



TWEED
SHIRE COUNCIL

Chairman: Tr K Milne

Trustees: P Allsop
R Byrnes
C Cherry (Deputy Chairman)
R Cooper
J Owen
W Polglase

Agenda

Tweed Heads Jack Evans Boat Harbour Reserve Trust Meeting Thursday 17 August 2017

held at
**Council Chambers, Murwillumbah Civic & Cultural Centre,
Tumbulgum Road, Murwillumbah**
commencing at the conclusion of the Council Meeting at 5.30pm

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Items for Consideration of the Trust:

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1	[CONMIN-JEBH] Confirmation of Minutes of Ordinary and Confidential Tweed Heads Jack Evans Boatharbour Reserve Trust Meeting held Thursday 15 June 2017	5
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CONFIRMATION OF MINUTES

- 1 [CONMIN-JEBH] Confirmation of Minutes of Ordinary and Confidential Tweed Heads Jack Evans Boatharbour Reserve Trust Meeting held Thursday 15 June 2017

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**

The Minutes of Ordinary and Confidential Tweed Heads Jack Evans Boatharbour Reserve Trust Meeting held Thursday 15 June 2017 are attached for information and adoption by Council.

RECOMMENDATION:

That:

1. **The Minutes of the Ordinary and Confidential Council Meetings held Thursday 15 June 2017 be adopted as a true and accurate record of proceedings of that meeting.**
2. **ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (f) **matters affecting the security of the council, councillors, council staff or council property.**

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).*

Attachment 1 Minutes of the Ordinary Tweed Heads Jack Evans Boatharbour Reserve Trust Meeting held Thursday 15 June 2017 (ECM 4578253).

(Confidential) Attachment 2 Minutes of the Confidential Tweed Heads Jack Evans Boatharbour Reserve Trust Meeting held Thursday 15 June 2017 (ECM 4578256).

REPORTS THROUGH THE EXECUTIVE MANAGER OF THE TRUST

REPORTS FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES

2 [CNR-JEBH] Licence for Temporary Access to Jack Evans Boat Harbour for Proposed Foreshore Protection Works

SUBMITTED BY: Design

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.1 Natural Resource Management
- 1.1.3 Coastal Management - To protect and manage the use and quality of the Tweed's beaches and foreshores.

ROLE: **Provider**

SUMMARY OF REPORT:

Tweed Shire Council proposes to undertake foreshore protection works along the southern foreshore of Jack Evans Boat Harbour (JEBH), Tweed Heads. This area of the harbour has been undergoing gradual erosion over time which is impacting upon bank stability and the stability of a privately constructed revetment wall in front of the Seascape Tower apartment building.

The proposed works would be constructed in two sections, separated by the existing Seascape Tower wall. The section of works on the eastern side of the wall would be approximately 50m in length, whilst the works on the western side would be approximately 100m in length.

The land upon which the works are proposed is described as Lot 7329 DP 1163074 (JEBH / McMahons Beach), Lot 2 DP 554400 (John Follent Park) and Lot 2 DP 1150839 (Chris Cunningham Park). The land within Chris Cunningham Park forms part of Reserve R96867 and is managed by the Tweed Heads Jack Evans Boat Harbour Reserve Trust. Accordingly, the proposed works necessitate an approval from the Trust for a licence to undertake the works at the site.

It is therefore recommended that the Tweed Heads Jack Evans Boat Harbour Reserve Trust provide approval to issue a licence for temporary access onto Lot 2 DP 1150839 to undertake the proposed foreshore protection works.

RECOMMENDATION:

That the Tweed Heads Jack Evans Boat Harbour Reserve Trust:

- 1. As manager of the land, approves issuing a licence to Tweed Shire Council for temporary access onto Lot 2 DP 1150839 to undertake the proposed foreshore protection works.**
- 2. Executes the Licence under the Common Seal of Council.**

REPORT:

Tweed Shire Council proposes to undertake foreshore protection works along the southern foreshore of JEBH, Tweed Heads. This area of the harbour has been undergoing gradual erosion over time which is impacting upon bank stability and the stability of a privately constructed revetment wall in front of the Seascape Tower apartment building.

The proposed works would be constructed in two sections, separated by the existing Seascape Tower wall. The section of works on the eastern side of the wall would be approximately 50m in length, whilst the works on the western side would be approximately 100m in length. The design plans are provided in Attachment 1, however, in summary, the proposed works would involve:

- Removal of existing slumped revetment walls. Rocks suitable for re-use would be set aside and stockpiled for later reuse.
- Construction of a revetment wall in two sections approximately 50m long on the eastern side, and 100m long on the western.

The land upon which the works are proposed is described as Lot 7329 DP 1163074 (JEBH / McMahons Beach), Lot 2 DP 554400 (John Follent Park) and Lot 2 DP 1150839 (Chris Cunningham Park). The land within Chris Cunningham Park forms part of Reserve R96867 and is managed by the Tweed Heads Jack Evans Boat Harbour Reserve Trust. Accordingly, this section of the proposed work necessitates an approval from the Trust for a licence to undertake the works at the site.

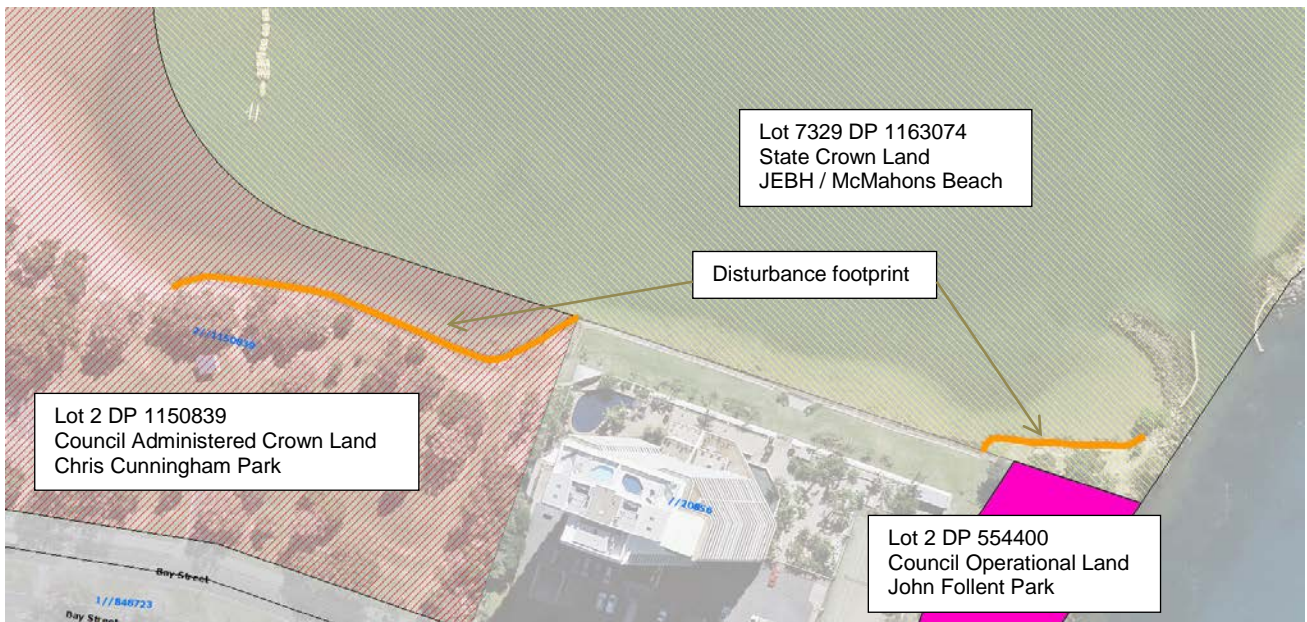


Figure 1: Aerial photograph identifying proposed disturbance footprint and land tenure.

The proposed works are permissible without consent under Part 3, Division 25 (Waterway or foreshore management activities), Clause 129 of the State Environmental Planning Policy (Infrastructure) 2007. Clause 129(1) states that *“Development for the purposes of waterway or foreshore management activities may be carried out by or on behalf of a public authority without consent on any land.*

Under Clause 129(2), a reference to development for the purpose of *waterways or foreshore management activities* includes a reference to construction works and environmental management works if the development is in connection with waterway or foreshore management activities.

In light of the above, the proposed works have been assessed under Part 5 of the EP&A Act and a Review of Environmental Factors (REF) has been prepared by Council's Design Unit Environmental Scientists.

As Lot 2 DP 1150839 is identified as being managed by the Tweed Heads Jack Evans Boat Harbour Reserve Trust, the proposed works necessitate an approval from the Trust for a licence to undertake the works at the site. It is noted that Lot 7329 DP 1163074 is State Crown Land not managed by the Tweed Heads Jack Evans Boat Harbour Reserve Trust therefore a licence is not required from the Trust for this section of the works. Separate application has been made to the Crown to obtain a licence for works on this land.

It is therefore recommended that the Tweed Heads Jack Evans Boat Harbour Reserve Trust provide approval to issue a licence for temporary access onto Lot 2 DP 1150839 to undertake the proposed foreshore protection works.

OPTIONS:

The options for consideration of the Tweed Heads Jack Evans Boat Harbour Reserve Trust are:

1. Provide approval as the manager and operator of Lot 2 DP 1150839 for issuing a licence for temporary access to the site to undertake the proposed works.
2. Request additional information.
3. Refuse Tweed Shire Council's request to provide endorsement of the works.

CONCLUSION:

This report provides an outline of a proposed project by Tweed Shire Council requesting an approval as the manager of Lot 2 DP 1150839 to issue a licence for temporary access to the site to undertake the proposed works.

COUNCIL IMPLICATIONS:

a. Policy:

Sportsfields and Reserves v1.2.

b. Budget/Long Term Financial Plan:

Application for State Government grant funding has been made to the value of \$100,000 to undertake the works . The estimated total cost of construction is \$150,000, with Council to pay the difference between the two values. A decision regarding the grant application is still pending, however, the proposed works would not be undertaken at this stage unless the State Government funding is granted.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

The proposed works have been partially driven by residents of the Seascape Tower who have expressed their concerns to Council over the ongoing erosion. Council officers have met with residents on site in the initial stages of the project to discuss the proposal and the options available.

Prior to the commencement of works Council will notify the adjoining property owners via a letterbox drop and the broader community will be advised of the works through an article in the Tweed Link.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Design Plans - Preliminary (ECM 4662970).

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