



RICHMOND VALLEY COUNCIL

Minutes

Reserve Trust Meeting

Tuesday, 6 April 2010

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MINUTES OF THE RESERVE TRUST MEETING OF RICHMOND VALLEY COUNCIL, HELD IN THE COUNCIL CHAMBERS, CNR WALKER STREET AND GRAHAM PLACE, CASINO, ON TUESDAY, 6 APRIL 2010 AT 1.00 P.M.

PRESENT

Crs. C.J. Sullivan (Mayor), C.J. Cox, O. Crawford, S.A. George, B.J. Jeffery, D.A. Kinnish, S.E. Morrissey and S.N. Wheatley.

The General Manager, Director Works, Director Environmental Development Services, Co-ordinator Silver Sands Holiday Park (Tim Gooley) and Executive Assistant (Roslyn Townsend) were also in attendance.

1 APOLOGIES

An apology was tendered on behalf of Cr. Mustow.

RT060410/ 1 RESOLVED (Cr. Wheatley/Cr. Morrissey)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Council members voted unanimously.

ABSENT. DID NOT VOTE - Cr. Mustow

2 DECLARATION OF INTERESTS

Nil.

3 REPORTS

3.1 PEDESTRIAN ACCESS THROUGH LITTORAL RAINFOREST

Reference: Parks and Reserves - Design and Construction, Service Provision, Trusts; P1001587

Prepared by: Co-ordinator Silver Sands Holiday Park

Background

In 2009 a new fence was installed around the perimeter of the Silver Sands Holiday Park. The fence was installed mainly due to numerous requests by the patrons of the Park to improve security and from the NSW Police Force in improving crime prevention in the area.

Prior to the installation of the new fence a pedestrian access existed between the Park and the day use car park near the north wall access point. Following the installation this pedestrian access has been closed.

Report

Issues

The new perimeter fence was installed in 2009. The fence covers a length of approximately 900m.

Previously the Trust, Park management and the Police have received numerous complaints about the crime and risk generated by people from outside the Park entering unlawfully and affecting the patrons of the Park.

The Reserve, on which the Park is located, contains some significant environmental and social issues that needed to be considered when designing the new fence.

While the primary reason of the fence was to reduce the crime and risk to the patrons within the Park there were also some significant environmental considerations. These environmental considerations included, but were not confined to:

- Protection of the littoral rainforest
- Protection of the grey headed flying fox [*Pteropus poliocephalus*] which is vulnerable and NSW and Commonwealth law prevents disturbance

Given there is alternate access/egress points within 100m in either direction of the closed access way it was considered reasonable to close the forest pedestrian access.

The NSW Police Force was consulted on numerous occasions in relation to the design of the new fence. The Police identified a need to enclose the reserve in order for them to be better able to manage non-patrons from entering the Park. In correspondence to the Trust, Sergeant Jackie Lilley (Crime Co-ordinator) stated *“police can not stress the importance of the fencing and the restrictions to ensure the safety of people and property that are staying in the caravan park”*. The Police go on to state *“we have seen a significant reduction in the crime and positive feedback from community members in the area. The closure of the access also assisted police greatly during new years eve as young people were unable to run and hide along the forest track as easily in previous years”*.

The Police also stated that *“there is no lighting along the forest track and the track itself leaves people very vulnerable to assaults and stealing.”*

If the pedestrian access was to be re-opened the track would need lighting and this would be a significant cost and would also affect the habitat within the littoral rainforest.

In addition, as part of implementing the adopted Richmond Valley Council Flying Fox Plan of Management the Trust have commenced a replanting project with the Littoral Rainforest of approximately 500 trees, some of which have been planted on the old access track. If the access track was to be re-opened these trees would need to be removed and approval would be required for this from the relevant state and commonwealth environmental approval authorities.

Legal

Flying Foxes are protected under the NSW National Parks and Wildlife Act 1974. Grey-headed flying-foxes are also listed as vulnerable under the NSW Threatened Species Conservation Act 1995. Approvals to disturb or relocate flying foxes are required from the Department of Environment, Climate Change and Water through a Section 91 application. Approval is also required from the Commonwealth Government under the Environment Protection and Biodiversity Conservation Act 1999.

In accordance with the Environmental Planning and Assessment Act 1979, likely impacts to the natural environment, including flying-foxes and their habitat, have to be assessed and considered as part of development applications.

Feeding and roosting habitat is offered additional protection under the Native Vegetation Act 2003 and Fisheries Management Act 1999 and in addition SEPP 14 – Coastal Wetlands and SEPP 26 – Littoral Rainforests would need to be considered if the pedestrian access was proposed to be re-opened.

Policy

The Richmond Valley Council adopted the Flying Fox Plan of Management - Silver Sands Holiday Park Evans Head in 2009. The Flying Fox Plan of Management has numerous recommendations and actions in relation to managing the area which includes the former pedestrian access.

Environmental

There are significant environmental considerations to be considered if the pedestrian access was to be re-opened. These have been outlined above.

In addition the Environmental Health officers of Richmond Valley Council have identified some concerns. In correspondence from the Environmental Health staff it has been stated *“the walkway has been planted out with suitable tree species. Re-opening the walkway may threaten the littoral rainforest by fragmenting it and cutting it in half, increase the risk of weeds, increase visitation by people which increases the risk of disease through contact with flying-foxes and humans, and the risk of further creation of unplanned tracks and loss of future canopy.”*

The Environmental Health staff have also liaised with the relevant state and commonwealth departments who have indicated their concerns and would like to formally respond to any re-opening of the pedestrian track.

Social

The closure of the access has created some impacts to the patrons of the Park. Council has received numerous letters objecting to the closure and also a petition of approximately 100 signatures requesting a gate in the fence to access the North wall.

The closure of the access has also resulted in compliments to the Park in regard to the reduction in crime and issues to the patrons.

Consultation

The fence construction was advertised as part of the Development Application process.

Financial Implications

There would be some financial implications in re-opening the pedestrian access although it is not considered significant and could be managed within the Reserve budget.

Conclusion

There are some significant issues in relation to the re-opening of the pedestrian access through the littoral rainforest which have been highlighted in this report.

The most significant issues are in relation to the environment and crime prevention. It is acknowledged that there is some inconvenience to patrons within the Park, however, given the issues raised in this report, it is considered the patrons still have adequate access to and from the Park.

RECOMMENDATION

Recommended that the former pedestrian access through the littoral rainforest remain closed.

The General Manager advised that a petition which had been received in regard to the fence/gate had been distributed to Councillors at the meeting.

A **Motion** was moved by Cr. Kinnish and seconded by Cr. Crawford

That a gate be placed in the fence to enable access to the North Wall by Silver Sands Holiday Park residents and that the gate be utilised by the Park residents in the same manner as other gates.

An **Amendment** was moved by Cr. Wheatley and seconded by Cr. Cox

That the former pedestrian access through the littoral rainforest remain closed.

The **Amendment** was **lost**.

The **Motion** was **carried** (as follows):

RT060410/ 2 RESOLVED (Cr. Kinnish/Cr. Crawford)

That a gate be placed in the fence to enable access to the North Wall by Silver Sands Holiday Park residents and that the gate be utilised by the Park residents in the same manner as other gates.

FOR VOTE - Cr. Sullivan, Cr. Crawford, Cr. George, Cr. Jeffery, Cr. Kinnish

AGAINST VOTE - Cr. Cox, Cr. Morrissey, Cr. Wheatley

ABSENT. DID NOT VOTE - Cr. Mustow

3.2 EVANS HEAD RECREATION RESERVE BUSINESS DEVELOPMENT STRATEGY

Reference: Parks and Reserves - Design and Construction, Service Provision, Trusts, Planning; P1001587

Prepared by: Co-ordinator Silver Sands Holiday Park

Background

The Evans Head Recreation Reserve Business Development Plan (Masterplan) has been on public exhibition from 19 December 2009 until 26 February 2010. The exhibition period is now closed and the submissions are being assessed.

The purpose of this report is to update the Trust on the status of the Masterplan and future developments.

Report

Issues

The Masterplan has been on public exhibition for over two months. During this time the Trust has co-ordinated information sessions with the relevant interest groups and the wider community.

At the close of the submission period 58 submissions had been received. From the 58 submissions approximately 80 issues have been raised.

Currently the issues raised in the submissions are being assessed and will be addressed.

Policy

The assessment of submissions is part of the process of developing a Policy.

Consultation

The Masterplan development incorporates significant consultation. The Trust has conducted public information sessions, interviews with media agencies, meetings

for special interest groups, exhibition on Council's webpage, an independent submission from the attendees of the public meetings by a facilitator and numerous private discussions between the community and the Co-ordinator.

Conclusion

The submissions and the issues raised in those submissions are currently being assessed by the Co-ordinator, Land and Property Management Authority and the consultant, Integrated Site Design.

It is expected that a report on the issues raised in the submissions will be presented to the Trust in May for discussion.

RECOMMENDATION

Recommended that the report be received and noted

RT060410/ 3 RESOLVED (Cr. Morrissey/Cr. George)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

ABSENT. DID NOT VOTE - Cr. Mustow

The Meeting closed at 1.25 p.m.

CONFIRMED - 20 April 2010

CHAIRMAN