



TWEED SHIRE COUNCIL

# **AGENDA**

## **ORDINARY COUNCIL MEETING Tuesday 2 May 2006**

**Chairman: Mr Garry Payne AM**

**Administrators: Mr Garry Payne AM  
Ms Lucy Turnbull  
Mr Max Boyd AM**

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## ITEMS FOR CONSIDERATION OF COUNCIL:

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**COUNCIL MATTERS**

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**SCHEDULE OF OUTSTANDING RESOLUTIONS**

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**Schedule of Outstanding Resolutions**

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**ADMINISTRATOR'S MINUTE**

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**[AM] Signing of Documents by Administrators**

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**ORDINARY ITEMS FOR CONSIDERATION**

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**1 [A/GM-CM] Tweed Shire Council's Seven Year Plan - Report on  
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**REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES**

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**2 [GC-CM] 2006/2009 Draft Management Plan, 2006/2007 Draft  
Budget/Fees and Charges and 10 Year Long Term Financial Plan**

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**REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**

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| 3 | <b>[SUB-LTC] Minutes of the Local Traffic Committee Meeting Held 13 April 2006</b>         | Error!<br>Bookmar<br>k not<br>defined. |
| 4 | <b>[SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 12 April 2006</b> | Error!<br>Bookmar<br>k not<br>defined. |
| 5 | <b>[SUB-CC] Minutes of the Communications Committee Meeting held 21 April 2006</b>         | Error!<br>Bookmar<br>k not<br>defined. |

**CONFIDENTIAL ITEMS FOR CONSIDERATION**

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**REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES IN COMMITTEE**

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| 1 | <b>[GM-CM] Appointment of Communication Committee Members</b> | Error!<br>Bookmar<br>k not<br>defined. |
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**REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE**

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| 2 | <b>[EO-OC] Naming of Council Public Road Associated with Cudgera Creek Road Realignment</b> | Error!<br>Bookmar<br>k not<br>defined. |
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| 3 | <b>[EO-CM] Kallaroo Circuit Bund Blockage of Yelgun Creek, Ocean Shores</b> | Error!<br>Bookmar |
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## ABORIGINAL STATEMENT

Administrator Payne acknowledged the Bundjalung Aboriginal Nation with the following statement:

*"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners of these lands."*

## CONFIRMATION OF MINUTES

**Confirmation of the Ordinary and Confidential Minutes of the Council Meeting held Wednesday 12 April 2006**

### 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).

1. Minutes of the Ordinary Minutes of the Meeting held Wednesday 12 April 2006 (DW 1381010)
  2. **Confidential Attachment** - Minutes of the Confidential Minutes of the Meeting held Wednesday 12 April 2006 (DW 1376822)
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## PLANNING COMMITTEE

### MATTERS FOR CONSIDERATION UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The following are the matters Council is required to take into consideration under Section 79(C)(1) of the Environmental Planning and Assessment Act 1979 in assessing a development application.

#### MATTERS FOR CONSIDERATION

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:
  - (a) the provisions of
    - (i) any environmental planning instrument; and
    - (ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority, and
    - (iii) any development control plan, and
    - (iv) any matters prescribed by the regulations,that apply to the land to which the development application relates,
  - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality,
  - (c) the suitability of the site for the development,
  - (d) any submissions made in accordance with this Act or the regulations,
  - (e) the public interest.

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**P1 [PD-PC] Request to Waive Fees in Relation to Development Application DA04/0533 and Construction Certificate Application CC05/0698 at Lot 1 DP 133066 Florence Street, Tweed Heads**

**ORIGIN:**

**Director**

**FILE NO: DA04/0533**

**SUMMARY OF REPORT:**

Council previously considered a request for waiving of fees for the Tweed Heads Police and Community Youth Club (PCYC) at its meeting of 16 February 2005 and it was resolved as follows: -

- "1. Council advises the Twin Towns Police and Community Youth Club's request for the waiving of contributions is not supported and that the contribution levy is to be paid in full in interest free instalments over a period of time which takes in account the Club's circumstances.*
- 2. Results of the negotiation regarding the payments to be reported to Council."*

A further submission has been received from the PCYC seeking a waiver of the water connection fee and a waiver or significantly reducing the developer contribution fees of \$30,622.67 which remains to be paid. A copy of their submission is attached to this report.

**RECOMMENDATION:**

**That Council advises the Tweed Heads Police and Community Youth Club that it reaffirms its previous resolution of 16 February 2005.**

**REPORT:**

As per summary.

**OPTIONS:**

1. Not support the request.
2. Support the request.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

If the request is supported then the relevant contribution funds will not receive that income.

**POLICY IMPLICATIONS:**

The concession of development contribution fees would create a precedent for applications from other charitable organisations.

**CONCLUSION:**

In view of Councils existing policies on waiving of development fees that the request not be supported.

**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).*

1. Letter from Tweed Heads Police and Community Youth Club (DW 1369060)
-

**P2 [PD-PC] Complaint - Dwelling Entitlement for Lot 2 DP 582869 Cavendish Road, Duroby**

**ORIGIN:**

**Director**

**FILE NO: PF1000/80 Pt 1**

**SUMMARY OF REPORT:**

Council at its meeting of 7 February 2006 resolved to make representations to the Department of Planning to ascertain whether an exception could be made for Mr and Mrs McDonald in relation to the loss of their dwelling entitlement.

Advice has now been received from the Department of Planning in relation to the submission. The advice is reiterated below: -

*"Thank you for your letter of 7 March 2006 concerning the loss of a dwelling entitlement" on the above lot and the NSW Ombudsman's consideration of the matter.*

*It would appear that there are limited options available to resolve this issue. As the provision limiting a house in the rural area to lots of at least 40 hectares is contained in the table of uses, it is not a development standard that is subject to State Environmental Planning Policy No. 1*

*The only other option is to amend the Tweed LEP 2000 to specifically allow a dwelling on the individual lot. However, it is not clear what sort of precedent this would set for other lots in the Shire in a similar situation. The Minister has also been reluctant to consider spot re-zonings, preferring Councils to put resources into a new shire wide plan under the Governments planning reforms. In such circumstances, Council would have to make a persuasive case to treat such a proposal outside the normal course of LEP amendments.*

*I am sorry I cannot be of any further assistance but trust the above comments may help in Council's attempt to resolve this issue."*

**RECOMMENDATION:**

**That Council advises both Mr and Mrs McDonald and the NSW Ombudsman that the Department of Planning is reluctant to consider spot rezonings which would be required to provide a dwelling entitlement for their property.**



**REPORT:**

As per summary.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil.

**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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**P3 [PD-PC] Development Application DA06/0266 for a Mortuary - Crematorium and LEP Amendment at Lot 703, 704, 705, 707 DP 1000580, No. 9394 Tweed Valley Way, Chinderah**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA06/0266 Pt1**

**SUMMARY OF REPORT:**

An application made under s 72J of the *Environmental Planning and Assessment Act 1979* for a crematorium, ancillary uses, and draft Local Environmental Plan has been received and is the subject of this report.

The application is for a crematorium and associated uses. The application is accompanied with a request for a change to LEP Schedule 3 to facilitate the crematorium, which is otherwise prohibited.

Council at its meeting of 12 April 2006 resolved as follows: -

- "1. *The applicant's attention be drawn to the Minister's directions 14 and 7 made 30 September 2005 s54(4) notification advice and checklist.*
2. *The applicant must satisfy Council that these directions and checklist have been complied with in a manner satisfactory to Council.*
3. *The Director Planning and Development should report to Council when these requirements have been satisfied."*

The applicant has made a submission which complies with Council's resolution. Council should restrict the amendment of Schedule 3 in the Tweed LEP to only apply to that portion of land which contains the Melaleuca Station building and curtilage. The proposed amendment would not apply to land with frontage to the Pacific Highway nor to any land which is being used for agricultural purposes.

**RECOMMENDATION:**

**That: -**

- 1. Council informs the Director-General of the Department of Planning that pursuant to Section 54(1) of the Environmental Planning and Assessment Act, 1979 Council intends to prepare a draft Local Environmental Plan to amend Schedule 3 of Tweed Local Environmental Plan 2000 to enable a mortuary/crematorium to be established on the eastern portion of Lot 704 DP 1000580 between the Tweed Valley Way and the old unmade road reserve adjacent to the Pacific Highway.**
  
- 2. Council advises the Director-General that it does not consider a Local Environmental Study is needed.**

**REPORT:**

**Applicant:** BCS Group Pty Limited

**Owner:** BCS Group Pty Limited

**Location:** Lot 703, 704, 705 & 707 DP 1000580, No. 9394 Tweed Valley Way,  
Chinderah

**Zoning:** 1(b2) Agricultural Protection

**Cost:** \$280,000

The Section 117 Ministerial Directions numbered 7 and 14 and the Proforma for the LEP Review Panel are reproduced below for information.

## **Direction No.7 – Commercial and Retail Development along the Pacific Highway, North Coast**

### **Objective**

The objectives for managing commercial and retail development along the Pacific Highway are:

- To protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;
- To prevent inappropriate development fronting the highway
- To protect public expenditure invested in the Pacific Highway,
- To protect and improve highway safety and highway efficiency,
- To provide for the food, vehicle service and rest needs of travellers on the highway, and
- To reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.

### **Where this direction applies**

This direction applies to those councils on the North Coast that the Pacific Highway traverses, being those councils between Port Stephens Shire Council and Tweed Shire Council, inclusive.

### **When this direction applies**

This direction applies when a council prepares a draft LEP for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.

### **What a council must do if this direction applies**

- (1) A draft LEP that applies to land located on "within town" segments of the Pacific Highway shall provide that:
  - (a) new commercial or retail development shall be concentrated within distinct centres rather than spread along the highway,
  - (b) development with frontage to the Pacific Highway shall consider impact the development has on the safety and efficiency of the highway.
  - (c) For the purposes of this paragraph, "within town" means areas which, prior to the draft local environmental plan, have an urban zone (eg: "village", "residential", "tourist", "commercial", "industrial", etc) and where the Pacific Highway speed limit is less than 80km/hour.
- (2) A draft LEP that applies to land located on "out-of-town" segments of the Pacific Highway shall provide that:
  - (a) new commercial or retail development shall not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction.
  - (b) development with frontage to the Pacific Highway shall consider impact the development has on the safety and efficiency of the highway.
  - (c) For the purposes of this paragraph, "out-of-town" means areas which, prior to the draft local environmental plan, do not have an urban zone (eg: "village", "residential", "tourist", "commercial", "industrial", etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.

SECTION 117 MINISTERIAL DIRECTIONS

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- (3) A draft LEP shall permit the establishment of a highway service centre beside the Pacific Highway, provided that:
- (a) They are located as near as possible to an existing town that has been by-passed,
  - (b) the town's economy is considered before approval is given to establish any new or expanded highway service centre on the edge or outside the town, and
  - (c) it is spaced no closer than 24 kilometres from another highway service centre or a town through which the highway still passes, and
  - (d) it is limited to one highway service centre to serve both directions of traffic, or one highway service centre per side of the highway,
  - (e) the only uses allowed in highway service centres are:
    - (i) service stations (which may supply convenience goods catering for the needs of the travelling public),
    - (ii) emergency vehicle repairs,
    - (iii) bus/coach terminal facilities (but not depots),
    - (iv) restaurant facilities (preferably both sit-down and fast food),
    - (v) toilet/shower facilities,
    - (vi) tourist information (but not commercial tourist facilities),
    - (vii) telephones,
    - (viii) rest areas (including seating, barbecue and play areas), and
    - (ix) adequate parking for cars, buses and trucks.
  - (f) For the purposes of this paragraph, a highway service centre is a place which provides only services essential to long distance travellers on the highway

## **Direction No.14 – Farmland of State and Regional Significance on the NSW Far North Coast**

### **Objective**

- To ensure that the best agricultural land will be available for current and future generations to grow food and fibre,
- To provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning,
- To reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.

### **Where this direction applies**

This direction applies to Ballina Shire Council, Byron Shire Council, Kyogle Shire Council, Lismore City Council, Richmond Valley Council and Tweed Shire Council.

### **When this direction applies**

This Direction will apply when a council prepares a draft local environmental plan for land mapped as:

- State significant farmland, or
- regionally significant farmland, or
- significant non-contiguous farmland

as identified on the set of four maps held in the Department of Planning and marked "Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)".

### **What a council must do if this direction applies**

- (1) A draft local environmental plan shall not rezone land identified as "State Significant Farmland" for urban or rural residential purposes.
- (2) A draft local environmental plan shall not rezone land identified as "Regionally Significant Farmland" for urban or rural residential purposes.
- (3) A draft LEP shall not rezone land identified as "significant non-contiguous farmland" for urban or rural residential purposes.
- (4) A draft LEP may be inconsistent with this direction only if council can satisfy the Director-General that:
  - (a) any particular provision or area should be varied or excluded having regard to the provisions of section 5 of the Environmental Planning and Assessment Act, and
  - (b) the draft LEP is consistent with Section 4 of the report titled "Northern Rivers Farmland Protection Project - Final Recommendations, February 2005", as lodged in the Department of Planning.

The applicant has made the following submission in relation to these Directions: -



**Jim Glazebrook & Associates Pty Ltd**  
Town Planners & Development Consultants

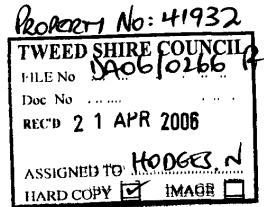
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Jim Glazebrook ATCP, MPlA, JP  
Darren Gibson BTP (Hons), MPlA  
Kellie Shapland BUrbRegPlan (Hons), MPlA  
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Telephone (02) 66723074  
Facsimile (02) 66723089  
Email jimglazebrook@better.net.au

21 April 2006

The General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH 2484



Attention: Noel Hodges

Dear Sir,

Lot 703, 704 + 705 DP1000580  
+ 707

No 9394

Re: DA 06/0266 & Proposed LEP Amendment for a Mortuary Crematorium at Tweed Valley Way, Chinderah

Further to the above matter, we understand that Council at its meeting of <sup>a</sup> 1~~8~~ April 2006, resolved that:

- "1 The applicant's attention be drawn to the Minister's directions 14 and 7 made 30 September 2005 s54(4) notification advice and checklist
- 2 The applicant must satisfy Council that these directions and checklist have been complied with in a manner satisfactory to Council
- 3 The Director Planning and Development should report to Council when these requirements have been satisfied"

With respect to the information required by that resolution, we advise as follows:

▪ **Section 117 Direction No.7**

This Direction relates to commercial and retail development along the Pacific Highway, North Coast.

The proposed development is to be located within the curtilage of a long established rural tourist facility known as "Melaleuca Station". Within the context of existing site improvements and activities, the proposed development would be visually insignificant. While the site has frontage to the Pacific Highway (Yelgun/Chinderah Motorway), it is oriented to, and obtains access from, the Tweed Valley Way. The Pacific Highway frontage is of no consequence in respect of either generating business for the proposal or providing other logistical support. The proposed use is intrinsically suited to a rural site of this nature, and is not of



an order of services which should be provided within the retail/commercial core of a town centre

We note that the objectives of Direction No 7 are

- *To protect the Pacific Highway's function, that is to operate as the North Coast's primary inter-regional road traffic route,*
- *To prevent inappropriate development fronting the Highway,*
- *To protect public expenditure invested in the Pacific Highway,*
- *To protect and improve highway vehicle safety and highway efficiency,*
- *To provide for the food, vehicle services and rest needs of travellers on the highway, and*
- *To reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns*

With respect to those objectives, we can comment as follows:

- The proposed development would not prejudice the function of the Pacific Highway.
- The proposed development does not have any significant relationship with the Pacific Highway. It does not access the Highway or otherwise depend on the Highway for generating business. Moreover, within the context of the existing development, it would have no consequential visual impact.
- No issues are raised with respect to public expenditure investment in the Pacific Highway.
- The proposed development would not have any adverse impacts with respect to Highway safety and efficiency.
- The proposed development would not prejudice the need to provide for highway service centres.
- Because of the nature of the development, it is not of an order of services that should be provided within the commercial/retail core of the town centre.

Having regard to the foregoing, it is concluded that the proposal is compliant with the objectives of Direction No. 7.

Direction No. 7 specifically provides that in respect of "out-of-town" segments of the Pacific Highway, a draft LEP shall provide that,

- a. *New commercial or retail development shall not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction*



2.

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Jim Glazebrook & Associates Pty Ltd  
Town Planners & Development Consultants

- b *Development with frontage to the Pacific Highway shall consider impact the development has on the safety and efficiency of the highway*
- c *For the purposes of this paragraph, "out-of-town" means areas which, prior to the draft local environmental plan, do not have an urban zone (eg "village", "residential", "tourist", "commercial", "industrial" etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater*

The draft LEP is consistent with the foregoing matters (a) and (b) and is therefore compliant with Section 117 Direction No. 7.

▪ **Section 117 Direction No. 14**

This Direction relates to Farmland of State and Regional Significance on the NSW Far North Coast.

Council advises that the subject land is classified as "Regionally Significant Farmland" for purposes of this Direction. With respect to that classification of farmland Direction No. 14 provides that,

*"(2) A draft local environmental plan shall not rezone land identified as "Regional Significant Farmland for urban or rural residential purposes."*

In this case, the draft LEP does not propose to rezone the land to which it applies. The zoning of Agricultural Protection 1(b2) is to be retained. The primary purpose of the draft LEP is to address a question of uncertainty as to whether the applicant's proposal is permitted within the zone. This would consequently facilitate consideration of the development application according to its merits. In this respect the draft LEP is consistent with Direction No. 14.

It is noted that the objectives of the Direction No.14 are,

- *To ensure that the best agricultural land will be available for current and future generations to grow food and fibre,*
- *To provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning,*
- *To reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas*

With respect to those objectives, it is important to be mindful of the fact that the proposal would be established and operated within the curtilage of the "Melaleuca Station" tourist facility which was approved on this site 14 years ago in 1992. The proposal would not therefore alienate any currently productive agricultural land nor create any potential land use conflicts.

We submit that the proposal is consistent with both the objectives and specific provisions of Section 117 Direction No.14.



3.

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Jim Glazebrook & Associates Pty Ltd  
Town Planners & Development Consultants

▪ **LEP Pro-Forma Evaluation Criteria**

With respect to the LEP pro-forma evaluation criteria it is commented as follows.

*Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?*

Yes. The draft LEP does not propose to rezone land. Its purpose is to address a question of uncertainty as to the permissibility of a development proposal so as to facilitate consideration of a development application according to its merits. It does not create any issues of strategic significance in a State or regional context.

*Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s 117) directions?*

The draft LEP is consistent with relevant Section 117 Directions (refer discussion above) and State/regional policies (refer S.E.E.)

*Is the LEP in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?*

No

*Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?*

The draft LEP will facilitate the generation of permanent employment (refer S.E.E.). It is expected that this facility will result in a net increase in employment over and above the current situation of about two (2) to three (3) jobs

*Will the LEP be compatible/complementary with surrounding land uses?*

The draft LEP does not propose to rezone land. The question of compatibility of the proposed use with surrounding land uses has been addressed in the context of Section 79C of the EP & A Act in the Statement of Environmental Effects. It is submitted that the proposal is compatible with surrounding land uses.

*Is the LEP likely to create a precedent, or create or change the expectations of the landowner or other landholders?*

Taking into account the site context of the proposed development, the primary purpose of the draft LEP and relevant merit considerations (EP & A Act Section 79C) the draft LEP is not likely to create a precedent or affect the expectations of the landowner or other landholders.

*Will the LEP deal with a deferred matter in an existing LEP?*

No



4.

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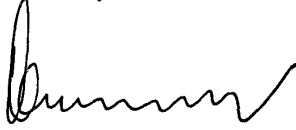
Jim Glazebrook & Associates Pty Ltd  
Town Planners & Development Consultants

*Having the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these*

There are no other known spot rezoning proposals in the locality.

I trust this now satisfies your requirements and that the application can now proceed to statutory processing, assessment and determination.

Yours faithfully,



**Jim Glazebrook**  
**Director**

Beck-TSC 20 4 06



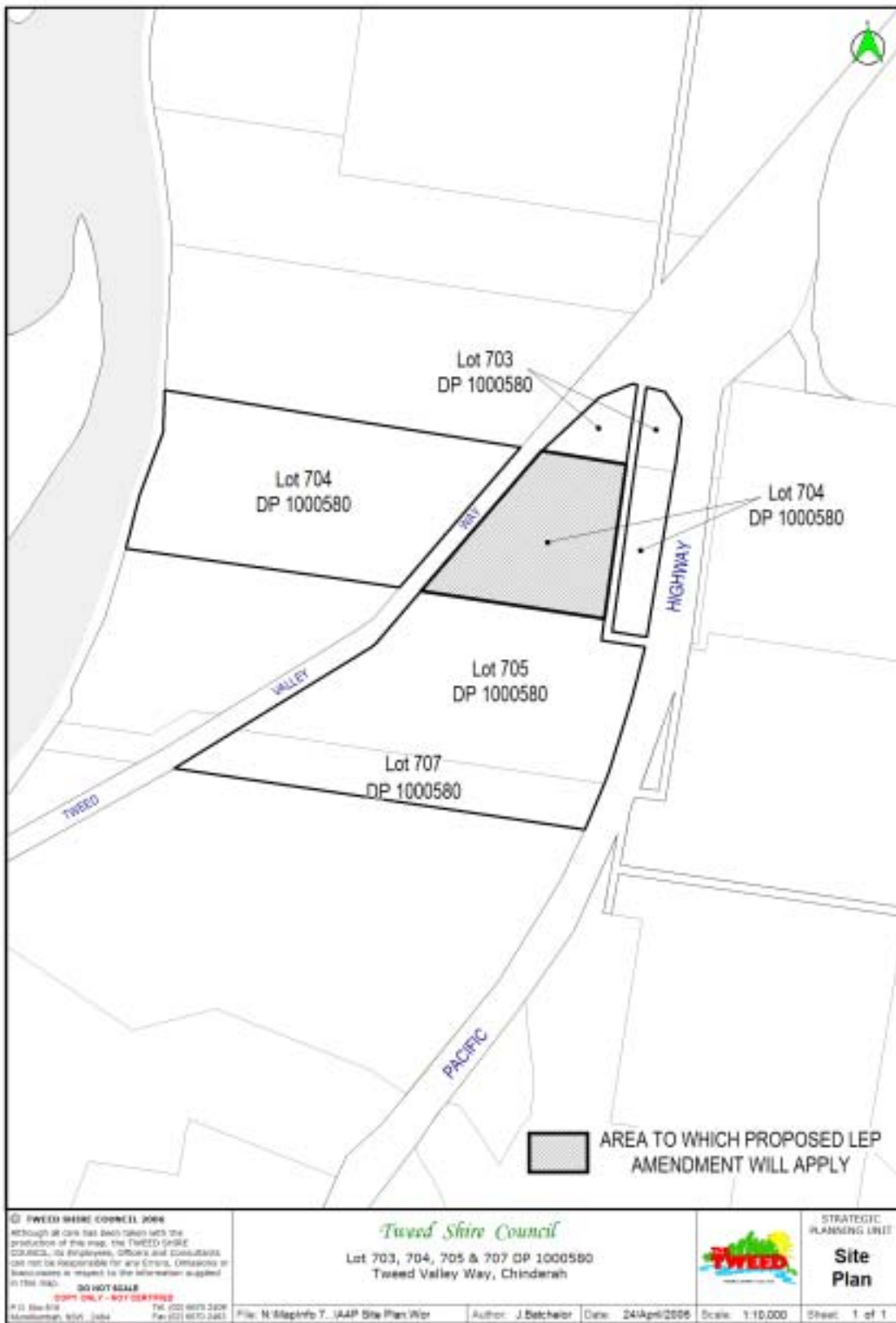
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Jim Glazebrook & Associates Pty Ltd  
Town Planners & Development Consultants

It is considered that the proposed change in Schedule 3 of Tweed Local Environmental Plan 2000 to include a mortuary/crematorium should only apply to the Melaleuca Station building and its curtilage. The Department of Planning will assess the application and the submission from the applicant in relation to the proposed amendment. The development application for the mortuary/crematorium will have to be considered on its merits having regard to any submissions received.

**SITE DIAGRAM:**



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.



NSW GOVERNMENT  
**Department of Planning**

**Instructions to Users**

When notifying the Director-General under section 54(4) of the EP&A Act of a decision to prepare a draft local environmental plan, a council will need to complete the 'Section 54(4) Notification Advice' cover sheet and relevant 'LEP Pro-forma Evaluation Criteria' sheet depending on the category of LEP that is the subject of the section 54(4) notification.

**Section 54(4) Notification Advice  
Cover Sheet**

**LOCAL GOVERNMENT AREA:**

**NAME OF DRAFT LEP:**

**ADDRESS OF LAND (if applicable):**

**MAPS (if applicable):**

- Location map showing the land affected by the proposed draft plan in the context of the LGA (tagged 'location map')
- **Existing zoning** map showing the existing zoning of the site and surrounding land and **proposed zoning** change for the site/s (tagged 'comparative existing/proposed zoning')

**PHOTOS and other visual material (if applicable):**

- Aerial photos of land affected by the proposed draft plan
- Photos or plans showing relationship of land to which the plan will apply and surrounding land uses

**PURPOSE OF LEP:**

- Describe the **current** zoning / controls and **changes** proposed by the draft plan. For complex plans, a table or maps to explain changes should be attached
- Explain **why** it has been resolved to prepare the draft plan, i.e. what is triggering the need for the plan
- Provide compelling reasons, clearly stating the reasons for the proposed changes
- Details of any environmental study to be prepared
- Details of consultation procedures to be adopted in preparation of the plan

**JUSTIFICATION FOR LEP:**

This should cover matters such as:

1. Policy and strategic context
  - Consistency with State policy / council strategy
  - Public interest reasons for preparing the draft plan
  - Reference to studies and reports
2. Location context
  - Compatibility with surrounding zoning and land use patterns
3. Implications of not proceeding at that time

**EVALUATION AGAINST CRITERIA:**

- Provide evaluation against criteria in the relevant pro-forma as applicable to the LEP category



**LEP Pro-forma Evaluation Criteria**  
**Category 1: Spot Rezoning LEP**

1.	Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?  <i>Explain:</i>	Y/N
2.	Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?  <i>Explain:</i>	Y/N
3.	Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?  <i>Explain:</i>	Y/N
4.	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?  <i>Explain:</i>	Y/N
5.	Will the LEP be compatible/complementary with surrounding land uses?  <i>Explain:</i>	Y/N
6.	Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?  <i>Explain:</i>	Y/N
7.	Will the LEP deal with a deferred matter in an existing LEP?  <i>Explain:</i>	Y/N
8.	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these	Y/N

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil

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**P4 [PD-PC] Development Application DA04/0517 for Multi Dwelling Housing Comprising Five (5) Dwellings at Lot 415 DP 755701, No. 75 Tweed Coast Road, Hastings Point**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA04/0517 Pt2**

**SUMMARY OF REPORT:**

An application for a review of determination has been submitted in respect of Council's refusal determination of 6 July 2005. An Appeal to the NSW Land and Environment Court has been lodged concurrently with this application.

The review includes some minor amendments in response to the issues raised in the refusal notice.

This report assesses the review application and reiterates the original planning assessment that the proposal represents a good design response to the site and is suitable for conditional approval.

**RECOMMENDATION:**

**That: -**

- 1. The State Environmental Planning Policy No. 1 objections to Clause 32B of North Coast Regional Environmental Plan 1988 regarding the overshadowing of the adjoining reserve be supported and the concurrence of the Director-General of the Department of Planning be assumed.**
- 2. Development Application DA04/0517 for the demolition of the existing dwelling and erection of multi dwelling housing comprising five (5) dwellings at Lot 415 DP 755701, No. 75 Tweed Coast Road, Hastings Point be approved subject to the following conditions: -**

**GENERAL**

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos P417DA01 Revision D, P417DA04 Revision E, P417DA05 Revision E, P417DA06 Revision D, P417DA07 Revision E prepared by Glen Petersen Architect and dated 18/08/2004, except where varied by these conditions.**

[GEN0010]

2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.

[GEN0030]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0120]
4. The erection of a building in accordance with a development consent must not be commenced until:
  - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (b1) the principal certifying authority has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
    - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
    - (ii) notified the principal certifying authority of any such appointment, and
    - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[GEN0150]
5. Kerb and gutter will be required for the full frontage of the site to Coast Road. The kerb will need to be 6.5m from the existing centre line to kerb face. Detailed plans will need to be submitted for approval by the Director Engineering & Operations prior to issue of a construction certificate.

[GENNS01]

6. The existing cycleway is to be saw cut and removed at the driveway entrance as the path is not reinforced. [GENNS01]
7. The proposed rendered block fence shown extending to the front property boundary will need to be stopped 5 metres from the boundary or lowered to comply with sight lines as per Australian Standards. [GENNS01]
8. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate. Wastes shall be presented at the kerb in a Council approved wheelie bin for collection. A screened, graded and drained bin storage area shall be provided within the boundary of the property. [GENNS01]
9. The site shall not be dewatered and acid sulfate soils shall not be exposed or disturbed. [GENNS01]
10. Wash water from the pervious car wash area shall not flow or percolate to any watercourse or stormwater drain. [GENNS01]
11. Lighting shall not be permitted to impact the amenity of any other premise. [GENNS01]
12. No roofing or shade structure shall be permitted on the roof terrace. [GENNS01]
13. Riparian vegetation shall not be removed or cut back. [GENNS01]
14. Stormwater runoff or wastewater shall not be permitted to discharge to Cudgera Creek. [GENNS01]
15. The use of EXTERNAL ground anchors, sheet piling or any other like method that extends beyond the property boundary is not permitted or approved by this consent, except where the written permission to carry out such works and the details of works have been submitted and approved with the Construction Certificate. Any such works proposed in Council's road reserve shall require the submission and approval of a separate s.138 application, which is to be accompanied with all necessary engineering detail to the satisfaction of Council's Director of Engineering and Operations. [GENNS01]
- 15a. No fences or other structures exceeding a height of 1.2 metres are to be erected on the site between the front boundary and the building for a distance of 6.0 metres.

16. Construction shall comply with AS3959 - 1999 level 3 'Construction of Buildings in bushfire prone areas'.  
[GENNS01]
17. The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.  
[GENNS01]
18. A 1.8 metre high radiant heat shield made of non-combustible materials shall be constructed along the full length of the western boundary adjacent to the hazard. A pedestrian access gate is to be provided along this boundary. Where steel cladding material is used; all posts and rails will be constructed from steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.  
[GENNS01]
19. Access to the rear of the property shall be provided for fire fighting purposes.  
[GENNS01]
20. Reticulated water supply shall comply with AS2419. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.  
[GENNS01]
21. All fencing shall be of non-combustible materials.  
[GENNS01]
22. Construction of the dwellings on the eastern and western aspects to comply with level 3 AS3959. Construction on the remainder of the dwelling to comply with table A3.3 of Planning of Bushfire Protection 2001.  
[GENNS01]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

**23. Section 94 Contributions**

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.**

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

(a) Tweed Road Contribution Plan:	\$6,740
S94 Plan No. 4 (Version 4.0)	
Sector8a_4	
(b) Open Space (Structured):	\$1,770
S94 Plan No. 5	
(c) Open Space (Casual):	\$378
S94 Plan No. 5	
(d) Shirewide Library Facilities:	\$1,562
S94 Plan No. 11	
(e) Eviron Cemetery/Crematorium Facilities:	\$321
S94 Plan No. 13	
(f) Community Facilities (Tweed Coast - South)	\$2,336
S94 Plan No. 15	
(g) Emergency Facilities (Surf Lifesaving)	\$502
S94 Plan No. 16	
(h) Extensions to Council Administration Offices & Technical Support Facilities	\$3,543.76
S94 Plan No. 18	
(i) Cycleways	\$803
S94 Plan No. 22	
(j) Regional Open Space (Structured)	\$3,451
S94 Plan No. 26	
(k) Regional Open Space (Casual)	\$1,778
S94 Plan No. 26	

[PCC0215/PSC0175]



24. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP6:	2.8 ET @ \$4230	\$11,844
Sewer Hastings Point:	3.75 ET @ \$2634	\$9,878

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

- [PCC0265/PSC0165]
25. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Director of Environment and Community Services PRIOR to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC0130]

26. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0160]

27. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[PCC0190]

28. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development" . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific Requirements  
Stormwater quality control measures shall be implemented in accordance with Cozens Regan Williams Prove Drawing No. P.11.15 - Sk.2 (Issue C, dated 02/05), or subsequent amended versions approved by Council officers, unless otherwise directed by these consent conditions.

[PCC0230]

29. A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
  - installation of stormwater quality control devices
  - erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC0240]

30. Erosion and Sediment Control During the Construction Phase of Development
- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

[PCC0320]

31. Design of all filling and/or retaining works on the site must address drainage of the site as well as any existing stormwater flows onto or through the site, and the likely impact on stormwater drainage in the locality. Where necessary, perimeter drainage must be installed to prevent ponding of stormwater on adjoining land. Drainage must be installed and operational prior to commencement of any building work.

[PCCNS01]

32. The basement car parking is to be protected against the inflow of water from Tweed Coast Road during storm events up to the ARI 100 year storm. This protection must be provided by construction of a permanent bund and appropriate driveway formation, not by mechanical means.  
[PCCNS01]
33. Stormwater infrastructure works within Council's Road Reserve and Council's Coastal Reserve, shall be implemented in accordance with Cozens Regan Williams Prove Drawing No. P.11.15 - Sk.2 (Issue C, dated 02/05), or subsequent amended versions approved by Council officers, unless otherwise directed by these consent conditions. Full engineering details of the external drainage system, including sizing of the infiltration area, shall be provided with the Construction Certificate application, and associated s68 and s138 applications.  
[PCCNS01]
34. Council's cycleway and road infrastructure must be fully reinstated to Council standards following construction and connection of the external drainage system. The concrete cycleway is to be saw cut to facilitate the construction of the system connection.  
[PCCNS01]
35. Plans of all works within Council's Coastal Reserve shall be accompanied by rehabilitation/ revegetation plans to be implemented within all areas disturbed by the works, to the satisfaction of Council's Director of Engineering & Operations.  
[PCCNS01]
36. The works shall at no time impose service interruptions on the sewer rising main located within the adjacent road reserve (Tweed Coast Road).  
[PCCNS01]
37. Prior to the commencement of any demolition works all house drainage connections are to be suitably capped off by a licenced plumber and an inspection of the work obtained from Council.  
[PCW0300]
38. Prior to the commencement of works sedimentation and erosion control measures shall be installed to the satisfaction of the Director of Environment and Community Services.  
[PCWNS01]
39. A detailed plan of landscaping is to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.  
[PCC0585]

**PRIOR TO COMMENCEMENT OF WORK**

40. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0010]

41. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.

Note: All cut and or fill must comply with DCP 47. The top of any battered cut, toe or battered fill and the face of any retaining wall structure supporting cut or fill cannot be closer that 900mm to the boundary where the overall height at any point exceeds 500mm.

[PCW0040]

42. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
  - (c) if that is not practicable, any other sewage management facility approved by the council.

[PCW0060]

43. 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.

[PCW0070]

44. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- i. The person must, at the person's own expense:
    - a. preserve and protect the building from damage; and
    - b. if necessary, underpin and support the building in an approved manner.
  - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0080]

45. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0090]

46. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

[PCW0280]

47. Residential building work:
- (1) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
    - (a) in the case of work for which a principal contractor is required to be appointed:
      - (i) in the name and licence number of the principal contractor, and
      - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

- (b) in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (2) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0290]

## DURING CONSTRUCTION

- 48. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

[DUR0010]
- 49. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR0040]
- 50. The provision of nine (9) off street car parking spaces. Two (2) spaces are to be nominated for visitor use and signposted accordingly. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

[DUR0050]
- 51. 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.

[DUR0080]
- 52. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".

[DUR0090]

53. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.

[DUR0100]

54. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0130]

55. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.

[DUR0160]

56. The principal certifying authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the principal certifying authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0170]

57. 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.

[DUR0200]

58. a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.  
b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0210]

59. If the work involved in the erection or demolition of a building:

- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or  
b. building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.



**The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.**

**Any such hoarding, fence or awning is to be removed when the work has been completed.**

[DUR0220]

- 60. Ensure adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.**

[DUR0230]

- 61. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.**

[DUR0240]

- 62. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation**

[DUR0670]

- 63. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.**

[DUR0850]

- 64. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.**

[DUR0870]

- 65. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.**

[DUR0880]

- 66. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.**

[DUR0900]

67. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.  
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
  - B. Long term period - the duration.  
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
- [DUR0910]
68. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
- [DUR0920]
69. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director, Engineering & Operations.
- [DUR0930]
70. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot.
- [DUR1015]
71. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.
- [DUR0960]
72. 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.
- [DUR0980]

73. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning. [DUR1000]
74. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. internal drainage, prior to slab preparation;
  - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
  - c. external drainage prior to backfilling.
  - d. completion of work and prior to occupation of the building. [DUR1020]
75. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.  
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage. [DUR1030]
76. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR1040]
77. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR1090]
78. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR1110]
79. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level. [DUR1130]

- 80. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-**
- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and**
  - \* 50<sup>0</sup>C in all other classes of buildings.**

**A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.**

[DUR1160]

- 81. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:**
- i. All required erosion and sedimentation control devices have been installed and are operational.**
  - ii. Required toilet facilities have been provided on the site.**
  - iii. A sign has been erected on the site identifying:**
    - Lot number**
    - Builder**
    - Phone number of builder or person responsible for site.**
  - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.**
  - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.**

[DUR1200]

- 82. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.**

[DUR1210]

- 83. Landscaping of the site shall be carried out in accordance with the approved landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.**

[DUR1230]

- 84. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).**

[POC0030]

85. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0050]

86. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC0170]

87. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professional painted in black numbers 100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0180]

88. Prior to the issue of an occupation certificate, a "satisfactory inspection report" issued by Council must be produced for s68h2 permanent stormwater quality control devices. This inspection report must be obtained from Council prior to backfilling of any of the s68h2 approved devices.

[POCNS01]

#### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

89. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications and conditions of Consent.

[POC0020]

**USE**

90. The use being restricted to the floor area designated on the approved plan. [USE0010]
91. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street. [USE0040]
92. All trade materials, product and plant to be kept within confines of the building at all times. [USE0120]
93. 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. [USE0160]
94. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997. [USE0170]

**REPORT:**

**Applicant:** Detabo Pty Ltd  
**Owner:** Detabo Pty Ltd  
**Location:** Lot 415 DP 755701 No. 75 Tweed Coast Road, Hastings Point  
**Zoning:** 2(b) Medium Density Residential  
**Cost:** \$1,500,000

**BACKGROUND:**

A review of determination application and a Class 1 Appeal to the NSW Land and Environment Court have been lodged concurrently in respect of a 3 storey, 5 unit residential flat building at the above premises.

Council refused the Development Application at its meeting of 6 July 2005 citing the following grounds: -

- "1. Pursuant to Section 79C(1)(a)(iii) the development does not comply with Development Control Plan No 6 - Multi Dwelling Housing Section 3.1.3, as it provides for a 40m<sup>2</sup> shortfall in landscaping area.*
- 2. Pursuant to Section 79C(1)(a)(iii) the development does not comply with Development Control Plan No 6 - Multi Dwelling Housing Section 3.3.1(A1), as it encroaches the acceptable solution example of a building envelope.*
- 3. Pursuant to Section 79C(1)(a)(iii) the development does not comply with Development Control Plan No 6 - Multi Dwelling Housing Section 3.1.3(A1), as its floor space ratio of 0.86:1 is greater than the 0.5:1 acceptable solution example.*
- 4. Pursuant to Section 79C(1)(b) the development casts shadow over the neighbouring property.*
- 5. Pursuant to Section 79C(d) public submissions have been received raising concern with the overshadowing, building scale, privacy, stormwater and general appropriateness of three storey development in this location.*
- 6. In accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 that a draft amendment to Tweed LEP 2000 be prepared to amend the height limit for all the existing allotments south of Cudgera Creek at Hastings Point."*

It should be noted from the above that Point 6 was a resolution to amend the Tweed LEP 2000 building heights map. It is understood that the draft Plan, which is aimed at reducing the number of storeys from the present 3 to 2 has passed through the Department of Planning's LEP Review Panel. A s 65 Certificate is to be sought from the Department on once the advertising material has been prepared.

For the purposes of the review of determination the draft Plan is neither certain nor imminent, consequently it should not be given determining weight.

The review of determination is accompanied with relatively minor design alterations. This report aims to compare the amended and refused design and recommend on its suitability. It should be noted that Council's Planning Unit recommended approval of the application in its Planning Committee Report of 1 June 2005, which is attached.

Amendments to the development design include a reduction in the size and allocation of terrace areas and balconies, increased area of landscaping and minor alterations to the roof and facades. A revised SEPP 1 objection addressing overshadowing inconsistency with cl 32B of the North Coast Regional Environmental Plan is also provided.

Like the original application there are minor variations to the acceptable solutions provided in Development Control Plan No. 6 – Multi Dwelling Housing, comprising the building height envelope and floor space ratio. By way of background it should be noted that adoption of the DCP's example "acceptable solution" provisions are optional. This review, like that of the original application, has been assessed objectively on a performance basis. The other elements of the DCP have been referred to as a guide only.

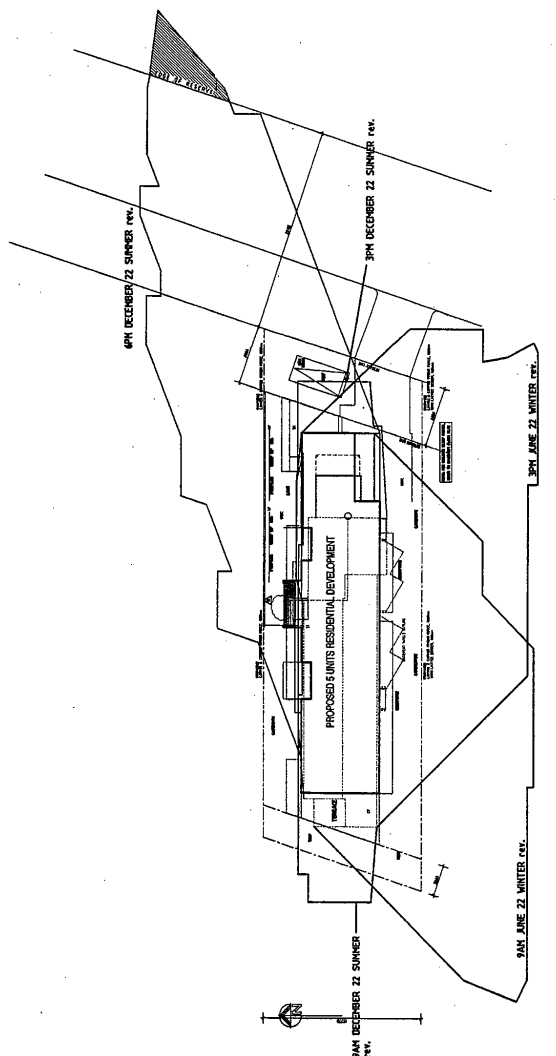
The review was publicly advertised for a period of two weeks. During the exhibition period a total of eight submissions were received, issues raised are essentially the same as those reported on in the Council Planning Report of 1 June 2005.

Provided below is a copy of the amended development plans however, reference to the file copy may be required.



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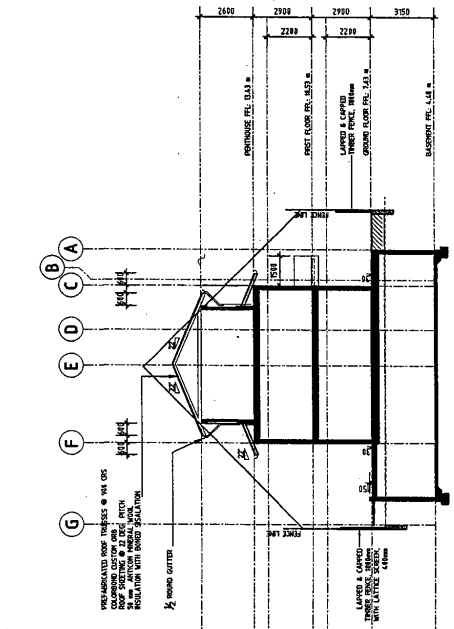
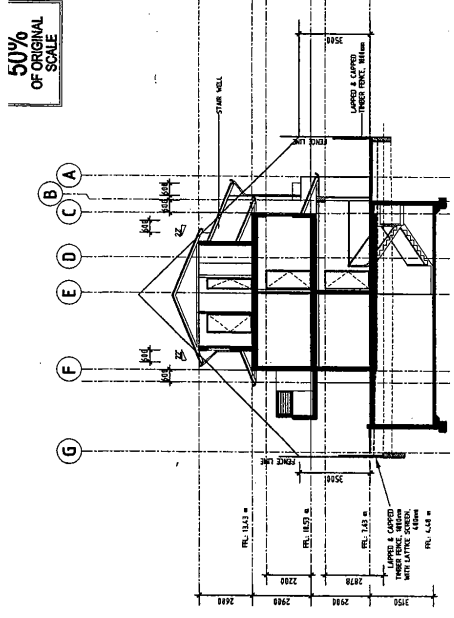
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 ADDRESS: 75 COAST ROAD HASTINGS POINT  
 DRAWING NO: SHADOWS DIAGRAM PLAN

GLEN PETERSEN ARCHITECTS  
 ARCHITECTS  
 75 COAST ROAD HASTINGS POINT  
 PHONE: 07 552 2222  
 FAX: 07 552 2223  
 EMAIL: g.peterse@glenpeterse.com.au  
 WWW: www.glenpeterse.com.au  
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DATE: 10/05/06	SCALE: 1:500
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PROJECT NO: P417	CLIENT: DETABO PTY LTD
ADDRESS: 75 COAST ROAD HASTINGS POINT	DATE: 10/05/06



<p>1. ALL CONSTRUCTION TO BE STRICTLY IN ACCORDANCE WITH THE TWEED SHIRE LOCAL GOVERNMENT ACT 1995 AND THE TWEED SHIRE LOCAL GOVERNMENT (GENERAL) REGULATIONS 1995.</p> <p>2. ALL CONSTRUCTION TO BE STRICTLY IN ACCORDANCE WITH THE TWEED SHIRE LOCAL GOVERNMENT (GENERAL) REGULATIONS 1995.</p> <p>3. ALL CONSTRUCTION TO BE STRICTLY IN ACCORDANCE WITH THE TWEED SHIRE LOCAL GOVERNMENT (GENERAL) REGULATIONS 1995.</p> <p>4. ALL CONSTRUCTION TO BE STRICTLY IN ACCORDANCE WITH THE TWEED SHIRE LOCAL GOVERNMENT (GENERAL) REGULATIONS 1995.</p> <p>5. ALL CONSTRUCTION TO BE STRICTLY IN ACCORDANCE WITH THE TWEED SHIRE LOCAL GOVERNMENT (GENERAL) REGULATIONS 1995.</p> <p>6. ALL CONSTRUCTION TO BE STRICTLY IN ACCORDANCE WITH THE TWEED SHIRE LOCAL GOVERNMENT (GENERAL) REGULATIONS 1995.</p> <p>7. ALL CONSTRUCTION TO BE STRICTLY IN ACCORDANCE WITH THE TWEED SHIRE LOCAL GOVERNMENT (GENERAL) REGULATIONS 1995.</p> <p>8. ALL CONSTRUCTION TO BE STRICTLY IN ACCORDANCE WITH THE TWEED SHIRE LOCAL GOVERNMENT (GENERAL) REGULATIONS 1995.</p> <p>9. ALL CONSTRUCTION TO BE STRICTLY IN ACCORDANCE WITH THE TWEED SHIRE LOCAL GOVERNMENT (GENERAL) REGULATIONS 1995.</p> <p>10. ALL CONSTRUCTION TO BE STRICTLY IN ACCORDANCE WITH THE TWEED SHIRE LOCAL GOVERNMENT (GENERAL) REGULATIONS 1995.</p>	<p>PROPOSED RESIDENTIAL UNITS DEVELOPMENT</p> <p>Client: DETABO PTY LTD</p> <p>Location: 75 COAST ROAD HASTINGS POINT</p> <p>Scale: SECTION</p>	<p>GLEN PETERSEN ARCHITECT</p> <p>200/100 COAST ROAD HASTINGS POINT NSW 2486</p> <p>04138304</p> <p>P417 DA06 I</p>
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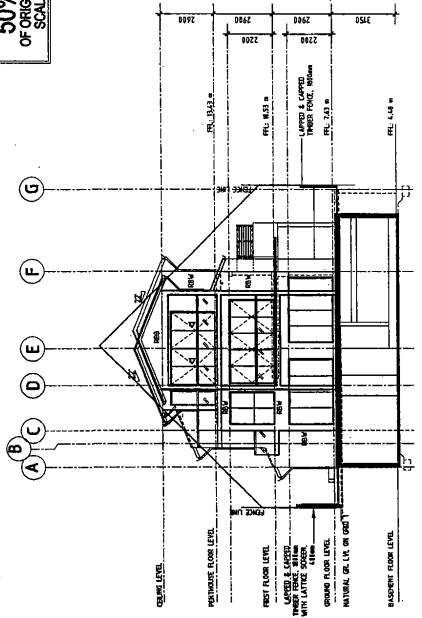


NOTE :- SECTION 2 NOT AVAILABLE

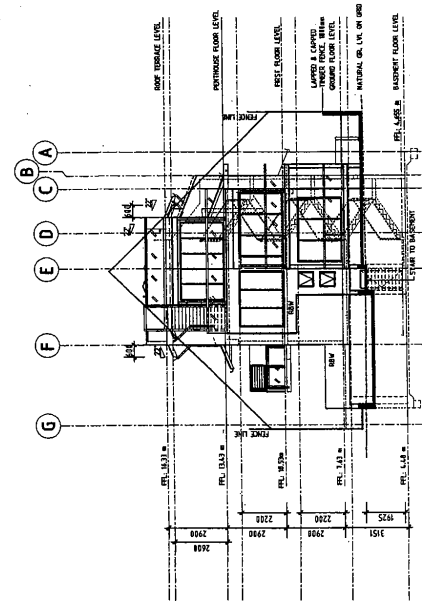


<p>1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS IN FORCE.</p> <p>2. RELEVANT DIMENSIONS TAKE PRECEDENCE TO DIMENSIONS TAKEN FROM THE ARCHITECTURAL DRAWINGS UNLESS OTHERWISE SPECIFIED.</p> <p>3. FINISHES TO BE USED SHALL BE AS SPECIFIED IN THE FINISHING SCHEDULE UNLESS OTHERWISE SPECIFIED.</p> <p>4. ALL AREAS ARE TO BE CONSTRUCTED TO ELEVATE THE FINISHING FLOOR LEVEL ABOVE THE FINISHING FLOOR LEVEL UNLESS OTHERWISE SPECIFIED.</p> <p>5. STAIRS TO BE CONSTRUCTED TO ALLOW 850 CLEAR OPENING AS MINIMUM.</p>	<p>PROJECT: PROPOSED RESIDENTIAL UNITS DEVELOPMENT</p> <p>CLIENT: DETABO PTY LTD</p> <p>ADDRESS: 75 COAST ROAD HASTINGS POINT</p> <p>CREATING FIRM: EASTERN, WESTERN, &amp; SOUTHERN ELEVATIONS</p> <p>DESIGNER: GLEN PETERSEN ARCHITECTS</p>	<p>DATE: 11/05/06</p> <p>SCALE: AS SHOWN</p> <p>PROJECT NO: P417</p> <p>DRAWING NO: DA07</p>
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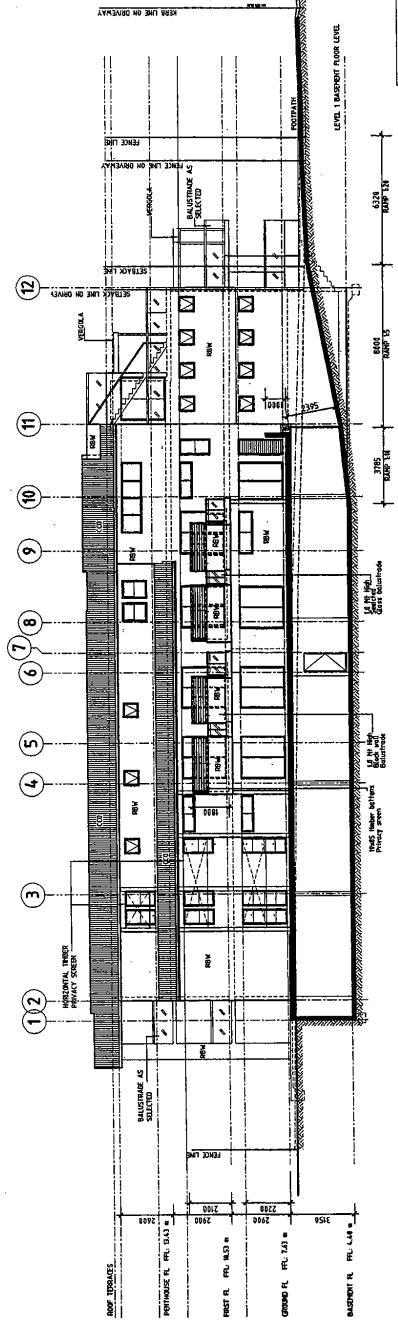
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SCALE 1/8"



EASTERN ELEVATION  
ELEVATIONS  
SCALE 1/8"



SOUTHERN ELEVATION - SECTION A-A  
ELEVATIONS  
SCALE 1/8"

FINISHING SCHEDULE

INT	INTERIOR
EXT	EXTERIOR
CS	CONCRETE
PF	PAINT FINISH
TF	TIMBER FINISH
PL	PLASTERBOARD









**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 2(b) Medium Density Residential under the Tweed LEP 2000. The primary objective of the zone is to provide for and encourage development for the purpose of medium density housing that achieves good urban design outcomes. A secondary objective includes discouraging the under-utilisation of land for residential purposes. The proposed development is consistent with the zone objectives.

North Coast Regional Environmental Plan 1988 / State Environmental Planning Policy No 1 – Development Standards

As with the original application the review also has shadow that encroaches into adjacent foreshore land.

The building design maintains a degree of overshadowing both before 3pm midwinter and 7pm midsummer. The applicant has included a revised SEPP 1 objection contending that non-compliance with the standard should be supported for the following reasons:

*Firstly, the proposal will result in only 25m<sup>2</sup> of additional overshadowing of the Tweed Coast Road Reserve. This minor overshadowing is considered to be insignificant in comparison to the overall size of the Reserve, which has a depth of approximately 150m and a distance of approximately 1.5km.*

*Secondly, the overshadowing of the bushland will occur for a short period of the day, which will not adversely affect the bushland. No additional overshadowing is likely to occur before 3pm midwinter.*

*Finally, the bush nearest to the road reserve comprises relatively small trees, shrubs and weeds and has limited scenic value. This area is not currently utilised for the purposes of active or passive recreation.*

*[I]n this instance compliance with the standard would be unnecessary and unreasonable. The site is zoned Residential 2(b) under the Tweed Local Environmental Plan (LEP) 2000. The 2(b) zone permits development for the purpose of residential flat buildings and the maximum height limit is three (3) storeys. In light of this, and given that the site is in an established urban area, it is our opinion that it would be unreasonable to expect the proposed development not to cast any shadow over Tweed Coast Reserve.*

The conclusions found in the applicant's submission are generally concurred with. In this instance the State Environmental Planning Policy No. 1 objection to Clause 32B of North Coast Regional Environmental Plan 1988 regarding the overshadowing of the adjoining reserve should be supported and the concurrence of the Director-General of the Department of Planning be assumed.

State Environmental Planning Policy No. 65 – Residential Flat Development

Clause 30 of SEPP No. 65 requires the consent authority to consider each of the ten (10) design quality principles when determining a development application for a residential flat building.

The applicant provided a comprehensive assessment of the proposal against the relevant design quality principles in the original application. The amended development plans have been considered against the applicant's earlier submission and the SEPP criteria. The amended design is also of a satisfactory standard that will provide a positive contribution. It will also provide a benchmark for future development in the area.

State Environmental Planning Policy No. 71 – Coastal Protection

The original application required referral to the Department of Planning as per the policy. The Department did not consider that a role in the application was necessary. The review does not require referral. However, the application has been assessed against the Clause 2 'Aims' and Clause 8 'Matters for consideration' as satisfactory.

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

Draft Environmental Planning Instrument No. 81 – Heights of buildings, Hastings Point

As referred to above, Council at its meeting of 5 July 2005 resolved to prepare a draft LEP. This process has been commenced however, the Plan is neither certain nor imminent.

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

Development Control Plan No. 2 – Site Access and Parking

The review documentation maintains consistency with the provisions of the DCP for multi dwelling housing, as detailed by the following table:

Standard	Requirement	Proposal	Complies
On site car parking	1.5 spaces per dwelling = 7.5 spaces  * Council has adopted a policy whereby 25% of spaces within unit developments be allocated as visitor parking.	9 car parking spaces.  This number allows the allocation of one (1) space per unit with four (4) remaining for visitor parking.	<b>YES</b>  It will be a condition of consent that a minimum of two (2) spaces be designated for visitor purposes.

Development Control Plan No. 6 – Multi Dwelling Housing

The acceptable example solutions, which have been uses as guide, of DCP 6 are provided in the following table:

Standard	Requirement	Variation/complies
Floor Space Ratio	0.5:1.0	The gross floor area (GFA) of the units excluding the basement is 660.7m <sup>2</sup> . The site area is 793m <sup>2</sup> . The floor space ratio is 0.83:1  NO*
Landscaped Area	80m <sup>2</sup> per unit = 400m <sup>2</sup>	The proposed development provides 401.77m <sup>2</sup> of landscaping at ground level.  YES*
Setbacks from street boundary	6.0m from Tweed Coast Road to the main wall of the building.  Open balconies are allowed to encroach to within 3m.	6.0m  No open balconies within front building line.  YES
Side setbacks	3.0m	Northern boundary – 3.76m  Southern boundary – 4.2m  Western boundary – 5.5m  YES

Standard	Requirement	Variation/complies
Front fences and walls	1.2m max	No front fence is proposed.  However it is sought to include a 2.2m timber and lattice fence along the southern boundary and a 1.8m timber fence on the northern boundary. These require variations to the DCP and Council's building line policy.  NO*
Building Envelope	45° from 3.5m high at the boundary	NO*
Minimum Private Open Space	20% of site area 158.6m <sup>2</sup> = 31.72m <sup>2</sup> per dwelling  Minimum dimension of 3m	Approx 231.25m <sup>2</sup> Unit 1 requires slight variation having terrace areas equating to 26.2m <sup>2</sup>  Minimum dimension of 3m NO*

### Floor Space Ratio

It has been generally accepted that the FSR acceptable solution of 0.5:1 should not be applied to developments above 2 units within the 2(b) zone, as it renders development either uneconomical or undesirable. A floor space ratio of 0.83:1 is low compared to many other like developments in the Shire. It is supported for the following reasons:

- The design elements have allowed a building that shows appropriate regard to existing development.
- A lesser development of the site would, having regard to the zone objectives, constitute under utilisation of the site and would be contrary to Objects of the Environmental Planning and Assessment Act 1979.
- Appropriate setbacks have been incorporated between the building and adjacent properties in order to minimise amenity impacts.
- Landscaping and open space have been appropriately designed and incorporated that provide a high level of functional amenity with minimal external impact.

- A preliminary analysis of several like buildings revealed that developments approved in Kingscliff had an average FSR of approximately 1.5:1 whilst Cabarita has an average of 0.95:1. This development by contrast (0.83:1) has had a genuine attempt at minimising the building size, whilst still maintaining a desirable design.

#### Landscaped Area

A redesign of courtyard areas and terraces has led to an increase in landscaping. The development is identified as complying with the DCP 6 acceptable example solution criteria.

#### Front fences and walls

No front fences or walls were proposed as part of the development, the review application has included a 2.2 metre timber and lattice fence along the southern boundary and a 1.8 metre timber fence along the northern boundary. The fencing will provide additional screening and privacy between the properties and is consistent with the DCP objectives.

No issues are raised to the fencing, except that the first 6-metres (building line) is to be reduced to 1.2m so as to maintain a consistent street frontage. A condition of consent is proposed.

#### Building envelope

The review application includes amendments in the size of balcony areas for the development. To some extent this has allowed a reduction in the amount of encroachments to the acceptable example solution for a building envelope however there remain some minor encroachments in the following areas:

##### *Eastern elevation*

- Penthouse living room,
- Stairs leading and unroofed terrace (allowed encroachment under DCP)

##### *Western elevation*

- Small component of penthouse living room
- Penthouse decks

##### *Western side of southern elevation*

- Roof

While the eastern and western elevation maintain similar encroachments to the original, reductions in the review application minimise significantly the amount of encroachment on the southern elevation.

On a performance basis the proposal responds well to the site, is neither excessively tall nor bulky, and provides a positive density solution.

Private open space

The application has included deck and terrace amendments, as previously indicated, to allow a greater allocation of landscaping area. The provision of private open space majority complies with the 20% acceptable solution however unit 1 has a shortfall of 5.52m<sup>2</sup>, which is negligible when weighed against its obvious functionality. The following table provides a comparative analysis of the original and amended design:

Unit	Original (m <sup>2</sup> )	Review (m <sup>2</sup> )	Variation
1	31.2	26.2	16% decrease
2	39.9	43.95	10.15% increase
3	46.3	35.5	23.33% decrease
4	62.1	37.3	39.94% decrease
Penthouse	141.91	88.3	37.77% decrease
<b>Total</b>	<b>321.41</b>	<b>231.25</b>	<b>28.05% decrease</b>

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

Satisfactory

**(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**

The proposal is not likely to have significant long-term impacts on the natural and built environment, socially or economically in the locality.

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

The site is suitable for the development.

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

The review application was publicly advertised from 1 to 15 March 2006, with eight submissions received. No new issues have been raised over those considered in the original application. All of the submissions have been taken into consideration in the assessment of this application, and do not require further commentary in this report.

**(e) Public interest**

It is noted that submissions have been received from neighbouring residents however, the issues raised are not of such magnitude to warrant the refusal or significant amendment to this proposal. The building represents a quality design response to the site and it is not contrary to the public interest.

**OPTIONS:**

1. Resolve to approve the amended application subject to the conditions attached to this report.
2. Resolve not to support the application and advise Council's Solicitors to engage the services of a suitably qualified Town Planning consultant to defend the appeal in the NSW Land and Environment Court proceedings.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Should this matter proceed under Appeal substantial costs will be incurred in defending Council's determination.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

The review application has been assessed as satisfying Council's Local Environment Plan and relevant Development Control Plans. The site is suitable for the development and is not likely to cause significant long-term impacts to the surrounding built and natural environment. Generally, the development has been assessed as comprising a good design response to the site and its locality and is recommended for conditional approval.

**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).*

1. Council Report of 1 June 2005 (DW 1208591)
  2. (Confidential) Floor Plans (DW 1371534)
-

**P5 [PD-PC] Class 1 Appeal - Deemed Refusal of DA04/1058 for a 45 Lot Subdivision Comprising 36 Urban Residential Lots & 9 Rural Residential Lots at Lot 1 DP302949, Lot 1 DP725165, Lot 5 DP574986 & Lot 2 DP30714 Nos. 38-142 McAllisters Road, Bilambil Heights**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA04/1058 Pt5**

**SUMMARY OF REPORT:**

This development application by Masterbuilt Pty Ltd was the subject of a deemed refusal Class 1 Appeal to the Land and Environment Court and was last reported to a Council meeting on 5 October 2005. At that meeting it was resolved that: -

- "1. Council determines whether the Section 64 water and sewerage charges and Section 94 Administration and Surf Lifesaving charges be applied at the rates in the adopted 2005-2008 Management Plan.*
- 2. Council's Solicitors be directed to enter into consent orders approving the application in accordance with the recommended conditions of consent which include: - a new condition regarding cut and fill; a new condition with regard to Section 94 contribution plan for Tweed Road Contribution Plan; and the calculated amount of the Section 64 water and sewerage and Section 94 administration and surf lifesaving charges as determined by Council in (1) above".*

In accordance with Part 2 of the resolution 84 conditions of consent were proposed. The applicant accepted the conditions with the exception of Condition 14 (relating to construction standards and engineering plans for road works and drainage) and Condition 68 (Section 94 contributions).

These conditions were argued in the Land and Environment Court before Commissioner Bly on 21, 22 and 23 February 2006. The Appeal was upheld and the Commissioner confirmed Condition 68 as proposed by Council but amended Parts of Condition 14 to reduce the road pavement width of McAllisters Road from 11 metres to 7.5 metres kerb to kerb, verge width on the north side from 4 metres incorporating a 2.5 metre reinforced concrete footpath/cycleway to a verge width of 3.5 metres and 1.2 metre footpath.

A copy of the Judgement and Court approved conditions are attached to this agenda.

**RECOMMENDATION:**

**That this report be received and noted.**



**REPORT:**

As per summary.

**OPTIONS:**

Not applicable.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The legal costs to Council associated with this Class 1 appeal as at the time of preparing this report total \$33,318.

**POLICY IMPLICATIONS:**

Nil.

**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).*

1. Copy of Judgement and Court approved conditions (DW 1379715)
-

**P6 [PD-PC] Class 1 Appeal - Deemed Refusal of DA04/1618 for Riveroaks Stages 5-16 - 333 Lot Subdivision Comprising 317 Residential Lots, 7 Rural Residential Lots, 8 Public Reserves & 1 Commercial Lot at Old Lismore Road, Murwillumbah**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA04/1618 Pt4**

**SUMMARY OF REPORT:**

This report has been prepared to inform the Council of the outcome of the deemed refusal Appeal that was made in respect of this application.

**RECOMMENDATION:**

**That Council receives and notes this report.**

**REPORT:**

**Applicant:** Greenview Developments Pty Ltd  
**Owner:** Greenview Developments Pty Ltd, Mr BR Turner, Mr BW Turner, NA Turner & Ms SD Turner  
**Location:** Lot 1 DP 251297 No. 26 Old Lismore Road; Lot 10 DP 864158 No. 36 Old Lismore Road; Lot 11 DP 864158 No. 64 Old Lismore Road; Lot 3 DP 1074167 No. 73 Old Lismore Road; Lot 1 DP 1046935, Lot 201 DP 825699, Lot 8 DP 1064245 Old Lismore Road; Lot 1 DP 1070242 Castlefield Drive & Lot 132 DP 1057733 Riveroak Drive, Murwillumbah  
**Zoning:** 2(c) Urban Expansion  
**Cost:** Nil

**BACKGROUND:**

The proceedings were heard before Commissioner Hussey at the Murwillumbah Court House on 13 and 14 March 2006, and included a comprehensive site inspection. The Commissioner reserved judgment, handing it down on 7 April, with a finding that the Appeal be upheld. A conditional development consent was granted comprising 125 conditions. The judgment and conditions are attached to this report.

Although Council was defeated in this matter the proceedings did not pass without providing some positive benefits, which included the following: -

- During the events leading too and including the hearing several matters concerning the construction and consistency of the DCP 16 subdivision (land forming) controls were identified. This has enabled a subsequent review and strengthening of the current DCP controls that will result in a more resilient Plan.
- The approach taken by the Court appears to be that DCP's in general are to be given appropriate consideration and determining weight, relative to the consultative processes undertaken in their formulation, which is consistent with the approach taken in the Court in the matter of *Stockland v Manly Council*. Consequently in this instance the Commissioner appears to have focused on how the subdivision development satisfied the performance criteria of DCP 16, as it related to land forming. In concluding that there is an environmental benefit to balancing cut and fill earthworks, that is, works not requiring the importation / exportation of fill / spoil material, and that the visual character will be preserved to an acceptable standard, despite the extent of land reforming, the Commissioner was satisfied that the relevant performance criteria had been met. The significance is that the DCP has been applied according to its construction, albeit with consequences that may not have been foreshadowed by Council, consequently the principles and efficacy of the DCP per se remains in unfettered.

- Negotiation at the beginning of the proceedings has resulted in the drafting of Condition Nos. 54 & 55. In essence the developer has agreed to pay the sum of \$250,000 toward the ongoing maintenance of the bushland conservation reserve, where the threatened species (*Davidsonia jersyana*) are to be translocated, which is to be dedicated to Council in accordance with Condition No.53. A vegetation restoration plan, per Condition No.51, will also assist in ensuring the sites future environmental integrity.
- Condition Nos 6 & 21 were negotiated and later amended by the Court to ensure that the earthworks and the staging of works are sequenced and confined so as to avoid the 'opening-up' of the entire site in order to mitigate potential adverse environmental impacts. The conditions enable appropriate mechanisms for Council to assess the engineering impact of engineered areas to ensure that works have been suitably finalised prior to approving works on a further stage. This non standard condition will assist in minimising a range of environmental impacts that have been previously evidenced during works on neighbouring and like subdivisions.
- The Court recognised design issues in respect of certain allotments and has incorporated negotiated conditions (Nos. 7, 9, 26, 28, 101 & 125) as a means of improving the design.

**OPTIONS:**

1. That Council note the Court orders in the judgment of the NSW Land & Environment Court in appeal proceedings 10920 of 2005.
2. Advise on any additional course of action as may be deemed appropriate.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Legal costs associated with this case at the time of writing this report are \$54,917.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

The capacity of the L & E Court to negotiate outcomes during Appeal hearings is significantly greater than that of the Council under ordinary assessment processes. Consequently the conditions imposed by the Court will result in a level of detail, control and amendment that would not otherwise have been achieved. In addition, the offer of the applicant to pay \$250,000 toward the ongoing maintenance of the bushland conservation reserve would not otherwise have been obtained.

Although Council was unsuccessful in this Appeal the community at large has benefited through an improved design, provision for better site work management and certainty for the sites remaining environmental assets.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Copy of Court Judgement and Court Consent Conditions (DW 1378986)
-

**P7 [PD-PC] Tweed Youth Needs Analysis**

**ORIGIN:**

**Strategic Town Planning**

**SUMMARY OF REPORT:**

On 22 March 2006 the Council deferred consideration of a report on the Tweed Youth Needs Analysis, and requested further information on the numbers of young people in individual towns and villages, and the facilities available for them.

This report provides the requested information.

**RECOMMENDATION:**

**That Council exhibits for a period of 28 days the Executive Summary of the Consultant's Report on the Tweed Youth Needs Analysis for public information and comment.**

**REPORT:**

<b>YOUTH POPULATION BY SHIRE DISTRICT – ABS 2001</b>					
<b>District</b>	<b>Age</b>	<b>Persons</b>	<b>Prop %</b>	<b>Youth Facilities</b>	<b>Comments</b>
Tweed Hds	0-4	2012	5.23	Police Community YC, Recreation St Oval, SA Sports Life Centre, Swimming Centres (x3), Arkininstall Park, Piggabeen Sports Grds, Bilambil Sports Centre, Twin Towns Juniors, Cinemas (x2), Library, Tweed City/Centro Mall, Tweed/C'langatta SLSC.	Major urban area, Pop. 38,492, 9 local bus routes (5 with weekday evening services)
	5-9	2311	6.00		
	10-14	2315	6.01		
	15-19	2038	5.29		
	20-24	1357	3.53		
North Coast (Kingscliff, Chinderah, Fingal, Cabarita)	0-4	711	5.33	Swimming Pool (open), Cudgen Leagues Club, Walter Peate Reserve, Casuarina South Fields, Private Sports Hall, Library, Town centre/cafes, Kingscliff SLSC, Cabarita SLSC, Fingal SLSC	Pop. 12,276, 3 local bus routes (2 with wkdy evening services), Coast Cycleway, (10 kms K-TH)
	5-9	812	5.70		
	10-14	863	6.59		
	15-19	767	5.88		
	20-24	487	3.90		
South Coast (Pottsville, Hastings Point, Burringbar)	0-4	378	6.25	Les Burger.Field, Skatepark, Barry Shepard Field, Burringbar Oval, Pottsville Oval, Pottsville Bch N'hood Centre, Village centre (x4)/cafes,	Pop. 6,045, 2 local bus services (1 with wkdy evening service), Coast Cycleway. (25 kms P-TH)
	5-9	466	7.70		
	10-14	522	8.63		
	15-19	393	6.50		
	20-24	197	3.25		
Tumbulgum, Dulguigan, Carool	0-4	81	4.63	Village centre/cafes, Village sports ground.	Pop. 1,750, 1 local bus route (no evening service), (10 kms T-Mur'bah)
	5-9	122	6.97		
	10-14	159	9.09		
	15-19	148	8.46		
	20-24	56	3.20		
Murwillumbah , (Condong, Wardrop Valley)	0-4	572	6.18	Swimming Centre (open) Knox Park, Skatepark, Barry Smith Fields, Private Gymnasium, Cinema, Library, Sunnyside Mall, Town centre/cafes,	Pop. 9,252, 7 daily local bus routes (no evening services), (30 kms Mur-TH)
	5-9	698	7.54		
	10-14	761	8.23		
	15-19	728	7.87		
	20-24	416	4.50		

YOUTH POPULATION BY SHIRE DISTRICT – ABS 2001					
District	Age	Persons	Prop %	Youth Facilities	Comments
South West (Uki, Stokers Siding, Kunghur)	0-4	216	6.71	Village centres/cafes Village sports ground	Pop. 3,221, 1 local bus route (no evening service) 12kms (U-Mur).
	5-9	289	8.97		
	10-14	325	10.09		
	15-19	251	7.79		
	20-24	76	2.36		
North West (Tyalgum, Chillingham, Crystal Creek)	0-4	193	7.04	Village centres/cafes, Village community centre, Tyalgum Literary Institute Hall, Village sportsground(x2) Tyalgum Showgrounds,	Pop. 2,743, No bus routes, (20kms T-Mur)
	5-9	222	8.09		
	10-14	249	9.08		
	15-19	188	6.85		
	20-24	87	3.17		

**Briefing Notes on Tweed Youth Population by Districts and Youth Facilities:**

Complete statistics on the Tweed Youth Population are included in the Tweed Youth Needs Analysis, Part C (p19-32). These notes relate the seven District populations to the youth facilities available locally.

Reference to the proportional percentages for age groups in the Districts all show a major decline in numbers in the 20-24 age group, common to the whole Shire and much of the North Coast Region, as young people leave for tertiary education and work opportunities.

There is also an apparent slightly higher level of young people in the inland areas compared to Tweed Heads and the Coast, but this is likely to be due to the higher percentage of older people in the coastal population depressing the youth percentage.

The slightly lower percentages in 0-4 years compared to the older groups is due to declining birth rates Australia wide.

**Tweed Heads District**, including the whole urban area south to the Tweed River, contains 46% of the youth population and has the most comprehensive range of facilities for social development, culture, entertainment and recreation. There are also transport services usable by young people, and operating seven days per week, but not always at times when young people are likely to need them.



The majority of facilities are biased towards sport and physical recreation, however, and there are few options for social development, learning and cultural activities other than school activities. The local youth facility, the Police Community Youth Club, though important is primarily aimed at engaging youth at risk of criminal behaviour, or repeated crime, and may not appeal to some young people. There are also various church and community youth groups operating.

**North Coast District** also has relatively good youth facilities, especially for surf culture, informal coastal open space, and sport. It does not have a dedicated major youth club, however, but there is a community centre operated by the Baptist Church in Cabarita, amongst other church groups. The notable array of cafes and restaurants is not oriented to the youth market. There is bus access to Tweed Heads and the Gold Coast, and the coastal cycleway is now almost continuous.

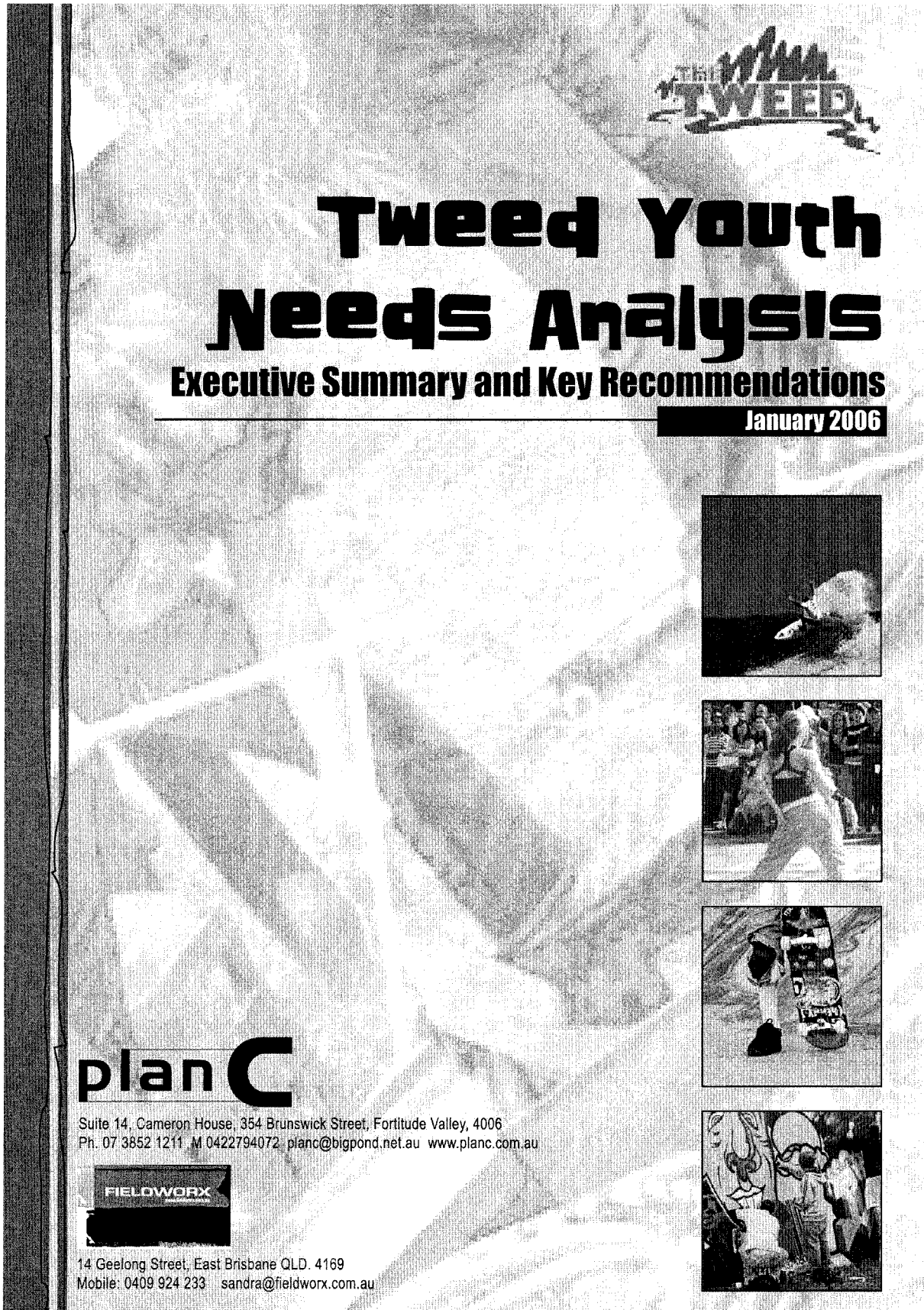
**South Coast District** has the same orientation to surf activity, coastal open space and sport, and there is an established Neighbourhood Centre in Pottsville. This District is more dispersed, with village centres at Pottsville, Hastings Point, Mooball, Crabbes Creek and Burringbar. Bus services are more limited, and the distance to Tweed Heads (25kms) makes cost of travel a significant factor, with some parents having expressed doubts about the wisdom of letting younger teenagers go unsupervised. Distance also reduces the value of the coastal cycleway. Bus services from Mooball/Burringbar to Murwillumbah are limited to school services.

**Tumbulgum District** has no facilities other than the local village centre, with cafes, hall, school and sportsground. Much of the population is dispersed in the North Tumbulgum area some distance from the village. Bus access to Murwillumbah or Tweed Heads is available.

**Murwillumbah District** has traditionally had a strong community focus with a comprehensive range of facilities including an aquatic centre, cinema, indoor sports, church activities, a civic centre auditorium, TAFE College, four high schools, Sunnyside Mall and a range of cafes. There are daytime town bus services, but little patronized by young people, and bus access to coastal towns and beaches is relatively expensive.

**South West District** is highly dispersed with mainly rural living focusing on village centres at Uki, Stokers Siding, and Kunghur. Bus services run twice daily between Murwillumbah and Lismore, largely for school travel, but with Uki having relatively close connections with Murwillumbah (12kms).

**North West District** is similarly highly dispersed with mainly rural living focusing on the three village centres. Tyalgum has a slightly higher level of facilities, being the furthest from Murwillumbah. There is no daily bus service, except at school times..




**THE TWEED**

# Tweed Youth Needs Analysis

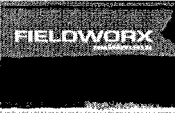
## Executive Summary and Key Recommendations

**January 2006**



**plan C**

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## ***Acknowledgements***

The consultants wish to thank the young people of Tweed, community organisations, Council staff and residents for openly sharing their experiences in the development of the Tweed Youth Needs Analysis. Appreciation is also extended to the members of the Project Steering group:

Robin Spragg – Social Planner Strategic Planning Unit, TSC  
Douglas Jardine – Manager Strategic Planning, TSC  
Leigh Abernethy – Landscape Architect TSC  
Ron Cooper – Resident  
Barbara Carroll – Tweed Valley Respite Services  
Mark Madden – Club Manager Tweed Heads PCYC  
Jessica Walker – Youth Officer  
Gerina Appo – St Josephs Youth Service

Special thanks to the local teachers and students at the Tweed schools who also assisted in our development towards the Tweed Youth Needs Analysis:

Ellain Cunningham and Bronwyn Macneky – Tweed River High School  
Roy Pickering – Lakeside High School  
Simon Gardener – Tutorial Centre, Murwillumbah  
Merideth Burton – Kingscliff High School

# Executive Summary

## Background

The Tweed Shire Council's Youth Needs Analysis has been developed in response to concerns raised with Council over a lack of facilities and services for young people in the Tweed Shire.

Council is seeking to take a planned approach to their role in meeting the needs of young people. Council's Social Plan identifies youth issues as a high priority, however, at this stage, no comprehensive youth strategy or youth policy exists for the Tweed Shire.

A project steering committee was established by Council to guide the development of the Youth Needs Analysis. The steering committee met at key points during the project and comprised representatives from Council and community.

Young people are generally defined in Australia by local, state and federal governments as being aged 12 to 25 years. However, due to the significant diversity of this age group, the Tweed Shire Council plans to strategically focus its resources and energy on young people aged 12 to 18 years in the first instance. Young people aged 19 to 25 are not excluded; however they are a secondary target group.

This report informs stakeholders about the needs of young people living in the Tweed Shire. It does not include a specific youth policy or youth strategy for Council. Rather it is intended to provide information and options upon which Council can develop policies and recommendations.



## Summary of key findings and recommendations

The following summary responds to the key questions provided in the project scope.

### ***Understanding the current and projected demographics of the Tweed Shire***

Young people in the Tweed Shire represent 29% of its total population. The greatest proportion of young people aged between 10 and 24 years is in the Tweed Heads district representing 46% of the Tweed Shire youth total.

In 2001, young Indigenous people under 25 years represented 45% of the total Indigenous population in the Tweed Shire. Of these, 42% were aged 10 to 14 years.

Current projections for the Tweed Shire suggest that the population of children and young people 24 years and younger will be 25,811 in 2026. Over the next 10 to 15 years, the actual number of children and young people is expected to continue to be higher than the number of older people aged 65 years and over. However, by 2026 the growth in the numbers of people aged 65 years and over will out-strip the growth in the numbers of young people based on current projections.

Almost half of Tweed Shire's young people leave the Shire when aged between 20 and 24 years for reasons including pursuing tertiary education, finding employment and personal reasons. It is unclear which proportion of these young people return to the Shire.

Tweed Shire's youth unemployment is twice as high as the state average. Notably, unemployment and full-time employment declined and part-time employment and university attendance increased for the 15 to 24-year age group.



***Mapping community and government services and facilities designed to meet the needs of young people***

In the main, services and facilities for young people are limited. Community-based agencies are required to service a growing population of young people across a broad geographic area with limited resources. Of particular concern is a lack of adequate emergency, supported and low cost accommodation for young people, particularly those living in inland rural communities.



The Tweed Shire is challenged by limited cross-border state government relationships regarding the provision of state-funded services such as health, housing and public transport. Additionally, intra local government relationships also play a key role in meeting the needs of young people due to the nature of young people's mobility.

The Tweed Shire Council has built several skate park facilities designed specifically for young people. Other open spaces have been designed to meet the needs of the whole community.

The Police Citizens Youth Club in Tweed Heads is a major indoor recreation facility servicing young people. This is complemented by various sporting organisations and facilities across the Shire.

***Identifying the needs of young people across the Shire, with an emphasis on Pottsville***

A total of 328 young people and 17 organisations were consulted through surveys, interviews and discussion groups. Six key focus areas have provided a framework for identifying key issues, undertaking analysis and the development of recommendations.

The following key action areas are designed to interconnect and overlap in order to provide a holistic approach to meeting the needs of young people living in the Tweed Shire:

- Information and resources
- Learning and work
- Coordination and leadership
- Places and spaces
- Connected and included
- Safety and security

Information and resources – Young people highlighted a lack of access to information. In the main, they do not know where to get information about support services and they find it difficult to get information about events and other activities.

Learning and work – The majority of young people interviewed believe they will need to leave Tweed Shire in order to



further their education or to find work. They suggested that they have limited employment options, particularly if they do not have their own transport. Indigenous young people have a higher unemployment rate than the general population. Community sector organisations also identified limited course offerings available at the university as a barrier to further education

Coordination and leadership – The majority of young people consulted showed little knowledge or understanding of what Council does for the community and young people. Many had indicated that they would like to be more interested and involved in community decision-making but didn't know how to do this.

Places and spaces – Although young people currently find things to do in the places they go, the majority of young people feel there is a lack of adequate and accessible places and facilities to hang out and have a good time. Existing skate parks, local parks and open spaces are not sufficiently set up to accommodate the growing numbers of young people and their requests and preferences in recreation.

Connected and included – Young people's major source for community inclusion and connectivity is through their peer groups at school, sporting groups, church, and local neighbourhoods. The feeling of a small, local town environment has been identified as a way in which young people feel included and connected. However, young people feel that community members often pass judgment and have negative views of young people. Culturally and linguistically diverse young people often feel a social disconnection due to the differences in culture and language.

Safety and security – Young people feel most safe at home, at school and with their family. They also feel safe when with their friends in a public place during the day. They feel unsafe in many outdoor places at night, in unfamiliar places and in places that are unclean and lack lighting. Specific reference was made by young people about violent and intimidating behaviour of people in the streets and in places near local pubs, in places where alcohol and illicit drugs were used and places where homeless people hang out.

#### **A Youth Centre at Pottsville?**

A key aim of this project has been to investigate the feasibility of a purpose-built youth centre in Pottsville and to provide Council with some recommendations regarding this proposal.



Overall, young people, service providers and the project team did not support the development of a youth centre in Pottsville, at this point in time.

A committee of young people and interested adults have undergone an extensive research/study which promotes a high need for a youth centre in Pottsville. This work provided a large amount of supportive data for the case to develop a youth centre in Pottsville.

However, as a whole, the Tweed Shire is not currently in a position to develop and manage indoor youth spaces and development of these spaces is presently best undertaken by specialist service providers such as the PCYC.

Young people and the youth sector did not identify the development of indoor youth centres as a priority for addressing the space and place needs of young people in the Tweed Shire at the key forum for the project. Instead they indicated other ideas as immediate priorities to meet young people's space and place needs.

It is recommended that Council capitalise on the existing network of young people in Pottsville and develop a series of youth events and activities for Pottsville as a trial for the Tweed Shire.

There are also possibilities for less expensive and more easily managed spaces (e.g. integrated public spaces for young people) to be developed in Pottsville to meet the immediate needs of young people. Alternatively, the use of the existing community centre in Pottsville for youth activities and events should be considered as a possible short-term option, particularly if managed and operated by an existing service provider such as the PCYC.

The construction of a multi-purpose youth centre would then be a longer term option to be re-investigated in five years or more and/or following the implementation of the other recommendations outlined in this report.

***Identifying good practice in youth development, facilities and service provision for local government to provide a benchmark for the Tweed Shire Council***

The business of local government is about building communities that are good places to live, and planning for the needs of the whole community. Young people are a significant sector of the community and therefore are part of Council business.

The role Council plays generally relates to the size of the Council, available resources, history of involvement in youth





affairs, community expectations and levels of partnerships available with other sectors and spheres of government.

A significant proportion of Councils employ at least one staff member with a focus on youth development. The majority of Councils target young people in their planning activities and provide recreational services or facilities for young people.

In the main, Councils see their role in youth affairs as coordination and facilitation, with state and federal governments providing funding and support. It is worth noting that councils spend far more on young people than they receive in grants.

***Identifying potential state and federal funding sources and resources***

Financial assistance and partnerships can be developed with a range of government and non-government agencies. Numerous funding programs are available from state and federal governments as well as independent organisations and philanthropic trusts. A number of umbrella funding websites are particularly useful in identifying potential funding sources.

In order to ensure that Council is responsive to the identified needs of young people, it will need to make some strategic decisions about its policy position and future direction. Council will then be in a position to fully investigate suitable funding partners.



## Recommendations

### FOCUS AREA 1: COORDINATION AND LEADERSHIP

- 1.1. That Council develops a clear policy position on Council's role in youth affairs in response to the issues and recommendations identified in this Youth Needs Analysis. This could take the form of a Tweed Shire Council Youth Policy. The Youth Policy should address the key action areas identified in the Youth Needs Analysis and include measures for monitoring its implementation.
- 1.2. That Council establishes a Youth Development Officer position to work across key internal Council divisions and with external partners and agencies to action the proposed Youth Policy.
- 1.3. That Council clearly articulates the strategic role of the Youth Development Officer through a well-developed position description based on the learnings from other local authorities.
- 1.4. That Council develops and trials a model of youth engagement that is inclusive of young people from diverse backgrounds and lifestyles. That the model gives consideration to the differing needs of young people living on the coast and young people living rurally.
- 1.5. That Council includes young people in the development of current strategic and planning documents. These should include Locality Plans as identified in Tweed Futures and the review of Council's Arts Policy. Young people should also be a key stakeholder group in the development of an open space strategy for the Tweed Shire.
- 1.6. That Council seeks to capitalise on state and federal government funding and resourcing opportunities by working collaboratively with the community services sector in identifying and responding to young people's needs.
- 1.7. That Council plays a key role in supporting community agencies to work together through the re-establishment of the youth services network or other appropriate forums.



### FOCUS AREA 2: INFORMATION AND RESOURCES

- 2.1. That Council develops a youth information strategy that incorporates information exchange between young

people directly and indirectly through parents, carers and service providers.

- 2.2. That Council assesses the risks and benefits of updating its' current website to include youth-specific pages or creating a stand-alone website that targets young people.
- 2.3. That Council creates and approves links from the proposed youth websites or pages to other secure youth website such as [www.youth.nsw.gov.au](http://www.youth.nsw.gov.au).
- 2.4. That Council seeks to partner young people through educational or training organisations to develop and maintain the youth website or youth pages.
- 2.5. That Council purchases software to enable young people to voluntarily register their mobile phone numbers via the website to allow group texts to be sent regarding coming events and new website features or information.
- 2.6. That relevant information is distributed through paper-based means in mediums such as school newspapers and the Tweed Link.
- 2.7. That Council advocates to New South Wales Health to work with local community agencies to develop a comprehensive strategy to address drug use by young people. The strategy should give consideration to activities ranging from information provision through to drug and alcohol rehabilitation services.



### **FOCUS AREA 3: LEARNING AND WORK**

- 3.1. That Council works collaboratively with the Tweed Economic Development Corporation to develop specific strategies aimed at enhancing employment opportunities for young people.
- 3.2. That Council reviews its own workforce demographics with a view to developing employment strategies for young people through apprenticeships, traineeships and graduate programs.
- 3.3. That Council supports community organisations, educational and learning institutions in lobbying state government for the provision of a range of learning options to meet the needs of all young people.

**FOCUS AREA 4: PLACES AND SPACES**

4.1. That Council includes a young people’s public space strategy as a component of an open space plan or youth strategy for the shire.

4.2. That Council uses the following spectrum as guidance for the development of spaces and places for young people and develops appropriate spaces for young people through **temporary, opportunistic, or strategic** means.



Place and Space Spectrum	Suggested Spaces
1. Creating <b>temporary spaces</b> for young people through events and activities programming;	<ul style="list-style-type: none"> <li>o <i>Local beach environments</i></li> <li>o <i>Skate parks and sports infrastructure</i></li> <li>o <i>Shopping centre areas</i></li> <li>o <i>Local/neighbourhood parks</i></li> <li>o <i>Public swimming pools</i></li> <li>o <i>Community halls</i></li> </ul>
2. <b>Redeveloping existing youth spaces</b> to improve inclusiveness and relevance;	<ul style="list-style-type: none"> <li>o <i>Skate parks and youth-centric Infrastructure e.g. Basketball ½ courts</i></li> <li>o <i>Parks and sporting/recreational areas/existing clubs</i></li> <li>o <i>Streets and found spaces</i></li> </ul>
3. Designing and developing <b>Integrated Outdoor Public Spaces</b> for young people; and	<ul style="list-style-type: none"> <li>o <i>Skate and youth space</i></li> <li>o <i>Areas with existing catchments of young people e.g. around shopping centres</i></li> <li>o <i>Youth hangout space</i></li> </ul>
4. <b>Purpose-built Youth Centres</b>	<ul style="list-style-type: none"> <li>o <i>Ongoing partnerships with PCYC proposed</i></li> <li>o <i>No recommendations for new centres</i></li> </ul>



4.3. That council uses the detailed recommendations for creating temporary spaces and events, redeveloping existing facilities and developing integrated outdoor public spaces for young people as outlined in this report.

- 4.4. That Council uses the recommendations outlined in this report to develop the Murwillumbah youth space project as a pilot project for meeting the space and place needs of young people in Tweed Shire.
- 4.5. That Council seeks improved partnerships with the PCYC as a youth space service provider with potential to increase service delivery to other Council owned indoor spaces.
- 4.6. That a multi-purpose youth centre at Pottsville **not be** developed at this point in time and be reinvestigated in five years or more and/or following the implementation of the other recommendations outlined in this report.

**FOCUS AREA 5: CONNECTED AND INCLUDED**

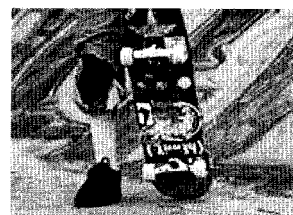
- 5.1. That Council develops a co-ordinated transport strategy with increased and improved bus routes and services (especially in evening and on weekends), co-ordinating fare system across the borders and investigate potential funding subsidies for bus companies. That Council investigates the feasibility of free bus services for major events and festivals from specific locations.
- 5.2. That Council develops a media strategy for the Tweed Shire's young people that includes: Information and promotional resources describing events/ activities/ places within young people's access or interest and types and sources of positive, youth-focused information distribution (media, internet, promotional material etc.)
- 5.3. That Council encourages young people's involvement in organising and programming events and activities to give a sense of involvement and power over what is happening
- 5.4. That Council develops a local and familiar context for activities and events that relate to young people's local lives and cultures.

**FOCUS AREA 6: SAFETY AND SECURITY**

- 6.1. That Council conducts CPTED (Crime prevention through environmental design) audits of key 'hot spots' and seeks crime prevention funding to improve the safety of these spaces through design, lighting and management solutions.



- 6.2 That Council seeks partnerships with local police to deliver increased presence at these sites identified through CPTED to improve the feeling of safety.
- 6.3 That Council improves the maintenance and management of public toilets through improved lighting, security and more regular cleaning.
- 6.4 That Council combats unsafe/violent behaviour in public places through anti-violence programs and role modelling.
- 6.5 That Council works closely with other levels of government and community sector agencies to coordinate safe and accessible emergency accommodation for young people across the Tweed Shire.
- 6.6 That Council works with the other levels of government and the private sector to encourage provision of affordable housing for young people.



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**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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**P8 [PD-PC] Development Application DA04/1524 for Multi Dwelling Housing Comprising 3 x 3 Bedroom Units With 1.8m High Fence With Fence Height Variation and Demolition at Lot 1 DP 381437, No. 118 Marine Parade, Kingscliff**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA04/1524**

**SUMMARY OF REPORT:**

Subject to a late report to be distributed prior to the Planning Committee Meeting.

**RECOMMENDATION:**

Subject to a late report to be distributed prior to the Planning Committee Meeting.



**REPORT:**

Subject to a late report to be distributed prior to the Planning Committee Meeting.

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**P9 [PD-PC] Uki Locality Plan and Development Control Plan**

**ORIGIN:**

**Strategic Town Planning**

**FILE NO: GT1/DCP/53**

**SUMMARY OF REPORT:**

A Steering Committee was established to inform the preparation of a Locality Plan and DCP for the Village of Uki. A draft Locality Plan and draft DCP prepared by City Plan Services were generally supported by the Committee on the understanding that comment be sought from the broader Uki community as to building heights, densities and energy efficiency provisions.

The draft Plans were exhibited between Wednesday, 4 May 2005 and Friday, 24 June 2005. During this exhibition period a public meeting was held at the Uki Public Hall. City Plan Services ran the public meeting. At the request of residents within Uki, Council's Eber Butron provided the community with another opportunity to inform themselves of the Plans being exhibited by running a further public meeting.

Approximately 130 submissions were received. Although the issues raised during the exhibition were quite varied the majority of the submissions focused on building heights, lots sizes (densities) and ensuring the heritage character of Uki be retained. The predominant issue was lot sizes. The draft Plan has been amended to address community concerns so that the lot size provisions now reflect the slope/topography of the land.

The draft Plans have also been amended to reflect other community issues which are discussed within the body of this report. The plans are now presented to Council for adoption.

**RECOMMENDATION:**

**That Council approves Development Control Plan No 53 – Uki and accompanying Locality Plan for Uki, as provided within Attachment B for adoption when Council formally adopts the consolidated Shire DCP with DCP 53 as a chapter within the consolidated Plan in accordance with the Environmental Planning and Assessment Act, 1979.**

## **REPORT:**

### **Background**

Council engaged the services of City Plan Services to prepare a Locality Plan and DCP for the Village of Uki. In addition Council resolved to establish a Steering Committee made up of community members and Council representatives to guide the progress of the project.

A draft Locality Plan and draft DCP was prepared by City Plan Services in March 2005. A copy of these draft Plans is provided in Attachment A. The draft Plans were generally supported by the Steering Committee on the understanding that comment be sought from the broader Uki community as to 3 specific issues: building heights, densities and energy efficiency provisions.

The DCP provides planning controls by which to manage future development within the Village. The Locality Plan provides a broader planning framework by which to manage Uki Village. It provides a comprehensive inventory of land uses within the study area, establishing a Village context for Uki including regional and local context, community profile, environment, economy, commercial, community and recreational facilities. The planning framework includes implementation through various Council documents including Tweed Management Plan, Tweed Strategic Plan, Tweed LEP 2000 and the DCP. The Plan also identifies the need to undertake additional studies and investigations. Combined, both Plans develop a vision and strategy for the Village based on community consultation undertaken with the Committee and the broader community.

### **Exhibition**

Consultation with the community was undertaken prior to the preparation of the draft Plans. This was undertaken by way of a questionnaire circulated and by setting up an information stall at the monthly Uki market. The feedback received through these efforts in conjunction with the work undertaken informed the preparation of the draft Plans.

The draft Plans were formally exhibited between Wednesday, 4 May 2005 and Friday, 24 June 2005. During this time two public meetings were held at the Uki Public Hall, one presented by City Plan Services and the other by Council's Eber Butron. The purpose of the meetings was to inform the public of the draft Plans and to provide a platform where community members could voice their views.

### **Submissions**

126 submissions were received during the exhibition period. A table summarising these submissions is provided in Appendix A. The main issues raised by the community include:

- Building Heights;
- Lot Size and Building Density;
- Energy Efficiency Guidelines;
- Car parking;
- Preservation of Heritage and Character issues;
- Streetscape;
- Traffic calming;
- Village Square development;
- Expansion of village and infrastructure;
- Protection and conservation of the natural environment.

Of the items listed above, various issues such as car parking, streetscape, traffic management, village square development, village expansion and conservation of the natural environment, are to be addressed through future strategies and plans (ie. streetscape plans, village square master plans, estuary management plans, urban rural residential strategies etc). These projects have been included within Table 9.1 of the Locality Plan as projects that need to be undertaken in the Village as part of Council's future Management Plan and framework. City Plan services provided a quote to undertake some of the above projects for the Village, but due to the budgetary restrictions these were unable to be completed as part of this project.

There were three issues which the Steering Committee was unable to resolve fully and requested the broader community to provide comment and guidance. These issues were Building Heights, Site Density and Energy Efficiency. As a result, these items were the subject of the majority of the issues raised during the exhibition period.

### **Building Heights**

The current LEP provisions allow for three-storey development within the village of Uki. The draft Plan that was publicly exhibited proposes to restrict development to two storeys throughout the Village. The two-storey provision was supplemented by height restrictions to a maximum of 8m for residential development and 10m for commercial and mixed-use development. The draft Plan also provides for flexibility in heights that enabled new development to be constructed to a height comparable to existing buildings within the Village. This two-fold approach appears practical and provides for an outcome that is consistent with the existing character of the area and will not detract from the heritage appeal of the Village. From the written submissions received there was overwhelming support to restrict development to two storeys as exhibited within the draft Plan.

### **Site Density**

This topic was the most prominent issue raised during the exhibition period. The exhibited draft Plan proposed the following:

- Site densities for new multi-dwelling development is limited to not greater than one dwelling/250m<sup>2</sup> site area within the Main Street Precinct;

- Site densities for all new residential development is limited to not greater than one dwelling/450m<sup>2</sup> site area within the Uki East and Uki West Precincts.

The reasoning being to intensify development within the Main Street Precinct to support commercial and economic development and to provide for larger lots within the residential precincts but to still retain a consolidated Village so as not to contribute to future urban sprawl.

The submissions received during the exhibition period were varied with some supporting the standards proposed by the draft Plan, some supporting consolidation within the Main Street Precinct but proposing larger lot sizes within the residential areas. However, the majority of submissions received proposed that lot sizes be increased throughout the Village. The reasoning to support their arguments was based on preservation of the Village amenity, heritage character and conservation of the Village's natural environment.

City Plan Services argued that character and heritage issues can be addressed through urban design development controls such as height, building design, site coverage, set backs, cut and fill, subdivision design controls etc, rather than through lot size provisions.

Whilst this position has planning merit, an additional control over lot sizes would provide more certainty and eliminate the need for compromise of certain development standards in the future.

It is considered that the size of the lot should reflect the slope of the land. This contributes to development being considerate of the natural topography of the land. This approach is to be used over the urban release area known as Area E at Terranora. To accommodate these provisions the draft DCP for Uki has been amended to reflect the following:

1. *Site densities for new multi-dwelling development is limited to the following within the Main Street Precinct:*
  - *not greater than one dwelling/250m<sup>2</sup> site area for mixed use development (commercial at ground level and residential or tourist accommodation above); and*
  - *not greater than one dwelling/450m<sup>2</sup> area for other development.*
2. *Site densities for all new residential development is limited to the following within the Uki East and Uki West Precincts:*
  - *not greater than one dwelling/450m<sup>2</sup> site area on land with a slope up to 10%; and*
  - *not greater than one dwelling/750m<sup>2</sup> site area on land with a slope 10%-20%; and*
  - *not greater than one dwelling/1000m<sup>2</sup> site area on land with a slope greater than 20%;*

The controls prescribed above will achieve the effect of providing a vibrant community within the Main street precinct as well as providing for some flexibility to ensure good development outcomes within the residential precincts. Importantly, these controls will contribute to retaining the character and amenity of the Village.

### **Energy Efficiency**

The exhibition of the draft Plans coincided with introduction of BASIX. The implementation of BASIX generally negates the need to have specific energy efficient provisions with the draft Plan specific to Uki as they are dealt with by BASIX and the existing DCP 39 Energy Smart Homes. There for the Plan has been amended to make reference to BASIX.

**Summary of Changes to draft Plans**

Below is a schedule summarising the changes made to the publicly exhibited Plans. A copy of the amended Locality Plan and DCP are provided in Attachment B.

<b>ISSUE</b>	<b>LOCALITY PLAN ACTION</b>	<b>DEVELOPMENT CONTROL PLAN ACTION</b>
<b>Stormwater Management</b>	<ul style="list-style-type: none"><li>• Inclusion of commentary regarding landform and drainage issues.</li><li>• Additional study to be included in the Recommendations of the Locality Plan (Table 9.1) to address drainage, land form and land subdivision issues.</li></ul>	<ul style="list-style-type: none"><li>• Design Element 4 to be modified to include reference to Development Control Plan 16 – Subdivision Manual.</li></ul> Section 3.4

ISSUE	LOCALITY PLAN ACTION	DEVELOPMENT CONTROL PLAN ACTION
<p><b>Density: Residential Precincts and Main Street Precinct</b></p>	<p>Review allotment sizes and determine land that can be subdivided in accordance with proposed minimum density provisions and the slope/drainage provisions contained in DCP 16 – Subdivision Manual.</p>	<p>Amend development controls in accordance with the following: Site densities for all new residential development is limited to the following within the Uki East and Uki West Precincts:</p> <ul style="list-style-type: none"> <li>• not greater than one dwelling/450m<sup>2</sup> site area on land with a slope up to 10%; and</li> <li>• not greater than one dwelling/750m<sup>2</sup> site area on land with a slope 10-20%; and</li> <li>• not greater than one dwelling/750m<sup>2</sup> site area on land with a slope greater than 20%.</li> <li>• Site densities for new multi-dwelling development is limited to the following within the Main Street Precinct:</li> <li>• not greater than one dwelling/250m<sup>2</sup> site area for mixed use development (commercial at ground level and residential or tourist accommodation above); and</li> <li>• not greater than one dwelling/450m<sup>2</sup> area for other development.</li> </ul> <p>Section 3.2.3</p>



ISSUE	LOCALITY PLAN ACTION	DEVELOPMENT CONTROL PLAN ACTION
<b>Land Use:</b>		<ul style="list-style-type: none"> <li>• Prepare new sub-element within DCP to provide controls to ensure adequate heritage character and Identity provision are incorporated with the plan through objectives, performance criteria and acceptable solutions. Section 3.2.4.</li> <li>• Incorporate controls to restrict new residential development at the ground floor level and encourage non-residential development at the ground floor level.</li> </ul>
<b>Heritage Conservation</b>	Identify/reinforce the heritage significance of the village of Uki.	<ul style="list-style-type: none"> <li>• provided for within all new development proposals due to the Heritage Conservation Area status of the whole of the village within the Tweed LEP.</li> </ul> <p>Section 3.2.4.</p>

ISSUE	LOCALITY PLAN ACTION	DEVELOPMENT CONTROL PLAN ACTION
Village Square	<ul style="list-style-type: none"> <li>• Retain Main Street development options.</li> <li>• Prepare new “Village Square” plan identifying the type of appropriate uses, nominated public domain improvements, car parking provision, etc.</li> <li>• Review 3D perspective in light of public submissions and the community’s preference for non-commercial development.</li> <li>• Modify all diagrams and perspectives to include a disclaimer that these are concept only and are subject to further detailed design/investigations.</li> </ul>	<p>Incorporate additional objectives within the Public Domain Design Sub-Element to provide for the future management/development of the village square. Section 3.1.4</p>
Car Parking	<ul style="list-style-type: none"> <li>• Consideration of car parking to be referenced in the recommendation for a Streetscape Plan (Table 9.1).</li> <li>• The availability of the school grounds for additional spill over parking during peak events to be investigated.</li> </ul>	

ISSUE	LOCALITY PLAN ACTION	DEVELOPMENT CONTROL PLAN ACTION
<b>Bushfire Hazard</b>	<ul style="list-style-type: none"> <li>• Remove southern link road from the Uki Structure Plan (Rowlands Road, Church Hill Road and Grants Road).</li> <li>• Identify the role of NSW Rural Bushfire Service with respect to ongoing maintenance and bushfire protection role. May require discussion with NSW Rural Bushfire Services.</li> </ul>	Remove southern link road from the Uki Structure Plan (Rowlands Road, Church Hill Road and Grants Road).
<b>Energy Efficiency</b>	<ul style="list-style-type: none"> <li>• Reference within the Locality Plan to discuss the difficulties in attempting higher levels of energy efficiency ratings than prescribed by BASIX.</li> <li>• Recommend that DCP 39 be amended/reviewed in light of the adoption of BASIX at a state-wide level.</li> </ul>	Reference BASIX within the general commentary and update controls to ensure compliance with the relevant provisions of BASIX.
<b>General</b>	<ul style="list-style-type: none"> <li>• Amend Chapter 7 to update the Community Consultation activities and incorporate the outcomes of the Public Exhibition period.</li> <li>• Update Chapter 9 with respect to all additional studies/investigations that are required in light of community response to Public Exhibition period.</li> </ul>	

ISSUE	LOCALITY PLAN ACTION	DEVELOPMENT CONTROL PLAN ACTION
<b>Administrative</b>	<ul style="list-style-type: none"> <li>Amend document to reflect typos, anomaly's and minor amendments</li> </ul>	<ul style="list-style-type: none"> <li>Amend document to reflect typos, anomaly's and minor amendments;</li> <li>Amend document to reflect new single DCP format for the Shire.</li> </ul>

### Timing

The Legislative Planning Reforms introduced by the State Government provides that, as of 30 April 2006, only one DCP can apply to a specific area of land. Council is currently formatting its existing DCPs into one consolidated document which is to be publicly exhibited during the month of May.

Adoption of the Uki Plans at the 2 May 2006 Council Meeting will mean that only this DCP will apply to the Village of Uki, which is not the intent of this Plan, as it is intended to complement existing Shirewide DCPs.

To avoid this anomaly, it is recommended that Council formally adopts the Uki DCP and Locality Plan when it adopts the single consolidated DCP for the Shire. The Uki DCP and Locality Plan can be inserted as a separate section/chapter to the consolidated DCP.

### Conclusion

The main issue voiced by the community was the lot size provisions. The draft Plans have been amended to provide lot size controls to reflect the slope/topography of the land. These provisions, in conjunction with the other design controls within the DCP including building design, set backs, site coverage etc, are considered to provide a sound outcome to ensure character and amenity issues pertaining to the village of Uki are addressed and retained. Other significant changes made to the documents reflect some issues raised by the community and Council's technical officers. In addition to this, general administrative changes have been made to the Plans to reflect various typographical errors as well as to ensure the format of the plan complies with Council's new consolidated DCP format.

**Summary of Uki Submissions**

No.	Issue	Response	Actioning DCP
1.	Generally agrees with findings of draft Plans – 2 storey building height, riverside walk, extension of roads to eliminate cul-de-sacs, access issues, Kyogle Road mix uses, signage. Issues not agreed to:	OK	NA
	<ul style="list-style-type: none"> <li>Extension of park to reclaim part of Rowlands Creek Rd;</li> </ul>	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	<ul style="list-style-type: none"> <li>Lot sizes – supports lower limit from proposed 250m2 along Kyogle Rd, but increase lot size to 600m2 in residential areas and encourage the development of only 1 building per lot.</li> </ul>	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
2.	Generally agrees with findings of draft Plans – amenity and heritage values, consolidation of built environment, mixed use development, 2 storey building height, streetscaping, riverside walk. Issues not agreed to:	OK	NA
	<ul style="list-style-type: none"> <li>Lot sizes – 450m2 for main street precinct, and 800m2 for residential precincts. Supports semi-rural lifestyle and character issues;</li> </ul>	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	<ul style="list-style-type: none"> <li>Higher energy efficiency provisions for development may be counter productive.</li> </ul>	<ul style="list-style-type: none"> <li>Issue addressed through new BASIX requirements;</li> </ul>	Amend DCP to refer to BASIX.
	<ul style="list-style-type: none"> <li>Opposes redevelopment of Buttery area;</li> </ul>	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	<ul style="list-style-type: none"> <li>Address parking concerns;</li> </ul>	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	<ul style="list-style-type: none"> <li>Provision of footpaths;</li> </ul>	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	<ul style="list-style-type: none"> <li>Development/design of Sweetnam Park.</li> </ul>	<ul style="list-style-type: none"> <li>Project outside of study boundary.</li> </ul>	NA
3.	Agree with: 2 storey building height, 3.5 star energy efficient rating, Disagree with:	OK	NA
	<ul style="list-style-type: none"> <li>Lot sizes – ¼ acre blocks;</li> </ul>	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	<ul style="list-style-type: none"> <li>Retain Buttery area as a community meeting place.</li> </ul>	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA

No.	Issue	Response	Actioning DCP
	<ul style="list-style-type: none"> <li>Tree planting would reduce car parking spaces.</li> </ul>	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	<ul style="list-style-type: none"> <li>Implementation of traffic calming measures;</li> </ul>	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	<ul style="list-style-type: none"> <li>Road on other side of war memorial should be retained to enable busses to use;</li> </ul>	<ul style="list-style-type: none"> <li>Issue to be addressed through masterplan, future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	<ul style="list-style-type: none"> <li>Not opposed to village sprawling;</li> </ul>	<ul style="list-style-type: none"> <li>Not consistent with traditional planning views.</li> </ul>	
	<ul style="list-style-type: none"> <li>Extension of town water further along Smiths Creek Rd.</li> </ul>	Outside of study area.	NA
4.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
5.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
6.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
7.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
8.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
9.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
10.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
11.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
12.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
13.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
14.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
15.	Endorses plans including Building Heights and Energy Efficient Building Design. Except for:	OK	NA
	<ul style="list-style-type: none"> <li>Building Density: 450m<sup>2</sup> too small should have minimum 900m<sup>2</sup> lot sizes</li> </ul>	<ul style="list-style-type: none"> <li>Lot size provisions reviewed.</li> </ul>	Amend draft DCP Accordingly
16.	Supports plan Objects to:		
	<ul style="list-style-type: none"> <li>Building Density: 450m<sup>2</sup> too small should have minimum 800-1000m<sup>2</sup> lot sizes. Based on appeal, appearance, community, country atmosphere and environment issues.</li> </ul>	<ul style="list-style-type: none"> <li>Lot size provisions reviewed.</li> </ul>	Amend draft DCP Accordingly

No.	Issue	Response	Actioning DCP
17.	Supports plan – Building Heights, streetscaping, traffic calming, Energy Efficient Building design, river front precinct. Objects to:	OK	NA
	<ul style="list-style-type: none"> <li>Building Density: Minimum lots sizes of 800m<sup>2</sup> in residential areas and 300-350m<sup>2</sup> in commercial area. However does support limiting expansion of village.</li> </ul>	<ul style="list-style-type: none"> <li>Lot size provisions reviewed.</li> </ul>	Amend draft DCP accordingly
	<ul style="list-style-type: none"> <li>Infrastructure: if development is to occur infrastructure needs to be upgraded.</li> </ul>	Provided for in the plan	NA
	<ul style="list-style-type: none"> <li>Multi-dwelling housing: objects to any such development.</li> </ul>	Draft Plan provides for multi-dwelling housing provided certain planning controls can be met.	NA
	<ul style="list-style-type: none"> <li>Traffic movement: objects to joining up Church St and Grants St.</li> </ul>	Link road to be deleted from concept plan.	Amend concept plan accordingly
	<ul style="list-style-type: none"> <li>Parking: parking issues need to be improved addressed if areas is to be further developed</li> </ul>	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	<ul style="list-style-type: none"> <li>Infrastructure: introduction of footpaths, kerb and guttering within village. Improve public toilets, undergrounding of power lines,</li> </ul>	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	<ul style="list-style-type: none"> <li>Buttery: opposed to commercial development in existing parking area.</li> </ul>	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	<ul style="list-style-type: none"> <li>Landscape Character: supports gradual clearing of camphors but to be replaced.</li> </ul>	Provided for in draft plan.	NA
18.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
19.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
20.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
21.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
22.	Objects to the linking of Grants Rd and Rowlands Creek Rd as severs clients land. Will result in loss of privacy, amenity, rural character, traffic movement, increasing noise etc.	Link Road to be deleted from concept plan.	Amend concept plan accordingly.
23.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
24.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
25.	<ul style="list-style-type: none"> <li>Multi dwelling suitable in town to make housing more affordable;</li> </ul>	OK	NA
	<ul style="list-style-type: none"> <li>Provide for adequate parking in Main street precinct;</li> </ul>	OK	NA
	<ul style="list-style-type: none"> <li>Provide further expansion of Village (urban and rural).</li> </ul>	OK	NA

No.	Issue	Response	Actioning DCP
	<ul style="list-style-type: none"> <li>Site density: 250m2 OK in Main Street, 800m2 in residential areas;</li> </ul>	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	<ul style="list-style-type: none"> <li>Energy Efficiency rating OK;</li> </ul>	OK	NA
	<ul style="list-style-type: none"> <li>Traffic calming – signage.</li> </ul>	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
26.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
27.	Endorse the majority of the plans including Building Density, Building Heights and Energy Efficient Building Design.	OK	NA
28.	Supports the plans with the exception of:	OK	NA
	Building Density: 800m2 in residential area, 400m2 in Main St. No Multi Dwelling Units except for Duplexes.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	More emphasis needed on restoration of riverbank;	<ul style="list-style-type: none"> <li>Locality plan already provides for this. Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Infrastructure: provision for footpaths, underground of power, traffic calming.	<ul style="list-style-type: none"> <li>Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Does not agree with dead end street connections (Rowlands Creek rd, Church st, and Grants rd).	Link road to be deleted from concept plan.	Concept plan to be amended accordingly
29.	Town Square: to remain as is;	Locality Plan to be amended to reflect opportunities and constraints for redevelopment of town square.	Locality Plan and Concept plan to be amended accordingly
	Link Roads: to be omitted;	Link road to be deleted	Amend concept plan accordingly
	Retirement/Aged Care development not appropriate in the area due to a lack of health facilities;	Noted.	NA
	Site Densities: 1000m2 for swelling houses, and 300m2 for commercial areas.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Building Heights: 2 storeys	OK	NA
	Multi dwelling housing and village expansion are inappropriate.	Plan provides for multi-dwelling housing (variety of housing choice). Plan also promotes urban consolidation prior to expansion subject to infrastructure and planning provisions.	NA
	Future Housing Development: needs to reflect autonomous built environs (Bill Mollisons permaculture establishments in SA).	Draft DCP provisions in conjunction with other Council controls appear resilient enough to manage future development appropriately.	NA
30	Water Quality issues such as septic systems, riverbank erosion, waterway pollution, riverbank plant regeneration;	Noted	NA
	Lot sizes: 1000m2 on steep land, 500m2 on land less than 15 degrees, 250m2 in Commercial area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Building Heights – 2 storey	Already provided for in draft DCP	NA
	Townhouses and duplexes are appropriate in village;	OK	NA



No.	Issue	Response	Actioning DCP
	Car Parking issues need to be addressed in village centre;	<ul style="list-style-type: none"> <li>Issue to be addressed through future town square plan and streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Traffic calming needs to be implemented;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Heritage: building should be preserved;	Provided for in LEP provisions.	NA
	Supports village expansion as identified in concept plan;	OK	NA
	Provide for aged care accommodation;	DCP provides for multi-dwelling development. Types of aged care accommodation can be included as part of this land use.	NA
	Supports Energy efficient rating.	OK	Amend DCP to reflect BASIX
31.	Doesn't support 250m2 for commercial precinct; 1000m2 preferable in residential area;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Supports redevelopment of Buttery area but not for commercial purposes;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	No multi-dwelling housing;	DCP needs to provide for a range of housing types developed in an appropriate manner for the village.	NA
	Protection of waterways;	Provided for in locality plan and through Councils other various plans.	NA
	Implement traffic calming;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Parking: investigate area along Rowlands Creek Road;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis and future residential strategies; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Supports streetscaping but not at the expense of car parking.	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
32.	Site Density: 1000m2 in res areas and 500m2 in Main Street Precinct;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Implementation of appropriate traffic calming measures;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Supports redevelopment of village square, however acknowledges that car parking issues need to be resolved;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA

No.	Issue	Response	Actioning DCP
33.	Site density: 1000m2	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Introduce high energy efficiency building design;	Issue addressed through BASIX	Amend draft DCP to refer to BASIX
	Improvement of riverbanks;	Already provided for in locality plan and various other council documents.	NA
34.	Doesn't like high density: lots should be in order of 350m2 to 1000m2.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
35.	Objects to proposed lot sizes. Based on heritage and character issues.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
36.	Objects to proposed lot sizes. Based on heritage, amenity and character issues. 1000m2	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
37.	Building Density: 400+ in commercial area and 1500m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Protection of riverbanks should be included in locality plan.	Already provided for in locality plan and various other council documents.	NA
38.	Building Density: 500+ in commercial area and 1000m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
39.	Building Density: 400+ in commercial area and 1000m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Opposes development adjacent to Buttery. Village needs open space.	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
40.	Building Density: 1000m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
41.	Objects to proposed lot sizes. Based on heritage and character issues.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
42.	Building Density: 400+ in commercial area and 1500m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Protection of riverbanks should be included in locality plan.	Already provided for in locality plan and various other council documents.	NA
43.	Building Density: 1000m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
44.	No development to occur without addressing parking issues and traffic calming;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	New development to be tasteful and have regard for the character and amenity of the area.	Issue addressed through draft DCP provisions and existing LEP controls.	NA
45.	Building Density: 1000m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
46.	Building Density: 400+ in commercial area and 1000m2 in residential area. Based on uniqueness, character and amenity issues.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
47.	Building Density: 400+ in commercial area and 1000m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
48.	Building Density: 1000m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
49.	Objects to proposed lot sizes.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
50.	Implementation of traffic calming;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of</li> </ul>	NA

No.	Issue	Response	Actioning DCP
		draft Locality Plan.	
	Parking: approach DET on parking issues, introduce timed parking in main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Plans need to be clearer in implementing high energy efficient building design controls;	Issues addressed through the introduction of BASIX	Amend draft DCP to refer to BASIX
	Building Density: 1000m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Commercial development: encourage and provide for local shops and goods in keeping with local heritage and character issues, not corporate shops.	Commercial development and design controls provided for in draft DCP	NA
	Provide for unique aged care accommodation.	Multiple dwelling units already provided for.	NA
51.	Building Density: 600m2 in commercial area and 1000m2 in residential area. Also impose restriction on the number of dwelling that can be constructed on one lot.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	New development and riverwalks should not be considered if it entails destruction of natural environment.	Riverwalks included as part of draft Locality Plan. Site specific environmental considerations are to be reviewed as part of this work.	NA
	Improvement of buttery area but needs to provide for public use.	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Supports certain elements of streetscaping but not at expense of car parking.	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
52.	Building Density: 400+ in commercial area and 1000m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
53.	Provision for aged housing;	Types of accommodation cater for aged are provided for under multi-dwelling units.	NA
	Building Density: 400+ in commercial area and 1500m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Supports energy efficient design	OK	NA
	Does not support proposed expansion area of village as identified within the concept plans.	Proposed future expansion area identified within concept plan is a longer term plan and subject to more detailed investigations to consider merits of proposal.	NA
54.	Building Density:1000m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
55.	Supports 250m2 provision in commercial area as long as its supported by appropriate design controls.	OK	NA
	1000m2 lot size outside of the commercial area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Supports proposed village expansion behind pub provided it is undertaken appropriately.	OK	NA

No.	Issue	Response	Actioning DCP
	Buttery area: utilize buttery as commercial footprint, and new development should have architecture inline with Buttery. Provide open space between Buttery and hall, new car parks behind Milsom Lane.	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
56.	Building Density: 400+ in commercial area and 1000m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
57.	Objects to proposed lot sizes.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
58.	Building Density:1000m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
59.	Provide By-Pass to Uki	Not realistic	NA
	No infill development;	The plan proposes infill development to limit sprawl of village. These are sound planning considerations	NA
	No multi dwelling housing including duplex's	Plan provides for variety and choice of housing including multi-dwelling development. This is sound planning incorporated with relevant design controls.	NA
	Objects to proposed lot sizes.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
60.	Objects to proposed lot sizes.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Agrees with proposed energy efficient design guidelines;	OK	Amend draft DCP to refer to BASIX
	Reduce traffic to 50km/h	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Does not support multi-dwelling housing	Plan provides for variety and choice of housing including multi-dwelling development. This is sound planning incorporated with relevant design controls.	NA
	Provision of protection and rehabilitation of waterways	Already provided for in Locality plan and other council plans.	NA
61.	Study area should be extended beyond village zone to encapsulate surrounding areas and issues;	Study area was established at the beginning of the project.	
	Parking issues need to be better addressed: look at Rowlands Creek Rd (DET), land acquisition, area of Norco Rd and Buttery considered primary source for car parking.	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Objects to proposed lot sizes.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Potential redevelopment of village common, but not to lose public area appeal and not to be driven by commercial interest.	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA

No.	Issue	Response	Actioning DCP
62.	Requests that Lots 1 and 2 be considered as future expansion area. Reasons provided include, current incompatible farming uses with adjoining lands, easy to service with all infrastructure, economic grounds, amenity issues, accessibility, proximity, non flooding, easy to subdivide etc ...	Subject site falls outside the proposed study area. Future expansion of area will be subject of future investigations and may be considered as part of review of Urban Release and Rural Settlement Strategy. These future strategies are already provided for in draft Locality plan.	NA
63.	Objects to proposed lot sizes.	<ul style="list-style-type: none"> <li>• Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
64.	Building Density:1000m2 in residential area.	<ul style="list-style-type: none"> <li>• Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	DCP needs to provide some measures of certainty and not flexibility.	DCP prepared with Objectives, Performance Criteria and Acceptable Solutions. This provides certainty as to the outcome of future development but also provides flexibility if the proponent is able to achieve the desired objectives and performance criteria through other design standards. This is current planning practice.	NA
	Energy Efficient provisions may need to be reviewed in light of BASIX.	Noted	Draft Plan been amended accordingly
	Car Parking issues need to be resolved in Plans;	<ul style="list-style-type: none"> <li>• Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Traffic calming needs to be better provided for.	<ul style="list-style-type: none"> <li>• Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Preservation of stream and riparian zones.	Already provided for in draft Plan	NA
65.	Building Density: 400+ in commercial area and 1500m2 in residential area.	<ul style="list-style-type: none"> <li>• Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Introduction of high Energy efficient controls	Addressed through BASIX	Amend plan accordingly
	Implementation of traffic calming measures	<ul style="list-style-type: none"> <li>• Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Supports certain area to be developed for multi dwelling housing	OK	NA
	Protection of our streams	OK	NA
	Supports village expansion	OK	NA
66.	Building Density: 400+ in commercial area and 1500m2 in residential area.	<ul style="list-style-type: none"> <li>• Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Introduction of high Energy efficient controls	Addressed through BASIX	Amend Plan accordingly
	Implementation of traffic calming measures	<ul style="list-style-type: none"> <li>• Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	No multi-dwelling developments	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA

No.	Issue	Response	Actioning DCP
	Town square – do not develop into a sterile environment	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Protection of our streams	OK	NA
	Supports village expansion – only rural living expansion though. Retain village atmosphere.	To be addressed through future Rural Settlement Strategy.	NA
67.	Building Density: 400+ in commercial area and 1500m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Introduction of high Energy efficient controls	Addressed through BASIX	NA
	Implementation of traffic calming measures	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	No multi-dwelling developments	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Town square – Keep all future development in harmony with Uki character	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Protection of our streams	OK	NA
	Supports village expansion	OK	NA
68.	Supports proposed site density provisions	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
69.	Building Density:1000m2 in residential area. Based on character, amenity and uniqueness etc issues.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
70.	Objects to proposed lot sizes.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
71.	No rural living rezoning;	OK	NA
	Greater emphasis on protection of riverbank zone;	OK	NA
	Implementation of traffic calming measures	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Introduction of high Energy efficient controls	Addressed through BASIX	NA
	Building Density:1500m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	No multi-dwelling developments	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Parking issues need to be addressed.	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
72.	Building Density:1000m2 in residential area. Based on character, amenity and uniqueness etc issues.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.

No.	Issue	Response	Actioning DCP
	Upgrade lane behind Main Street to improve access and potential development for small shops, galleries, tourist trail etc	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
73.	Building Density: 400+ in commercial area and 1500m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Energy efficient controls to remain or move to 4 stars.	Addressed through BASIX	NA
	Implementation of traffic calming measures	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	No multi-dwelling developments	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	No development around Buttery	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Protection of our streams	OK	NA
	Does not support and future village expansion	Area identified in Plan is indicative only and subject to more detailed analysis and review through future strategies and LEP Amendments.	NA
74.	Supports Plans: Building design, streetscaping, tree planting, except for:	OK	NA
	Traffic movement: War Memorial area should be retained. Car Parking should be provided on Rowlands Creek Rd,	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Improve pedestrian and cycle paths connectivity	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Protection and rehabilitation of our streams	Already provided for in Plan	NA
	Provision of a bike/skateboard park,	Outside of study area	NA
	Does not support infill of Buttery site	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Building heights should be in keeping with historic building;	Already provided for in draft Plan	NA
	Provide for aged care accommodation	Provided through multi-dwelling unit provisions	NA
	Does not support proposed building densities – 1000m2;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Provision for I(c) expansion	Subject to a future rural settlement strategy.	NA
75.	Building Density: 450+ in commercial area and 1000m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
76.	Does not support lot size densities;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.

No.	Issue	Response	Actioning DCP
	Provide for rural living expansion/estates.	Subject to a future rural settlement strategy.	NA
77.	Building Density: 250m <sup>2</sup> in Main Street and 1500m <sup>2</sup> per dwelling in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Provide for Higher Energy efficient controls	Addressed through BASIX	Amend Plan accordingly
	Implementation of traffic calming measures	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	No multi-dwelling developments (possibly in limited circumstances for aged care)	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Appropriate development of the village square in keeping with character of the area.	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Protection of our streams	OK	NA
	Supports future village expansion in a rural living context.	Subject to a future rural settlement Strategy	NA
78.	Study area should have been expanded to cover broader rural areas;	Study area as was limited from outset. Broader socio-economic review does include surrounding areas.	NA
	P8 2.2: Uki not settled in 1860's. First land sales were in 1905 in the Hall which was opened in 1904.	Noted	Amend Plan Accordingly
	P11 2.8: Dairying is no longer an important economic factor for the village.	Noted	Amend Plan Accordingly
	Does not support lot size densities;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Protection and rehabilitation of riverbank should be undertaken carefully due to the fact that there are important ecological communities;	OK	NA
	Green space and public recreation areas should be retained and not developed for commercial activity.	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Uki community needs are not significant.	Noted	NA
79.	Object to the Church Street link up road. Proposed route impact them directly as it runs through their property. Do not perceive there being major development to warrant such a connection. Support the route being used for bushfire purposes and the sole use of emergency vehicles put not for a public road. Link may only be necessary when sewerage issues are addressed in Uki.	Noted. Concept plan to delete reference to connection.	Amend concept plan accordingly
80.	Supports site density in Commercial precinct, however lot size should increase to 1500m <sup>2</sup> in residential areas.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Implementation of traffic calming measures	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA



No.	Issue	Response	Actioning DCP
	Supports proposed future village expansion. However, needs to be undertaken in an appropriate manner consistent with existing village character.	Noted	NA
81.	Objects to the proposed lot size densities;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
82.	Objects to the proposed lot size densities;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
83.	Objects to the proposed lot size densities;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
84.	Doesn't support building densities. Status quo to remain.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	No multi-dwelling developments	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	No development of village square	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Protection of our streams	OK	NA
	Does not support future village expansion.	Noted. Any future village expansion will be subject of future strategies and amendments.	NA
85.	Objects to the proposed lot size densities; Retain existing block sizes;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Retain Buttery area for public use and not commercial enterprise. Retain Village square as is.	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	No to multi dwelling units;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Protection of our river precinct.	OK	NA
86.	Supports proposed improvements: supports infill development in Main Street provided it is consistent with existing amenity, streetscape/ tree planting, village entry statements and public art, proposed link road (perimeter street), river ban walk, cycle/walking path.	OK	NA
	Objects to: Uki Main Street lot sizes, should remain at 400m2 to 700m2 and 800m2+ in residential areas; (based on amenity, character, community, sense of place and environment issues);	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Does not support multi-dwelling housing;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Objects to extension of the village boundary;	Noted. Any future village expansion will be subject of future strategies and amendments.	NA
87.	Building Density: 1000m2 in residential area.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.

No.	Issue	Response	Actioning DCP
88.	Building Density: 500m2 in commercial area and 1000m2 in residential area (based on amenity, character, community, sense of place and environment issues);	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
89.	Building Density: 400-700m2 in commercial area and 750+m2 in residential area (based on amenity, character, community, sense of place and environment issues);	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
90.	Building Density: 1000m2;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Village Square top remain in current form;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Parking Problems need to be addressed;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
91.	Objects to the proposed lot size densities; (based on amenity, environmental and scenic issues);	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Building heights: objects to 2 storey building provisions. 8m is not enough.	Flexibility already provided for in draft DCP.	NA
92.	Building Density: objects to 250m2 in commercial area and prefers 1000-1500m2 in residential area (based on amenity, character issues);	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
93.	Objects to proposed lot size densities based on character, lifestyle and beauty issues.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
94.	Supports draft Plans but questions the building height provisions and the ability for existing shops to build 2 <sup>nd</sup> storey in line with proposed building height measures.	Flexibility already provided for in draft DCP.	NA
95.	Calls for sensitive building design to retain heritage, character and amenity issues;	Provided for in draft DCP	NA
	Building Density: 450m2 in commercial area and 1000 in residential area;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
96.	Supports draft Plans;	OK	NA
	Agrees to streetscaping, entry statements etc ... but not at the expense car parking spaces in main street.	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Does not support development of square at the expense of loss of parking and community open space. Doesn't consider commercial enterprise in square is warranted;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Plan should identify need for School to provide teaching staff with parking on grounds;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Supports commercial expansion between buttry and butcher;	Provided for in Plan	NA
	Does not support linkage between church street and Grants road;	Noted. Concept Plan to delete link	Amend plan accordingly

No.	Issue	Response	Actioning DCP
	Supports proposed expansion of village on the hill behind the pub;	OK	NA
	Locality Plan should provide for rural living development;	Subject to future rural settlement strategy	NA
	Higher standards for energy efficient design should be implemented;	Addressed by BAIX	Amend draft DCP to refer to BASIX
	Building Density: 450m2 in commercial area and 1000m2 in residential area (based on amenity, character issues); These density provisions to be applied to mixed use development too.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	No multi dwelling unit development in village except within mixed use development;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Provide better definition of multi-dwelling units. Semi-detached housing OK, Terrace/townhouses no.	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Landscaping area per lot should be increased from 40% to 60%; hence the reason for larger 1000m2 lot sizes;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	DCP should ensure that low set suburban homes be discouraged and encourage character houses sympathetic to existing heritage and amenity;	Design controls discourage development not in keeping with character of village.	NA
	Provide for tasteful designated area for higher density housing (still 450m2);	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	DCP should reference Uki's heritage significance;	Noted	Amend Plan accordingly
	Pg 5: wording change in purpose of the plan to ... "to <b>ensure that development</b> in village will retain, protect ..."	Noted	Amend Plan accordingly
	Community Consultation: DCP does not specify how consideration of DA's is to be made by the community;	There is a formal legislative process to observe in regards to public consultation and the DA process.	NA
	Prefers prescriptive provisions over performance/merit based provisions to ensure developers don't push boundaries and erode the aims and objectives of the DCP;	The aims and objectives of the Plan are supported by performance criteria and acceptable solutions. The draft Plan provides for flexibility with regards to the acceptable solutions only if the proponent can demonstrate a different methodology and still arrive at the same outcome whilst still not compromising the aims and objectives of the plan.	NA
	Page 11: better explanation of LEP objectives;	Noted – already within TLEP 2000. not necessary to repeat within this plan	NA
	Concerned about wording " <b>consolidating residential and other urban development within the village boundary</b> ". Sends message of development instead of conservation;	Wording needs to be read in context with overall vision, aims and objectives for the village not as a stand alone control.	NA
	Additional objective: " <b>To protect and enhance the scale and character as required under Heritage Provisions in TLEP 2000</b> ";	Heritage provisions are been added.	Draft DCP amended accordingly.

No.	Issue	Response	Actioning DCP
	Need to define Dual Occupancy;	Not necessary. DCP 44 already does this.	NA
	Objects to Dual occupancy development in residential precinct because it is inconsistent with detached character of area;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Is there a difference between "employment and service" and "commercial";	Noted – refer to LEP definitions	NA
	PC 2: replace "ensuring" with "encouraging" ... RE detached housing in Main Street;	Noted – change not considered necessary	NA
	PC 3: Village residential qualities should include: <b><u>"large lots, mature trees and architecture reflecting rural (rather than suburban) qualities"</u></b> ;	Noted – village character issues provided through objectives and heritage character issues.	NA
	PC 4: Instead of "residential purposes" insert "detached houses";	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	LU AS 5,9: Higher density housing will not retain and protect heritage character of village;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	Draft DCP amended to reflect varying density issues.
	LU AS 7: better define low scale multi-unit development and other compatible alternatives; does not support multi unit development; does support granny flats and B&B's;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	P 17 does not agree with statement that economic and employment related development is fundamental to the continuing viability and vitality of the village; look after character issues and the commercial issues will take care of themselves;	The draft Plan when read in its entirety covers all aspects of sustainability (ESD) principles. Looking at one Performance Criteria in isolation does not provide a full picture of the total aims and objectives of the draft Plan.	NA
	ED Obj 2: remove "unduly"	Noted	Plan amended accordingly
	Wording from National Trust Documents: <b><u>"a very attractive rural settlement in dramatic setting. Uki has retained the scale and character of the early 20<sup>th</sup> Century with few modern intrusions"</u></b> ;	Noted	NA
	DCP should be based from the point of conservation rather than development;	The plans have been prepared on the basis of sustainability and does provide for conservation of heritage, natural environment and character issues pertaining to the village.	NA
97.	Do not support proposed lots sizes;	<ul style="list-style-type: none"> <li>• Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Want land around buttry to remain as community open space;	<ul style="list-style-type: none"> <li>• Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Oppose multi-dwelling units;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA

No.	Issue	Response	Actioning DCP
	Retain Uki town square as is;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of riverbank area;	OK	NA
98.	Building Density: 400-700m2 in main street and 1000m2 in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Provide for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Not opposed to multi-dwelling units as long as its in keeping with character of village;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Supports room for improvement around Buttery;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	Supports expansion of village;	Noted. Subject of future residential strategies.	NA
99.	Building Density: 400m2 in main street and 1000m2 in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Provide for Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street, supports tree planting;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Not opposed to multi-dwelling units as long as its in keeping with character of village;	Noted	NA
	Supports room for improvement around Buttery; however no building development and needs to provide for car parking;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	Supports expansion of village;	Noted	NA
100.	Building Density: 400m2 in main street and 1000m2 in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Not opposed to multi-dwelling units as long as its in keeping with character of village and located appropriately;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA

No.	Issue	Response	Actioning DCP
	Supports room for improvement around Buttery; Only limited development though and ensuring public open space is not lost;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	Supports expansion of village; provide for 1(c) expansion.	Subject to a future rural settlement strategy investigation.	NA
101.	Building Density: 400m2 in main street and 1000m2 in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	No multi-dwelling	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Supports room for improvement around Buttery for arts and crafts but not more commercial development; existing village green should be retained for markets and public events.;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	No expansion of village;	Expansion is subject to a future rural settlement strategy and/or urban residential investigation.	NA
102.	Objects to proposed Building Density: 800-1500mt in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provision of multi-dwelling development needs to be further researched;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	No development for commercial purposes in Uki square	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	Supports expansion of village;	Subject to a future rural settlement strategy investigation.	NA
103.	Supports proposed building density in Main Street, however supports 1500m2 lot sizes in Residential areas.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Provide for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA

No.	Issue	Response	Actioning DCP
	No to multi-dwelling development;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Supports redevelopment/ improvement of village square as long as it is in keeping with character of village;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	Supports expansion of village; supports 3000-4000m <sup>3</sup> lot size expansion.	Noted	NA
104.	Building Density: 400-700m <sup>2</sup> in main street and 1500m <sup>2</sup> in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Provide for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	multi-dwelling housing OK only in specific designated areas as long as its in keeping with character of village;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Commercial development sensitive issue, need to address parking. Look at parking in School (DET);	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	Supports expansion of village as long as its done in a sensitive way;	Noted	NA
105.	Building Density: 250m <sup>2</sup> in main street OK, and 800m <sup>2</sup> in residential areas with only 50% developable areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	No need for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Not opposed to multi-dwelling units as long as its in keeping with character of village and retained along main street only;	Noted	NA
	improvement around Buttery, needs to be consistent with current use. Parking in school should be investigated;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	Supports gradual infill of village;	Noted	NA
106.	Building Density: 250m <sup>2</sup> in main street OK.	Noted	NA
	No need for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly

No.	Issue	Response	Actioning DCP
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Doesn't like multi-dwelling units but if they are developed they need to be on larger lots and in keeping with character of village and retained along main street only;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Does not support Village square proposal;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	No further expansion of village;	Noted	NA
107.	Building Density: 400-500m2 in main street OK, and 850- 1000m2 in residential areas with only 50% developable areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Provide for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	multi-dwelling units – only dual occupancy development as long as its in keeping with character of village and retained along main street only;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	improvement around Buttery, should be subject of community consultation and needs to be consistent with current use;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	Supports expansion of village but only after community further consultation;	Noted	NA
108.	Building Density: 250m2 in main street OK, and 450m2 in residential areas provided community input in assessment process;	<ul style="list-style-type: none"> <li>Noted</li> </ul>	NA
	No need for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Not opposed to multi-dwelling units as long as its in keeping with character of village and retained along main street only;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	No to improvement around Buttery, (only landscaping improvements). Parking behind shops a possibility;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA



No.	Issue	Response	Actioning DCP
	Supports village expansion, hill behind pub and other suitable areas;	Noted	NA
109.	Building Density: 400m2 in main street OK, and 600+m2 in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	No need for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Not opposed to multi-dwelling units as long as its in keeping with character of village and retained along main street only;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	improvement around Buttery, needs to be consistent with current use. Parking in school should be investigated;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	Supports gradual infill of village;	Noted	NA
110.	Building Density: 400m2 in main street OK, and lots in residential areas that retain visual – scenic qualities;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	need for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Not opposed to multi-dwelling units as long as its located in specific only;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Retain hall and surrounding gardens as is.	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	Supports extension of village;	Noted	NA
111.	Building Density: retain existing lot sizes in main street, and 900m2 in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Not in favour of large multi-dwelling development. Provide for it in specific areas only;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Village square – retain park, it gives town a country feel;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA

No.	Issue	Response	Actioning DCP
	Provide for protection and enhancement of waterways;	OK	NA
	Supports proposed expansion of village provided it is undertaken in a suitable manner consistent with character and amenity of area;	Noted	NA
112.	Building Density: 650m2 in main street, and 1500+m2 in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	need for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	No multi-dwelling developments in village;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Introduce kerb and guttering and investigate parking behind school;	<ul style="list-style-type: none"> <li>Area still subject to a streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	No expansion of village village;	Expansion subject to future rural settlement and urban release strategy	NA
113.	Building Density: 450m2 in main street, and 1000+m2 in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	No need for higher Energy Efficient Design – mandatory rain water tanks;	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	No multi-dwelling developments;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Investigate parking in school (DET);	<ul style="list-style-type: none"> <li>Area still subject to a streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	Limit expansion of village to behind area behind pub;	Noted	NA
114.	Building Density: 250m2 in main street OK, and 800+m2 in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	No need for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street (signs);	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	multi-dwelling housing suitable in town to make it more affordable;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA

No.	Issue	Response	Actioning DCP
	Parking issues need to be investigated (approach DET for carparking on site);	• Area still subject to a streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.	NA
	Supports expansion of village (1(c) areas);	Subject to a future rural settlement release strategy.	NA
115.	Building Density: 400m2 in main street OK, and 1500m2 in residential areas;	• Lot sizes provisions reviewed.	Amend DCP to reflect revised density provisions.
	Provide for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	No to multi-dwelling units, except for granny flats and studios;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Village square – retain park area	• Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.	NA
	Provide for protection and enhancement of waterways;	OK	NA
	Supports gradual infill and expansion of village;	Noted	NA
116.	Building Density: 400-700m2 in main street OK, and 1500+m2 in residential areas;	• Lot sizes provisions reviewed.	Amend DCP to reflect revised density provisions.
	No need for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	• Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.	NA
	No to multi-dwelling developments;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	No more commercial buildings, need to address parking issues;	• Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.	NA
	Provide for protection and enhancement of waterways;	OK	NA
	No more expansion of village;	Noted	NA
117.	Building Density: 400m2 in main street, and 1000+m2 in residential areas;	• Lot sizes provisions reviewed.	Amend DCP to reflect revised density provisions.
	Need for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	• Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.	NA
	No multi-dwelling units except for duplexes subject to site specific assessment;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Retain public park and investigate car parking in school.	• Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.	NA

No.	Issue	Response	Actioning DCP
	Provide for protection and enhancement of waterways;	OK	NA
	Supports proposed extension of village and should investigate expansion of 1(c) land around village;	Subject to a future rural settlement strategy.	NA
118.	Supports a mix of lot sizes rather than uniform small lots. Based on heritage and character issues; opposes changes to lot sizes.	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	opposed to multi-dwelling units. Preference to retaining single detached dwelling character of the village;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	No further commercial development necessary without provision of more car parking. Public open space is too valuable to lose;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Retain riverbank areas as natural areas;	OK	NA
	Objects to any future village expansion.	Any future Urban and rural settlement strategy is subject to future strategies.	NA
119.	Building Density: 400-700m2 in main street, and 1500+m2 in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	need for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	opposed to multi-unit dwellings, does not suit character of village;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Provide for protection and enhancement of waterways. Tree planting and stream regeneration is needed;	OK	NA
	Supports expansion of village, only if 1500m2 density is observed;	Noted	NA
120.	Building Density: retain current size in main street, and 1000+m2 in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	need for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	opposed to multi-dwelling units as it is not in keeping with character of village;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA

No.	Issue	Response	Actioning DCP
	No to more commercial development in village;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	No to further expansion of village village;	Noted	NA
121.	Building Density: 1500m2; no more commercial lots, if needed locate near butchery and ensure design is in form of a house in keeping with existing character;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	No need for higher Energy Efficient Design	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street (signs);	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	multi-dwelling units as long as its in keeping with character of village and located out of sight;	noted	NA
	Don't touch the Hall, don't add anything, improve existing public amenities, widen road in front of Anglican Church, no tree planting on main street as it is too narrow;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection of waterways;	OK	NA
	No expansion of village;	Noted	NA
122.	Provide for traffic calming as main street is very dangerous during school times.	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
123.	Building Density: 400m2 in main street OK, and 1500m2 in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	No need for higher Energy Efficient Design than shire standards;	Addressed by BASIX	Amend Plan accordingly
	Provide for traffic calming along main street;	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	opposed to multi-dwelling units as it is not consistent with village character;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Retain Buttery area as is;	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	No expansion of village;	Noted	NA
124.	Building Density: 450m2 in main street OK, and 10000+m2 in residential areas;	<ul style="list-style-type: none"> <li>Lot sizes provisions reviewed.</li> </ul>	Amend DCP to reflect revised density provisions.
	need for higher Energy Efficient Design greater than 3.5 star rating; introduce incentive schemes to promote better design;	Addressed by BASIX	Amend Plan accordingly

No.	Issue	Response	Actioning DCP
	Provide for traffic calming along main street; appropriate entry and controls, signage etc	<ul style="list-style-type: none"> <li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	opposed to multi-dwelling units and development should be of a single detached nature. DCP needs to define type of multi dwelling development. Semi-detached OK, flats are not. as long as its in keeping with character of village and retained along main street only;	Draft Plan provides for a variety of housing including multi-dwelling housing. This is sound planning practice.	NA
	Retain Buttery area for public purposes. No to further commercial development, if needed provide for some around Butcher shop. This development needs to be sensitive to character of village.	<ul style="list-style-type: none"> <li>Proposal was only part of a concept plan. Area still subject to a masterplan and streetscape plan; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li> </ul>	NA
	Provide for protection and enhancement of waterways;	OK	NA
	More detailed investigation required to determine support for future extension of village;	Noted. Expansion still subject to future strategies.	NA
	Association does not support connection of grants Road and Church street.	Link to be deleted from concept plan	NA
	Draft DCP does not elaborate on how community consultation is to be effected.	There is a legislative process in place to address this.	NA
125.	Supports general aims and objectives of the draft Plans.	OK	NA
	Issues raised include: Lack of Aboriginal recognition;	Issue covered by LEP and State provisions. Also there is a sensitivity issue with identifying aboriginal heritage sites.	NA
	Limited acknowledgement of European Built Heritage;	Appendix in draft Plan lists Heritage items in village.	NA
	Importance of Environmental Heritage;	Noted. River/creek issues addressed in locality plan Implementation table.	NA
	Opposes further commercial development;	Plan needs to provide for a variety of land uses to reflect existing Village zoning.	NA
	Because Uki is located on floodplain, green concrete instead of black concrete should be used;	A building issue. Not necessarily an issue for inclusion in draft DCP.	NA
	Riverfront rehabilitation should have regard for Aboriginal heritage;	Will be considered as part of future riverfront works	NA
	Weed removal to be undertaken in accordance with a rehabilitation plan;	Noted	NA
	Garage doors with up to 15% of frontage width is sufficient;		
	Specify planting with local indigenous species;	Noted	NA
	Map valuable vegetation in village;		
	Consult with NSW Fire Service, community and botanical experts with regards to fire buffer zones;	Already provided in draft Plan, and is a statutory requirement.	NA

<b>No.</b>	<b>Issue</b>	<b>Response</b>	<b>Actioning DCP</b>
	Investigate further traffic calming measures for main street;	<ul style="list-style-type: none"><li>Issue to be addressed through future streetscape plans and traffic analysis; Refer to Table 9.1 Implementation Schedule of draft Locality Plan.</li></ul>	NA
	Implement higher energy efficient building design;	Addressed through BASIX	NA
126.	Objection to proposed building densities. Future development should be in keeping with existing character and amenity of the village.	<ul style="list-style-type: none"><li>Lot sizes provisions reviewed.</li></ul>	Amend DCP to reflect revised density provisions.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**P10 [PD-PC] Amendment to Section 94 Contribution Plan No 26 - Shire Wide/Regional Open Space**

**ORIGIN:**

**Strategic Town Planning**

**FILE NO: GT1/S94/26**

**SUMMARY OF REPORT:**

At its Ordinary meeting of 28 February 2006, Council resolved to amend and exhibit Section 94 Contribution Plan No 26 – Shire Wide/Regional Open Space (CP26).

CP26 required amending to adjust the Structured Open Space Program to reflect the recommendations of the Regional Sports and Recreation Facilities Program, which was exhibited early this year. The specific changes were:

- Refining of the cost estimates for the facilities in the original works program;
- Inclusion of a regional sports centre located at Arkinstall Park;
- Inclusion of an interest component to facilitate the bringing forward of the construction of some facilities;
- Reduction in the land component;
- Deletion of the athletics facility;
- An increase in the contribution levy from \$1,521 per detached dwelling to \$2,327, and from \$994 per medium density dwelling to \$1,521.

This Plan was exhibited between 8 March 2006 and 4 April 2006. There were no public submissions.

**RECOMMENDATION:**

**That Council: -**

- 1. Adopts the amended exhibited Section 94 Contribution Plan No 26 – Shire Wide/Regional Open Space.**
- 2. Gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the amended Section 94 Contribution Plan comes into effect on the date of the notice.**



**REPORT:**

At its Ordinary meeting of 28 February 2006, Council resolved to amend and exhibit Section 94 Contribution Plan No 26 – Shire Wide/Regional Open Space (CP26).

CP26 required amending to adjust the Structured Open Space Program to reflect the recommendations of the Regional Sports and Recreation Facilities Program, which was exhibited early this year. The specific changes were:

- Refining of the cost estimates for the facilities in the original works program;
- Inclusion of a regional sports centre located at Arkinstall Park;
- Inclusion of an interest component to facilitate the bringing forward of the construction of some facilities;
- Reduction in the land component;
- Deletion of the athletics facility;
- An increase in the contribution levy from \$1,521 per detached dwelling to \$2,327, and from \$994 per medium density dwelling to \$1,521.

This Plan was exhibited between 8 March 2006 and 4 April 2006. There were no public submissions.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**P11 [PD-PC] Development Application Fees**

**ORIGIN:**

**Development Assessment**

**SUMMARY OF REPORT:**

At the Council meeting of 12 April 2006 it was resolved as follows in relation to development application fees: -

*"that the Director Planning & Development provides a report by 30 May 2006 to Council which provides options for ensuring that the stated cost of development provided in development applications is consistent with the real cost of that development so that any scope for understating of development cost in development applications is minimised".*

This report responds to this resolution and looks at options to address the issue.

**RECOMMENDATION:**

**That the estimated cost of development for development applications be checked at the lodgement stage and building construction costs be based on the Building Cost Guide published by the NSW Chapter of the Australian Institute of Building Surveyors.**

**REPORT:**

At the Council meeting on 12 April 2006 it was resolved as follows: -

*"that the Director Planning & Development provides a report by 30 May 2006 to Council which provides options for ensuring that the stated cost of development provided in development applications is consistent with the real cost of that development so that any scope for understating of development cost in development applications is minimised".*

Section 255 of the Environmental Planning and Assessment Regulations 2000 sets out how a fee based on estimated cost is to be determined and is as follows: -

- "255** (1) *In determining the fee for development involving the erection of a building, the consent authority must make its determination by reference to a genuine estimate of:*
- (a) the costs associated with the construction of the building, and*
  - (b) the costs associated with the preparation of the building for the purpose for which it is to be used (such as the costs of installing plant, fittings, fixtures and equipment).*
- (1A) In determining the fee for development involving the carrying out of a work, the consent authority must make its determination by reference to a genuine estimate of the construction costs of the work.*
- (1B) In determining the fee for development involving the demolition of a building or work, the consent authority must make its determination by reference to a genuine estimate of the costs of demolition.*
- (2) The estimate must, unless the consent authority is satisfied that the estimated cost indicated in the development application is neither genuine nor accurate, be the estimate so indicated".*

Section 256 requires Council to make a determination of a fee within 14 days of the application being lodged. The Section is as follows: -

- "256** (1) *The determination of a fee to accompany a development application must be made before, or within 14 days after, the application is lodged with the consent authority.*
- (2) A determination made after the lodging of a development application has no effect until notice of the determination is given to the applicant.*
- (3) A consent authority may refuse to consider a development application for which a fee has been duly determined and notified to the applicant but remains unpaid."*

**OPTIONS:**

To address the issue raised in the resolution the following options have been considered:-

1. When an application is received by Council prior to it being registered in the system a Development Assessment Planner check that the application is statutorily complete. Part of this check could include a review of the estimated cost of the development.
2. Following lodgement and registration of an application in the system the application is reviewed at an Area Team meeting. Part of this review could include a more rigorous check of the estimated cost of the development.

Given the requirements of Section 256 of the Regulations the check of the estimated cost of development should occur at the earliest opportunity. Option 1 is therefore the preferred point at which this should occur.

As well as the above, options have also been considered as to how estimated costs for development can be checked. In this regard the New South Wales Chapter of the Australian Institute of Building Surveyors published a "Building Cost Guide" based on a wide variety of development types and construction materials. This guide is published on an annual basis and is available at no cost. A copy of the guide is provided below.

There are also commercial companies that provide building cost guides on a fee for service. One such product is the "Cordell m<sup>2</sup> Commercial Building Cost Guide". This is a web based system that is updated on a quarterly basis. The cost per annum for a single user is \$511.50. A copy of the guide is provided below.

AUSTRALIAN INSTITUTE OF BUILDING SURVEYORS BUILDING COST GUIDE



Australian Institute of Building Surveyors

**BUILDING COST GUIDE**  
**As at July 2005**  
 (published by the AIBS NSW Chapter)

This Guide is designed to assist in determining building costs where a contract price is not available.

<b>NOTES:</b>	
Costs apply to level sites only	
Area is measured over the external walls of the building	
Figures are a guide only and should not be relied upon as an actual valuation of the work	
All figures are based upon Sydney prices and adjustments should be made for country and regional areas. The following percentage adjustments are provided:	
Central Coast, Wollongong	0%
Newcastle, Bathurst, Blue Mountains	+5%
Mid North Coast	+10%
Far North Coast	+2.5%
South Coast	+12%
Central West	+7.5%
Far West	+30%
<b>SPECIAL NOTE:</b>	
This Guide does not include costing for BASIX, excavation, site establishment, compliance with DA conditions and sediment controls.	
In the case of building costs over \$2 million, a registered Quantity Surveyor's certificate estimate is recommended.	

**Disclaimer:**  
 This Guide is for guidance only and should not be relied upon to the exclusion of obtaining professional advice. No responsibility can be accepted for any errors or omissions.

Suite 6, 2 East Street, Five Dock, NSW, 2046. ABN 53 004 540 836

Australian Institute of Building Surveyors (NSW)  
**BUILDING COST GUIDE**  
 July 2005

<b>EDUCATION FACILITY</b> PRIMARY/ HIGH SCHOOL	\$1,000
<b>TECHNICAL COLLEGE</b>	\$1,100
<b>INDUSTRIAL DEVELOPMENT</b> FACTORY/ WAREHOUSE	\$570 \$450
PRE-CAST CONCRETE <1000M <sup>2</sup> > 2000M <sup>2</sup>	\$450 \$385
METAL WALLS <1000M <sup>2</sup> >2000M <sup>2</sup>	\$1,700
<b>SERVICE STATION</b>	
AWNING OVER PUMPS & CONCRETE DRIVE	
<b>PARKING STATIONS</b>	
MULTI STOREY WITH CONCRETE FLOORS RAMPS, STAIRS & LIFT COST PER SPACE= \$13,000	

\*\*\*\*\*

Building Cost Guide July 2005

Australian Institute of Building Surveyors (NSW)  
BUILDING COST GUIDE  
July 2005

Australian Institute of Building Surveyors (NSW)  
BUILDING COST GUIDE  
July 2005

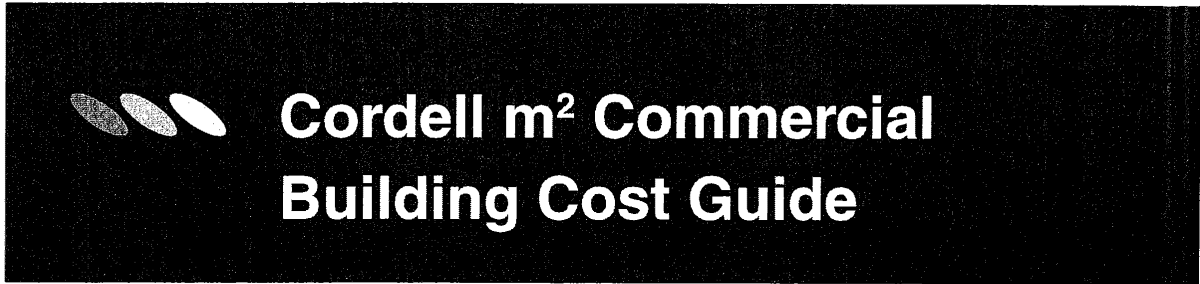
Item	Unit	Cost
<b>DWELLINGS</b>		
SMALL LOT HOUSINGS	1 STOREY (basic const)	\$675
DUAL OCCUPANCY	1 & 2 STOREY	\$725
STD PROJECT HOME	1 & 2 STOREY	\$750
PREMIUM PROJECT HOME	1 & 2 STOREY	\$850
ARCHITECTURAL DESIGN	1 STOREY ONLY	\$1,000
ARCHITECTURAL DESIGN	OVER 400M <sup>2</sup> F.L.R AREA	
ADDITIONS	OR 3 STOREYS	\$1,400
ADDITIONS	GF FLOOR EXTENSION BV	\$780
ADDITIONS	GF FLOOR EXTENSION TIMB	\$720
ADDITIONS	FIRST FLOOR	\$1,350
<b>DECKS / PERGOLAS</b>		
UNROOFED DECK -CONCRETE	PER M/2	\$230
UNROOFED DECK -TIMBER	PER M/2	\$255
ROOFED DECK -CONCRETE	PER M/2	\$350
ROOFED DECK -TIMBER	PER M/2	\$380
PERGOLA -UNROOFED	PER M/2	\$155
<b>GARAGES</b>		
TIMBER FRAME WITH CLADDING	PER M/2	\$350
BRICK	PER M/2	\$480
<b>FRONT FENCE</b>		
FACE BRICK WITH INSERTED PANELS	PER LIN M	\$600
BRUSH WOOD -1.8M		\$165
POOL TYPE -1.5M		\$100
COLOUR BOND -1.8M		\$64
<b>RETAINING WALLS</b>		
BRICK 1M HIGH	PER LIN M	\$440
BLOCK 1M HIGH		\$264
TREATED PINE 1M HIGH		\$275
<b>TOWNHOUSES</b>		
VILLAS		\$1,141
SPECULATIVE PROJECT HOMES		\$962
BY PROJECT BUILDER (MAX M/2= 350)	1 & 2 STOREY (\$550-M/2)	\$550
<b>POOLS</b>		
CONCRETE	AVERAGE SIZE	\$17,000
FIBREGLASS		\$12,500
VINYL ABOVE GROUND		\$8,000
<b>FLATS 3 storey ( 2 bed only )</b>		
FLATS -WITH STD BALCONY	NO LIFT INSTALLED/per unit	\$160,000
FLATS (3 bed units )		\$200,000
FLATS -WITH BALCONY SEPARATE	OVER 3 STOREY	\$300,000
LAUNDRIES AND LIFTS & BASEMENT PARKING	cost per unit 120-180M <sup>2</sup>	\$290,000
	cost per unit 95-125M <sup>2</sup>	

2

Item	Unit	Cost
UNDERCOVER PARKING AT GL.	cost per space	\$1,850
FOR FLATS		
<b>COMMERCIAL</b>		
OFFICE (2 OR 3 STOREYS)	MASONARY CONST	\$880
OFFICE (3 TO 8 STOREYS)	MASONARY CONST	\$1,275
OFFICE (8 TO 25 STOREYS)	MASONARY CONST	\$1,650
SHOP -STAND ALONE 1 STOREY	MASONARY CONST	\$750
SHOP - (groups 2 storey)	MASONARY CONST	\$800
SHOP - (groups 2 storey)	MASONARY CONST	\$840
DEPARTMENT STORES	MASONARY CONST	\$1,080
SHOPPING COMPLEX	MASONARY CONST	\$1,540
CINEMAS	COST PER SEAT	\$6,000
<b>PARKING AREAS</b>		
OPEN CARPARK	BITUMEN PAVING	\$95
UNDERCOVER CARPARK (multi-storey)		
(no mean ventilation & no sprinklers)	COST PER CAR SPACE	\$15,000
BASEMENT CARPARK	CONCRETE STRUCTURE	\$30,000
(with mesh ventilation & sprinklers)		
<b>HOTELS / MOTELS / CLUBS</b>		
HOTEL	1- 2 STOREY	\$1,400
HOTEL	OVER 2 STOREYS	\$1,800
MOTEL	1- 2 STOREY	\$1,200
MOTEL	MULTI STOREY	\$2,000
CLUBS	1- 3 STOREY	\$1,500
<b>HEALTH CARE BUILDINGS</b>		
PRIVATE HOSPITAL	1 STOREY	\$1,750
	UP TO 30 BEDS	
PUBLIC HOSPITAL	MULTI STOREY	\$2,500
	200- 500 BEDS	
MEDICAL CENTRE	1 STOREY	\$1,340
	CONSULTING ROOMS	
NURSING HOME	1 STOREY	\$1,400
	OR \$200,000 PER BED	

3

CORDELL m<sup>2</sup> COMMERCIAL BUILDING COST GUIDE



The Cordell m<sup>2</sup> Building Cost Guide is a high level pricing database designed for professionals within the building industry as well as people involved in the Property, Finance and Insurance industries who wish to estimate building costs for complete buildings quickly and easily.

For each category within the database, users are given square-metre rates for various size and finish options, plus elemental breakdowns for each of those rates. See over the page for an example of these rates and elemental components.

The commercial database includes categories such as commercial offices, education, hospitality, retail, and sporting to name just a few. See the 'Categories covered' list on this page for a full list of categories in the database.

Users access the square-metre rates through **Cordell eCosting**, which is a web-based system that allows you to quickly and easily select the database you wish to use, and then navigate through the 'tree' menu to find the items you require. Cordell eCosting even allows you to select relevant items and add them into a simple estimate of costs. The system is updated quarterly, so you'll have up-to-date rates at your disposal when you need them, and any saved estimates can be easily revised when updated pricing comes through.

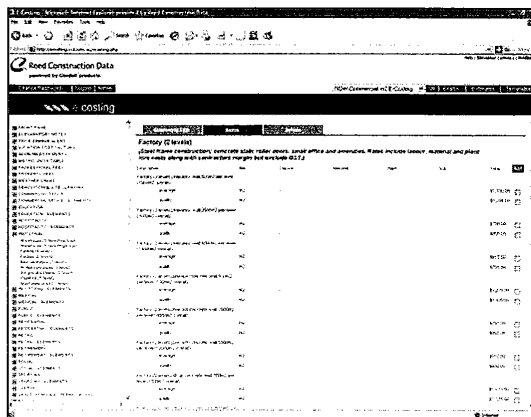
Because eCosting is web-based, you can access it from any computer with Internet access, so there's no software to install or special programs to learn. And your access to eCosting is password protected, so you know that any estimates you save are secure and only viewable by you.

The Cordell m<sup>2</sup> Building Cost Guide Databases are currently available for Commercial construction costs in New South Wales, Victoria, Queensland, South Australia and Western Australia.



**Categories covered:**

- Commercial Offices
- Education
- Hospitality
- Industrial
- Medical
- Public
- Residential
- Retail
- Retirement
- Social
- Sporting
- Carpark
- Landscaping & External Works
- Balcony



For more information please contact us  
 Phone 1800 80 60 60  
 Fax 1800 730 777  
 Web [www.reedconstructiondata.com.au](http://www.reedconstructiondata.com.au)



# Cordell m<sup>2</sup> Commercial Building Cost Guide

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  - Office (2-3
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Estimating Tips		Items			
<b>Office (2 to 3 levels)</b> <i>(Concrete frame construction; membrane rlifts) Rates include labour, material and plant hiring GST.)</i>					
Description	Per	Labour		Total	Add
Office (2 to 3 levels);masonry wall;250m <sup>2</sup> per level (750m <sup>2</sup> overall)					
average	m2	-	-	\$1,665.00	<input type="checkbox"/>
quality	m2	-	-	\$2,090.00	<input type="checkbox"/>
prestige	m2	-	-	\$2,805.00	<input type="checkbox"/>
Office (2 to 3 levels);masonry wall;1000m <sup>2</sup> per level (3000m <sup>2</sup> overall)					
average	m2	-	-	\$1,150.00	<input type="checkbox"/>
quality	m2	-	-	\$1,475.00	<input type="checkbox"/>
prestige	m2	-	-	\$1,870.00	<input type="checkbox"/>
Office (2 to 3 levels);concrete wall;250m <sup>2</sup> per level (750m <sup>2</sup> overall)					
average	m2	-	-	\$1,660.00	<input type="checkbox"/>
quality	m2	-	-	\$2,105.00	<input type="checkbox"/>
prestige	m2	-	-	\$2,850.00	<input type="checkbox"/>
Office (2 to 3 levels);concrete wall;1000m <sup>2</sup> per level (3000m <sup>2</sup> overall)					
average	m2	-	-	\$1,235.00	<input type="checkbox"/>
quality	m2	-	-	\$1,370.00	<input type="checkbox"/>
prestige	m2	-	-	\$1,890.00	<input type="checkbox"/>

lifts.  
exclude

Estimating Tips		Items			
<b>Office (2-3 levels at 250m<sup>2</sup>; masonry; ave</b> <i>(250m<sup>2</sup> per level - 750m<sup>2</sup> overall; concrete fra aluminium windows; air conditioning; lifts EXC material and plant hire costs along with contr</i>					
Description	Per	Labour		Total	Add
Office (2-3 levels at 250m <sup>2</sup> ; masonry; average)					
preliminaries	m2	-	-	\$169.00	<input type="checkbox"/>
substructure	m2	-	-	\$30.50	<input type="checkbox"/>
columns	m2	-	-	\$28.50	<input type="checkbox"/>
upper floors	m2	-	-	\$161.00	<input type="checkbox"/>
staircases	m2	-	-	\$52.00	<input type="checkbox"/>
roof	m2	-	-	\$116.00	<input type="checkbox"/>
external walls	-	-	-	\$130.50	<input type="checkbox"/>
windows and external doors	-	-	-	\$66.00	<input type="checkbox"/>
internal walls and screens	-	-	-	\$110.50	<input type="checkbox"/>
internal doors	-	-	-	\$15.50	<input type="checkbox"/>
wall finishes	-	-	-	\$51.00	<input type="checkbox"/>
floor finishes	-	-	-	\$72.00	<input type="checkbox"/>
ceiling finishes	-	-	-	\$63.50	<input type="checkbox"/>
fixtures and fittings	-	-	-	\$55.50	<input type="checkbox"/>
special equipment	-	-	-	-	<input type="checkbox"/>
hydraulics	-	-	-	\$39.50	<input type="checkbox"/>
fire protection	-	-	-	\$27.00	<input type="checkbox"/>
mechanical services	-	-	-	\$242.50	<input type="checkbox"/>
electrical / communication	-	-	-	\$98.00	<input type="checkbox"/>
transportation	-	-	-	\$148.00	<input type="checkbox"/>

ry wall;  
labour,



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

Having regard to the above options the preferred approach would be to check the estimated cost of development at the lodgement stage based on the Australian Institute of Building Surveyors Cost Guide.

**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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**P12 [PD-PC] Development Application DA06/0133 for Dwelling Alterations & Carport with Building Line Variation at Lot 174 DP 834929, No. 11 Cashel Crescent, Banora Point**

**ORIGIN:**

**Building Services**

**FILE NO: DA06/0133 Pt1**

**SUMMARY OF REPORT:**

Application has been received to carry out alterations and additions to the dwelling on the subject allotment including the erection of a double carport within the six metre building alignment .

The proposed carport will stand 860 mm from the front property boundary at its closest point and has been designed to compliment the architectural style of the dwelling. The existing garage will be converted into a media room and sewing room.

Due to the slope of the land the carport will be excavated partly below existing ground level with the northern and western walls of the carport acting as a retaining wall.

The area above these walls will be partly enclosed with timber battens with the front of the carport being open.

The partial enclosure of the two side walls of the carport does not comply with Council's Building Line Policy in regard to the definition of an "open " structure within the six metre building alignment.

The proposal satisfies all other aspects of Council's Building Line Policy.

Notwithstanding the matter of non compliance with Council's Building Line Policy it is considered that the proposal is acceptable due to the constraints of the site and will not have any substantial adverse impact on the street scape .

The application is therefore considered to be worthy of conditional approval.

**RECOMMENDATION:**

**That Development Application DA06/0133 for dwelling alterations & carport with building line variation at Lot 174 DP 834929, No. 11 Cashel Crescent, Banora Point be approved subject to the following conditions: -**

**GENERAL**

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent. [GEN0015]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
3. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property. [GEN0135]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

4. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate. [PCC0945]
5. Council's road reserve adjacent to the northern side of the carport shall be supported by a suitably designed masonry retaining wall, details of which shall be submitted to the Principal Certifying Authority prior to the issue of a construction certificate. [PCCNS01]

**PRIOR TO COMMENCEMENT OF WORK**

6. The erection of a building in accordance with a development consent must not be commenced until:
  - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (c) the principal certifying authority has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
  - (ii) notified the principal certifying authority of any such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
7. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing. [PCW0215]
8. Residential building work:
- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
    - \* in the name and licence number of the principal contractor, and
    - \* the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - \* the name of the owner-builder, and
    - \* if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information. [PCW0235]

9. 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.

10. 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. [PCW0255]

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

**DURING CONSTRUCTION** [PCW0985]

11. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.
12. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: - [DUR0005]

**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]

13. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made). [DUR0375]
14. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council. [DUR0395]
15. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979. [DUR0405]
16. 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]
17. 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]
18. The additional rainwater drains must be connected to the existing rainwater disposal system; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2. [DUR2255]

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

19. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). [POC0205]
20. Prior to the issue of an occupation certificate the area between the carport and front property boundary shall be extensively landscaped. [POCNS01]

**REPORT:**

**Applicant:** Mrs FM Maurer and Mr DC Maurer  
**Owner:** Mrs FM Maurer and Mr DC Maurer  
**Location:** Lot 174 DP 834929 No. 11 Cashel Crescent, Banora Point  
**Zoning:** 2(c) Urban Expansion  
**Cost:** \$15,000

**BACKGROUND:**

An application has been received to construct a double carport within the six metre building alignment at the subject premises.

The subject allotment slopes downhill from the roadway and contains a single storey brick and tile dwelling. A Council walkway exists along the western property boundary.

The proposal is to construct a double carport in front of the current garage to within 860 mm of the front property boundary. The current garage will be converted into a media room and sewing room.

The proposed construction of the carport will be consistent with the existing dwelling with masonry elements and a pitched tile roof.

The design of the carport does not satisfy all the requirements of Council's Building Line Policy in that the western and northern walls will be masonry up to adjacent ground level with timber battens above this to the roof level. The lower sections of these walls will be designed and constructed as retaining walls. The front of the carport will remain open.

Council's Building Line Policy permits the construction of carports and other ancillary structures within the six metre building alignment subject to the structure satisfying the requirements of "predominantly open" as defined in this policy.

An open structure is defined as .." *unobstructed by walls, panels or linings of non transparent materials but may include lattice panels with a minimum of 500 mm clear space top and bottom.*"

Due to the carport being excavated into the sloping site this open requirement cannot be complied with although the timber battens will provide a partly open component to the northern and western sides.

The other requirements of Council's Building Line Policy which are satisfied by this proposal are as follows :-

1. The structure occupies not more than 50 % of the building line zone ,
2. The structure is no higher than 3.0 m for flat skillion roofs and 4.5 m to the top of the ridge for pitched roofs,
3. The structure is located wholly within the subject property boundary,

4. No solid gates or doors shall be permitted, open style roller grilles or gates which swing into the property are permitted,
5. A conforming vehicular access can be provided,
6. Adjoining property owners have not objected to the proposal,
7. The proposal is of an attractive design and uses compatible materials which will enhance the streetscape.

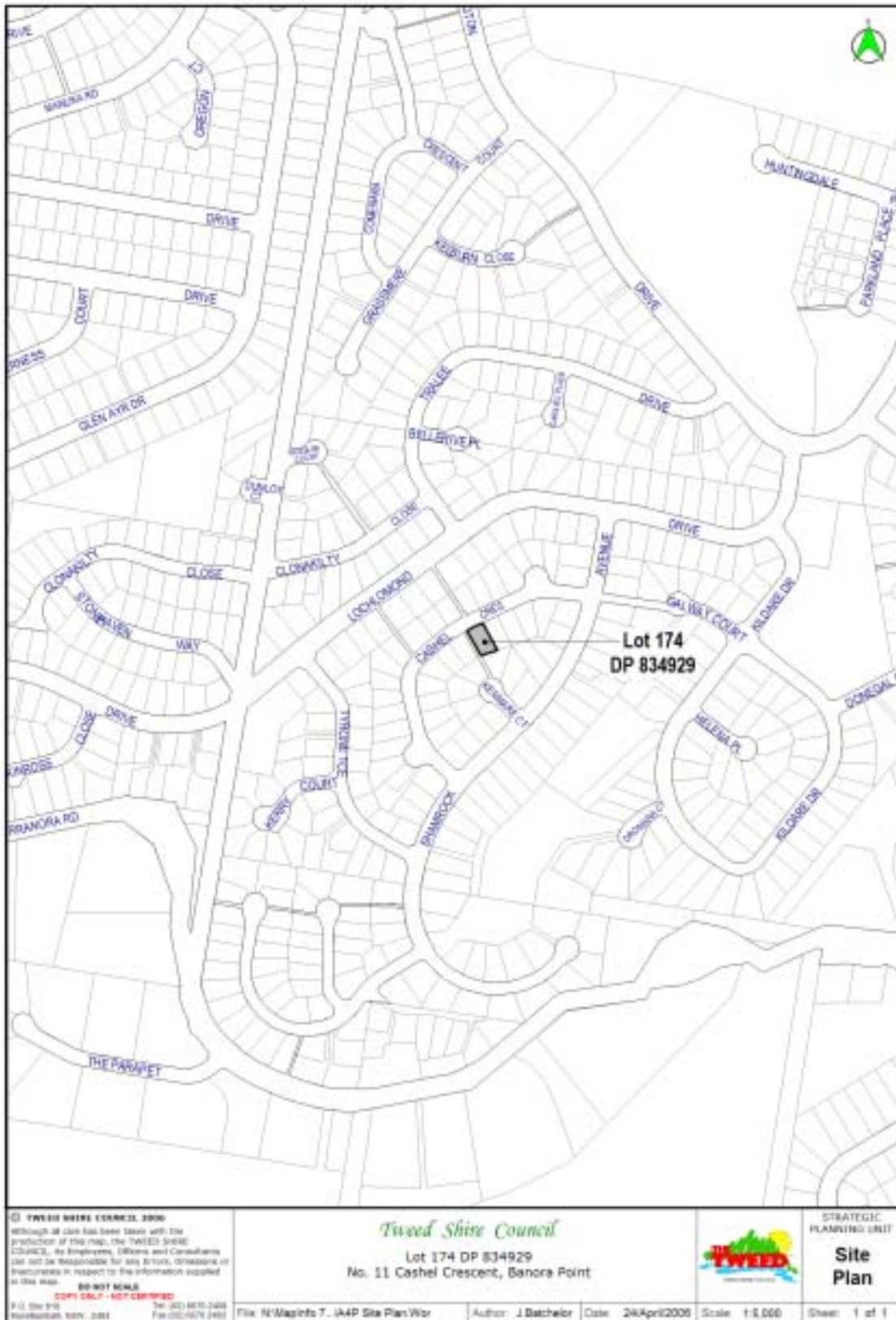
Notwithstanding that the proposal does not comply with one aspect of Council's Building Line Policy it is considered that the proposal will be aesthetically pleasing and will not adversely impact on the streetscape.

The structure has been designed to suit the available site area and slope of the land and with the provision of landscaping in front of the carport will be aesthetically pleasing. To require the deletion of the battens to the front elevation could be judged to adversely affect the streetscape and the development itself.

Adjoining property owners were notified of the proposal and no objection was received.



**SITE DIAGRAM:**



**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

Complies with the Tweed LEP 2000 .

North Coast Regional Environmental Plan 1988

State Environmental Planning Policies

Not applicable

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

There are no draft planning instruments which affect this property.

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

Generally complies with DCP 47 – ' Cut & Fill on Residential Land'

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

The are no matter prescribed by regulation

**(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**

The proposal has been designed to have minimal adverse impact .

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

The site is considered to be suitable for the proposed development .

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

No submissions have been made.

**(e) Public interest**

There are no adverse public interest issues applicable

**OPTIONS:**

1. Conditional approval, or
2. Refusal.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Appeal action in the Land & Environment Court by applicant should the application be refused

**POLICY IMPLICATIONS:**

Proposal does not strictly comply with Building Line Policy, approval may create precedent, however justification exists to approve policy despite the non compliance due to the particular circumstances of the site.

**CONCLUSION:**

The application is considered to be an acceptable use of the site and taking into consideration all the aspects of the proposal as outlined above it is considered that the application is worthy of approval.

**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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**P13 [PD-PC] Development Application DA06/0176 for a Shed at Lot 1 DP 568904, No. 1649 Numinbah Road, Numinbah**

**ORIGIN:**

**Building Services**

**FILE NO: DA06/0176 Pt1**

**SUMMARY OF REPORT:**

An application has been received by Council to construct a 92m<sup>2</sup> storage shed located 11.5 metres from the above designated road. The application included a SEPP 1 submission to vary the development standard relating to the required 30 metre setbacks from the designated road.

This report assesses the application and SEPP 1 submission and considers the variation to the development standard to be reasonable in the circumstances and the proposed development is suitable for conditional approval.

**RECOMMENDATION:**

**That: -**

- 1. The State Environmental Planning Policy No 1 objection to the 30 metre setback be approved and the concurrence of the Director-General of the Department of Planning be assumed.**
- 2. Development Application DA06/0176 for a shed at Lot 1 DP 568904, No. 1649 Numinbah Road, Numinbah be approved subject to the following conditions: -**

**GENERAL**

- 1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.** [GEN0015]
- 2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.** [GEN0115]
- 3. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.** [GEN0135]

**PRIOR TO COMMENCEMENT OF WORK**

- 4. The erection of a building in accordance with a development consent must not be commenced until:**

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
  - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
  - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
  - (ii) notified the principal certifying authority of any such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

5. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

6. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(i) in the case of work for which a principal contractor is required to be appointed:

- \* in the name and licence number of the principal contractor, and
- \* the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

- \* the name of the owner-builder, and
- \* if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

(b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

7. 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]

8. 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.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

**Please note** that this sign is to remain in position for the duration of the project.

[PCW0985]

9. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

#### **DURING CONSTRUCTION**

10. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

11. 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]

12. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.

[DUR0245]

13. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

14. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

15. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

16. 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]

17. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

18. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

19. Prior to occupation of the building an Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, the application must be accompanied by relevant Compliance Certificates or documentary evidence of compliance.

[POC0215]

**USE**

20. 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]

21. The building is not to be used for any habitable commercial or industrial purpose.

[USE0455]

22. Landscaping at the front of the property is to be maintained to aid in screening the shed from the road.

[USENS01]



**REPORT:**

**Applicant:** Mr EKJ Ward and Mrs KS Ward  
**Owner:** Mr EKJ Ward and Mrs KS Ward  
**Location:** Lot 1 DP 568904 No. 1649 Numinbah Road, Numinbah  
**Zoning:** 1(a) Rural  
**Cost:** \$3,000

**BACKGROUND:**

A development application was lodged with Council on the 22 February 2006 to construct a shed on the abovementioned property. The proposed shed is located on the western side of Numinbah Road, which has been identified as a designated road, as shown on the map marked "Tweed Local Environmental Plan 1998 – Designated Roads", as amended by the maps listed in Part 4 of Schedule 6. The proposed shed is to be constructed solely within the standard 30 metre boundary setback, which is required from all designated roads as specified in Clause 24 of the Tweed LEP 2000.

A SEPP 1 submission has been received contending that the designated road set back development standard identified by Clause 24 of the Tweed LEP 2000 to be unreasonable and unnecessary under the circumstances. The applicant contends that the standard is unreasonable as the majority of the subject allotment is located within the 30 metre setback because of the properties unusual shape and small land area. The applicant also contends that the standard is unnecessary, as the proposed shed will have a minimal visual impact on the road, owing to the shed being located 11.5 metres from the front boundary and behind existing significant landscaping, also, the floor level of the shed will be approximately 1.5m below the level of the road further minimising the sheds visual impacts.

Currently, the allotment contains an existing single dwelling and garage, which both encroach into the standard 30 metre setback. These structures are located approximately 7.6 metres from the front boundary. Access to the proposed shed is via an existing access way and gate at the northern end of the eastern boundary. This access way is considered to have little to no impacts on traffic visibility or safety.

An inspection of the site confirmed that the existing dwelling and garage on the property were located approximately 7.6 metres from the front boundary well within the 30 metre setback. Also noted on the site, was the existing thick landscaping located on the front boundary, which effectively screens the property and the proposed shed site from the road. It can be confirmed that the ground level of the shed site is approximately 1.5m below the road level, again aiding in reducing the sheds visual impacts.

The proposed shed is 7.6 metres wide and 12.2 metres long, with a height of around 3.6 metres. The sheds front boundary setback will vary, ranging from 11.55 metres at its closest point to 15.45 metres. The shed is to be of a green colour, which is in keeping with the existing area, and will better blend the shed into the surrounding environment.

The allotment has a total area of 3082m<sup>2</sup> with the rear boundary being a creek with significant vegetation on its banks. Along with the existing dwelling, garage and small garden/storage shed on the site, there is a sub-surface Telstra line, septic tank and effluent disposal area, combined these facilities restrict the re-location of the proposed shed to another area on the allotment.

The applicants originally submitted plans for the shed showed a preferred location being 2.5 metres from the front boundary, however this was changed to the current proposed location after the applicants were informed that Council would be unlikely to support such a major variation to the setback requirements.

**SITE DIAGRAM:**



**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 proposal is considered to satisfy the aims and objectives of the Tweed Local Environmental Plan 2000.

North Coast Regional Environmental Plan 1988

The proposal is considered consistent with the requirements of the North Coast Regional Environmental Plan 1988

State Environmental Planning Policies

The proposal seeks a variation under SEPP 1, to vary the development standards of the Tweed LEP 2000 with relation to setbacks from designated roads.

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

There are no matters under the provision of any Draft Environmental Planning instruments that apply to the proposal.

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

There are no Development Control Plans that apply to this proposal.

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

There are no matters prescribed by the Regulations that apply to the proposal.

**(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**

It is considered that the proposed shed will have little likely impacts on the context and setting of the area.

The site is subject to bushfire, the proposed shed is considered to have a minimal impact on the cause or spread of bushfire.

The proposed shed design is considered consistent with the existing area and is located behind all normal building setbacks. A SEPP1 objection has been received to vary the development standard, 30-meter setback from a designated road. This objection is recommended for approval as the reduced setback is considered to have little adverse impacts on Numinbah Road.

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

The proposed shed is considered suitable for the existing rural site.

The site is subject to bushfire, however the shed is not to be used for habitable purposes and is to be constructed from non-combustible materials. Impacts of bushfire are considered minimal.

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

The development was not notified, as the location of the shed maintained normal boundary setbacks and the impacts on surrounding neighbours are likely to be minimal.

**(e) Public interest**

The development is not contrary to the wider public interest.

**OPTIONS:**

1. Resolve to approve the application subject to the conditions attached to this report.
2. Resolve not to support the application and advise Council's Solicitors to engage the services of a suitably qualified Town Planning consultant to defend an appeal in the NSW Land and Environment Court proceedings

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Should this matter proceed under Appeal substantial cost will be incurred in defending Council's determination.

**POLICY IMPLICATIONS:**

Nil

**CONCLUSION:**

The proposal seeks a variation to the standard 30 metre setback from a designated road as specified under Clause 24 of the Tweed LEP 2000, based on the standard being unreasonable and unnecessary under the circumstances. When considering the total size of the proposal, size and shape of the subject allotment, the location of existing buildings, expected visual impacts of the shed from the road and the existing access, it can be considered that the applicant SEPP1 submission has been lodged under reasonable grounds.

The objective of Clause 22 of the Tweed LEP 2000 – Development near designated roads are:

- To protect and improve the capacity, efficiency and safety of designated roads.
- To prevent development on designated roads that would detract from the scenic attractiveness of the area of Tweed
- To prevent or reduce the potential impact of traffic noise on the development adjacent to designated roads.

It is considered that the proposed shed will meet the objectives mentioned above.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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