

TITLE: [CNR-CM] Temporary Licence for Access to Council Land - Tweed Heads West Wastewater Treatment Plant

SUBMITTED BY: Community and Natural Resources



Civic Leadership

SUMMARY OF REPORT:

In 1996 Council approved an industrial subdivision in Banora Point, within a parcel immediately to the west of the Tweed Heads West Wastewater Treatment Plant.

Access to the approved subdivision was to be created by the purchase of Council land for the dedication of a road, which has been completed, and the road is named Hakea Drive.

The developer, Feitelson Group of Companies (Feitelson), intends to commence filling the site, however Hakea Drive has not been constructed and Council has received a request from Feitelson to access their site from a temporary access along the northern boundary of the Council parcel.

The temporary access, and other amendments to the consent, will be sought under a s96 application to be lodged by Feitelson.

There is no objection, as landowner, to the temporary access and it is recommended that Council approve granting a licence for a temporary access over Council land subject to the developer obtaining approval for the s96 application.

The licence will commence from the date of the s96 approval and will be for a term of two years.

It is also recommended that Council sign the s96 application as landowner, as the application incorporates the proposed access within Council owned land, Lot 1 DP 1011625.

RECOMMENDATION:

That :

- 1. Council approves granting a licence for a temporary access to Feitelson Holdings Ltd and Garbind Pty Ltd over Lot 1 DP 1011625, for a term of two years, at a peppercorn rental, subject to Feitelson Holdings Ltd and Garbind Ltd obtaining section 96 approval for the access.**
- 2. Council provides landowner's consent to the section 96 application; and**
- 3. The licence be executed under the Common Seal of Council.**

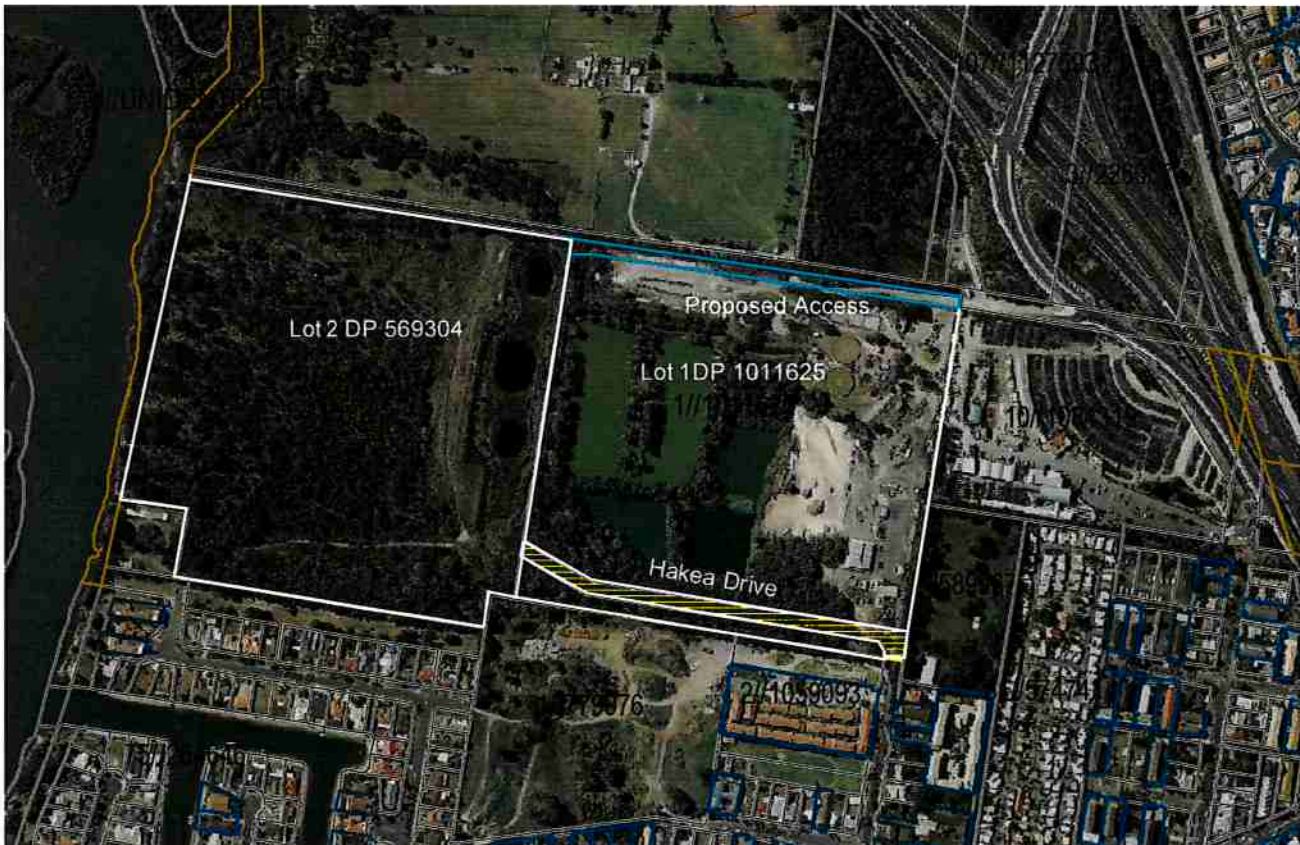
REPORT:

In 1996 Council approved an industrial subdivision on Lot 2 DP 569304 in Banora Point, adjacent to the current Tweed Heads West Wastewater Treatment Plant, on Lot 1 DP 1011625.

Access to the approved subdivision was, pursuant to condition 1A of the approval, to be created by the purchase of Council land for dedication as a road. The land was purchased for the sum of \$120,000. A plan of subdivision of Lot 1 607299 (the parent parcel) was registered in March 2000 as DP 1011625, creating and dedicating the road reserve, which has been named Hakea Drive.

Feitelson intend to commence filling Lot 2 for the approved industrial subdivision, however Hakea Drive has not been constructed. Council has received a request from Feitelson for a temporary access to Lot 2 along the northern boundary of the Council parcel.

The plan below shows the two parcels and the proposed access along the northern boundary of Lot 1 DP 1011625, Hakea Drive (hatched) cuts across the southern half of Lot 1:



The initial approval was for Feitelson to dredge Cobaki Creek (on the parcel's western boundary) to provide the required fill for the site, but the developer now states that this will no longer be viable and intends to utilise fill to be trucked in from other sources, generating the necessity for a s96 application, which will include the proposed alternate access to Lot 2.

The s96 application will be assessed on its merits and relies on landowner's approval for the temporary access.

The licence will be subject to Feitelson obtaining approval for the s96 application, to commence on the date of that approval, for a term of two years. Feitelson will bear the costs of constructing and maintaining the access within the Council parcel.

As the land is operational land, there are no statutory restraints to granting the licence.

OPTIONS:

1. To approve the granting of a licence to Feitelson for a temporary access.
2. To not approve the granting of a licence to Feitelson for a temporary access.

CONCLUSION:

There is no objection, as landowner, to the temporary access and it is recommended that Council approve the granting of a licence for a temporary access over Council land subject to the developer obtaining approval for the s96 application.

The licence will commence from the date of the s96 approval and will be for a term of two years.

It is also recommended that Council sign the s96 application as landowner, as the application incorporates the proposed access within Council owned land, Lot 1 DP 1011625.

FINANCIAL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

A peppercorn rental is proposed for this temporary access on the basis that the landowner has previously purchased from Council permanent access to the site for the amount of \$120,000.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.3 Provide Leasing and Licensing services to clients

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

[Agenda Report](#)**TWEED SHIRE COUNCIL
MEETING TASK SHEET****User Instructions**

If necessary to view the original Report, double-click on the 'Agenda Report' blue hyperlink above.

Action Item - COUNCIL MEETING Tuesday, 21 August 2012

Action is required for Item 20 as per the Council Resolution outlined below.

TITLE: [CNR-CM] Temporary Licence for Access to Council Land - Tweed Heads West Wastewater Treatment Plant

**Cr D Holdom
Cr J van Lieshout**

RESOLVED that:

1. Council approves granting a licence for a temporary access to Feitelson Holdings Ltd and Garbind Pty Ltd over Lot 1 DP 1011625, for a term of two years, at a peppercorn rental, subject to Feitelson Holdings Ltd and Garbind Ltd obtaining section 96 approval for the access.
2. Council provides landowner's consent to the section 96 application; and
3. The licence be executed under the Common Seal of Council.

AMENDMENT

**Cr K Milne
Cr D Holdom**

PROPOSED that this item be deferred for a Councillor workshop.

The Amendment was **Lost**

FOR VOTE - Cr K Milne

AGAINST VOTE - Cr D Holdom, Cr P Youngblutt, Cr K Skinner, Cr J van Lieshout, Cr B Longland

ABSENT. DID NOT VOTE - Cr W Polglase

The Motion was **Carried** - (Minute No 520 refers)

FOR VOTE - Cr D Holdom, Cr P Youngblutt, Cr K Skinner, Cr J van Lieshout, Cr B Longland

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr W Polglase