetings held Thursday 17 March 2016 be adopted as a true and accurate record of proceedings of that meeting.**

**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.5.

**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](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).*

Attachment 1

Minutes of the Ordinary Tweed Coast Reserve Trust Meeting held Thursday 17 March 2016 (ECM 3995633).

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## REPORTS THROUGH THE ACTING EXECUTIVE MANAGER OF THE TRUST

### REPORTS FROM ACTING DIRECTOR ENGINEERING

#### 2 [E-TCRT] Crown Licence for Habitat Restoration at Fingal Head

SUBMITTED BY: Design

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land
- 1.5.2 Land use plans and development controls will be applied and regulated rigorously and consistently and consider the requirements of development proponents, the natural environment and those in the community affected by the proposed development

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### SUMMARY OF REPORT:

DA13/0654 for a two lot subdivision in Queen Street Fingal Head was approved by the Land and Environment Court on 28 April 2015.

The subdivision also includes the demolition of an existing dwelling on the subject land which encroaches into adjacent Crown Land, Lot 7011 in DP 106574, being a parcel forming part of the coastal Crown Reserve 1001008 for Public Recreation and Coastal Environmental Protection.

The demolition of the dwelling will damage vegetation in the Crown Reserve and consent conditions have been included requiring the proponent to undertake habitat restoration works, amongst other measures, to protect the vegetation on the Crown Reserve.

Consent condition 18 sets out the requirement for a Habitation Restoration Plan to provide for maintenance, monitoring and reporting to continue for 5 years.

Consent condition 21 requires the proponent to provide a letter of authority from Crown Land allowing the habitat restoration to occur on the Crown Reserve.

The Tweed Coast Reserves Trust manages R1001008 and is the relevant body to issue the required authority and it is recommended that the Trust approves the granting of a five year licence to allow the proponent to fulfil the obligations of the Habitation Restoration Plan.

**RECOMMENDATION:**

**That :**

- 1. The Tweed Coast Reserves Trust approves granting a licence to the owner of 40 Queen Street, Fingal Head for a term of five years at the statutory minimum rent to allow habitation restoration works to occur over Lot 7011 DP 106574 within Crown Reserve 1001008.**
- 2. All necessary documentation be executed under the Common Seal of Council.**

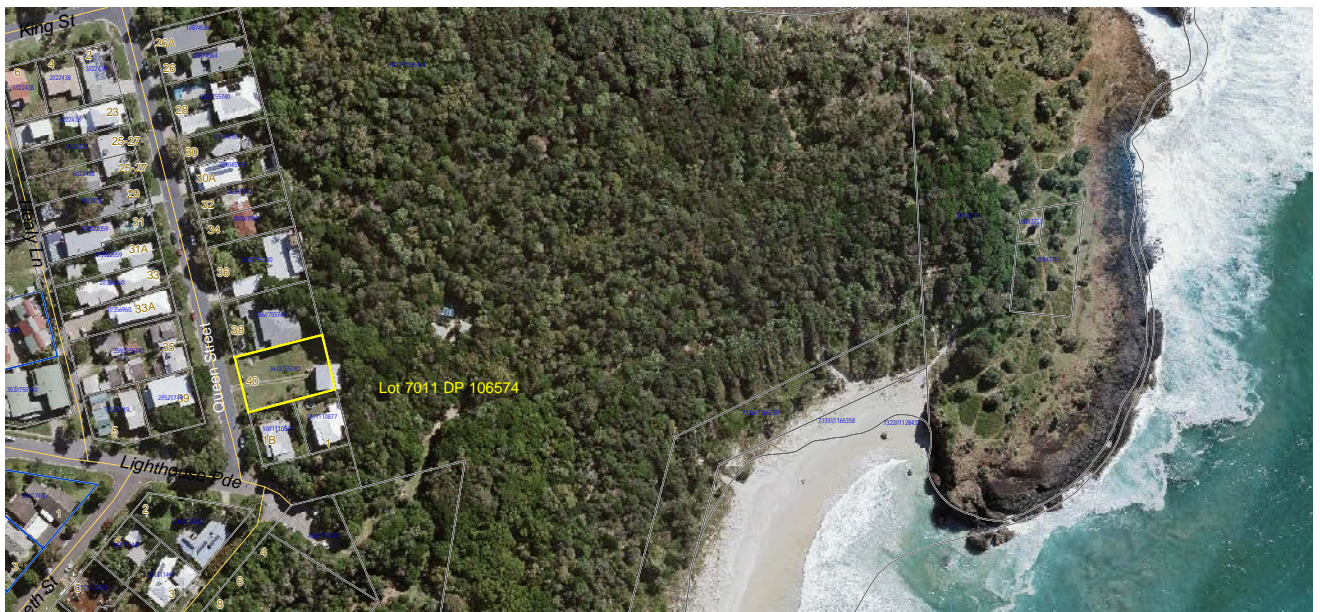


**REPORT:**

DA13/0654 for a two lot subdivision in Queen Street Fingal Head was approved by the Land and Environment Court on 28 April 2015.

The subdivision also includes the demolition of an existing dwelling on the subject land which encroaches into adjacent Crown Land, Lot 7011 in DP 106574, being a parcel forming part of the coastal Crown Reserve 1001008 for Public Recreation and Coastal Environmental Protection.

Figure 1 below shows the location of the proposed subdivision at 40 Queen Street:



**Figure 1**

The aerial photograph below in Figure 2 shows more detail of the subject land and shows the encroachment of the dwelling:



**Figure 2**

The demolition of the dwelling will generate damage to the vegetation in the Crown Reserve, and consent conditions have been included requiring the proponent to undertake habitat restoration works, amongst other measures to protect the vegetation on the Crown Reserve.

Consent condition 18 sets out the requirement for a Habitation Restoration Plan to provide for maintenance, monitoring and reporting to continue for 5 years by the proponent.

Consent condition 21 requires the proponent (the landowner) to provide to Council a letter of authority from Crown Land allowing the habitat restoration to occur on the Crown Reserve.

The Tweed Coast Reserves Trust manages R1001008 and is the relevant body to issue the required authority and it is recommended that the Trust approves the granting of a five year licence to allow the proponent to fulfil the obligations of the Habitation Restoration Plan.

It is recommended that the Trust approves the granting of the licence to the proponent to facilitate these works to occur with subsequent monitoring and reporting during the term of the licence. The granting of the licence will satisfy the requirements of consent condition 21.

**OPTIONS:**

1. The Trust approves granting a licence to the landowner for habitat restoration works to occur; or
2. The Trust does not approve granting a licence to the landowner.

**CONCLUSION:**

As the landowner is required to undertake the habitat restoration works as conditions of the consent to develop the land, the licence provides the necessary right of occupation for that purpose within the Crown Land parcel.

It is recommended that the Trust facilitate the habitat restoration works by the granting of the licence.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

The granting of the licence for the proposed works fall within the Trust obligations set out in the Land & Property Management Authority Trust Handbook.

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

The licence fee is a statutory minimum as there are no commercial implications arising from the proposed works

**c. Legal:**

The granting of the licence provides the landowner with the legal right of occupation to undertake restoration works within Crown Land.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

As the licence is necessary for this development, it does not generate any investigation of the public interest so no public engagement is required.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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