

## LATE REPORT

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### LATE ITEMS

#### REPORTS FROM DIRECTOR ENGINEERING

#### 36 LATE [E-CM] Crown Lands Long-Term Licence - Cudgen Creek Boardwalk

SUBMITTED BY: Design

mhm



People, places and moving around  
*Who we are and how we live*

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

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: **Provider**

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#### SUMMARY OF REPORT:

Tweed Shire Council (TSC) proposes to reconstruct the existing boardwalk along Cudgen Creek from Clough Way to Ed Parker Rotary Park (Lot 287 DP 542598), at Kingscliff. The works constitute the second stage of the boardwalk redevelopment with the first stage from Marine Parade to Clough Way.

Stage 2 of the redevelopment was assessed by Council Design Unit's Environmental Scientists and approved by Council's Development Assessment Unit on 3 November 2014 (DA14/0122). As the boardwalk occurs partially on Crown Land waterway (Cudgen Creek), a Crown Lands long-term licence is required prior to works commencing. The Crown Lands licence was applied for on 26 October 2017 and a licence offer (RI 591201) has just been received on 18 April 2018.

To enable the works to commence, it is recommended that Council approves entering into the Licence and to execute same under the Common Seal of Council.

#### RECOMMENDATION:

That Council:

1. Approves entering into Crown Licence RI 591201 to allow works to occur in Cudgen Creek.
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2. **Executes all documentation under the Common Seal of Council.**

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### REPORT:

The proposed works involve the reconstruction of a section of an existing timber boardwalk along Cudgen Creek which has been identified as sub-standard or non-compliant. The section proposed to be reconstructed occurs between Clough Way and Ed Parker Rotary Park at Kingscliff. The proposed boardwalk reconstruction will provide a continuation of the existing shared pathway which occurs north of Clough Way to Marine Parade. The project will provide a safer, compliant structure for this heavily utilised area.

The proposal was assessed in early 2014 and determined to be permissible with consent pursuant to the Tweed Local Environment Plan 2000 (TLEP 2000), Clause 11 (The Zones), Zone 2(b) Medium Density Residential Zone and Clause 13 (Development of uncoloured land on the zone map). It was approved by Council's Development Assessment Unit on 3 November 2014 (DA14/0122). In addition to planning approval issued under the Environment Planning and Assessment Act (EP& A Act), the proposed works also requires:

- a permit under Part 7 of the *Fisheries Management Act 1994* for harm to marine vegetation (for minor clearing and trimming of ~3 mangroves), and
- a Crown Land long-term licence under Section 34A of the *Crown Lands Act 1989* to occupy Crown Land waterway.

The fisheries permit for harm to marine vegetation was issued on 18 April 2018 (PN17/363). The Crown Land long-term licence offer (RI 591201) was received on 18 April 2018. However, the Crown Land licence is not granted until Tweed Shire Council executes the licence. The purpose of this report is to obtain Council's endorsement to enter into the Crown Land long-term licence (RI 591201) and to resolve to execute the licence under Common Seal.

The proposed works are scheduled to commence on 30 April 2018 (subject to all permits being finalised), therefore the necessity to consider the report at this meeting.

### OPTIONS:

The options for consideration of the Council are to:

1. Endorse entering into the Crown Land Licence and to execute under the Common Seal, in line with the recommendation of this report.
2. Not grant endorsement to enter the Licence.

### CONCLUSION:

As the works are scheduled, have been approved and funding is available, it is necessary to obtain the licence to allow the works to proceed. It is recommended that Council enters into the Licence and to execute it under the Common Seal of Council.

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**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Consult-**We will listen to you, consider your ideas and concerns and keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Crown Lands Licence (RI 591201) (ECM 5222720).

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