

Black Rocks Sports Field Master Plan

Draft

November 2019

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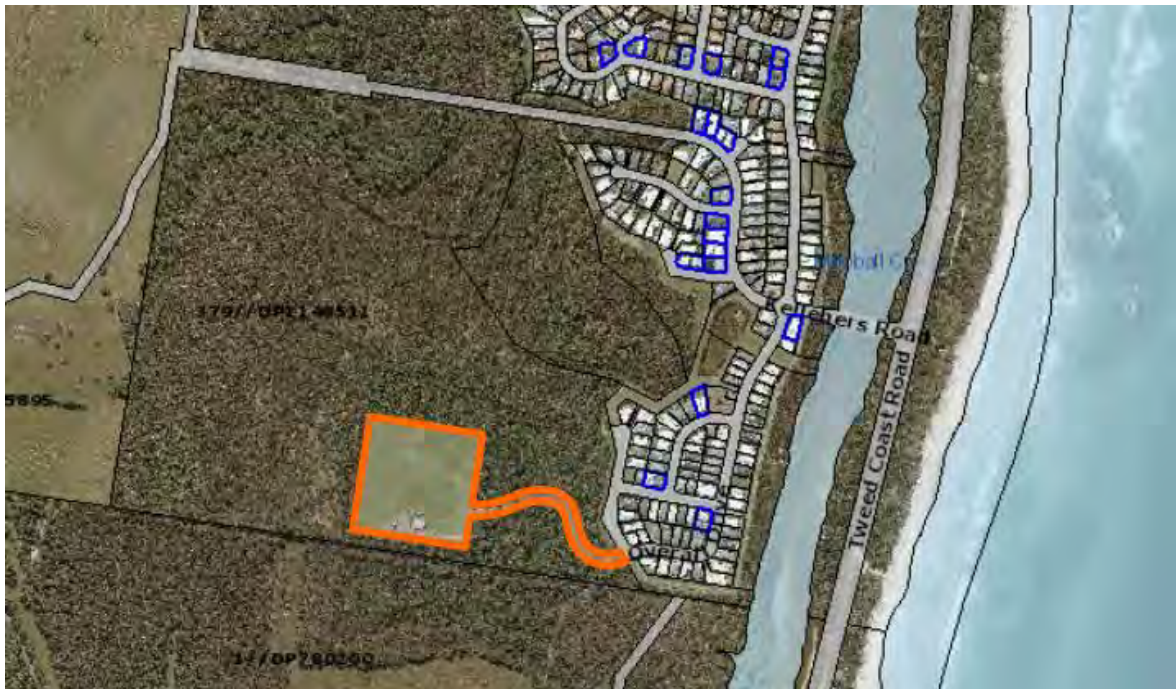
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1 Background

1.1 Subject site

The Black Rocks Sports Field is a 4 hectare sports field situated on Council owned community land which is surrounded by established bushland that was planted after 2008 as a condition of consent for the subdivision development. The surrounding land has since been dedicated as koala habitat. The subject site has an extensive planning and management history with much ongoing community interest.



Black Rocks Sports Field; Lot 301 DP 1125090

Vehicular and pedestrian access is via a formed driveway and parallel pathway from Overall Drive. Access is regulated by an automated gate across the driveway and footpath at the Overall Drive end.

The site is currently utilised by Pottsville Cricket Club, Cabarita Cricket Club, Pottsville Fun Croquet Club, Far North Coast Electric Fliers and the Pottsville and District Men's Shed. An amenities building, Men's Shed, shelters and storage exists at the site.

The sports field is zoned RE1 Public Recreation under Tweed Local Environmental Plan 2014. The entrance driveway and surrounding community land is zoned Deferred Matter and 7(l) Environmental Protection (Habitat) under Tweed Local Environmental Plan 2000.

1.2 Site History

The sports field was created as part of the Black Rocks Estate Development, with planning commencing in the 1990s where Council resolved to rezone the site subject to a Deed of Agreement between Council and the developer, which included dedication of an area of koala habitat and a future sports field to Council. The Deed of Agreement included the requirement for a koala management plan and required the dedicated land to be fenced and planted with koala food trees at the expense of the proponent. During the development's history, further Deed of Agreement amendments and Local Environmental Plan amendments were adopted.

On 8 April 2002 Development Consent 1152/2001DA was granted for a 57 lot residential subdivision comprising Stages 8, 9 and 10 of the Black Rocks Estate Development. This consent was amended eight times with conditions of consent including the implementation of a Koala Management Plan. Details of the measures within the Koala Management Plan included koala fencing, a koala underpass at Kellehers Road and other restrictions regarding cats and dogs in the residential area by way of a Section 88B Instrument.

Appendix A comprises of a Council Report summarising a history of the site 1992 till 2015 that was received and noted at Council Meeting on 19 March 2015. This report is titled *A Summary of the Major Planning and Subdivision Approvals, Related Agreements and Management Actions for the Black Rocks Estate Development Pottsville, 1992-2015*.

The Council report features aerial photographs dating 1944 to 2012 which provide a historical perspective of the vegetation coverage of the area and the substantial impact the Black Rocks Estate planting programs had. This can be also observed in the following photographs.



2007 Aerial imagery



2018 Aerial imagery

Since 2012 there has been several Council resolutions with regard to the use and management of the Black Rocks Sports Field.

At its 21 November 2013 meeting, Council resolved to not support the proposal for construction of eight new tennis courts (including lighting) and associated car parking, pedestrian access and drainage on the constructed sports field (PTV12/0022) which was being reviewed under Part 5 of the *Environmental Planning & Assessment Act 1979*.

In June 2013 operational management made the decision to install a 'lock rail' style gate at the eastern access point of the sports field entry road in response to use of the fields for unapproved parties and to address reports of vehicle hooning along the access road. This gate prevented vehicle access only. The gate was permanently locked with keys provided to organised sporting organisations upon request only.

During 2015 – 2016, there was much debate and many Council resolutions in regard to infrastructure regulating public access to the sports fields and koala management at the site. Eventually a koala and dog-proof gate and additional fencing, was installed in order to form a continuous exclusion zone, with the lockable gate closed at dusk daily. Later, upgrades were undertaken to the entrance gate to provide a solar-powered electronic, automated vehicle gate. The upgrades included remodelling of pedestrian access arrangements, landscaping and rationalisation of signage.



Existing on the site is an amenities building constructed in 2013 (PTV12/0010) and the Pottsville and District Men's Shed pursuant to Development Consent DA15/0160 which was constructed in 2017.

At its meeting held 17 April 2019, Council considered a request from the Pottsville and District Men's Shed Inc. ('Men's Shed') for Council to consider granting them a licence in perpetuity for their facility at the Black Rocks Sports Field or a modification of the licence to include an appropriate renewal clause. Council also considered a request from the Men's Shed for an extension to the licenced area.

At the 17 April 2019 meeting, Council passed a resolution in support of the proposal to grant a licence of an area at Black Rocks Sports Field, Pottsville to the Men's Shed for a period of five years with an option to renew for a further five years commencing upon the expiry of the existing licence agreement in 2022. It was further resolved that Council develops the master plan for the Black Rocks Sports Field incorporating the Men's Shed licence area.

However, 16 May 2019 the Council resolution was reworded for compliance with the *Local Government Act 1993* and it was further resolved that Council develops the master plan for the Black Rocks Sports Field prior to the conclusion of the 2019 calendar year.

2 Community Consultation

The *Community Consultation Report for the Black Rocks Sports Field Master Plan* that accompanies this report details community consultation process and feedback received. The following provides a summary of the community consultation undertaken.

Working Group

Council sent invitations to 12 community stakeholder user groups to nominate representatives for a Black Rocks Sports Field Master Plan Working Group. Council received six nominations from the user groups towards the Working Group.

Questionnaire Feedback

Subsequently, Council sent questionnaires to the community stakeholder user groups seeking information in relation to the user groups' current and potential future requirements of the site and the community's vision for use of the area. The questionnaires provided a framework for written submissions and gave user groups an opportunity to provide input into the draft master plan. Seven completed questionnaires were received. The common requests or suggestions from the questionnaires include:

- Formalisation of car parking which includes accessible car parking spaces;
- Bus access and parking;
- More public toilets with greater use including accessible facilities;
- A multi-purpose building shared between user groups; and
- Most clubs expressed how they can comfortably and happily coexist with other community groups or uses.

Other findings were as follows:

- Two groups suggested an athletics track (Croquet club and St Ambrose school);
- Two groups suggested a perimeter walking track or bike track with exercise equipment (Men's Shed and St Ambrose school);
- Two groups suggested a children's playground (Croquet club and St Ambrose school);
- Two groups suggested BBQ facilities (Cricket club and St Ambrose school);
- Two groups requested storage facilities (Cricket club and Electric Fliers) however it is noted that the Croquet club and Men's Shed already have temporary storage arrangements to be reconsidered;
- Additional shelters were requested by the Croquet club and St Ambrose School. The primary consideration for the school's use of the ground was the provision of enough shelter (both sun and rain protection);
- The Croquet club requested an improved turf surface and the Men's Shed requested an expansion to the shed. Both requests were supported by the Pottsville Community Association;
- The Croquet club further requested an additional court, meeting room and kitchen facilities potentially within a shared use building;
- The Cricket club further requested a canteen and change rooms.
- The Electric Fliers club requires open field without poles or lights;
- Pottsville Beach Tennis club were happy to remain at their current facilities and not relocate to Black Rocks Sports Field however did suggest an indoor sport facility;

- Two groups requested town centre directional signage to the sports field (Croquet club and Men's Shed); and
- Concerns were raised regarding the existing gate and issues with access by three groups (Men's Shed, Electric Fliers, Cricket club) including the gate's battery not charging in bad weather, hours of availability and the type of gate or opening arrangements being unsuitable for how busy the site is.

Working Group Workshop 1

Following review of the completed questionnaires, a workshop was held with the Working Group on Tuesday 24 September 2019. At the workshop, the following were present:

- 4 representatives from Pottsville and District Men's Shed;
- 2 representatives from Pottsville Fun Croquet Club Inc;
- 1 representative from Far North Coast Electric Flyers Club;
- 1 representative from Pottsville Beach Cricket Club;
- 1 representative from Pottsville Community Association; and
- 3 Tweed Shire Council staff members.

The aim of the workshop was to obtain a level of consensus among user groups regarding the site plan and create a design brief for a community building. The questionnaires provided a foundation for discussions.



The first activity involved the group being split into groups to compile example site plans and to talk through the rationale for the design. This was also for participants to understand the space available from the site plan perspective and scale.

The general consensus from the site planning activity was that:

- The bulk of the car parking is located to the south eastern corner with additional car parking along the southern border and vehicle access to the croquet club;
- The proposed community building with additional amenities is located to the north west of the existing Men's shed;
- The northern two thirds of the site remain open space for line marking for sports as required primarily for cricket and could include an athletics track, AFL, soccer or football depending on demand;
- An additional croquet court is nominated for north of the existing courts; and
- A walking track is proposed for around the cricket oval which maybe gravel in the future or could be left as grass.

The group was then asked to provide a design brief for the proposed shared clubhouse building.

The clubhouse building is to include:

- A meeting room approximately 160m² in size that can provide for at least 50 people;
- A large kitchen, a minimum 6m in length which may incorporate a canteen facility. The canteen is designed for multiple group use and provides storage for groups that share the facility;
- Verandas/ awnings are situated around 2-3 sides of the community building of sufficient depth to provide shelter from the weather for school groups for example.
- Storage is to be incorporated providing approximately a 3m x 3m area for croquet and small areas (a cupboard or 1m³ each for example) for cricket and electric flier clubs.

Acoustic impacts on the meeting room generated by the Men's Shed activities are minimised by way of setbacks, orientation, storeroom location and other design measures.

Other points made within the discussions were as follows.

- Additional suggestions for the site plan include:
 - Landscaping featuring plenty of natural shade.
 - Bubblers/drinking fountains.
 - Accessibility from car parking to buildings/facilities to amenities.
- To remove the existing bar gate at the sports field/access road junction to prevent people parking along the access road and needing to drive off the road to turn around. Further, create a formalised car park in the south eastern corner of the site that has bollards stopping hooligans from driving on the sports fields (addressing the purpose of the bar gate) and extend vehicular access westward to the croquet to provide for additional disabled access but is gated for use only by community groups or for special events.
- A small playground like at Eunga Street, Tweed Heads South. The Cricket club representative was concerned that a playground could become a target within a cricket match and if the playground is to go ahead, this needs to be considered when determining a location of a playground. I.e. Situated as far from the cricket centre as possible; ideally greater than 65m. Further, integrating a 600mm wall/seat would reduce the chance of a cricket ball moving along the ground reaching the equipment and playground users.
- Regarding the entrance gate from Overall Drive; the group had consensus to request that the main solar gate is kept open during approved activities. It was conveyed that the gate is considered inconsistent with the management of other environmentally valued public areas like Pottsville Environment Park.
- The sign at the entrance says no bikes and does not clarify push bikes versus motor bikes.

Tweed Coast Koala Management Committee Submission

Following the first workshop, a preliminary draft site plan was compiled for review. The preliminary draft plan and summary of community consultation to date was referred to the Tweed Coast Koala Management Committee (TCKMC) for comment. The TCKMC provided the following submission:

Thank you for the opportunity to prepare and make a submission on behalf of the Tweed Coast Koala Management Committee on the preliminary Black Rocks Sports Field Master Plan.

The committee have conducted an out of session review of the Preliminary Master Plan (Oct 2019 issue A) and Community Consultation Summary till October 2019 and offer the following comments:

- 1. The extent of activities proposed raises some concern for the endangered ecological communities and the endangered Tweed-Brunswick koala population that occupies habitat in the immediate vicinity of the sports field.*
- 2. The committee requests confirmation that there is a council endorsed strategic and operational need for an additional community building with the facilities as proposed in this location, and that this has been demonstrated through an objective assessment of community facility requirements.*
- 3. It is important that any proposed new community facilities are consistent with the draft Tweed Shire Council Community Facilities Plan 2019-2036 and the Tweed Shire Council Open Space Strategy 2018 – 2028.*
- 4. The committee requests confirmation that there is a council endorsed strategic and operational need for additional youth space with the facilities as proposed in this location, and that this has been demonstrated through an objective assessment of community facility requirements.*
- 5. Should any or all of the additional facilities be constructed, it is recommended that use is limited to during daylight hours.*
- 6. Removal of bollards and establishment of landscaped buffer at a minimum average width of 10 m is supported.*
- 7. The landscaped buffer zone should be established with low growing native vegetation to remove the requirement for mowing, with preferred koala food tree species planted at appropriate intervals such that their canopies remain separated.*
- 8. It is recommended that detailed landscape design provides for rounded corners to the interface between the mown area and landscaped buffer in order to preclude the need for slashing equipment to reverse into corners.*
- 9. The proposed walking track and interpretive signage are supported but not considered essential.*
- 10. Should the walking track be installed, it is recommended that it be constructed from a gravel surface, not concrete, to maintain the natural character of the site and that it is located to the south of the planted trees in the north-western corner.*

11. *It is recommended that the plan is amended to include the proposed fencing / bollard layout to demonstrate that general use vehicles will be restricted to the car park and related access tracks.*
12. *The proposal to leave the gate open during periods of use is not supported. Issues relating to the effective operation of the gate should be addressed through carrying out any necessary upgrade or repairs to ensure that the gate functions as intended.*

It is noted that the matters raised within the above submission are addressed elsewhere in this report.

Working Group Workshop 2

Feedback from the TCKMC was considered and integrated into an updated draft master plan which was then presented at a second workshop with the Working Group on Wednesday 13 November 2019. At the workshop, the following were present:

- 2 representatives from Pottsville and District Men's Shed;
- 3 representatives from Pottsville Fun Croquet Club Inc;
- 1 representative from Far North Coast Electric Flyers Club;
- 1 representative from Pottsville Beach Cricket Club;
- 1 representative from Pottsville Community Association; and
- 3 Tweed Shire Council staff members.

The aim of the workshop was to review the preliminary draft master plan and obtain a level of consensus on the proposal. All participants were requested to complete a feedback form or provide a written submission following the session to ensure that they all had adequate opportunity to convey their view.

The following provides a summary of the workshop discussions and feedback:

- Overall the working group were generally in support of the preliminary draft Master Plan presented particularly the general layout and proposed sports pavilion. The proposal is consistent with previous workshop discussions and a *genuine attempt to cater for all the needs of various groups that use the site.*
- The primary objection to the preliminary draft Master Plan as presented was the inclusion of landscaping around the perimeter. The objection was strongly conveyed by some Working Group participants.
- It was conveyed that the landscaped buffer resulted in a loss of sports field which is the nominated purpose of the reserve; loss of a row of car parking area and offered no benefit to koalas given the sports field use of the site. If a transition buffer is required then this should occur outside the sports field land.
- General landscaping including for natural shade was generally supported in principle however not as a land use buffer around the perimeter. Also, landscaping cannot undermine any asset protection zone (bushfire protection) requirements as per the Men's Shed development consent.
- The amount of car parking proposed was questioned and it was stated that the number of cars present during peak times at present may exceed what is proposed and therefore a request was made for informal overflow parking closer to the proposed buildings.

- **A group consensus was reached to request removing the landscaping along the perimeter on the southern border, south of the existing and proposed buildings and have it set aside for informal overflow parking which reflects its current use.**
- The Electric Fliers representative conveyed that the addition of tall trees and buildings to the area results in a reduced flying area for the club. It was acknowledged that it may not stop the club from using the site once developed however this won't be known until after the trees have grown and buildings built.
- The proposed clubhouse building appears close to the proposed Men's Shed extension and therefore the design, layout and orientation would directly impact the use of each building. The Men's Shed representatives requested that an indication of the layout for the clubhouse building be presented sooner rather than later to allow the Men's Shed to consider their internal layout options for the best outcome for both buildings.
- It was noted that the request for the Men's Shed to extend eastward was not integrated into the plan (only the westward extension was included), however the inclusions within the clubhouse building can, if designed well, adequately address the needs the eastward extension planned to meet.
- Discussions were had regarding the timing of the implementation of the Master Plan if adopted, including the approvals required and the best position to be in to attract required grant funding.
- The proposed youth space was discussed relative to the Tweed Shire Open Space Strategy actions and priorities. It was agreed that the site's intent was more toward passive recreation (small playground, BBQs, half court basketball) and not higher impact facilities such as a skate park and is unlikely to be prioritised in the short term.

3 Literature Review

The following provides a review of the applicable findings and recommendations for documents relevant to the Black Rocks Sports Field, Pottsville including:

- Tweed Shire Open Space Strategy 2019-2029;
- Tweed Sports Fields Strategy 2014;
- Generic Plan of Management for Community land Categorised as a Sportsground 2012;
- Black Rocks Sports Field Precinct Operational Plan;
- Tweed Development Control Plan 2008 - Section B21 Pottsville Locality Based Development Code; and
- Draft Tweed Shire Community Facilities Plan 2019 - 2029

3.1 Tweed Shire Open Space Strategy 2019-2029

The Tweed Shire Open Space Strategy 2019 – 2029 (TSOSS), sets the vision for the future of open space and provides the overarching framework and strategic direction for public open space planning in the Tweed Shire for the next 10 years. The TSOSS also details specific actions making the TSOSS both a strategic and an operational planning document. The development of the TSOSS included the following extensive process:

- An assessment of Tweed Shire’s progress and achievements in open space planning, development and management;
- A review of literature, best practice open space plans and strategies and key planning documents with benchmarking with other councils;
- Analysis of key issues and opportunities, including analysis of sport, recreation and tourism demands and trends;
- Development of demographic profiles for the Tweed Shire and its 14 profile areas, including a review of population forecasts to identify how the population is forecasted to change between 2016 and 2026;
- Extensive community and stakeholder engagement and active involvement in prioritising open space projects;
- Site audits and analysis of the quantity, distribution and quality of open space across the Shire; and
- Development and application of a new classification system, a review of the open space hierarchy and core service levels for public open space;

The TSOSS states that *all future open space planning, design and management decisions should be informed by the Open Space Strategy 2019–2029, Open Space Design Guidelines, the Sports Field Strategy (2014) and the desired levels of service for the embellishment of core open space.*

The Black Rocks Sports Field is located within the South Coast precinct which includes the localities of Pottsville, Hastings Point, Cudgera Creek, Round Mountain and Wooyung. Pottsville is noted as a unique holiday destination with tourism activities focused around its natural features, with visitors expanding the population during holiday periods.

The detailed TSOSS assessment noted the following:

- The area is currently well supplied with passive open space (parks) and slightly undersupplied with active open space (sports fields) which will continue to be the case until 2026.

- There is limited development opportunity to expand any of the existing sports fields due to their proximity to environmentally sensitive lands.
- North Pottsville and a location in Pottsville Waters are undersupplied with neighbourhood parks.
- The area is well supplied with district parks.
- The bushland areas support and protect an exceptionally high diversity of plant and animal life and provide opportunities for residents and visitors to experience nature and learn about ecological communities.
- The streetscapes contribute significantly to the Pottsville's character. There is minimal street tree planting along Tweed Coast Road.
- Youth recreation facilities include sports fields, shared paths and a multi-court, with the ability to access waterways for nature based activities. There are no skate facilities.
- This area is forecast to undergo significant growth and population increases, predominantly within the Dunloe Park Urban Release Area. Additional open spaces and recreation facilities will be provided for this release to cater for the population increases.

Subsequently, the TSOSS Implementation Plan outlines the strategic actions and key open space infrastructure to achieve the vision and outcomes and respond to the community's needs and desires identified during the community engagement process.

It is noted that the Implementation Plan nominates the following Local Action with regard to Black Rocks Sports Field:

Develop a master plan for Black Rocks Sports Field in consultation with the community. Future use and embellishment of Black Rocks Sports Ground should be in accordance with the Black Rocks Sports Ground Precinct Operational Plan, the Sports Field Strategy and the Generic Plan of Management Categorised as Sportsground.

Further, it is noted that another Local Action planned for Pottsville includes the development of a staged Pottsville Open Space Master Plan. As part of the master planning process the future viability and functionality of Pottsville Memorial Oval as a sports field is to be questioned in consultation with sports clubs.

Other priorities mentioned in the TSOSS relevant to the subject site include:

- *All future open space planning, design and management decisions should be informed by the Open Space Strategy 2019–2029, Open Space Design Guidelines, the Sports Field Strategy (2014) and the desired levels of service for the embellishment of core open space*
- *We will use the gap analysis identified in this strategy and in the Sports Field Strategy (2014) to guide future land acquisition and investigate shared use agreements to address gaps in open space and recreation provision.*
- *Where parks and sports fields are located adjacent to natural areas, Parks & Active Communities and Sustainability & the Environment Units will work collaboratively to facilitate community use of open spaces for sporting and recreation purposes, and to support the in perpetuity protection of environmental values. Implement mitigation measures such as signage, fencing and where applicable place conditions on development and events to avoid impact where threatened species are at risk.*
- *Minimise the potential impacts of sports field lighting proximal to known or predicted locations of threatened species and/or their habitat.*

3.2 Tweed Sports Fields Strategy 2014

The intent of the Tweed Sports Fields Strategy is to provide a plan for sport that considers the age and quality of existing facilities and the likely demand for new sports facilities given the anticipated population growth for the area. The recommendations for this Strategy were integrated into the Tweed Shire Open Space Strategy.

The following activities were undertaken to complete this project, including:

- Analysis of sporting trends regarding the design, management and delivery of the focus sports of this strategy;
- Review of existing population distribution and anticipated future population distribution and characteristics;
- Targeted consultation with local sport providers (clubs), regional and state sporting organisations, key state government agencies and school sport coordinators.
- Existing facility audits and field assessment modelling using a variety of tools to help better inform sport field demand locally (supply and demand analysis);

The Strategy found that while the distribution of sports facilities was considered appropriate, a significant deficit in shire-wide sport land exists (more than 30ha). Further, with a predicted population increase of more than 26,600 by 2031 this deficit will increase to more than 75ha if additional land is not sourced. Further, the quality of sporting facilities was also considered. In general, playing surfaces were found to be at a suitable to good standard. In contrast, many of the ancillary facilities (e.g. clubhouses, fencing, car parks) require significant upgrades (or replacement).

The Strategy presents a wide range of facility-specific, sport-specific and precinct-specific, actions and the following outlines considerations raised relevant to Black Rocks Sports Fields.

Facility-specific assessment

Regarding facility-specific consideration of Black Rocks Sports Fields, the Strategy highlights that the oval is located at the end of a sealed and gated road which has very limited passive surveillance opportunities. The Strategy mentions that old concept plans show that two fields/one oval and eight tennis courts were proposed at the sports facility.

The Strategy notes the site currently provides for cricket featuring a quality synthetic wicket (running north-south) but only fair turf condition. The site is used for regular cricket matches throughout the summer sporting season. However, it does not host cricket training.

The Strategy recommends the installation of seats and tables at the site for spectators/players estimated cost of \$15,000. It is noted that shelters and seats have been installed following this recommendation.

Sport-specific assessment - cricket

The following the sport-specific gap assessment for cricket, recommendations include the proposed investigation for opportunities to allocate one or two quality cricket facilities (potentially one with a turf wicket block and one with a synthetic wicket) as year-round venues. Black Rocks Sports Fields is listed as one of the sites to consider.

Precinct-specific assessment – South-coast

The precinct-specific planning section investigates the land planning challenges per planning precinct. The supply and demand assessment of the South-coast precinct where Black Rocks Sports Field is located, mentioned that the precinct is well-placed in regard to

the land area dedicated for the delivery of sport to local residents, with provision levels equalling demand at this time. A summary of the current supply and sports available in this precinct are included in the table below.

South-coast precinct sport park supply

Park	Size (ha)	AFL	Athletics	Cricket	Hockey	Netball	R League	R Union	Softball	Football	Touch	Tennis
Pottsville Memorial Oval^	1.8	Y		Y								Y
Black Rocks Sports Fields^	4.0			Y								
Les Burger Field^	3.0						Y				Y	
Barry Sheppard Oval^	3.3	Y										
Koala Beach Sports Fields^	2.6									Y	Y	
Seabreeze Sports Field^	3.4			Y	Y							
TOTAL	18.1											
Y = Yes ^ = would fail to meet the 2008 Development Control Plan's development standards												

However, in 2014, Council resolved that the Sports Fields Strategy is to review the use of Black Rocks Sports Fields "in light of ecological issues". The Strategy states, based on the supply and demand assessments, if the Black Rocks Sports Fields is no longer available as sports fields, the precinct will be approximately 4ha short of the desired provision rate.

Additionally, it is noted that given significant limitations, Pottsville Oval is not seen as a long-term provider of senior AFL or possibly senior cricket which will result in a greater demand on Black Rocks Sports Field. Further, there are also two, single-field sports grounds (Barry Sheppard and Les Burger grounds) that have limited development opportunities.

Further, the Strategy identified the need for additional cricket and football (soccer) fields across the area to meet both the current and future needs of these sports and Black Rocks Sports Fields is put forth as a potential solution. Both Pottsville football (soccer) and cricket club were reported to have membership increases in recent years and this trend appears set to continue. With only two football (soccer) fields available at the Koala Beach Sports Field (and no overflow area for small-sided games), Black Rocks Sports Fields may become an additional training and match facility for the club. The field at Black Rocks Sports Fields is large enough to accommodate two full-size rectangular playing fields (for football (soccer), rugby league or rugby union) without impacting on the synthetic cricket wicket. Alternatively, with clear spaces around the cricket wicket, many small-sided games could be played at the oval.

Therefore, Black Rocks Sports Field is considered to have increasing demand given Pottsville Oval will potentially no longer be used for senior AFL and cricket within three years in addition to the observed growth in membership from the local cricket and soccer clubs.

3.3 Generic Plan of Management for Community land Categorised as a Sportsground 2012

Black Rocks Sports Field is Council owned Community land and is subject to this Plan of Management that has been developed in accordance with the *Local Government Act 1993*.

The sports grounds covered by this plan typically provide for playing fields and facilities for organised sporting activities at the local community and broader district levels.

This Plan of Management reiterates the relevant sections in the Act with regard to the categorisation and granting a lease or licence. The Plan outlines the Basis for Management which are 'values' based and include community values, recreational values, social values, environmental values and economic values. Further, the management is to be in accordance with the *core objectives for management of community land categorised as a sportsground* as outlined in the Act which are as follows:

- (a) *to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and*
- (b) *to ensure that such activities are managed having regard to any adverse impact on nearby residences.*

Key management considerations are listed in addition to management objectives, management actions, performance measures and prioritisation. The Plan also nominates authorised uses, leases, licenses and permits.

3.4 Black Rocks Sports Field Precinct Operational Plan 2017

The objective of this plan is to ensure that the Black Rocks Sports Field Precinct is managed collaboratively by relevant Council sections to facilitate community use of the sports field for sporting and recreation purposes, and to support the in perpetuity protection of biodiversity values.

This Plan addressed both the sports field and surrounding bushland comprising of the southern section of Lot 379 DP 1148511. The Plan separates the management of the 'Sports Field' and the 'Natural Area', the boundaries between which are not to change.

The Plan reinforces the Tweed Sports Fields Strategy identification of the Black Rocks Sports Field as important in meeting the current and future sporting needs of the community. The Plan acknowledges the current sporting use is cricket, however notes further embellishment in the future will see the fields used for a variety of sports.

Management of the sports field includes mowing and turf management of the field, mowing of grassed roadside verges and surrounding utility areas to maintain visibility and to assist with fire management, proposed as consistent with Council Policy and legislation.

The Plan states informal recreation use e.g. walking, jogging, individual and small group ball sports practice does not require a licence. The activities that are permitted with a licence include formal sporting use e.g. club / association organised practice and matches, organised community events and any other activity not mentioned above. The Plan outlines the general licencing process.

No dogs are permitted on the sports field or access road or adjacent bushland. While on the sports field, no motorcycles are permitted nor golf practice. Regulatory signage and compliance at the site is discussed.

The Plan discusses vertebrate pest (wild dog, fox and cat) monitoring and control, community education, community collaboration regarding wildlife sightings, ongoing monitoring, signage, compliance and funding.

Fire management is to be carried out in accordance with the *Far North Coast Bush Fire Risk Management Plan* and the *Tweed Coast Koala Fire Management Plan*, consistent with the *Tweed Coast Koala Plan of Management* and the *Pottsville Wetland Restoration Plan*. Management in accordance with these plans addresses both the need to avoid impact to koalas from high intensity wildfire and to also apply fire regimes that are compatible with the need to reduce hazard and maintain ecological condition and function.

3.5 Tweed Development Control Plan 2008 - Section B21 Pottsville Locality Based Development Code

The Pottsville Locality Plan project involved a Background Planning Study, a Structure Plan and a Development Control Plan. This Code is part of a strategic framework for guiding the future development of the Pottsville locality and represents the most detailed level of the strategic framework.

Pottsville Locality Based Development Code has been prepared on the basis of extensive analysis and stakeholder input in regard to a wide range of key issues, including traffic and transport, community facilities, retail and employment, urban development, built form, landscape and environmental protection, as well as streetscape and village centre issues.

The Code provides more detailed provisions to expand upon the Tweed Local Environmental Plan (TLEP) and Tweed DCP for development within the Pottsville locality that will:

- Contribute to the growth and character of the Pottsville village centre and surrounding areas,
- Protect and enhance the public domain, and
- Provide for future retail and employment centres as the population on increases to meet the needs of the Pottsville locality area.

Part 4 Area Specific Strategies - Section 6 provides controls with regard to the Black Rocks area and nominates the Black Rocks Sports Fields as Open Space within Figure 4.45.

Section 6.1 states the Black Rocks Estate, which is a continuum of the lineal strip of development along Overall Drive south from Pottsville Waters, runs parallel to the Pottsville-Mooball Creek in close proximity to areas of high visual and passive recreational amenity. The desired character of Black Rocks Estate is to maintain the low density residential character while investigating the development of an open space facility to the south of the precinct. Significant tracts of native vegetation adjoin the western perimeter providing an important green buffer, between Black Rocks and the potential release area at 'Dunloe Park'.

Section 6.2 of the Strategy provides guidelines and states regarding the *Sports Precinct*:

Develop a masterplan for the Black Rocks sports fields, including a multi-functional clubhouse to cater for a variety of uses.

To affect this strategy, Council is to establish a working group with local sports groups and steer the development of a masterplan for the use of the sports fields. Whilst the best use of the fields is to be investigated and established as part of the masterplan process, consideration should be given to firstly providing alternate uses to that already existing in the locality and secondly, to higher order facilities in light of Pottsville's growing population and need for higher order facilities.

The Code then provides controls with regard to the Built Form. Although the design principles outlined specifically apply to residential development, the design of the buildings within the facility would ideally be not inconsistent with these.

3.6 Draft Community Facilities Plan 2019 - 2036

The Draft *Community Facilities Plan 2019 – 2036* (Draft Plan) was endorsed by Council in August 2019 and has been placed on public exhibition. At the time of writing, the community consultation feedback regarding the Draft Plan was yet to be reported to Council for adoption. The Draft Plan provides direction on location and timing of the delivery of new community facilities and will inform future Section 7.11 Developer Contribution Plans.

The Draft Plan defines the different types of community facilities. The needs assessment which included a supply and demand analysis, focused on community facilities as defined in the Draft Plan, which does not extend to sports clubhouses.

The Men's Shed at the site was acquired after the formal audit however the shed is acknowledged in the Draft Plan inventory. The Shed is defined as a *Tenanted facility*. Regarding these type of facilities, the Draft Plan states Council has a historical context of providing a range of buildings for community use which include child care facilities, aged care/respite programs, youth facilities, men's sheds and art and cultural activities. These facilities are managed and governed in partnership with a range of not-for-profit service providers.

Notwithstanding, the Community Facilities needs analysis identified a supply gap a for General use community facility within the Coastal District, of which Pottsville in part of. Further, the Draft Plan notes support for community infrastructure that features flexible spaces with adequate storage for multiple programs and services.

4 Site Assessment

The site is generally flat and surrounded by bushland. Vehicular and pedestrian access is via a formed driveway and parallel pathway from Overall Drive. Access is regulated by an automated solar gate across the driveway and footpath at the Overall Drive end and a locked bar gate at the sports field end. Car parking is currently informal and generally along the southern boundary area.

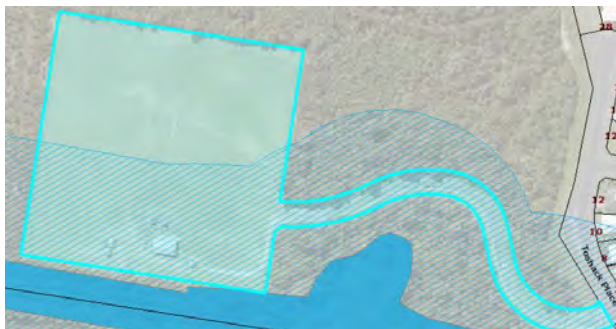


Aerial Imagery 2018

The site is currently features the following:

- Pottsville and District Men's Shed pursuant to DA15/0160;
- An amenities building;
- Two shelters;
- A pump shed;
- A water tank;
- Two croquet courts;
- A synthetic cricket pitch;
- Storage containers; and
- Timber bollard fencing along the sports field property boundary.

The vast majority of the site is bush fire prone land and mapped as Class 2 acid sulphate soils. Under Tweed Local Environmental Plan 2014 (TLEP), the sports field section is zoned RE1 Public Recreation with a maximum building height of 10m while the access road is zoned as a Deferred Matter and zoned 7I Environmental Protection (Habitat) under TLEP 2000. As shown below the southern half of the site is mapped as within the 100m buffer for Coastal Wetlands under State Environmental Planning Policy (Coastal Management) 2016 while most of the site excluding the central area is subject to the Q100 flood level.



Coastal Wetlands (SEPP)



Q100 Flood level mapping

The site is currently utilised by Pottsville Croquet Club, Pottsville and Cabarita Cricket Clubs, the Far North Coast Electric Fliers and the Pottsville and District Men's Shed.

5 Proposed Draft Master Plan



- 1 existing access road
- 2 mowed grass asset protection zone for buildings
- 3 play space / passive recreation area - eg BBQ facilities, half basketball court or playground
- 4 public car parking - 48 spaces including accessible spaces & access to buildings as per AS1428.1, bollards to prevent access to fields
- 5 lockable gate
- 6 existing men's shed building
- 7 proposed extension to men's shed
- 8 club car parking / deliveries
- 9 park shelter
- 10 existing pump shed
- 11 existing water tank
- 12 proposed sports pavilion - including: kitchen/canteen, club room, change rooms, storage, meeting room, covered veranda & public amenities
- 13 croquet courts
- 14 junior football / soccer fields
- 15 existing cricket pitch - potential future expansion turf wicket table
- 16 indicative gravel walking track & environmental interpretive signage
- indicative landscaping area - comprising low growing native vegetation (grasses and shrub species) & a minimum of 15 koala food trees, as per DA15/0166, across the site.
- - - - - indicative line of proposed bollards



SCALE: A1 SHEET 1:500, A3 SHEET 1:1000
0 5 10 20 30 40 50m

Black Rocks Sports Fields, Pottsville
Lot 301 DP 1125090 - Draft Master Plan *Nov 2019 issue C*



6 Discussion

The Draft Master Plan as proposed is primarily informed by:

- The following documents which are summarised elsewhere in this report;
 - *Tweed Shire Open Space Strategy 2019-2029*;
 - *Tweed Sports Fields Strategy 2014*;
 - *Generic Plan of Management for Community land Categorised as a Sportsground 2012*;
 - *Black Rocks Sports Field Precinct Operational Plan*; and
 - *Tweed Development Control Plan 2008 - Section B21 Pottsville Locality Based Development Code*;
- Community Consultation Feedback including questionnaires, workshop discussions and written submissions; and
- Site assessment and extensive history.

Staging

The development of the site as shown in the Master Plan is proposed in stages, the timing of which will reflect the gradual increase in demand by the relevant community and sporting groups and availability of grant funding. Approvals for each aspect of the development will be sought separately where required under legislation.

Accessibility

The design of any upgrades to the facilities will incorporate the principles of universal design. Accessibility from car parking to buildings/facilities to amenities is prioritised.

Open space for sports fields

Consistent with the site categorisation under the plan of management, the northern two thirds will remain open space, able to be used for cricket, football, AFL or an athletics track. Also, an additional croquet court is nominated for north of the existing courts at the south west corner.

As mentioned earlier in this report, the south coast Pottsville area has ample demand for the site to remain as a sports field and the south coast area would be under supplied with active open space facilities without it. Future additional demand for the site may occur following a planned review of the use of Pottsville Oval and its capacity to provide for senior AFL or possibly senior cricket. Further, the Tweed Sports Fields Strategy identified the need for additional cricket and football (soccer) fields across the area to meet both the current and future needs of these sports and Black Rocks Sports Fields is put forth as a potential solution. This is also reflected in the feedback as part of the community consultation.

Sports pavilion/ clubhouse building

A sports pavilion is proposed north west of the existing Men's Shed oriented to the north that will support the sport and recreation undertaken at the site. The building will provide shared facilities between the community and sporting user groups and provide public toilets to replace the existing amenities building. The sports pavilion will include:

- A meeting/club room approximately 160m² in size that can provide for at least 50 people;
- A large kitchen, a minimum 6m in length which may incorporate a canteen facility. The canteen is designed for multiple group use and provides storage for each group that shares the facility;
- Verandas/ awnings around 2-3 sides of the community building of sufficient depth to provide shelter from the weather for groups;

- Lockable storage areas are to be incorporated in the design reflecting the needs of the community user groups; and
- Other standard inclusions like office area, medical room/umpires room, change rooms etc.

Acoustic impacts on the meeting room generated by the Men's Shed activities are minimised by way of setbacks, orientation, storeroom location and other design measures.

The design and scale of the proposed sports pavilion/clubhouse building is consistent with:

- Council sporting facilities across the shire;
- Meeting the increasing demand outlined in the *Tweed Sports Field Strategy 2014*;
- Community consultation feedback; and
- TDCP Section B21 – Pottsville Locality Plan which states that the *masterplan for the Black Rocks sports fields*, is to include a *multi-functional clubhouse to cater for a variety of uses*.

Men's shed

Men's shed building is proposed to be extended westward. The addition will incorporate storage area that is currently within temporary storage containers located at the site. Once constructed, the storage containers will be removed.

It is noted that the Pottsville and District Men's Shed had requested an 11m extension eastward plus a 5-10m extension westward. The extension to the west was for storage whilst the extension to the east was to provide a new office, kitchen and meeting room where the existing meeting room would become workshop space. The proposed Master Plan supports the extension to the west, however rather than proposing the extension to the east, the Master Plan proposes the sports pavilion building which features a meeting room which will meet the needs of the Men's Shed while being shared with and providing for other sporting and community groups. This allows for the Men's Shed to expand the workshop area in line with their increased demand without increasing exclusive use of the site to the east. This is not inconsistent with the *Draft Community Facilities Plan 2019-2029*.

Car parking and access

A formalised car park is proposed for the south eastern corner of the site providing approximately 48 spaces inclusive of accessible spaces. The driveway and car park is surrounded by bollards to prohibit vehicle access on the sports fields. The existing bar gate at the sports field/main access road junction will be removed once bollards are installed.

Also, a formed driveway is proposed from the car park westward providing an additional 8-10 car parking spaces between the croquet fields and Men's shed. This western section is gated with a lockable bar gate, and is only for club use for deliveries or special events for example.

The location and scale of the proposed car park is capable of meeting future peak car parking demand at the site meeting the aims and objectives of Section A2 TDCP – Site Access and Parking Code. Further the proposed car parking is not considered excessive given the observed intensity of use at the site. Given the community consultation feedback, the frequency of bus usage does not warrant a specific formalised bus only turnaround area.

Play space

Based on community feedback, an area is reserved for as a play space or passive recreation area which may feature BBQ facilities, half basketball court or small playground.

The timing and design of this area will be subject to further community consultation and prioritised in accordance with Council's Tweed Shire Open Space Strategy's Implementation Plan.

Landscaping & walking track

The proposed landscaping will feature:

- a landscaped area as shown on the site plan, that comprises of low growing native vegetation (grasses and shrubs) to remove the requirement for mowing;
- a minimum of 15 koala food trees (Swamp Mahogany or Forest Red Gum) are to be incorporated into the landscaping planted at appropriate intervals such that their canopies remain separated;
- plenty of natural shade;
- a gravel walking track around the perimeter of the sports fields featuring interpretive signage. The track can provide an edge to areas of landscaping;
- bubblers/drinking fountain; and
- additional park shelters.

The proposed landscaping is a topic that was raised by several stakeholder groups however discussed at length by the TCKM Committee, Pottsville and District Men's Shed and Pottsville Community Association.

The location of the landscaping is not considered to reduce the usable area for sports fields and is considered to contribute to the natural shade and overall amenity of the space. The landscaping will reduce mowing maintenance requirements of the area and is not intended to be an extension of the adjoining bushland.

The landscaping is consistent with Development Consent DA15/0160 which approved the construction and operation of the Men's Shed which requires the planting of 15 koala food trees and does not undermine the asset protection zone required for mitigating bushfire risk.

The proposed landscaping is generally consistent with the submission made by the TCKM Committee particularly with regard to the provision of perimeter landscaping, vegetation types, rounded corners to preclude mowing and nomination of indicative bollard location.

Concerns were raised regarding landscaping to the south of the proposed and existing buildings given the potential increase in bushfire risk and as such, a 2m landscaping strip is proposed with additional bollards.

Lighting

No sports field lights are proposed as part of this draft Master Plan. Any future provision of lighting is subject to further community consultation.

Operational Matters

Operational matters including hours of operation and main gate arrangements is not within the scope of this draft Master Plan.

7 Appendix

Appendix A: *A Summary of the Major Planning and Subdivision Approvals, Related Agreements and Management Actions for the Black Rocks Estate Development Pottsville, 1992-2015.*

TITLE: [PR-CM] Summary of the Major Planning and Subdivision Approvals, Related Agreements and Management Actions for the Black Rocks Estate Development Pottsville, 1992-2015

SUBMITTED BY: Director

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process

SUMMARY OF REPORT:

Following an earlier request, various Council Executive Managers and staff met with representatives of Team Koala at Council on 20 February 2015 and provided an explanation of the main rezoning and approvals processes that have led to the current koala management practices at the Black Rocks Estate Pottsville.

An agreed outcome for this meeting was for the officers to provide Team Koala with a detailed written summary of the processes explained at the meeting.

A document titled "*Summary of the Major Planning and Subdivision Approvals, Related Agreements and Management Actions for the Black Rocks Estate Development Pottsville, 1992-2015*" was prepared and coordinated through the Director Planning and Regulation, and forwarded by email to Team Koala on 3 March 2015.

The details of the above document have been incorporated in this report for the information of Council and the general public.

RECOMMENDATION:

That the report on Summary of the Major Planning and Subdivision Approvals, Related Agreements and Management Actions for the Black Rocks Estate Development Pottsville, 1992-2015 be received and noted.

REPORT:

PART A - REZONING AND FORMATIVE STAGES OF THE DEVELOPMENT 1992-2004

Initial Rezoning and Deed of Agreement - 1992-1994

A Local Environmental Study (Mitchell McCotter and Tweed Shire Council, Black Rocks, 1992) was prepared in respect of the Local Environmental Plan Amendment which applied to Stages 1 to 10 of the estate.

The then owners of the Black Rocks Estate site, the Pottsville Development Corporation Pty Ltd (PDC), lodged a rezoning of the site with Council in 1993.

Council resolved to rezone the site subject to a Deed of Agreement between Council and PDC being prepared, which included dedication of an area of koala habitat (10.83 hectares) and future sports field (public reserve) to Council, to be submitted with the first DA of the new subdivision. It should be noted that it was originally proposed to locate the sports field on the south- eastern side of the site.

Some of the other key features of the Deed included:

Clause 4.2 - " After a development application has been approved for seventy (70) lots in Stage 1 & 2 the owner shall submit a management plan to provide an appropriate future koala habitat such plan to indicate the planting of koala food trees and appropriate fencing around the boundaries of the area so designated.....".

Clause 4.3 - This clause required the dedicated land to be fenced and planted with koala food trees for any release of subsequent stages after Stages 1 and 2. Fencing and planting to be at the expense of the proponent. The latter requirement was also to be included in the Koala Management Plan.

On the 20 May 1994, Tweed LEP 2000 Amendment No 11 was published in the Government Gazette.

Initial Stages of Development 1994-1996

Stages 1 and 2, comprising approximately 82 lots, were approved and constructed in the mid 1990s. The approval of these Stages were subject to a covenant restricting dogs and cats to be kept within the property boundaries of the new lots, and leashed when outside of the property.

As part of the preparation of a DA for Stages 3 to 7, the proponent submitted a Koala Plan of Management, prepared by the firm Woodward-Clyde Pty Ltd. It was approved by Council on 12 July 1996. **(Refer to Attachment 1 for a copy of this Plan).**

On the 12 July 1996 conditional Development Consent No. S95/123 was issued for a 128 lot residential subdivision comprising Black Rocks Stages 3 to 7.

Construction of Stage 3 to 7 was completed and the final Linen Plan of Subdivision (Stage 7) was released by Tweed Shire Council on 10 January 2002.

Changes to the Zoning and Koala Management Strategies for Black Rocks 2000-2004

Changes to the Initial 1994 Deed of Agreement

Following the development approval of Stages 3 to 7, the proponents' environmental consultants, James Warren and Associates, requested amendments to the original Deed of Agreement and Koala Plan of Management, raising the following concerns:

"The two (2) issues of concern which have been identified, with respect to the proposed development of Stage 3B of the estate are as follows:

- *The complete fencing of dedicated land would effectively isolate koala habitat on the Black Rocks Estate from adjoining habitats to the west; and*
- *The fencing of dedicated land would close the eastern portions of Kellehers Road, making access from Dunloe Park (to the west) to Black Rocks Estate (to the east) impossible."*

At its meeting of 2 August 2000 (**Refer to Attachment 2 for a copy of the Council resolution and report**), Council resolved to alter the required fencing between land to be developed for residential developed and the initial dedicated koala habitat adjoining Stages 3 to 7, and also to extend this fencing for Stages 8,9 and 10. This Council resolution was followed up in December 2000 with an amendment to the earlier 1994 Deed of Agreement.

A new Deed of Agreement for Stages 13-14 in 2003

In July 2000, Tweed Shire Council resolved, pursuant to Section 54 of the Environmental Planning and Assessment Act, to prepare a draft Local Environmental Plan in respect of the residue land within Black Rocks Estate described as Part Lot 65 DP 855462 and Lot 1 DP 824499, Overall Drive, Pottsville. A Local Environmental Study was prepared by GeoLINK Pty Ltd (October 2002) to inform the draft plan (Tweed LEP 2000 Amendment No 8).

Following public exhibition of the draft plan and Local Environmental Study and negotiations between Council officers, State Agencies and GeoLINK Pty Ltd, Council at its meeting on 5 November 2003 resolved to refer the draft plan (with amendments) to the Minister to be made. (**Refer to Attachment 3 for a copy of the Council report and resolution**). On 5 June 2003, in accordance with a resolution of Tweed Shire Council, a Deed of Agreement was executed between Tweed Shire Council and Black Rocks Estate. That Deed requires, inter alia, transfer of approximately 113 ha of high conservation value land to Council at no cost to the community and the dedication and embellishment of 4 ha of sports fields immediately west of the area zoned for residential purposes.

A Deed of Amendment was entered into on 9 December 2003 to reflect the changes made to the draft plan following execution of the initial Deed of Agreement on the 5 June 2003.

The Minister made the plan (LEP 2000 Amendment No. 8) and it was published in Government Gazette No 47 on 27 February 2004.

PART B - DEVELOPMENT AND SUBDIVISION APPROVALS FOR FURTHER STAGES OF BLACK ROCK ESTATE 2002-2006

Council Development Approval 1152/20001DA - Stages 8, 9 and 10

On 8 April 2002, conditional Development Consent No 1152/2001DA was issued by Tweed Shire Council for a 57 lot residential subdivision comprising Stages 8, 9 and 10.

In respect of koala management requirements, Condition 91a of the modified 2008 consent states:

"KOALA MANAGEMENT

91a. *The measures and recommendations outlined in the Koala Management Plan prepared by James Warren and Associates are to be implemented to the satisfaction of the Director of Development Services, prior to the issue of the subdivision certificate for Stage 8a, including:*

- a) *The Koala Management Plan to be amended to include preventative measures to prevent domestic animals from entering the koala habitat areas from the Black Rocks Estate via Kelleher's Road, to protect Koalas from vehicles, and to prevent Koalas from entering the estate via Kelleher's Road. Details to be submitted to the Director of Development Services for Approval; and*
- b) *The Koala Fence to be designed to enable koalas to climb from the Urban Side back into the habitat area. Details to be submitted to the Director of Development Services for Approval."*

Subdivision Certificate Approval - Compliance with Condition 91a

Amended Koala Management Plan

An amended Koala Management Plan prepared by James Warren & Associates Pty Ltd dated September 2003 was submitted to Council on 6 November 2003 to satisfy Condition 91a.

The project managers Ardill Payne and Partners provided plans detailing the proposed koala fencing and an underpass on Kellehers Road for koalas and stormwater drainage. Ardill Payne provides the following summary of the James Warren Koala Management Plan:

"James Warren, in Section 3.1 estimates that the Black Rocks site may currently support between one and three koalas. In Section 4.1, various management strategies are recommended to protect the koala population with respect to the impact of Kellehers Road on the Koala Habitat. These include exclusion fencing, advisory signage, speed restrictions and controls on the ownership of dogs and cats.

Section 4.1.1 of the Plan notes "...there is a break in the Koala Fence at Kellehers Road to allow access to the Black Rocks Estate from the west. It is considered that the likelihood of koalas entering Stages 8 - 10 through the break in the fence at Kellehers Road is minimal due to the low levels of koala activity recorded in the forested areas on the western side of the proposed Koala Fence in line with Stage 10 and the fact that there will be no koala food trees within the development area.

The plan continues "... mature koalas with established home ranges are unlikely to roam into the developed area of the Black Rocks Estate....it is possible, though unlikely, that a wondering juvenile may enter the development from Kellehers Road."

In discussions with Council's Planner, Chris Larkin, we were advised that Council wants a structural control at the break in the fence at Kellehers Road.

In this regard we present two possible options:-

Option A - to install structural control such as a "Koala Grid" (similar principal as a stock grid, with modification to suit domestic animals and koalas) across Kellehers Road, with koala fencing to the ends of the grid.

Option B - to construct a koala underpass under Kellehers Road, with koala fencing along the boundary of Kellehers Road. The koala underpass would also serve as a drainage culvert.

Both Options are shown on the attached sketch.

Despite the Koala Management Plan's recommendations that strategies to restrict koala movements at Kellehers Road are of a "non structural" type, our client agrees to investigation the above options.

In the meantime, it is proposed by our client to provide a bond in the amount of \$10,000.00 to cover the installation of Option A. This bond will be lodged with Council prior to the release of the Linen Plan for Stage 8A."

(Refer to Attachment 4 for a copy of James Warren & Associates Pty Ltd Koala Management Plan Black Rocks Estate Pottsville dated September 2003 and correspondence letter from Ardill Payne & Partners dated 4 November 2003)

Koala Fencing

In relation to the fencing project managers Ardill Payne & Partners provided the following correspondence dated 27 October 2003:

"With reference to discussions yesterday with Chris Larkin (former Council town planner), we confirm details of the proposed Koala Exclusion Fence.

The fence will be located generally on the property boundary for the extent shown on the attached plan. The exception in the northern boundary of lots

272-276, where the fence will be located 1m to the north of the property boundary. This is to permit the construction of future civil works (filling, sewer and stormwater) adjacent to the fence. I believe that Chris Larkin spoke to Council's Parks and Gardens Manager who concurred with the proposed fence location."

"The fence to be erected will be of a similar standard of construction to that existing in earlier stages of Black Rocks Estate. The fence will have tin sheeting at its base on the Koala Habitat side to prevent koalas from climbing into the residential area. Conversely, as no tin is on the development side of the fence, in the unlikely event that a koala enters the residential area, it should be able to climb the fence safely."

(Refer to Attachment 5 - Koala fencing detail - Ardill Payne & Partners dated 24 October 2003)

Koala underpass - Kellehers Road

A \$10,000 bond was lodged by the developer to cover the cost of installation of a Koala Crossing on Kellehers Road. The lodgement of bank guarantee was to permit the release of the plan of subdivision for Stage 8a.

Correspondence from Ardill Payne & Partners dated 7 June 2005 advised:

"James Warren & Associates (flora and fauna consultants for Black Rocks) have produced a report prepared by Ishta Consultants of Dromana, Victoria. This report (extract attached to his letter) states that a 1.2m diameter concrete pipe culvert is suitable as a koala underpass for lengths up to 12m."

A 15m long 1200 x 1200 precast box culvert and rock lined batter (koala underpass) was approved under Construction Certificate CC06/1074.01 for Kellehers Road on the 6 July 2007.

(Refer to Attachment 6 for a copy of the letter from Ardill Payne & Partners dated 7 June 2005 and Attachment 6A - Construction Certificate drawings showing culvert on Kellehers Road for koalas)

The completed Koala fencing and culvert works for Kellehers Road were accepted as part of the release of the subdivision certificate for Stage 9b and 9c. The subdivision certificate and 88B instrument was registered on 14 April 2008. The 88B instrument states that cats and aggressive dogs are excluded from the subdivision.

(Refer to Attachment 7 for a copy of 88B instrument and subdivision certificate (DP1125090))

Condition 21 also placed a restriction on cats:

"2. Imposition of a Section 88B Instrument in accordance with the Conveyancing Act shall prohibit the keeping of cats on all lots within Stages 8, 9 and 10. The wording is to be submitted to Council for approval, and shall contain

provisions to enable the restriction to be revoked, varied or modified by Council."

Council Development Approval DA02/1767 - Stages 11 & 12

On 2 January 2003, conditional Development Consent No DA02/1767 was issued by Tweed Shire Council for an 8 lot residential subdivision comprising Stages 11 and 12. The consent was modified on 16 April 2004. A modified condition 44 restricted the keeping of cats in this stage of the development. The original consent restricted both dogs and cats. This was implemented through a Section 88B instrument.

Subdivision Certificate Approval - Compliance with Condition 44

Condition 44 of DA02/1767 specified the following:

The keeping and ownership of cats within the subdivision is prohibited and this prohibition shall be reinforced by a Restriction as to User on each lot created under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.

Exclusion of cats and dogs is listed as a restriction to user in the 88B for DP1064717. **(Refer to Attachment 8 for a copy of 88B instrument and subdivision certificate (DP 1064717))**

DIPNR Development Approval DA 243-10-2004 - Stages 13 & 14

Stages 13 and 14 were identified as State Significant Development and therefore were determined as a development application by the then, NSW Department of Planning and Natural Resources. Approval was granted by the Department on 9 January 2006. The consent contained the following conditions relevant to koala management:

Subdivision Certificate Approval - Compliance with Conditions

Condition E15

"E15

The following restrictions (or such other restrictions as are acceptable to Tweed Shire Council) apply to dog and cat ownership and control on all residential lots:

- a) *Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.*

- b) *No dog shall be kept on the premises without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.*
- c) *No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.*

These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B instrument creating the restriction shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council."

Condition E15 - Compliance

Exclusion of cats and aggressive dogs is listed as a restriction to user in the 88B for DP1064717. **(Refer to Attachment 9 for a copy of 88B instrument (DP 1148511))**

Condition E19

"E19

The measures and recommendations outlined in the Koala Management Plan prepared by James Warren & Associates dated September 2004 are to be implemented to the satisfaction of the Principle Certifying Authority, prior to the release of the subdivision certificate for any residential allotments. The measures and recommendations include:

- a) *A Koala exclusion fence is to be erected between the residential 2(a) zone and the environmental protection zone. The fence is to prevent Koalas from entering the residential area. Details of the fence are to be submitted to the principle certifying authority for approval.*
- b) *A koala crossing is to be incorporated into the sportsfield access road. Signage should include Koala warning signs.*
- c) *Koala feed trees to be lost are to be replanted at a ratio of five (5) trees to every one (1) tree removed. The trees are to be planted in suitable areas on the western side of the Koala proof fence."*

Condition E19 - Compliance

Part a

A koala exclusion fence was approved as per Figure 4 of the James Warren Koala Management Plan dated September 2004 under Construction Certificate CC07/1166. **(Refer to Attachment 10 for a copy of Construction Certificate & James Warren proposed koala exclusion fence and crossing area).**

The fencing was also inspected with Council officers and all works for the subdivision was accepted on 30 November 2009.

Work As Executed drawings certified by the surveyor and engineer for the subdivision show the koala fencing as constructed in accordance with the James Warren Koala Management Plan. **(Refer to Attachment 11 for a copy of Work as Executed plans).**

Please see photos below of the completed koala fencing.

Koala fencing towards Black Rocks sports field



Koala fencing separating subdivision from reserve - cycle way



Koala fencing separating subdivision from reserve - Overall Drive



Koala Fencing at Kellehers Road



Part b

The construction certificate approval included 4 raised road mediums to slow down vehicles, 40km/h speed restriction and wildlife crossing next 200m signs along the sports field access road to reduce speed and inform motorists that wildlife and speed restrictions apply. **(Refer to Attachment 12 for a copy of Construction Certificate & James Warren proposed koala exclusion fence and crossing area)**

The sports field road, including signage was accepted on 30 November 2009.

Part c

James Warren & Associates Pty Ltd provided a statement of compliance dated 13 August 2009 that 60 koala food trees had been planted. **(Refer to Attachment 13 for a copy of James Warren & Associates Pty Ltd correspondence)**

Condition E20

"E20

The two areas marked public reserve as specified in the Deed of Agreement, (Annexure B1 & B2), signed between Council and the Black Rocks Estate Pty Ltd dated 4 June 2003, are to be dedicated to Council in accordance with the above mentioned Deed of Agreement. Both the public reserve areas are to be dedicated to Council in conjunction with registration of the subdivision plan for Stage 1.

The public reserve areas are to be adequately fenced. An inspection of the fencing is to be carried out by Council Officers prior to the release of the subdivision certificate for Stage 1."

Condition E20 - Compliance

The koala habitat area was dedicated by a plan of subdivision registered 24 October 1996 (Lot 61 DP855459) **(Refer to Attachment 14 for a copy of subdivision certificate DP855459).**

The sports field has been fenced with post and rail fencing as recommended in the James Warren Koala Management Plan. Koala fencing has been provided separating the residential subdivision from the adjoining reserve.

Work As Executed drawings certified by the surveyor and engineer for the subdivision show the koala fencing as constructed. **(Refer to Attachment 15 for a copy of Work as Executed plans).**

PART C - COUNCIL'S KOALA MANAGEMENT PRACTICES FOR THE BLACK ROCK'S ESTATE 2012-2015

Council Part V Application (PTV12/0022)

In December 2012, Council's Engineering and Operations Division lodged an application under Part V of the Environmental Planning and Assessment Act to construct eight new tennis courts (including lighting) and associated car parking, pedestrian access and drainage on the constructed sports field at the Black Rocks Estate (Stage 13 and 14).

The works were considered necessary to provide new facilities for the Pottsville Tennis Club who had been requested by Crown Lands (the owner) to re-locate from their current site adjoining Pottsville Oval.

The application was accompanied by an Ecological Assessment prepared by James Warren and Associates, who had previously prepared a Koala Plan of Management for the Black Rocks Estate (Stages 13 and 14) in 2004. This assessment addressed how the recommendations of the KPOM were proposed to be implemented through the Part V Application.

At its meeting of 21 November 2013, Council resolved the following in respect of PTV12/0022:

"RESOLVED that the application PTV12/0022 for Construction of Tennis Courts (Including Lighting) and Associated Car Parking, Pedestrian Access and Drainage at Lot 301 DP 1125090 Overall Drive, Pottsville be refused for the following reasons:

1. Pursuant to Section 5 Objects of the Environmental Planning & Assessment Act 1979 (as amended), the proposed development cannot be determined to satisfy subsection (a)(vi), the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats:

The proposed development would have an unacceptable impact with respect to the adjacent significant habitat and breeding area for the threatened Tweed Coast Koala population.

2. Pursuant to Section 79C(1)(b) of the Environmental Planning & Assessment Act 1979 (as amended), the proposed site is not considered suitable for the proposed development.

The proposed development would have an unacceptable impact with respect to the adjacent significant habitat and breeding area for the threatened Tweed Coast Koala population.

3. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning & Assessment Act 1979 (as amended) the proposed development is not considered to be compliant with Environmental Planning Instruments.

The proposed development is inconsistent with the aims of SEPP44 Koala Habitat Protection."

A rescission motion was subsequently lodged in respect of this decision.

At its meeting of 12 December 2013, Council resolved not to support a rescission motion for the decision made at the 21 November 2013 Council Meeting. Therefore, Council's decision to refuse the application stands.

Subsequent Council Motions and Decisions Affecting the Black Rocks Sports Field

Operational management decision to install a lock rail in June 2013

Council installed a 'lock rail' style gate at the eastern access point of the sports field entry road in response to use of the fields for unapproved parties and to address reports of vehicle hooning along the access road. This gate prevented vehicle access only. The gate was permanently locked with keys provided to organised sporting organisations upon request only.

Actions Arising from the Minutes of the Tweed Koala Advisory Group Meeting Held on 11 February 2014

At its meeting of 10 April 2014, Council resolved:

"RESOLVED that:

1. *The Minutes of the Tweed Coast Koala Advisory Committee Meeting held Tuesday 11 February 2014 be received and noted; and*
2. *The Executive Management Team's recommendations be adopted as follows:*

A1. Black Rocks Sports Field

1. *That:*
 - a) *Council installs a lockable koala and dog-proof gate and additional fencing, in order to form a continuous exclusion zone, at the entrance to the sports field in accord with the Notice of Motion and previously recommended conditions of consent for the Tennis Court Part V Application.*
 - b) *the lockable gate will be closed at dusk daily.*
 - c) *the lockable gate will be funded from the Koala Management Plan budget.*
2. *Sporting organisations that use the sports field are advised of the regulations pertaining to sports field use.*

3. *The Terms of Reference for the Sports Field Strategy include review of the use of the Black Rocks sports field in light of ecological issues."*

At its meeting of 18 September 2014, Council resolved to receive and note the minutes of the Tweed Coast Koala Advisory Committee Meeting held on 29 July 2014, including maintaining the decision made at the 10 April meeting as follows:

- "1. *The Minutes of the Tweed Coast Koala Advisory Committee Meeting held Tuesday 29 July 2014 be received and noted; and*
2. *The Executive Management Team's recommendations be adopted as follows:*

BA1.Black Rocks Sports Field entry gate

That Council notes the request of the Koala Advisory Group Committee, being that the koala and dog-proof gate, when installed, remain locked at all times except when being used by sporting organisations, but that the resolution of 10 April 2014 stands.

A4. Tweed Coast Koala Plan of Management

This recommendation is the subject of a separate report to Council. Council officers presented the draft plan to Council at a workshop held 14 August 2014."

At its meeting of 16 October 2014, Council resolved not to support a rescission motion for the decision made at the 10 April 2014 Council Meeting.

At its meeting of 22 January 2015, Council resolved to support a further motion to rescind the decision made at the 10 April 2014 Council Meeting, and also to support a new motion:

"RESOLVED *that Council:*

1. *Commissions a study using the methodology contained in the currently exhibited Comprehensive Koala Plan of Management to obtain baseline data on koala numbers in the Black Rocks Sports Field precinct.*
2. *Replaces the gates at the entrance to the Black Rocks Sports Field with a koala grid to prevent koalas entering the nearby urban environment.*
3. *Brings a report to a future Council Meeting with recommended options to address the impacts of "hooning" behaviour on the entrance road to the playing fields."*

At its meeting of 22 January 2015, Council resolved to receive and note the minutes of the Tweed Coast Koala Advisory Group meeting of 11 December 2014. These

minutes included detail of the discussion held regarding a compliance strategy for Black Rocks Sports Fields.

At its meeting of 19 February 2015, in confirming the Minutes of 22 January 2015, Council resolved to amend the Minutes to include the following additional wording following advice from the Office of Environment & Heritage in this matter:

"This should not be undertaken until the study referred to in paragraph 1 is complete with the General Manager being authorised to accept the assistance offered by the Office of Environment and Heritage to complete the study without delay."

A separate motion seeking to rescind the decision made at the 22 January 2015 Council Meeting was not supported by Council.

Council Motions Relating to a Proposal To Construct a Mens Shed at the Black Rocks Sports Field Site

Concurrent to the above decisions of Council, Council has also resolved the following in respect of a proposal by the Pottsville and District Mens Shed group to establish a new facility on the Black Rocks Sports Field site:

Council Meeting 17 July 2014

"RESOLVED that Council supports the Pottsville and District Men's Shed request to construct and operate a Men's Shed facility at the Black Rocks Sports Fields."

Council Meeting 21 August 2014

"RESOLVED that in relation to Council's previously supported position of the Pottsville and District Men's Shed request to construct and operate a Men's Shed facility at the Black Rocks Sports Fields that the following also be applied:

1. *That in the event that the Pottsville Men's Shed seeks a licence or lease to operate from the site at the Black Rocks Sports Field that Council consider granting a limited use licence to operate the Men's shed for a maximum term of 5 years at the site;*
2. *Requests that the shed construction be of the type that it can be fully dismantled and reassembled at an alternative site;*
3. *Council Officers be requested to continue to pursue alternative sites including future development or appropriately zoned sites that could accommodate the Men's shed in the longer term on a permanent basis."*

Council Meeting 16 October 2014

"RESOLVED that Council prepares and lodges the Development Application or Part 5 Application (whichever is applicable) for a Men's Shed at Lot 301 DP

1125090 (Black Rocks Sports Field), in accordance with their concept design and the Council resolution of 21 August 2014, whereby the construction is to be of the type that it can be fully dismantled and reassembled at an alternative site."

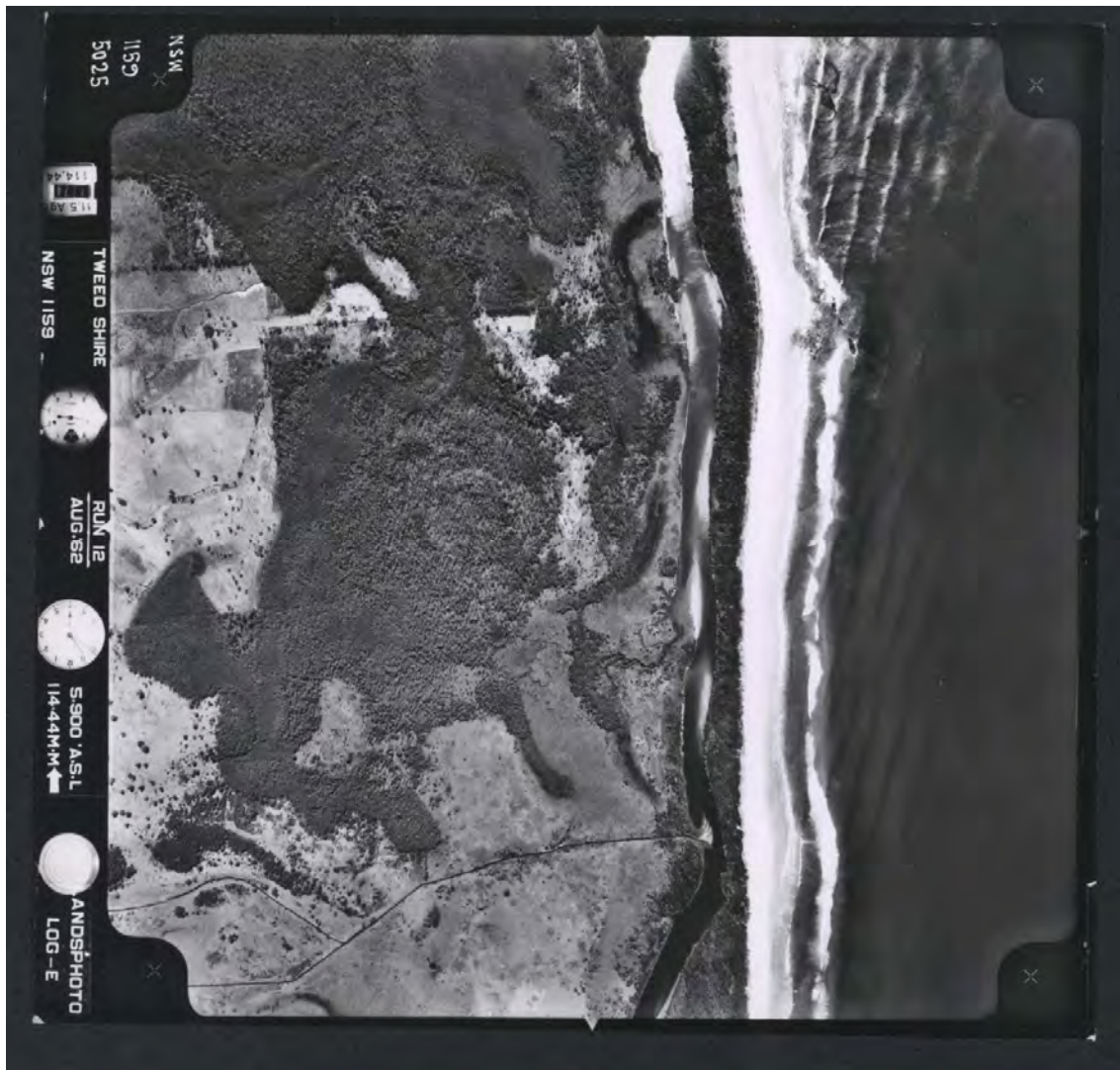
PART D - HISTORICAL IMAGES OF THE BLACK ROCKS SITE

The following aerial photos have been included, dating from 1944 to 2012, to provide a historical perspective of the extent of vegetation coverage on the subject, which has increased substantially through the planting programs of the Black Rocks Estate redevelopment.

Aerial Photo 1944



Aerial Photo 1962



Aerial Photo 1995



Aerial Photo 2000



Aerial Photo 2001



Aerial Photo 2004



Aerial Photo 2007



Aerial Photo 2009



Aerial Photo 2012



OPTIONS:

That Council:

1. Receives and notes this report; or
2. Determines an alternative action.

The officers recommend Option 1.

CONCLUSION:

On the request of Team Koala, Council officers have prepared a detailed summary of the main rezoning and approvals processes that have led to the current koala management practices at the Black Rocks Estate Pottsville.

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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.	Koala Plan of Management, prepared by the firm Woodward-Clyde Pty Ltd (ECM 3605228)
Attachment 2.	Council resolution and report dated 2 August 2000 (ECM 3605229)
Attachment 3.	Council resolution and report dated 5 November 2003 (ECM 3605230)
Attachment 4.	James Warren & Associates Pty Ltd Koala Management Plan Black Rocks Estate Pottsville dated September 2003 and correspondence letter from Ardill Payne & Partners dated 4 November 2003 (ECM 3605231)
Attachment 5.	Koala fencing detail - Ardill Payne & Partners dated 24 October 2003 (ECM 3605232)

- Attachment 6. Letter from Ardill Payne & Partners dated 7 June 2005 (ECM 3605233)
- Attachment 6A. Construction Certificate drawings showing culvert on Kellehers Road for koalas (ECM 3605234)
- Attachment 7. 88B Instrument and Subdivision Certificate (DP1125090) (ECM 3605235)
- Attachment 8. 88B Instrument and Subdivision Certificate (DP 1064717) (ECM 3605246)
- Attachment 9. 88B Instrument (DP 1148511) (ECM 3605247)
- Attachment 10. Construction Certificate & James Warren proposed koala exclusion fence and crossing area (ECM 3605248)
- Attachment 11. Work as Executed plans (ECM 3605249)
- Attachment 12. Construction Certificate & James Warren proposed koala exclusion fence and crossing area (ECM 3605250)
- Attachment 13. James Warren & Associates Pty Ltd correspondence (ECM 3605251)
- Attachment 14. Subdivision Certificate DP855459 (ECM 3605252)
- Attachment 15. Work as Executed plans (ECM 3605253)
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