

**TITLE:** [PD-PC] Development Application DA05/0775 for Clearing and Replanting of Vegetation and a Cycleway Path and Beach Access at Lot 500 DP 727420 Tweed Coast Road, Casuarina & Lots 4-6; Lots 14-15 Section 1 DP 14895 & Lots 1-8 and 11-12 Section 5 DP 14895, L

**ORIGIN:**

Development Assessment

**FILE NO:** DA05/0775 Pt2

**SUMMARY OF REPORT:**

The application is one of three submitted by Richtech Pty Ltd for development at the site known as Seaside City. All three applications have been appealed in the NSW Land and Environment Court. This application is for vegetation management of the part of lot 500 that fronts the estate and the cycleway within lot 500. Clearing for bush fire management purposes is also proposed within the land owned by Richtech Pty Ltd.

**RECOMMENDATION:**

That upon written notification that Appeal No. 10215 of 2006 has been withdrawn Development Application DA05/0775 for clearing and replanting of vegetation, cycleway and beach access at Lot 500 DP 727420 Tweed Coast Road, Casuarina & Lots 4-6; Lots 14-15 Section 1 DP 14895 & Lots 1-8 and 11-12 Section 5 DP 14895, Lorna Street, Kingscliff be approved subject to the following conditions: -

**GENERAL**

1. This consent shall be completed in accordance with the Vegetation Management Plan - Eastern Boundary dated 17 August 2006 prepared by Cardno except where varied by the conditions of this consent. [GEN0005]
2. The maintenance period is to be five years from the date of planting works commencing.
3. The reports required by Section 9.1 of the Vegetation Management Plan are to be prepared by an independent suitably qualified and experienced environmental scientist/ecologist. The environmental scientist/ecologist is to be approved by the General Manager or his delegate.
4. The Vegetation Management Plan is to be amended to expand, diversify and increase the density of the tree species proposed for Vegetation Management Unit 1 and 2. The updated species list is to be submitted to Council for approval prior to commencement of planting by the General Manager or his delegate and the Department of Lands. In this regard the shrub list is to be removed for VMU I and replaced with *Banksia integrifolia*.

5. The following ground cover species are to be removed from Vegetation Management Unit 2 list- *Sporobolus virginicus*, *Zoysia macrantha*, *Spinifex sericeus*, *Stephania japonica* and *Ipomoea pes-caprae*.
6. *Juncus usitatatus* and *Scaevola calendulacea* are to be removed from all planting lists.
7. The Vegetation Management Plan is to be amended to include a schedule of works and performance requirements for weed removal similar to the Salt Lot 500 and 7(f) Management Plan.
8. The Vegetation Management Plan is to be amended to include a growth rate standard for planted trees of 1.5m after five years, an 80% survival rate for groundcovers shrubs and trees and 80% cumulative cover at the end of the five year maintenance period.
9. The Vegetation Management Plan is to be amended to include an additional three monitoring plots within VMU 2 is to be included and plots are to be chosen at random within each VMU.
10. The Vegetation Management Plan is to be amended to include further detail selective clearing work practices for VMU 1 and VMU 2 similar to that set out in section 5.1.2.
11. All dangerous goods, fuels and chemicals shall be stored in a secure area and shall not be permitted to flow or percolate to any watercourse.
12. Acid sulfate soils shall not be exposed or disturbed. The approved works shall not include earthworks, except as strictly necessary for approved vegetation clearing and replanting and works contained in the management plan.
13. Existing vegetation shall not be removed, lopped or damaged, except as strictly necessary to complete the proposed works.
14. Following clearing works and prior to earthworks or commencement of construction works surface radiation monitoring is to be undertaken for the entire Seaside City site including Lot 500 DP 747420 and Lot 1971 DP 133919. The draft Seaside City Radiation report dated June 2006 is to be amended to include the results of the surface monitoring and the final report submitted to Council (including proposals for continuous monitoring during bulk earthworks and remediation plans, if applicable) for approval by the General Manager or his delegate. All works shall comply with the approved plan. Additionally, a post earth works surface radiation survey shall be completed and a validation statement provided to Council to the satisfaction of the General Manager or his delegate, prior to issue of a Construction Certificate or commencement of construction works, which (provides details of radiation monitoring on the site) establishes that surface radiation levels are below relevant NSW Health Action Levels and the site is suitable for the proposed use.

[GENNS01]

**PRIOR TO COMMENCEMENT OF WORK**

15. Prior to commencement of work all native vegetation that is not proposed to be removed is to be identified and clearly marked.
16. Prior to commencement of work liaison with the Department of Natural Resources is to be undertaken regarding any approvals required under the Native Vegetation Act.
17. The cycleway path alignment is to be marked prior to works commencing.
18. The Vegetation Management Plan is to be amended in accordance with the requirements of this consent. The amended plan is to be submitted to Council for approval by the General Manager or his delegate and the Department of Lands prior to commencement of works.

[PCWNS01]

19. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

20. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

[PCW0985]

#### **DURING CONSTRUCTION**

21. All vegetation that is identified for retention is to be protected during vegetation removal works.
22. The works proposed in DA 05/0793 are to be undertaken in conjunction with the works proposed in DA 05/1464 and DA05/0775. Final approval for the works in DA05/1464 will not be issued unless the works proposed in DA05/0775 and DA 05/0793 have progressed to a satisfactory level as determined by the General Manager or his delegate.
23. All vegetation clearance works are to be supervised by a suitably qualified and experienced environmental scientist/ecologist.

24. A post and rail fence similar to the fence constructed in the adjoining estates is to be constructed along the full length of the boundary between the eastern lots of Seaside City and Lot 500 DP 727420.

25. All sedimentation and erosion control measures shall be installed and maintained to the satisfaction of the Director of Environment and Community Services.

[DURNS01]

26. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

**Monday to Saturday from 7.00am to 7.00pm**

**No work to be carried out on Sundays or Public Holidays**

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

27. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

28. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council.

[DUR0985]

29. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles
- No material is removed from the site by wind

[DUR1005]

30. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

31. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.

[DUR2185]

32. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

**USE**

**33. If any unlawful clearing occurs within Lot 500 DP727420 a visual barrier is to be erected in accordance with Section 9.1 of the Vegetation Management Plan.**

[USENS01]

**34. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.**

[USE0125]

**DEPARTMENT OF PLANNING CONCURRENCE CONDITIONS**

- **Any works on land on the private lots zoned 7(f) adjacent to Lot 500 shall be undertaken in accordance with the management requirements set out in the Management Plan for VMU 3.**
- **The alignment of the cycleway shall be designed by survey so it is located in an alignment that will limit the need to remove mature native vegetation species. This alignment should be marked out prior to any vegetation clearing occurring on the land.**
- **The boundary between VMU 2 and VMU 3 shall be marked out on the ground prior to any clearing taking place to avoid accidental clearing on VMU 2.**

**REPORT:**

**Applicant:** Cardno MBK Pty Ltd  
**Owner:** Tweed Shire Council & Richtech Pty Ltd  
**Location:** Lot 500 DP 727420 Tweed Coast Road, Casuarina & Lots 4-6; Lots 14-15 Section 1 DP 14895 & Lots 1-8 and 11-12 Section 5 DP 14895, Lorna Street, Kingscliff  
**Zoning:** 7(f) Environmental Protection (Coastal Lands)  
**Cost:** \$170,000

**BACKGROUND:**

The application accompanies two other applications for development at Seaside City (DA05/1464 and DA05/0793).

Lot 500 is a Coastal Reserve owned by the Crown and managed by Council. The Department of Lands have issued owners consent for the application. The Department of Lands have agreed that a 10 metre strip in Lot 500 can be utilised by the landowners with frontage to Lot 500 for asset protection from bushfires.

The management plan makes provision for a further 10m strip for asset protection within the land to the east of Lorna Street. Separate applications for clearing this strip within the allotments not owned by Richtech will be required. This application does not cover all the landowners with ocean frontage only the Richtech land.

**Proposal****Vegetation**

The proposal involves removal of weeds and planting of native vegetation within lot 500. A vegetation management plan has been prepared for the proposal.

The site has been divided into two Biodiversity and Protection Units and one Asset Protection Unit.

The Management Plan describes the Units as follows-

The Biodiversity and Protection Units are comprised of areas of native vegetation and environmental and exotic weed species that are located to the east of the defined Asset Protection VMU. The general objective of management for these VMUs is to protect and enhance their biodiversity value and dune stabilisation functions via a combination of:

- retention of existing native vegetation
- the removal of existing infestations of environmental weeds
- in-situ mulching of dead vegetative material to reduce the potential for erosion
- the implementation of a supplementary planting program to increase the floristic diversity and structural complexity of the vegetation
- maintenance of weed control and planting works

The Asset Protection Unit is comprised of a mixture of native plant species and environmental weed species that are located within the defined 10m wide asset protection zone. The general objectives of management for this VMU are to:

- remove existing infestation of weeds species
- reduce permanently fuel loads to a level that allows the vegetation to be classified as Group 3 vegetation
- in accordance with the provisions of Table A2.4 of “Planning for Bushfire Protection”, enable a minimum separation distance of 20m to be established and maintained between densely vegetated areas and any buildings. This 20m separation distance consists of a 10m wide Asset Protection zone within the western most sector of Lot 500 and a 10m wide Asset Protection Zone within the eastern extent of residential allotments adjoining Lot 500.

### **Bushfire**

A 20 m wide asset protection zone is proposed with 10m of the zone either side of the boundary between lot 500 and the privately owned lots within the Seaside estate.

### **Cycleway**

Construction of the missing part of the coastal cycleway is proposed between Salt and Casuarina. The cycleway proposed is to the same standard as the adjoining estates and is located on Lot 500.

### **Beach access**

Access to the beach is proposed to be formalised with four paths from the existing Lorna Street laneways to the beach. Fencing to protect the dune vegetation is also proposed.

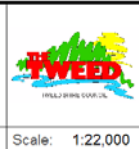






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*Tweed Shire Council*  
**Lot 500 DP 727420**  
**Tweed Coast Road, Casuarina**



PLANNING REFORMS UNIT  
**Site Plan**  
 File: N:\Munsys\A4P - SITE PLAN.Wor Author: J.Batchelor Date: 9/Oct/2006 Scale: 1:22,000 Sheet: 1 of 1

## CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

### (a) (i) The provisions of any environmental planning instrument

#### Tweed Local Environmental Plan 2000

The subject land is zoned 7(f) Environmental Protection (Coastal Lands) under the provisions of the Tweed LEP. The development is permissible with consent from Council.

The objectives of the zone are as follows-

#### **Primary objectives**

- \* to identify land susceptible to coastal erosion and protect it from inappropriate development.
- \* to protect and enhance the scenic and environmental values of the land.

#### **Secondary objective**

- \* to allow for other development that is compatible with the primary function of the zone.

The proposed development is compatible with the objectives of then zone.

**Clause 27** is of the LEP is as follows: -

#### (1) Objectives

- to protect land that may be susceptible to coastal erosion processes from inappropriate development.
- to establish concurrence criteria.

#### (2) In deciding whether to grant consent to development in Zone 7 (f), the consent authority must consider:

- (a) the provisions of any plan of management adopted by the Council under the [Local Government Act 1993](#) that is applicable to the land, and
- (b) the impact of the development on the behaviour of the sea, or an arm of the sea, or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, and
- (c) the impact of the development on any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, and

- (d) the impact of the development on the landscape or scenic quality of the locality, and
  - (e) the impact of the development on any native vegetation.
- (3) Development (other than that included in Item 1 for Zone 7 (f) in the Table to clause 11) must not be carried out within Zone 7 (f) except with the concurrence of the Director.
- (4) In determining whether to grant concurrence, the Director must take into consideration the likelihood of the proposed development:
- (a) adversely affecting the behaviour, or being adversely affected by the behaviour, of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, and
  - (b) adversely affecting any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea or any bay, inlet, lagoon, lake, body of water, stream or watercourse, and
  - (c) adversely affecting the landscape or scenic quality of the locality

The proposed development is aimed improving the native vegetation in the dunal area of lot 500. Some native vegetation (wattle) is proposed to be removed to improve the conditions for other species to grow. There is no proposal for earthworks within the dunes. The 20m strip proposed as an asset protection zone will involve removal of native vegetation. The cycleway will be located within the 10 m strip within lot 500.

### **Concurrence**

The application was referred to the Department of Planning for concurrence. Concurrence subject to conditions has been received.

### **North Coast Regional Environmental Plan 1988**

The relevant provisions of the REP are as follows-

#### **29A Development control—natural areas and water catchment**

- (1) The council must not grant consent for the clearing of natural vegetation in environmental protection, scenic protection or escarpment preservation zones unless it is satisfied that:
- (a) the wildlife habitat will not be significantly disturbed by the proposed development, and
  - (b) the scenery will not be adversely affected by the proposed development, and

- (c) an erosion and sediment control plan will be implemented which will successfully contain on the site any erosion or sediment caused by the proposed development.

The aim of the proposal is to improve the habitat area. The proposal is not likely to have a significant impact on threatened species. The scenery in this location will be altered by establishment of the cycleway and APZ however improvements to the vegetation and public access provides a balance to development. An erosion and sedimentation control plan is required to be implemented.

### **32B Development control—coastal lands**

- (1) This clause applies to land within the region to which the NSW Coastal Policy 1997 applies.
- (2) In determining an application for consent to carry out development on such land, the council must take into account:
  - (a) the NSW Coastal Policy 1997,
  - (b) the Coastline Management Manual, and
  - (c) the North Coast: Design Guidelines.
- (3) The council must not consent to the carrying out of development which would impede public access to the foreshore.
- (4) The council must not consent to the carrying out of development:
  - (a) on urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out the development would result in beaches or adjacent open space being overshadowed before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time), or
  - (b) elsewhere in the region, if carrying out the development would result in beaches or waterfront open space being overshadowed before 3pm midwinter (standard time) or 7pm midsummer (daylight saving time).

The above documents are satisfied and public access to the foreshore is being increased and managed as result of the proposal. The only structures proposed are the cycleway and boardwalks to the beach.

### **33 Development control—coastal hazard areas**

Before granting consent to development on land affected or likely to be affected by coastal processes, the council shall:

- (a) take into account the Coastline Management Manual,

- (b) require as a condition of development consent that disturbed foreshore areas be rehabilitated, and
- (c) require as a condition of development consent that access across foredune areas be confined to specified points.

The cycleway and beach access points are suitable developments in this location. The application is for rehabilitation and confining public access to specified points.

The following is an extract from the Coastline Management Manual-

**(d) Dune Revegetation**

The major objective of any dune revegetation program should be to provide sufficient plant cover to protect against wind erosion. Species native to the coastal dune system have adapted to survive the hostile environment of drifting sand, strong winds, salt spray and infertile soils, and provide long term stability to the system.

A successful revegetation program will also provide other benefits to the coastal system including increased protection for landward areas and amenities, improved habitat for native fauna, particularly birds, and enhanced beach amenity.

**(e) Dune Protection**

The provision of dune protection is necessary where land use pressures will, in the absence of protection measures, cause damage to the dune landform or vegetation. A combination of dune fencing, formalised accessways and signposting is normally used to protect the dune system. An active community awareness program will complement these measures.

Fences preserve both revegetated and naturally vegetated areas by protecting them from uncontrolled pedestrian and vehicle traffic. Formalised accessways allow pedestrians and vehicles access to dunes in a manner which protects both the dune and adjoining vegetation; they are fenced to direct and confine the movement of the traffic; and the dune surface is generally protected by materials such as board and chain mats to prevent sand blowing from the accessway and to provide traction for traffic.

**(f) Dune Maintenance**

Both rehabilitated and natural dune areas require long term maintenance (maintenance in perpetuity), to ensure that vegetation and structures such as fences and accessways retain their function, and to protect the initial investment of funds in management works.

Deterioration of rehabilitation works may be caused naturally by the action of the wind, waves and moving sand. Vandalism may increase the rate of deterioration of works.

Maintenance of dune management works includes the following aspects:

- continuation of public awareness campaigns;
- repairs to fences, accessways and signs;
- replanting of areas where plants have failed to establish or have died because of disease, insect attack, fire or moisture stress;
- planting of secondary and tertiary vegetation in suitable areas;
- control of weeds such as bitou bush and lantana;
- application of fertiliser when required; and
- fire control.

Consistent and adequate maintenance of rehabilitation works will contribute to the aesthetic appeal and amenity of the beach area. Regular maintenance will also reduce the need for major restoration at a later date, thereby reducing the cost of subsequent works.

It is considered that the proposal is consistent with the above measures and objectives.

#### **81 Development control—development adjacent to the ocean or a waterway**

- (1) The council shall not consent to a development application for development on land within 100 metres of the ocean or any substantial waterway unless it is satisfied that:
  - (a) there is a sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development,
  - (b) buildings to be erected as part of the development will not detract from the amenity of the waterway, and
  - (c) the development is consistent with the principles of any foreshore management plan applying to the area.
- (2) Nothing in subclause (1) affects privately owned rural land where the development is for the purpose of agriculture.

The above clause is satisfied as a result of the proposal.

#### State Environmental Planning Policies

**SEPP-71 Coastal Protection**-The matters for consideration under the SEPP are as follows-

- (a) the aims of this Policy set out in clause 2,
- (b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,
- (c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,
- (d) the suitability of development given its type, location and design and its relationship with the surrounding area,
- (e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,
- (f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,
- (g) measures to conserve animals (within the meaning of the [Threatened Species Conservation Act 1995](#)) and plants (within the meaning of that Act), and their habitats,
- (h) measures to conserve fish (within the meaning of Part 7A of the [Fisheries Management Act 1994](#)) and marine vegetation (within the meaning of that Part), and their habitats
- (i) existing wildlife corridors and the impact of development on these corridors,
- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (k) measures to reduce the potential for conflict between land-based and water-based coastal activities,
- (l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,
- (m) likely impacts of development on the water quality of coastal waterbodies,
- (n) the conservation and preservation of items of heritage, archaeological or historic significance,
- (o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,

- (p) only in cases in which a development application in relation to proposed development is determined:
- (i) the cumulative impacts of the proposed development on the environment, and
  - (ii) measures to ensure that water and energy usage by the proposed development is efficient.

The proposed development is consistent with the above matters where relevant.

**(a) (ii) The Provisions of any Draft Environmental Planning Instruments**

N/A

**(a) (iii) Development Control Plans (DCP's)**

N/A

**(a) (iv) Any Matters Prescribed by the Regulations**

NSW Coastal Policy

The provisions of the Coastal Policy are satisfied with improvement to public access to the beach and rehabilitation of dune vegetation.

**(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality**

Native vegetation is proposed to be removed as part of the application along with planting and rehabilitation of the dunal area. The proposal will result in additional public access to the area with the extension of the cycleway and formalisation of beach access. The potential adverse impacts of vegetation removal and increased usage of the dune area are offset by the rehabilitation program, improved passive recreational opportunities and managed beach access.

**(c) Suitability of the site for the development**

The site is suitable for the development and compliments existing development north and south of the site.

**(d) Any submissions made in accordance with the Act or Regulations**

The application was exhibited in accordance with Council's Policy and two submissions were received.



The first submission states that as the clearing within lot 500 is for bushfire protection the bushfire protection clearing should only occur on the privately owned lots and not the Crown Land.

This is a reasonable point however the proposal also includes completing the coastal cycleway for the full frontage of Seaside City (715m approx.) which is to be located within lot 500. The APZ has dual purpose of a cycleway/recreation corridor and an APZ (10m wide). The balance of the APZ is to be located within the private lots. It should also be also noted that the Environmental Protection zoning of the site primarily relates to coastal hazard management not habitat value.

The second submission has undertaken a detailed review of the Management Plan and made suggestions for amendments. The submission was referred to the Lands Department and conditions are proposed to incorporate the suggestions into the Management Plan.

### **Department of Lands**

The DoL has provided feedback regarding the submissions which will be included in the proposed conditions. The Department have advised that a license will be required to be issued by the Department for the works to be carried out.

### **Department of Natural Resources**

The Department has made the following comments regarding the proposal-

- 4.1.2 Selective Clearing and 4.2.2 Selective Clearing

The clearer presentation of a section detailing work practices to be followed as per 5.1.2 is suggested.

- 5.1.2 Selective Clearing

The removal of mature native vegetation is not supported.

It is suggested that a better approach would be to design the alignment of the cycleway based on a survey of the location of mature native vegetation species. This would enable retention of these trees while improving the current indicative cycleway design to one that maximises both horizontal and vertical variation thus enhancing visual appeal.

In addition it is suggested that the final cycleway alignment should be marked prior to any vegetation clearance works in a similar manner as that proposed for the beach access points (refer 4.1.2).

## **7. Weed Management**

Aerial application of Glyphosate, with appropriate work practices detailed, should be included and discussed as a weed removal technique. This option

would be preferable to DNR than the proposed mechanical removal method in VMU 3.

### **Comment**

A condition will be imposed requiring selective clearing work practices to be further detailed for VMU 1 and 2

A condition will be imposed requiring the cycleway alignment to be marked prior to works commencing. Whilst the management plan states that native vegetation will be minimised and established she-oak outside the cycleway alignment will be marked some mature vegetation will be removed not only for the cycleway but also for bushfire management.

A condition will be imposed regarding weed management as outlined above.

### **(e) Public interest**

It is within the public interest to rehabilitate the dune area, complete the cycleway and undertake bushfire management.

### **OPTIONS:**

1. Approve the application as recommended.
2. Refuse the application for specified reasons.

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

If the application proceeds to an Appeal Council will incur further legal expenses.

### **POLICY IMPLICATIONS:**

Much of the discussions have revolved around the appropriate level of vegetation and APZ management under Council control. Consideration should be given to formulation of a Policy for both these issues for future applications throughout the Shire.

### **CONCLUSION:**

It is considered that the proposal balances competing demands and enables an appropriate level of development to be undertaken at this location.

### **UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

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