

Chairman: Tr K Milne

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

Agenda

**Tweed Coast Reserve Trust Meeting
Thursday 15 November 2018**

held at
**Harvard Room, Tweed Heads Administration Building, Brett
Street, Tweed Heads**
commencing at the conclusion of the Ordinary Council Meeting

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Items for Consideration of the Trust:

ITEM	PRECIS	PAGE
	CONFIRMATION OF MINUTES	4
1	[CONMIN-TCRT] Confirmation of Tweed Coast Reserve Trust Minutes of the Meeting held 3 May 2018	4
	REPORTS THROUGH THE EXECUTIVE MANAGER OF THE TRUST	6
	REPORTS FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES	6
2	[CNR-TCRT] Mooball Creek Revetment Crown Land Licence	6

CONFIRMATION OF MINUTES

1 [CONMIN-TCRT] Confirmation of Tweed Coast Reserve Trust Minutes of the Meeting held 3 May 2018

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:

The Minutes of the Ordinary Tweed Coast Reserve Trust Meeting held 3 May 2018 are attached for information and adoption by the Trust.

RECOMMENDATION:

That the Minutes of the Ordinary Tweed Coast Reserve Trust Meetings held 3 May 2018 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 2.6.

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 Coast Reserve Trust Meeting held 3 May 2018 (ECM 5257781).

REPORTS THROUGH THE EXECUTIVE MANAGER OF THE TRUST

REPORTS FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES

2 [CNR-TCRT] Mooball Creek Revetment Crown Land Licence

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 seeks to undertake revetment repair works along the eastern bank of Mooball Creek, downstream of the Tweed Coast Road bridge at Pottsville. A timber wall was constructed at the site in approximately 1999 and rebuilt in 2005. The timber wall has again deteriorated and now requires replacement. It is proposed to replace the existing timber wall with a wall which will provide greater longevity.

The proposed works are necessary as if left in its current state, the existing wall would continue to deteriorate and pose a threat to public safety. Furthermore, the loss of a revetment wall in this location would leave the creek bank in a vulnerable state and susceptible to erosion.

The proposed revetment works occur within the waterway of Mooball Creek, being Crown administered Crown land, and Lot 7073 DP 1113467, forming part of Tweed Coast Reserve R1001008 which is administered by the Tweed Coast Reserve Trust. A licence application to undertake the works has been lodged with the NSW Department of Industry - Lands and a request has been received seeking concurrence from the Tweed Coast Reserves Trust to the granting of a licence for the proposed works.

To allow the repair works to proceed, it is recommended that the Trust approves the granting of a licence by the Department of Industry - Lands to Council for the proposed works.

RECOMMENDATION:

That the Tweed Coast Reserve Trust provides concurrence to the granting of a licence to Tweed Shire Council for the repair works of the existing revetment wall within Lot 7073 DP 1113467 being Crown Reserve R1001008.

REPORT:

Tweed Shire Council seeks to undertake revetment repair works along the eastern bank of Mooball Creek, downstream of the Tweed Coast Road bridge at Pottsville. A timber wall was constructed at the site in approximately 1999 and rebuilt in 2005. The timber wall has again deteriorated and now requires replacement. It is proposed to replace the existing timber wall with a wall which will provide greater longevity.

The proposed works are necessary as if left in its current state, the existing wall would continue to deteriorate and pose a threat to public safety. Furthermore, the loss of a revetment wall in this location would leave the creek bank in a vulnerable state and susceptible to erosion.

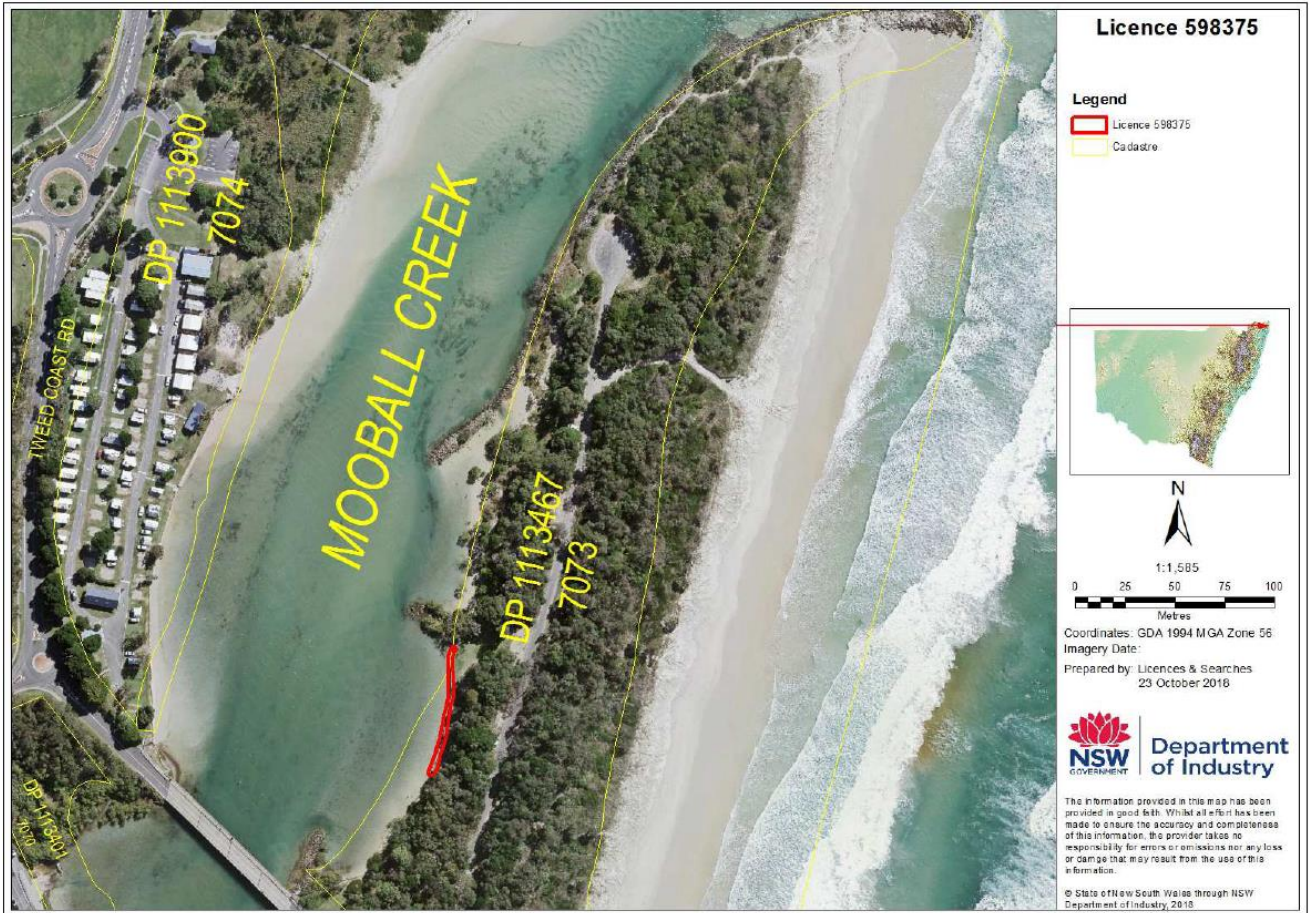
The proposed revetment works occur within the waterway of Mooball Creek, being Crown administered Crown land, and Lot 7073 DP 1113467, forming part of Tweed Coast Reserve R1001008 which is administered by the Tweed Coast Reserve Trust.

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 purpose 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 purposes of waterway or foreshore management activities includes a reference to development for the purposes of "*construction 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 has been prepared by Council's Design Unit Environmental Scientists. The proposed works alignment and construction methodology to be employed has been selected to minimise vegetation disturbance and potential impacts to the adjacent Mooball Creek.

A licence application to undertake the works has been lodged with the NSW Department of Industry - Lands and a request has been received seeking concurrence from the Tweed Coast Reserve Trust to the granting of a licence for the proposed works.

The plan below shows the area to be licensed, outlined in red:



To allow the repair works to proceed, it is recommended that the Trust approves the granting of a licence by the Department of Industry - Lands to Council for the proposed works.

OPTIONS:

1. To provide concurrence to the granting of a licence from NSW Department of Industry - Lands to Council to occupy the Crown land for the proposed revetment repair works.
2. To not provide concurrence to the granting of a licence from NSW Department of Industry - Lands to Council to occupy the Crown land for the proposed revetment repair works.

CONCLUSION:

As the proposed works are required for public safety and environmental protection purposes, it is recommended that the Tweed Coast Reserve Trust provides concurrence for the granting of a licence to Council to occupy the affected Crown land for the proposed works.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

No direct financial implications arise. The proposed works are funded within the existing 2018/2019 annual budget.

c. Legal:

This report satisfies the legal implications of the granting of the licence by the NSW Department of Industry - Lands.

d. Communication/Engagement:

Inform - We will keep you informed.

There is no necessity for community engagement as this report relates to a statutory requirement for the occupation of Crown Land for the provision of public infrastructure.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
