

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

SUBMITTED BY: Water and Wastewater

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.3	Delivering the objectives of this plan
1.3.3	Existing and future community assets will be properly managed and maintained based on principles of equity and sustainability

SUMMARY OF REPORT:

At its meeting held on 21 August 2012, Council resolved to approve the granting of a temporary access over Council land to a developer, operating under Feitelson Holdings Ltd and Garbind Pty Ltd, to allow them to haul fill to their adjacent land. The approval was subject to the developer obtaining a s96 approval, which was issued on 30 November 2012, a construction certificate was not issued until 11 February 2015.

A licence agreement between Council and Feitelson and Garbind commenced 29 July 2014, for a term of two years.

Council received a request from the developer seeking an extension of that licence, his letter states because *"it has been difficult obtaining the required type and quantity of fill to complete the project at an economic rate. We did not want to commence the placement and compaction until such time as we could be guaranteed sufficient fill to complete the project. We did not want to be in a position that we commenced the process and found that we had insufficient fill to complete the filling and hence running over the license (sic) period."*

It is recommended that Council approve entering into a further two year licence with the same terms and conditions as the current licence.

RECOMMENDATION:

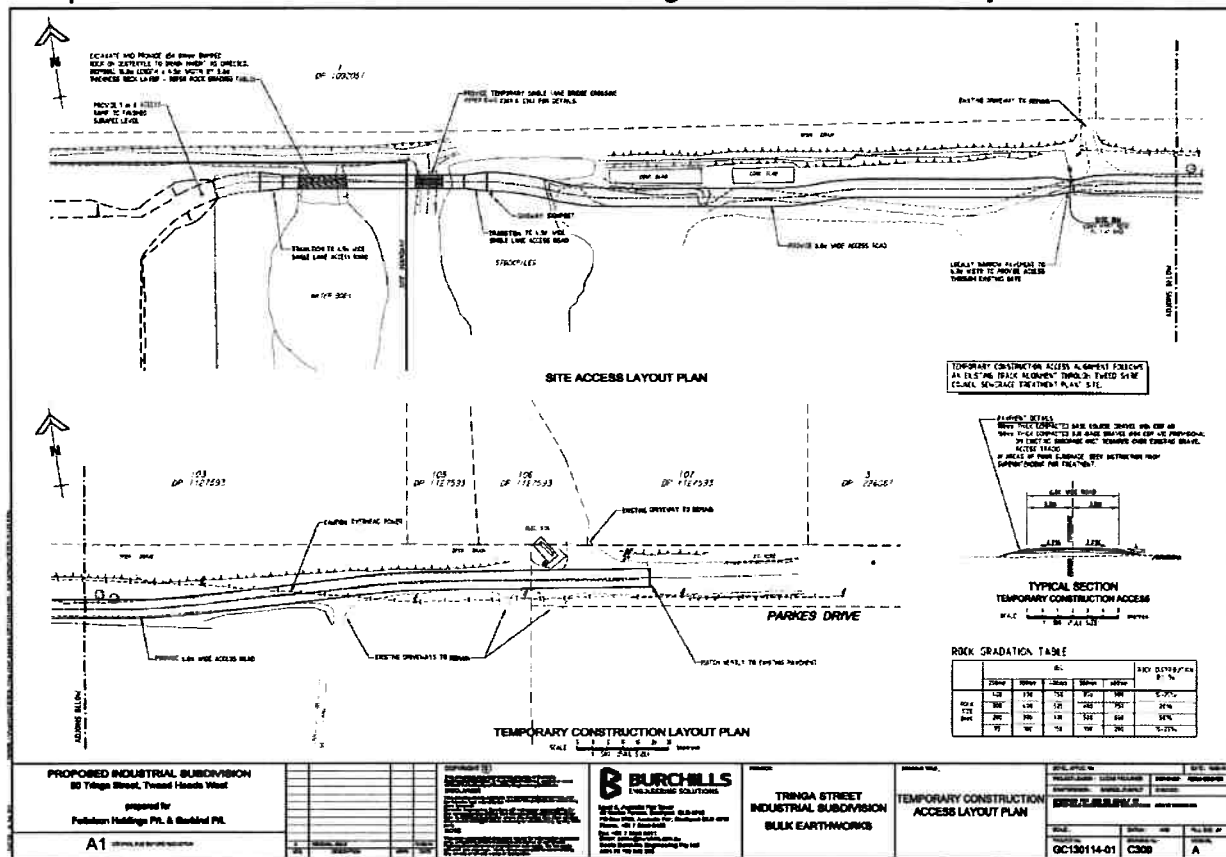
That:

- 1. Council approves entering into a licence agreement with Feitelson Holdings Ltd and Garbind Pty Ltd over Lot 1 DP 1011625 for a term of two years, at a peppercorn rental commencing on 29 July 2016; and**
- 2. All documentation be executed under the Common Seal of Council.**

REPORT:

At its meeting held on 21 August 2012, Council resolved to approve the granting of a temporary access over Council land (containing the Tweed Heads West Wastewater Plant) to a developer, operating under Feitelson Holdings Ltd and Garbind Pty Ltd, to allow them to haul fill to their adjacent land. The approval was subject to the developer obtaining a s96 approval, which was issued on 30 November 2012, a construction certificate was not issued until 11 February 2015.

The plan below shows the access corridor along the northern boundary of Council's land:



The temporary access granted to the developer was to operate under a licence agreement which conditioned the use of Council land for the purposes of hauling fill.

The licence agreement, with a term of two years, between Council and Feitelson commenced on 29 July 2014.

Council received a request from the developer on 22 January 2016, seeking an extension of that licence, his letter states because *"it has been difficult obtaining the required type and quantity of fill to complete the project at an economic rate. We did not want to commence the placement and compaction until such time as we could be guaranteed sufficient fill to complete the project. We did not want to be in a position that we commenced the process and found that we had insufficient fill to complete the filling and hence running over the license (sic) period."*

A copy of the previous report to Council is attached to this report, as it provides a detailed description of the purpose and shows the access corridor.

The reason given for the request for the extension is considered reasonable and there is no record of issues arising from the use of the licensed area by the developer. The asset manager has provided conditions for the access.

OPTIONS:

1. To approve the granting of an extension of the licence to Feitelson for a temporary licence for a further two years.
2. To not approve granting an extension.

CONCLUSION:

As there are no recorded issues arising from the current licence, and the reason for the extension is reasonable and acceptable, it is recommended that Council approve granting a further two year licence to Feitelson on the same terms as previously issued.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

A peppercorn rental is proposed, as per the previous agreement, on the basis that the licensee had purchased from Council a permanent access to the site for the sum of \$120,000.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Due to the relatively short period and low impact of the licence, it is not intended, nor is it considered necessary, to advertise the intention to grant the further two year licence to Feitelson.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1

Council Action Item and Report dated 21 August 2012
(ECM 2858111).

[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 Thursday, 18 February 2016

Action is required for Item **16** as per the Council Resolution outlined below.

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**Cr P Youngblutt
Cr W Polglase**

RESOLVED that:

1. Council approves entering into a licence agreement with Feitelson Holdings Ltd and Garbind Pty Ltd over Lot 1 DP 1011625 for a term of two years, at a peppercorn rental commencing on 29 July 2016; and
2. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

**FOR VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt
AGAINST VOTE - Cr G Bagnall, Cr K Milne**
