

# TWEED COAST RESERVE TRUST AGENDA



Tweed Shire Council

16 October 2006

Dear Minute Book

**NOTICE IS GIVEN** that a Meeting of the Tweed Coast Reserve Trust will be held at the Council Chamber, Murwillumbah Civic and Cultural Centre on Tuesday 17 October 2006, commencing at **4.15PM**.

Submitted,



**Mr Mike Rayner**  
General Manager/ Executive Manager

## AGENDA

1. Confirmation of Minutes
2. Apologies
3. Disclosure of Interest
4. Items to be Moved from Ordinary to Confidential - Confidential to Ordinary
5. Administrators' Minute
6. Items Deferred
7. Reports through the Executive Manager of the Trust/ General Manager
  - Reports from Director Planning & Environment
  - Reports from Director Governance & Corporate Services
  - Reports from Acting Director Engineering and Operations
  - Reports from Director Environment & Community Services
9. Orders of the Day
10. Question Time
11. Confidential Matters - (exclude Press and Public)

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**ITEMS FOR CONSIDERATION OF THE TRUST:**

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## CONFIRMATION OF MINUTES

### Minutes of the Tweed Coast Reserve Trust Meeting held Tuesday 25 July 2006

#### UNDER SEPARATE COVER/FURTHER INFORMATION:

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

1. Minutes of the Tweed Coast Reserve Trust Meeting held Tuesday 25 July 2006 (DW 1452132)
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**REPORTS THROUGH THE EXECUTIVE MANAGER OF THE TRUST/GENERAL MANAGER**

**REPORTS FROM ACTING DIRECTOR ENGINEERING AND OPERATIONS**

**1 [TCRT] Dune Management Plan – Lot 500 Fronting the Beach Development, Cabarita**

**ORIGIN:**

**Recreation Services**

The Tweed Coast Reserves Trust has received a request to indicate its support to the Department of Lands providing owners consent to a Development Application for works within the dunal area of Lot 7010 DP 1055324 fronting the Beach Development and Surf Club at Cabarita.

**RECOMMENDATION:**

That the Trust informs the Department of Lands that it does not support the Department providing owners consent to the Development Application for the “Rehabilitation of dunal vegetation at 7010 DP 1055324 Pandanus Parade, Cabarita.”

## REPORT:

The Tweed Coast Reserves Trust has received a request to indicate its support to the Department of Lands providing owners consent to a Development Application for works within the dunal area of Lot 7010 DP 1055324 fronting the Beach Development and Surf Club at Cabarita.

The applicants have submitted a Statement of Environmental Effects (SEE) *Proposed Rehabilitation of Existing Dunal Vegetation at Lot 7010 DP 1055324 Pandanus Parade, Cabarita Beach*. Prepared for Resort Corp by Darryl Anderson Consulting Pty Ltd; including a proposed Dune Management Plan.

The following is an excerpt from the Dune Management Plan:

### **4.6 Preferred Management Option – Ongoing Management of existing Vegetation**

- *Removal of exotic weed species*
- *Trim Macaranga Species blocking surf club/hotel beach surveillance and rehabilitate with appropriate ground dwelling native coastal species*
- *Widening of beach access pathway to facilitate emergency and pedestrian access*
- *Prune Banksias to reduce canopy and retain the existing plant*
- *Selective thinning/pruning of Pandanus adjacent to parkland areas to improve visual permeability*
- *Inter planting with native species to be selected to increase floristic diversity i.e. coastal shrubs, groundcovers etc*
- *Improve species diversity and fauna values via improved native species plantings*

*It is proposed that the previous trimming practices for the Banksia intergrifolia be reinstated. Regular trimming would ensure that the canopy cover will be restricted to 600mm above the heights of the adjacent parkland grassed area.*

*The land drops quickly from the grassed platform area in front of the surf club and hotel. The difference in levels is approximately two metres before again rising to the frontal dune. It should be noted that Banksia are located within this depression and thus tree height would in fact vary from 1.5-2.5 metres.*

*This means the pruned tree height is actually much higher than 600mm line marked on the photo. Accounting for the difference in levels between adjacent parkland grassed areas and the basin, much of the existing vegetation would still be greater than 2 metres in heights after pruning works had been undertaken.*



*In addition, it is proposed to retain and selectively thin the existing Pandanus tectorius that currently grow in this area to achieve a 70% visual permeability. This will provide an undulating tree canopy line and will improve the aesthetic appearance of the area by providing a part visual screen to the beach and further reaffirm and define the character of Pandanus Parade.*

*Re-planting between the existing trees will increase biodiversity; abundance and age mix of the trees. Equally, this replanting will assist in maintaining the ongoing structural integrity of the dune system. This will provide a sustainable solution that will deliver the desired outcome of approximately 70% clear surveillance of the beach with dune retention through vegetation management. Minimal ongoing maintenance will be required.*

*We believe appropriate management of the interface between the Pandanus Parade precinct and the beach to promote public use and increased activity to the Cabarita town centre, can be achieved satisfying environmental concerns and the desired outcomes of the broader Cabarita community.*

*This site is a logical key access node for the broader community and visitors to the area. As a consequence, the proponents recognised that every reasonable effort should be made to ensure amenity and safety is both maintained and enhanced wherever necessary.*

The SEE and Dune management were reviewed by Council's environmental scientist who offered the following comments;

### ***Definitions within the Statement of Environmental Effects***

The proposal defines works as "rehabilitation of dunal vegetation". Stabilisation of beach access tracks, weed removal and supplementary planting of locally endemic species are considered to fit with the definition of rehabilitation. However, trimming, pruning and shaping involves damage to native vegetation and does not fit with the definition of rehabilitation. Trimming of canopy vegetation for provision of better access to views is a key component of this proposal. As this proposal defines works as "rehabilitation of dunal vegetation", it is considered misleading.

### ***Inconsistencies with Planning Instruments***

#### ***SEPP 26 – Littoral Rainforest***

Clause 7(2) states "A person shall not, without the consent of the Council, on land described in clause 4(1)(b), erect a building, disturb or change or alter any landform or disturb, remove, damage or destroy any native flora, or dispose of or dump any liquid, gaseous or solid matter". For the purpose of the above clause, the definition of damage to native vegetation in SEPP 26 includes lopping, topping and felling. Trimming, shaping and pruning of vegetation as proposed in the development application is consistent with the definition of lopping. Therefore consistent with this definition, the proposal will damage native vegetation within a SEPP 26 buffer zone.

Clause 7(6) and (8) identify a number of matters that the consent authority and concurrence agency must consider when determining the application. The proposal is not consistent with clauses 8(1)(c) and 8(2) which infer that if the proposal destroys or disturbs the natural environment, the public interest should be considered. A proposal is not considered in the public interest if it benefits persons (by means including financial or other advantage) who are not public authorities. As one of the desired objectives of the proposal is to increase amenity to the proposed hotel by providing quality views of the Cabarita beach area, the proposal does primarily benefit the owners of the proposed hotel and therefore may not be in the public interest.

*Tweed Coast Reserve – Draft Plan of Management, Department of Land and Water Conservation*

According to the Tweed Coast Reserve Draft Plan of Management, the proposal is not consistent with activities permitted in the SEPP 26 buffer zone. Weed eradication and revegetation are proposed as part of the application and are permitted activities within this zone. However, as the proposal also includes damage to native vegetation (as defined by SEPP 26) and is not consistent with the definition of rehabilitation, components of the development application are not consistent with the Draft POM.

***Littoral Rainforest Mapping***

Littoral rainforest under SEPP 26 has been mapped as occurring a distance of approximately 70m away from dune vegetation affected by the proposal. However vegetation mapping analysis undertaken by Ecograph (2004) as part of the Tweed Vegetation Management Strategy mapped littoral rainforest less than 30m away from dune vegetation affected by the proposal, thereby potentially increasing the importance of this dune vegetation as a buffer for littoral rainforest at Cabarita Beach.

***Annexure A Dune Management Plan***

Whilst weed control and supplementary planting (where required) are compatible with rehabilitation and stabilisation of dune systems, a number of the species included in the revegetation list are not suitable. These include *Portulaca pilosa* (exotic species), *Cassytha pubescens*, *Emilia sonchifolia*, *Imperata cylindrica* and *Pteridium esculentum* (although locally indigenous are known to be weedy, smother canopy vegetation or become dominant in response to disturbance). It would also be of greater benefit to include locally indigenous species with high soil stabilising capabilities.

### ***Environmental Impacts***

Environmental/amenity impacts associated with the trimming of dune vegetation include:

- Removal of canopy vegetation through trimming will open up foreshore dune vegetation. Dune vegetation currently prevents to a degree, the formation of informal tracks to the beach and therefore dune erosion. As this is a high use area, removal of a vegetation barrier on the dune area may lead to an increase in informal track formation, trampling and loss of stabilising ground dune vegetation and dune erosion.
- In its current condition, dune vegetation acts as a buffer for wind and salt spray. Thinning of canopy vegetation will reduce this function.
- Pruning, trimming and shaping of Coastal Banksia and Pandanus consistently over a long period, particularly during periods of stress, has the potential to reduce tree health through the transfer of disease, increased susceptibility to salt spray or pest attack.
- Although disturbed, dune vegetation in its current condition does function to increase local habitat connectivity. Significantly thinning the vegetation will reduce this function.
- Whilst disturbed, thinning of the canopy in dune vegetation may increase incidence of weeds and facilitate spread of weeds into adjacent vegetation.

In addition to the comments above, on 6 July 2006, Council resolved:

*that Council:-*

1. *Condemns unauthorised destruction of coastal, riparian and native vegetation which is apparently motivated by the objective of providing better access to views or greater development potential of the subject land.*
2. *All illegal clearing works are to be notified to Council in a timely manner and that appropriate enforcement procedures be taken where such breaches occur.*
3. *Council erects appropriate screens to cover the cleared areas in foreshore dunes and riparian areas until the restoration works are fully established.*
4. *Council erects signage on dune and riparian areas where illegal destruction of the vegetation has occurred to advise the general public that Council has a zero tolerance with regard to this issue.*

In this resolution, Council has adopted a clear position in its objection to the destruction of coastal dune vegetation apparently motivated by the objective of providing better access to views. It would appear inconsistent for Council as the Trust Manager for the Coastal Reserve to state that it has no objections to granting owners consent for a development application proposing trimming, pruning, shaping of dune vegetation to provide better access to views.

The Trusts agreeing to the granting of owners consent for the proposal may be viewed as Council and/or the Reserves Trust acceptance of the practice of removing dune vegetation in order to gain increased access to views. This could set an unwanted precedent for future applications proposing similar works.

Therefore, it is recommended that the Trust informs the Department of Lands that it does not support the Department providing owners consent to the Development Application for the "Rehabilitation of dunal vegetation at 7010 DP 1055324 Pandanus Parade, Cabarita."

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Statement of Environmental Effects (SEE) *Proposed Rehabilitation of Existing Dunal Vegetation at Lot 7010 DP 1055324 Pandanus Parade, Cabarita Beach*. Prepared for Resort Corp by Darryl Anderson Consulting Pty Ltd.

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