



RICHMOND VALLEY COUNCIL

Minutes

Reserve Trust Meeting

Tuesday, 4 August 2009

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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, 4 AUGUST 2009 AT 2.30 P.M.**

PRESENT

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

The General Manager, Director Corporate Services, Director Works and Executive Assistant (Annette Phelps) were also in attendance.

1 APOLOGIES

Apologies were tendered on behalf of Cr. Wheatley and Cr. George.

RT040809/ 1 RESOLVED (Cr. Mustow/Cr. Kinnish)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Council members voted unanimously.
ABSENT. DID NOT VOTE - Cr. George, Cr. Wheatley

2 DECLARATION OF INTERESTS

Nil.

3 REPORTS

3.1 MID RICHMOND RESIDENTS VILLAGE - PROPOSED LEASE

Reference: Community Services - Service Provision; P21332,
P21333

Prepared by: Director Corporate Services

Background

Council has previously resolved to proceed to call tenders for lease of the Mid Richmond Residents Village for the not-for-profit/private sector operations. This involves the participation with NSW Department of Lands (Lands) as the facility is located on a Crown Reserve and therefore is owned by the State Government. Council is currently the Crown Reserve Trust Manager and Lands has an interest and responsibility as land owner.

Report

Issues

Council was provided with a presentation from Lands' representatives at its Information Session held on 7 July 2009 which outlined the processes that would take place and the requirements of Lands under the Crown Lands Legislation.

Council was also provided with a suggested timeframe for the process to occur with any new operation commencing from 1 July 2010.

Legal

The Department of Lands will administer the lease process under the Crown Lands Act requirements and Council will also be required to prepare a draft Side Agreement covering the transition phase to any new operation. Negotiations will also be undertaken with the Department of Health and Aging in respect of the transfer of the "Approved Provider" status to any future operator. Obviously any future operator would be required to meet the Department of Health and Aging requirements for "Approved Provider" status or already have that status.

Council also needs to give consideration to the possible relinquishment of its current Trustee status of the Crown Reserve and therefore the administration and management of the Village in the future.

Asset

As previously advised the facility is located on a Crown Reserve and is technically owned by the State Government. Any proposed future lease will not change this status.

Consultation

It is proposed to hold consultation sessions with any interested parties, residents and families, and staff of the Village and this is anticipated to be undertaken over the next two months.

Financial Implications

There will be some costs incurred in the process and finalisation of any future lease. The Reserve Trust has already approved the engagement of Wallace McKinnon and Associates as recommended by Lands to ensure probity issues are dealt with appropriately and the benefit of independent advice. Costs associated with the engagement could be recovered in negotiations with any successful future lessee. Council staff costs are covered by the current budget provisions.

Conclusion

Council has previously resolved to enter into negotiations with Lands in regard to a lease of the Mid Richmond Residents Village Facility. Any future lease will be

with the Department of Lands subject to the Minister's approval. Council would therefore pass over to any lessee the administration and management of the Village and would be therefore required to relinquish such interest through resignation as Trust Manager.

RECOMMENDATION

Recommended that subject to the successful negotiation of a lease (and/or other arrangement) with a suitable approved provider, Council indicate its preparedness to relinquish its interest in administration of Mid Richmond Residents Village through resignation as the Trust Manager for Crown Reserve 76162, Lot 1, DP 40531 and Lot 1, DP 44756, Parish of West Coraki.

RT040809/ 2 RESOLVED (Cr. Mustow/Cr. Cox)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.
ABSENT. DID NOT VOTE - Cr. George, Cr. Wheatley

3.2 FLYING-FOX PLAN OF MANAGEMENT - SILVER SANDS HOLIDAY PARK EVANS HEAD

Reference: Environmental Management - Policy; Parks and Reserves - Planning; P70440, P23237, P1001511

Prepared by: Senior Environmental Health Officer

Background

In March 2008 Council engaged flora and fauna consultant Michael Hallinan to prepare a plan of management for a "camp" of flying foxes that started roosting in a small parcel of littoral rainforest (approximately 1.8 hectares) in 2002. The camp is immediately adjacent to the Silver Sands Holiday Park.

Developing a Management Plan for the flying-fox camp has been necessary in response to concerns from nearby Holiday Park residents about the impact the flying-fox camp has on them (noise, odour and droppings). Development of a management plan is also necessary due to the existence of legislation which affords strong protection to flying-fox camps particularly camps such as this one that is a recognised maternity camp and is comprised primarily of the grey and black headed flying fox. The grey headed flying-fox is listed in State and Commonwealth threatened species legislation giving them high protection status.

A draft Plan was reported to the Reserve Trust Meeting of Council held in December 2008 and it was resolved to place the draft plan on public exhibition for 42 days in accordance with Council's requirements.

Community and stakeholder consultation was undertaken prior to and following release of the Draft Evans Head Flying-Fox Management Plan. The draft plan was placed on public exhibition during January and February 2009 with public

notices in local newspapers inviting submissions and informing members of the public where the draft plan may be viewed.

The draft plan was also emailed to Tweed, Byron, Ballina, Lismore, Clarence Valley and Coffs Harbour Councils and written correspondence was sent to key stakeholders and interest groups including Government agencies such as Department of Lands, Department of Environment and Climate Change, NSW Department of Health and the Northern Rivers Catchment Management Board. Evans Head business and community groups were also notified.

Feedback from exhibition of the draft plan was minimal however generally positive. The minimal response may have been due to the fact the draft plan does not recommend relocation of the camp or relocation of residents in the area surrounding the camp.

Actions recommended in the draft plan that are considered a priority include phasing-in a non residential buffer around the camp, relocation of the children's playground, construction of a suitable boundary fence to direct public access to designated tracks only, education and awareness and vegetation rehabilitation works.

Report

Issues

Urban and residential areas that are in close proximity to flying-fox camps usually experience impacts from flying-foxes. There are four residential sites at the Silver Sands Holiday Park that are in a location immediately adjacent to and under trees in which flying-foxes roost. A number of other residents are located within about 50m of the camp and are also impacted.

The core roosting site is located at the southern end of the littoral rainforest adjacent to long-term holiday park residents, the skate park and children's playground.

The impact on people's amenity needs to be considered however protection of flying-fox camps is also vitally important and is required by legislation. The grey headed flying-fox which roosts at the site is listed under the NSW Threatened Species Conservation Act 1995 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and proposals to relocate camps are not supported by the State and Commonwealth Government.

In addition the practicality of relocating flying-fox camps is difficult, costly and generally not effective. *In situ* management is the most appropriate option.

Actions identified in the draft plan that will reduce impacts on residents and visitors and help secure public safety include a phase-in approach to create a non residential buffer around the flying-fox camp, relocation of the children's playground, construction of a new perimeter fence to direct access to designated tracks only, education of residents, the local community and visitors, development of a complaints register to log and monitor impacts and enable

development of improved actions, identification of suitable alternative roosting sites in the local area for targeted rehabilitation works in expectation that flying-foxes will relocate to them voluntarily, and erection of interpretive signage.

The draft plan also includes reporting and review actions. These actions require that implementation of the plan, changing conditions, circumstances and priorities are reported and reviewed.

Actions are also included in regard to rehabilitation of the littoral rainforest with a focus on areas in the rainforest that are away from Silver Sands residents. Other actions ensure relationships are developed with relevant government agencies, the Silver Sands Long Term Residents Liaison Committee and community groups. This will assist in resourcing the implementation of some actions and improve the chance of accessing grant funds.

Policy

A Management Plan for Flying-fox in the Recreation Reserve will be incorporated as part of the Master Plan currently being prepared for the Silver Sands Recreation Reserve and will also form part of the Evans Head Coastal Reserve Plan of Management.

Actions in the flying-fox management plan will be integrated into the Master Plan and will also correlate with the strategic needs of the Holiday Park.

Consultation

A number of steps were taken to invite input from key stakeholders and the public. Prior to preparation of the draft plan, questionnaires and an information sheet were prepared and surveys undertaken of key community members, business and recreational users, and long-term Holiday Park residents.

A questionnaire and information sheet was also distributed to the local Bogal Aboriginal Land Council.

Meetings and discussions were also held with the Holiday Park managers, wildlife carers, researchers and Council staff.

The draft plan was released for public exhibition for 42 days during January and February 2009. This was accompanied by public notices in local newspapers inviting submissions. Copies of the draft plan were also sent to key stakeholders.

A range of comments were received from park residents and some businesses in response to the questionnaire and survey carried out prior to preparation of the draft plan. No further comments were received from local residents and business managers following release of the draft plan.

The Assistant Director of Public Health, North Coast Area Health Service Mr Greg Bell commented that there is minimal public health risk from fruit bat colonies however people are advised not to handle flying foxes.

The Department of Lands representative, Mr Peter Baumann provided comments related to the need for the plan to be integrated with the Master Plan for the site and that business and other opportunities from the bats presence need to be sought out since it appears the bats will be at the site over the long-term.

No further feedback was received from other stakeholders and interest groups including the Bogal Aboriginal Land Council. The Department of Environment and Climate Change did not provide feedback despite invitations to two Threatened Species Officers in the Department.

Financial Implications

There will be financial implications associated with implementation of the Management Plan however a staged priority based process of implementation will minimise costs.

An adopted Management Plan will also increase the capacity of Council to attract State and Federal Government grant funds and may also enable some actions to be funded directly from relevant State and Federal Government bodies.

Approximately 60 discrete actions have been recommended and prioritised into low, medium, and high categories. A number of actions can be and are being incorporated into the overall Master Plan for the Reserve or as a standard procedure into the current management structure minimising costs.

Funding for implementation of actions will come from the operating revenue of the Silver Sands Holiday Park as incorporated into the Master Plan being developed.

Conclusion

A flying-fox camp has established itself in the small section of Littoral Rainforest immediately adjoining the Silver Sands Holiday Park.

Development of a Management Plan is a necessary step in order to both protect the health and safety of residents, other park users, tourists and visitors to the area as well as protect flying-fox camps as required under legislation.

At the Reserve Trust Meeting held in December 2008 it was resolved that the draft plan prepared by flora and fauna consultant Michael Hallinan be placed on public exhibition. Preparation of the draft plan to that stage had already involved significant community and stakeholder consultation via questionnaires and surveys.

The draft plan was placed on public exhibition for in excess of forty two days during January and February 2009. Only limited feedback was received from publicly exhibiting the document including from NSW Health and Department of Lands. No further resident or public input was received.

The draft plan is a comprehensive document which addresses legislative requirements, health and environmental values of flying fox camps. The draft plan provides a list of over sixty actions recommended for implementation on a staged process dependent on each actions priority.

The draft plan will form part of the overall Master Plan for the Silver Sands Recreation Reserve and Evans Head Coastal Reserve Plan of Management.

The draft plan is ready for adoption in accordance with the recommendation below. A copy of the document has been circulated separately to each Councillor.

RECOMMENDATION

Recommended that the Draft Flying-Fox Plan of Management - Silver Sands Holiday Park, Evans Head, be adopted.

RT040809/ 3 RESOLVED (Cr. Cox/Cr. Morrissey)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.
ABSENT. DID NOT VOTE - Cr. George, Cr. Wheatley

The Meeting closed at 2.50 p.m.

CONFIRMED - 18 August 2009

CHAIRMAN