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The General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH 2484

Attention: Renee Saunders

Dear Sir,

**Re: DA 15/0585 – Tyalgum Buttery Site, Coolman Street, Tyalgum**

I advise that we continue to act for Australian Radio Towers which is the applicant in this matter. We have now reviewed the public submissions which you have forwarded and on behalf of our client we provide the following comments:

**1. OBSERVATIONS**

Many of the submissions betray a lack of understanding of the application and the key issues to the point where we question whether those making some of the submissions have actually read the application documents, eg. *"how is this contaminated land going to be dealt with"*, *"the new owner wants to eliminate most of the heritage look of that building"*, *"Large scale steel manufacturing is not 'light' in terms of noise levels"* etc. Moreover, some of the submissions seem to have personal issues with the applicant. That must surely raise questions about their motives and credibility, eg. *"I am aware of the applicant's reputation for insensitivity towards others within business communities. This is public knowledge throughout Murwillumbah..."*, *"I am also extremely concerned about the business conduct and ethics of the applicant"*, *"I have personally witnessed him to be a bully and a thug when it comes to business"*.

**2. KEY ISSUES**

We have gleaned from the submissions the key issues which we believe warrant a response and will confine our comments to those matters.

• **Heritage Values / Aesthetics**

The heritage values of the site and aesthetics of the design were fundamental considerations in planning for the development. That is clearly demonstrated in the application documents. Chief amongst those are the Design & Landscape Statements

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(S.E.E. Attachment A) and the Statement of Heritage Impact (S.E.E. Attachment B). No meaningful discussion or acknowledgement of those documents is evident in any of the submissions.

Contrary to what is suggested in many of the submissions, significant emphasis was placed on the *“re-establishment of relationship between the Buttery and Coolman Street”* and making a significant contribution *“to the vitality of Coolman Street and Tyalgum Village”* (refer Design Statement, S.E.E. Attachment A).

We note that the Buttery building is currently in a state of deterioration and that that scenario would no doubt continue into the foreseeable future without the revitalisation which would be provided by this proposal. We are of the view that this proposal is a significant contribution to the heritage values, aesthetics and vitality of the Village main street.

• **Contaminated Land**

A preliminary site investigation indicated that the land was contaminated and remediation was required pursuant to the requirements of SEPP No.55 – Remediation of Land. Subsequently a remediation action plan was prepared and submitted for approval as part of the development application.

The costs associated with those contamination investigations and remediation works are obviously significant. Not only would this ensure that the site is suitable for development (from an environmental health perspective) but it would also provide a significant community benefit.

• **Economic Impacts**

The repeated theme through a number of the submissions is the perceived competition that the proposed café may provide to the detriment of an existing café business in the Village. In that regard we comment as follows:

- The proposed café is a small part of the total development package and is to be conducted in association with a showroom which is to showcase the natural energy products assembled in the industrial unit;
- It is expected that the sympathetically refurbished Buttery building and its associated use would stimulate more visitor interest and activity in the Village to the ultimate benefit of all businesses in the Village;
- It would be an abuse of the regulatory planning system to exclude a proposed development solely on the basis that it may provide some competition for an established business; and
- The submissions overlook the broader economic benefits of the proposed development which in our view provide significant justification for its approval. Those include, restoration and refurbishment of a designated heritage building and facilitation of its ongoing maintenance and upkeep through viable

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development; remediation of contaminated land; the provision of local employment opportunities; the stimulation of tourist interest in the Village; and the facilitation of a start-up natural energy industry in the Shire (refer S.E.E. page 17).

- **Amenity**

Predicted noise impacts from the proposed development activities (including the natural energy industry) are addressed in a noise impact assessment submitted under separate cover in response to Council's request for further information (23 September, 2015).

The proposed natural energy industry is a relatively small operation occupying approximately 156m<sup>2</sup> GFA and involving five (5) employees (three (3) full time and two (2) part time). Typically about 70% of the work would involve electronics assembly and 30% structure assembly involving cutting, drilling and welding of metal component parts (refer S.E.E. page 4). These activities are non-polluting and all waste can be satisfactorily handled by conventional means (refer Waste Management Plan, S.E.E. Attachment E).

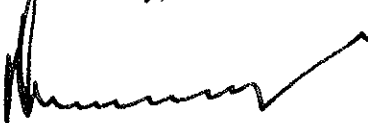
The proposed hours of operation nominated for the natural energy industry, ie. 7 am to 5 pm Monday to Saturday (refer S.E.E. page 4), are thought to be reasonable and in keeping with other business activities in the immediate locality and commensurate with expectations for a Village main street.

It is expected that visitor/employee traffic movements generated by the proposal during the nominated business hours would not create any unusual or unacceptable amenity impacts. With respect to heavy vehicle traffic it is advised that the proposed natural energy industry is expected to generate between 0 to three (3) truck movements per week. That would cover both delivery of component parts etc. and the pick-up of finished goods. The delivery vehicles are rigid table-top trucks. No articulated vehicles would be used.

For a rural village to flourish and prosper an increase in local business activity (including traffic) is inevitable and indeed desirable. In the context of amenity impacts we submit that what is proposed is reasonable and that impacts can be satisfactorily managed.

Thank you for the opportunity to review and comment on the submissions.

Yours faithfully,



**JIM GLAZEBROOK**

Tyalgum Buttery DA(2)

