

## Late Addendum Report

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### REPORTS FROM DIRECTOR ENGINEERING

- a3 [E-TCHP] Execution of Licence under Common Seal of Council for Temporary Access within the Waterway of Cudgera Creek to Undertake Proposed Revetment Works within Hastings Point Holiday Park

SUBMITTED BY: Design

Validms



### Caring for the Environment

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
  - 4.3 Maintain and enhance Tweed's waterways and its catchments
  - 4.3.1 Manage water resources sustainably and minimise impact on the environment by achieving more integration of water supply, wastewater and stormwater services
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#### SUMMARY OF REPORT:

Tweed Shire Council proposes to undertake river bank revetment works on Cudgera Creek along the western boundary of the Hastings Point Holiday Park. The land on which the works are proposed is described as Lot 7334 DP 1154509, being 7 Tweed Coast Road, Hastings Point. This parcel of land forms part of the Tweed Coast Holiday Parks Reserve R1001015 and is managed and operated by the Tweed Coast Holiday Parks Reserve Trust.

The proposed works are required to protect this section of creek bank from further erosion and to formalise an existing pedestrian access path at the site which provides access to Cudgera Creek.

The proposed revetment works are scheduled to commence in September 2016 and would extend for a duration of approximately three weeks. These works would be undertaken by contractors (to be appointed) as a component of broader upgrade works within the Hastings Point Holiday Park.

The proposed works within the Holiday Park do not require a licence as these works were adopted by the Trust in the Plan of Management for the Holiday Park. However, it is necessary to obtain a licence from the Crown to undertake the works within the waterway of Cudgera Creek.

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It is therefore recommended that the Tweed Coast Holiday Parks Reserve Trust resolve to execute a licence under the Common Seal of Council for temporary access within the waterway of Cudgera Creek adjacent to Lot 7334 DP 1154509 to undertake the proposed works.

#### **RECOMMENDATION:**

**That the Tweed Coast Holiday Parks Reserve Trust executes a licence with the Crown under the Common Seal of Council for temporary access within the waterway of Cudgera Creek adjacent to Lot 7334 DP 1154509 to undertake the proposed works within the Hastings Point Holiday Park.**

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### REPORT:

Tweed Shire Council proposes to undertake river bank revetment works on Cudgera Creek along the western boundary of the Hastings Point Holiday Park. The land on which the works are proposed is described as Lot 7334 DP 1154509, being 7 Tweed Coast Road, Hastings Point. This parcel of land forms part of the Tweed Coast Holiday Parks Reserve R1001015 and is managed and operated by the Tweed Coast Holiday Parks Reserve Trust.

The proposed works are required to protect this section of creek bank from further erosion and to formalise an existing pedestrian access path within Lot 7334 which will provide access to Cudgera Creek.



**Figure 1:** Aerial photograph identifying proposed works alignment and subject site.

The proposed revetment works are scheduled to commence in September 2016 and would extend for a duration of approximately three weeks. These works would be undertaken by contractors (to be appointed) as a component of broader upgrade works within the Hastings Point Holiday Park.

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.

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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 Cudgera Creek.

The proposed works within the Holiday Park do not require a licence as these works were adopted by the Trust in the Plan of Management for the Holiday Park. However, it is necessary to obtain a licence from the Crown to undertake the works within the waterway of Cudgera Creek.

It is therefore recommended that the Tweed Coast Holiday Parks Reserve Trust executes a licence under the Common Seal of Council for temporary access within the waterway of Cudgera Creek adjacent to Lot 7334 DP 1154509 to undertake the proposed works.

### **OPTIONS:**

The options for consideration of the Tweed Coast Holiday Parks Reserve Trust are:

1. Provide approval as the manager and operator of Lot 7334 DP 1154509 for signing a licence under Common Seal for temporary access within the waterway of Cudgera Creek to undertake the proposed works.
2. Request additional information.
3. Refuse Tweed Shire Council's request to provide endorsement of the works.

### **CONCLUSION:**

This report provides an outline of a proposed project by Tweed Shire Council requesting an approval as the manager and operator of Lot 7334 DP 1154509 to sign a licence under Common Seal for temporary access to the site to undertake the proposed revetment works.

### **COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

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**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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