Chair:  Tr Warren Polglase

Trustees:  P Youngblutt (Deputy Mayor)
D Holdom
B Longland
K Milne
K Skinner
J van Lieshout

Agenda

Tweed Reserve Trust Meeting
Tuesday 16 February 2010

held at Murwillumbah Cultural & Civic Centre
commencing at 4.15pm
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Items for Consideration of the Trust:

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REPORTS THROUGH THE EXECUTIVE MANAGER OF THE TRUST/GENERAL MANAGER

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

1 [EO-RT] Easement for Underground Powerlines 10 wide within Lot 1 Section 4 DP 759010 being Crown Reserve 87240 - Suter Park, Tweed Heads South

ORIGIN:
Design

SUMMARY OF REPORT:

The Reserves Trust has received a request from the legal representatives for Country Energy for the Trust’s concurrence to the compulsory acquisition of an Easement for Underground Powerlines 10 metres wide within Suter Park, in Tweed Heads South.

As the subject land is Crown Land, the easement will proceed as a compulsory acquisition to facilitate the registration of the easement by gazettal.

Council is the Trustee of the reserve known as Suter Park, being Crown Land Reserve 87240 for Public Recreation. The reserve is listed in schedule of lands in the draft Tweed Coast Crown Reserve Plan of Management.

The proposed easement lies on the northern boundary of the parcel, facing Lloyd Street, as shown in the body of the report. The powerlines have been in place for an extended period and do not impact on the use of the park. The powerlines do not interfere with the management objectives of the draft Plan, and it is recommended that the compensation payable be directed to fund the management of Suter Park.

It is recommended that the Trust advises the Land and Property Management Authority (formerly the Department of Lands) that it provides its concurrence to the acquisition of the Easement for Underground Powerlines.

RECOMMENDATION:

That:-

1. The Reserves Trust provides its concurrence to the compulsory acquisition of an Easement for Underground Powerlines 10 wide within Suter Park at Tweed Heads West comprised in Lot 1 Section 4 DP 759010;
2. The compensation payable be directed towards the management of Suter Park; and

3. All documentation be executed under the Common Seal of Council.
REPORT:

The Reserves Trust has received a request from the legal representatives for Country Energy for the Trust’s concurrence to the compulsory acquisition of an Easement for Underground Powerlines 10 metres wide within Suter Park, in Tweed Heads South.

The proposed easement is shown in the plan below:-

As the subject land is Crown Land, the easement will proceed as a compulsory acquisition to facilitate the registration of the easement by gazettal.

Council is the Trustee of the reserve known as Suter Park, being Crown Land Reserve 87240 for Public Recreation. The reserve is listed in schedule of lands in the draft Tweed Coast Crown Reserve Plan of Management.

The proposed easement lies on the northern boundary of the parcel, facing Lloyd Street, as shown above. The powerlines have been in place for an extended period and do not impact on the use of the park and do not interfere with the management objectives of the draft Plan.

It is recommended that the Trust advises the Land and Property Management Authority (formerly the Department of Lands) that it provides its concurrence to the acquisition of the Easement for Underground Powerlines. Compensation for the acquisition will be determined by the Valuer General following gazettal of the acquisition, and it is recommended that the compensation payable be directed to fund the management of Suter Park.
LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

That the compensation payable be directed to the management of Suter Park, the quantum of compensation to be determined by the Value General at completion of the acquisition.

POLICY IMPLICATIONS:

Nil.

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).

Nil.
REPORTS FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES


ORIGIN:
Design Unit

SUMMARY OF REPORT:

Council, as Trustee of Crown Reserve 87475, has received a request from the Land and Property Management Authority (formerly the Department of Lands) to provide concurrence to the lodgement of a development application for a proposed telecommunications tower within the Crown Reserve. The Statement of Environment Effects was provided by the Authority for consideration by Council and it appears that the facility will in the vicinity of existing infrastructure and will not impact on the operations of the waste depot.

At a meeting of the Operations Committee held on 28 May 2009, it was resolved to provide owners consent to the development application on the basis that the area sought for the construction was within Council road reserve. But further investigations reveal that the land affected is Crown Reserve 87475. A copy of this report and resolution are attached to this report.

The plan in the body of the report shows the location of the area.

It is anticipated by the Land and Property Management Authority that should development consent be granted for the facility that Telstra will enter into a licence over the area, as mentioned in the 28 May report. The Authority advises that it will directly enter into a section 34A (of the Crown Lands Act) licence with Telstra.

RECOMMENDATION:

That Reserves Trust:

1. Provides no objection to the lodgement of a development application for a telecommunications tower to be lodged over Lot 7306 DP 1132011 in Crown Reserve 87475 for Rubbish Depot; or

2. Provides no objection to a section 34A licence between the Land and Property Management Authority and Telstra over Lot 7306 DP 1132011.
REPORT:

Council, as Trustee of Crown Reserve 87475, has received a request from the Land and Property Management Authority (formerly the Department of Lands) to provide concurrence to the lodgement of a development application for a proposed telecommunications tower within the Crown Reserve. The Statement of Environment Effects was provided by the Authority for consideration by Council and it appears that the facility will in the vicinity of existing infrastructure and will not impact on the operations of the waste depot.

At a meeting of the Operations Committee held on 28 May 2009, it was resolved to provide owners consent to the development application on the basis that the area sought for the construction was within Council road reserve. But further investigations reveal that the land affected is Crown Reserve 87475. The plan below shows the location of the monopole adjacent to the depot operations.

It is anticipated by the Land and Property Management Authority that should development consent be granted for the facility that Telstra will enter into a licence over the area, as mentioned in the 28 May report. The Authority advises that it will enter directly into a section 34A (of the Crown Lands Act) licence with Telstra.
LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:
Nil.

POLICY IMPLICATIONS:
Nil.

UNDER SEPARATE COVER:

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. ECM 2055138 – Operations Meeting held on 28 May 2009
2. ECM 2061696 – Operations Resolution dated 28 May 2009