



# **AGENDA**

## **PLANNING COMMITTEE MEETING Tuesday 23 January 2007**

**Chairman: Ms Lucy Turnbull**

**Administrators: Mr Frank Willan  
Ms Lucy Turnbull  
Mr Max Boyd AM**

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**P6 [PD-PC] Development Application DA06/1020 for a six storey multi-dwelling housing development comprising 3 x three bedrooms, 1 x four bedroom penthouse and basement carparking at Lot 1 DP 415356, No. 20 Hill Street Tweed Heads**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA06/1020 Pt 1**

**SUMMARY OF REPORT:**

Council is in receipt of a development application for the demolition of an existing dwelling house and the erection of a 6-storey multi dwelling housing development, comprising 3 x three bedroom units and 1 x four bedroom penthouse, at 20 Hill Street, Tweed Heads.

The subject land is zoned for medium density development and is located in the 50m AHD building height precinct (Flagstaff Hill) under the Tweed Local Environmental Plan 2000. The subject land possesses a 15.088m frontage to Hill Street and has a total land area of 379.4m<sup>2</sup>.

The application is proposed with a minor non-compliance to the Acceptable Solutions within DCP 18. The application attracted 2 public submissions and the issues raised are addressed in this report.

The objectives of DCP 18 are complied with and the application is recommended for approval, having regard to the medium-density land-use controls for this area.

**RECOMMENDATION:**

**That Development Application DA06/1020 for demolition of an existing dwelling house and the erection of a six storey multi-dwelling housing development comprising 3 x three bedrooms, 1 x four bedroom penthouse and basement carparking at Lot 1 DP 415356, No. 20 Hill Street Tweed Heads 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 2006/ARC/ Drawing Nos 02.1 - 02.7, 03.1 & 03.2 prepared by Pat Twohill Designs Pty Ltd and dated 31/8/06, except where varied by the conditions of this consent.**
- 2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.**

[GEN0005]

[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]

4. 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.

[GEN0045]

5. The development is to be carried out in accordance with Development Control Plan No. 16 - Subdivisions Manual and Councils adopted Development Design and Construction Specifications.

[GEN0125]

6. Application shall be made to Gold Coast Airport Pty Ltd (GCAPL) with a minimum of 28 days notice in respect of any proposed temporary penetration of the Obstacle Limitation Surface by construction cranes or otherwise.

[GENNS01]

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

7. 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]

8. All roof waters are to be disposed of through properly jointed pipes to the street gutter, inter-allotment drainage, or elsewhere if so directed in the conditions of consent. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZ3500.3.2. Note: A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

[PCC1115]

9. An application shall be lodged and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works prior to the issue of a construction certificate.

[PCC1195]

10. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.

[PCC1235]

11. Any carparking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Principal Certifying Authority PRIOR to the issue of a Construction Certificate. [PCC0055]
12. The developer shall provide 9 parking spaces including parking for the disabled in accordance with DCP2, AS 2890 and Austroads Part 11. Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the General Manager or his delegate prior to the issue of a construction certificate. [PCC0065]
13. Any works to be carried out within the adjoining road reserve is subject to application and approval being issued by Tweed Shire Council as the road authority. Application for these works and receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site. [PCC0075]
14. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided. [PCC0285]
15. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person shall be submitted to the Principal Certifying Authority prior to issue of the Section 138 approval. Safe public access shall be provided at all times. [PCC0865]
16. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -
- Construction of the new gully pit and storm water connection pipe in Hill Street including long section, pipe detail and pavement reinstatement
- The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -
- Road works/furnishings
  - Stormwater drainage

- Sediment and erosion control plans
  - Location of all services/conduits
  - Traffic control plan
- [PCC0895]
17. Prior to the issue of the Construction Certificate for the building works the applicant shall submit engineering details showing the driveway width at the boundary as 3.5m in accordance with section 5.1 of DCP No. 2 and that the lines of sight at the boundary comply with section 4.1.2 of DCP No.2.
- [PCCNS01]
18. Prior to the issue of the Section 68 approval and the issue of the Construction Certificate for the building works the applicant shall undertake pressure and flow testing on the existing 100mm water main to determine if adequate supply exists to cater for fire fighting purposes. In the event that minimum flow rates and pressure cannot be achieved the applicant will be required to install a private water booster pump.
- [PCCNS01]
19. Prior to the issue of the construction certificate for the building works the applicant shall submit to the Principal Certifying Authority a comprehensive geotechnical report verifying that the allotment is geotechnically stable and capable of supporting the foundations of the proposed development.
- [PCCNS01]
20. A detailed plan of landscaping is to be submitted and approved by Council's Director of Planning & Development, or their delegate, prior to the issue of a Construction Certificate.
- [PCCNS01]
21. A comprehensive colourboard, detailing the materials and colours to be utilised for the external treatment of the building is to be submitted and approved by Council's Director of Planning & Development, or their delegate, prior to the issue of a Construction Certificate.
- [PCCNS01]
22. 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 Principal Certifying Authority 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.
- [PCC1065]
23. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.

- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
- (d) Specific Requirements to be detailed within the Construction certificate application include:
- (i) Shake down area at the entry point to the proposed development
- (ii) Ensure that the treatment facility in the basement car park is labeled as an "Oil Grit Separator" and not a "grease trap" [PCC1105]
24. Disposal of stormwater by means of infiltration devices shall be carried out in accordance with Section D7.9 of Tweed Shire Councils adopted Development Design and Construction Specification - Stormwater Quality. [PCC1125]
25. 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. [PCC1145]
26. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". [PCC1155]

27. Medium density/integrated developments will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

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.

28. Where water is to be drawn from Councils reticulated system, the proponent shall: - [PCC1185]

- Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.
- Where a current standpipe approval has been issued application must be made for Councils nomination of a point of extraction specific to the development.
- Payment of relevant fees in accordance with Councils adopted fees and charges.

29. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Details shall include as a minimum hydraulic drawings, pipe sizes, details of materials and agreement from adjoining property owners to enter onto their land if necessary. [PCC1205]

30. Section 94 Contributions [PCC1225]  
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: | \$1,803 |
| S94 Plan No. 4 (Version 4.0)      |         |

Sector1\_4

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(b) Open Space (Structured): S94 Plan No. 5	\$1,260
(c) Open Space (Casual): S94 Plan No. 5	\$269
(d) Shirewide Library Facilities: S94 Plan No. 11	\$1,112
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$229
(f) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$324
(g) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$2,049.37
(h) Cycleways S94 Plan No. 22	\$568
(i) Regional Open Space (Structured) S94 Plan No. 26	\$3,757
(j) Regional Open Space (Casual) S94 Plan No. 26	\$1,381
(k) Tweed Heads Master Plan: S94 Plan No. 27	\$3,141.00

[PCC0215]

31. 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 DSP4: 1.68 ET @ \$4598	\$7,725
Sewer Banora: 3 ET @ \$2863	\$8,589

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]

**PRIOR TO COMMENCEMENT OF WORK**

32. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

[PCW0005]

33. 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]

34. 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]
35. 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]
36. 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]
37. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) 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

[PCW0245]

38. 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]

39. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:

- (a) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
- (b) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
- (c) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
  - (i) the method of protection; and
  - (ii) the date of installation of the system; and
  - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - (iv) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

[PCW0775]

40. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the Principal Certifying Authority.

[PCW0955]

41. Sewer main, stormwater line or other underground infrastructure within or adjacent to the site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.

[PCW0965]

42. 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]

43. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

44. Prior to the commencement of any works on the site all required plumbing and drainage inspection fees are to be submitted to Council.

[PCW1095]

45. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

46. Written approval for any application under Section 138 of the Roads Act 1993 is required prior to commencing works within the road reserve.

[PCW0705]

47. It is the responsibility of the contractor to identify and locate all underground utility services prior to commencing works.

[PCW1165]

48. Prior to any works commencing, appropriate measures are to be put in place to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[PCWNS01]

49. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

50. 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]
51. **Swimming Pools (Building)**
- (a) The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- [DUR2075]
52. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.
- [DUR2085]
53. The spa filter and any pumps or aerators are to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- [DUR2135]
54. 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 and demolition.
- [DUR2185]
55. 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.
- [DUR2485]
56. **Plumbing**
- (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.
- [DUR2495]
57. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR2515]

58. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.

[DUR2525]

59. 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.

[DUR2545]

60. 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.

[DUR2555]

61. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

#### **DURING CONSTRUCTION**

62. 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]

63. 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]

64. 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]

65. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:

(a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.

(b) The chute shall be located in a position approved by the Principal Certifying Authority.

(c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.

[DUR0385]

66. 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]

67. 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]

68. 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]

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (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.

[DUR0425]

69. 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 in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

70. 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.

[DUR0645]



71. 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.

[DUR0655]

72. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake Works.

[DUR0675]

73. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

74. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the General Manager or his delegate.

Such to specifically include the following:

- (a) 150 millimetres thick reinforced with F72 Mesh for residential development or F82 mesh for Commercial/Industrial Development  
Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction.

Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

[DUR0065]

75. The driveway is to be constructed 3.5 metres wide at the property boundary and 6.5 metres wide at the kerb line with a uniform taper.

[DUR0075]

76. 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.**

[DUR0215]

**77. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.**

[DUR0815]

**78. Provision of an 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.**

[DUR0965]

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

[DUR0985]

**80. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of an Occupation Certificate.**

[DUR0995]

**81. A concrete ribbon footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Hill Street in accordance with Councils adopted Development Design and Construction Specification.**

**Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction.**

[DUR1735]

**82. 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.**

[DUR1795]

**83. During the road re-construction for the storm water trench, reports shall be submitted to the PCA by a Registered NATA Geotechnical firm demonstrating.**

**(a) That the pavement layers have been compacted in accordance with Councils adopted Design and Construction Specifications.**

**(b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.**

[DUR1825]

84. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.  
[DUR1845]
85. 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]
86. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.  
[DUR1885]
87. The written consent of the registered proprietors of adjoining land, where the said works encroach thereon is to be submitted to Council prior to works commencing.  
[DUR2005]
88. The contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.  
[DUR2015]
89. The works are to be completed in accordance with Councils Development Control Plans and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved.  
[DUR2025]
90. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.  
[DUR2205]
91. All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Councils adopted Design and Construction Specification.  
[DUR2355]
92. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction. Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

**This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.**

[DUR2375]

**93. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.**

[DUR2405]

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

[DUR2415]

**95. The burning off of trees, associated vegetation felled by clearing operations, and building waste is prohibited.**

[DURNS01]

**96. The provision of 9 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls, the Building Code of Australia and AS 2890.**

[DUR0085]

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

**97. 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]

**98. 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.**

[POC0225]

**99. Prior to the issue of an occupation certificate,**

- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and**
- (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-**
  - (i) the method of protection; and**
  - (ii) the date of installation of the system; and**
  - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and**
  - (iv) the need to maintain and inspect the system on a regular basis.**

[POC0235]

100. 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.

[POC0265]

101. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

102. 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.

[POC1045]

103. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

#### **USE**

104. 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]

105. All externally mounted air conditioning units, swimming pool pumps, water tank pumps and any other mechanical plant and equipment shall be acoustically treated so as to avoid the creation of intrusive or unreasonable noise to any occupant of neighbouring or adjacent premises.

[USE0235]

106. **Swimming Pools (Building)**

(a) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).

- (b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).

[USE1295]

107. The swimming pool is not to be used for commercial purposes without prior Development Consent.

[USE1305]

108. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light creating a nuisance to neighbouring or adjacent premises.

[USE0225]

109. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate.

[USE0875]

**REPORT:**

**Applicant:** Mr G Tsakmakis and Mr DJS Tsakmakis  
**Owner:** Mr G Tsakmakis and Mr DJS Tsakmakis  
**Location:** Lot 1 DP 415356, No. 20 Hill Street Tweed Heads  
**Zoning:** 2(b) Medium Density Housing  
**Cost:** \$1,500,000

**BACKGROUND:**

Council is in receipt of a development application for the demolition of an existing dwelling house and the erection of a 6-storey multi dwelling housing development, comprising 3 x three bedroom units and 1 x four bedroom penthouse, at 20 Hill Street, Tweed Heads.

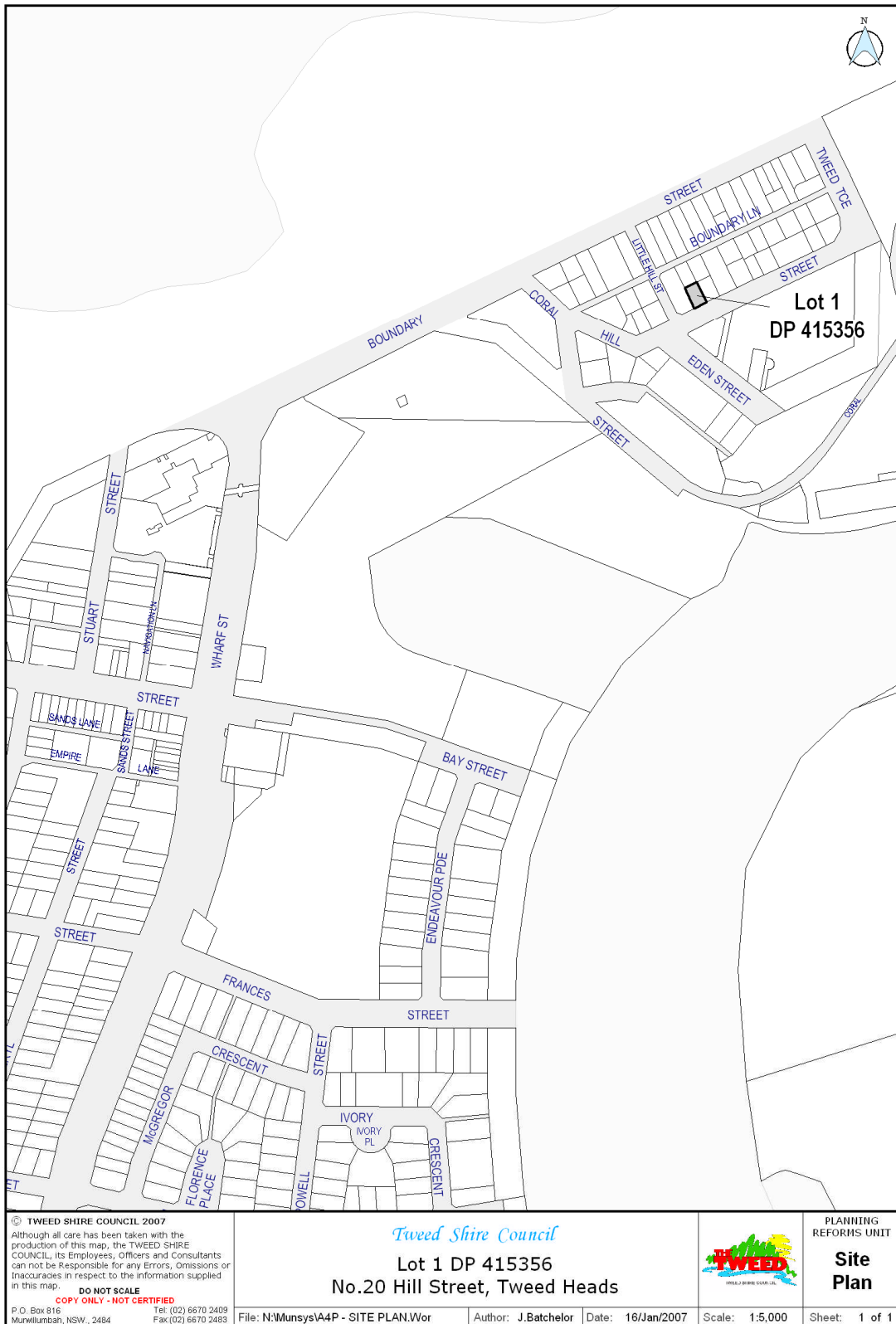
The proposed development involves the excavation of a partially open, semi-basement car park, accommodating 9 vehicular spaces.

Levels 1 – 3 essentially involve the same floor plan, each with 3 bedrooms and open plan living areas that include an adjoining balcony projecting from the north elevation. Level 1 enjoys a terrace area, predominately located along the eastern boundary, whilst Levels 2 and 3 incorporate a second balcony area projecting from the eastern and western elevations off the master bedroom.

Levels 4 and 5 contain the 4-bedroom penthouse apartment. These floors each involve a smaller building footprint to achieve a tapered building form, as required by the building height plane requirements of DCP 18 – Tweed Heads. The penthouse unit also enjoys exclusive use of a roof top terrace, which contains a plunge pool and 2 viewing decks affording significant views to the north and south and ancillary gardens.

The subject land has an area of 379.4m<sup>2</sup>, comprising a 15.08m frontage to Hill Street and 25.14m of depth. The proposal is adjacent to a recently constructed 5 storey apartment building to the east, an established 4 storey unit development to the west and an established 2 storey unit development to the north. The local area comprises an ongoing transition to medium/high density development.

**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 subject land is zoned 2(b) Medium Density Residential under the Tweed Local Environmental Plan 2000. The primary objective for the zone is:

*To provide for and encourage development for the purpose of medium density housing (and high density housing in proximity to the Tweed Heads sub-regional centre) that achieves good urban design outcomes.*

The proposed development is for medium density housing and is permissible within the zone. The proposal is considered to meet the urban design outcomes for residential design, as detailed for the precinct, and appropriately responds to the constraints of the site.

The proposal is accordingly considered to satisfy the consent consideration requirements of clause 8 of the TLEP.

Clause 15 of TLEP requires compliance with the consent authority in relation to essential services. The subject land has access to essential services.

Clause 16 of the TLEP provides a height of buildings plan that identifies the subject land with a 50m AHD height limitation. The applicant has stated that the proposed building would reach a maximum height of 44m AHD. Accordingly, the proposal complies with the height limitations of the Tweed LEP 2000.

Clause 33 of the TLEP requires Council to consider any current obstacle limitation surface plan or procedures for aircraft navigation services. Council has received advice on the application from Ian Rigby Consulting who act for the Gold Coast Airport Limited (GCAL) for the purposes of assessing matters of relevance under the legislative requirements administered by the Department of Transport and Regional Services. The advice includes a condition of any approval, as stated below:

*"Any use of a crane or other equipment that may exceed a top RL of 49.5 metres AHD would intrude into the prescribed airspace of Gold Coast Airport, and therefore represent a "controlled activity" under the Airports (Protection of Airspace) Regulations. The proponent must obtain the approval of the Secretary, Department of Transport and Regional Services. An application for the Secretary's approval must be given to the airport lessee company (ie Gold Coast Airport Limited) at least 28 days before the intended commencement of the controlled activity."*

The recommended condition has been incorporated into the conditions of consent.

There are no other relevant provisions under the TLEP.

#### North Coast Regional Environmental Plan 1988

Clause 32B of the REP states that Council shall not grant consent to development that results in overshadowing of beaches and adjacent open space before 3.00pm mid winter or 6.30pm midsummer.

The land opposite the subject site is zoned residential tourist. The subject land does not have any beaches or open space in its immediate vicinity. The shadow diagrams submitted address the hours and demonstrate that the proposal does not result in overshadowing of coastal reserves or beaches.

Clause 51 of the REP provides that Council shall not grant consent to a development application for the erection of a building over 14m in height, without the concurrence of the Director of Planning NSW. In this instance, Council possesses delegated authority to assume the required concurrence.

There are no further clauses applicable to the proposed development.

#### State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development

The applicant has submitted an assessment of the proposal under the design quality principles contained in the SEPP, which are noted and concurred. In addition, the following comments are made in relation to the criteria established within SEPP 65 and the proposal's compliance therewith.

#### Context

The proposed development adopts the desired future character as detailed in DCP18 and provides medium density housing with regard to the site its views and location.

#### Scale

The scale of the proposal achieves the desired future character of the area. The proposal does not achieve 50mAHD in height rather provides a building of a height (44mAHD) that can be supported on the site given the lot width and depth.

#### Built Form

The proposed built form provides for appropriate separation and setbacks contributing to the character of the streetscape. The built form manipulates building elements so that the proposal contributes to the streetscape.

### Density

The density of the proposed development is consistent with the expected density for the precinct. The site is relatively small in area and will be able to support four apartments. It is not considered that the density is beyond that which the land can support.

### Resource, Energy and Water Efficiency

The proposal has been designed to incorporate passive solar efficiency that will result in the new units not resulting in inappropriate use of resources, as emphasised by compliance with BASIX requirements.

### Landscape

The proposed development is accompanied by an indicative landscape plan. The proposal provides areas for quality landscaping to improve the amenity for the units. The landscaping areas include some deep soil zones outside of the basement line. These landscaped areas are considered to be adequate to provide the development with landscaping of a standard to screen the development and provide relief to adjoining properties.

### Amenity

The proposed units will have the benefit of substantial balcony areas that provides amenity to the residences. The apartment floor plan provides rooms generous in size with ventilation and views.

### Safety and Security

The proposed development provides surveillance over the public street from balconies provided to each level of the development. The basement does include the provision of garage doors on those spaces provided for each unit. The proposal is considered to provide clear, safe access points.

### Social Dimensions

The development is provided with a plunge pool and access to cycleway and footpaths in the Tweed area. The site is able to access other clubs and services to support social dimensions of living in the Tweed.

### Aesthetics

The aesthetics of the proposal have been considered in the design and selection of colours details in the application (full colour board to be submitted prior to issue of a construction certificate). The aesthetics largely respond to the environment and context of the development and future character of the area.

It is considered that the proposed development has addressed the design principles contained in SEPP 65.

State Environmental Planning Policy No.71 - Coastal Protection

The subject land is not in an environmentally sensitive area and is not State significant development under SEPP71.

Clause 8 of SEPP71 provides matters for consideration when assessing development applications. The subject land does not contain habitat of threatened species, is not adjacent to public open space along the coastal foreshore and is not in an area affected by coastal hazards.

It is considered that the proposal is not in conflict with the provisions of SEPP71.

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

Draft LEP Amendment No.64

Draft LEP No.64 seeks to update the building height controls to reflect the recommendations of the Tweed Heads Masterplan.

Due to certain errors/inconsistencies being identified between the exhibited version of the amendment and the intended version, the draft amendment has been put on hold pending further review.

Advice from Council's Planning Reform Unit suggests that the draft amendment will require re-exhibition once the anomalies are corrected.

Irrespective, the proposal is considered to be consistent with the requirements of the Tweed Heads Masterplan.

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

Development Control Plan No.18 - Tweed Heads

The subject land is within the Flagstaff Hill Precinct, being one of the high-density residential precincts. The proposed development provides for a density of development consistent with the objectives and intended future character of the area.

DCP 18 provides residential design elements under which the proposal has been assessed, as follows.

View Corridors

DCP 18 identifies a view corridor between Razorback Hill, the ocean and the horizon beyond Flagstaff Hill. In light of the positioning of the subject land, the significant changes in topographical elevation and the desired height and form of development prescribed by Council's controls, the proposal is not viewed as inconsistent with the provisions for view corridor maintenance.

### Building Envelope

DCP 18 prescribes a building envelope which projects the property boundary, over the property at an angle of 72 degrees, ensuring that buildings are setback 1m for every 3m in building height. In response to the building envelope requirements, the applicant has detailed the following justification:

*The proposed encroachments as indicated are considered justified as outline below.*

- \* *The proposal fully complies with the front building line and substantially complies with the building envelope at southern elevation (the street frontage)*
- \* *The site dimensions are a relative constraint but are balanced by the prescribed high-density residential planning controls that apply to the site.*
- \* *The minor areas of encroachment at the upper levels do not predominately comprise small sections of balcony balustrade and limited sections of tops of walls.*
- \* *The minor areas of encroachment at the upper levels do not add significantly to the bulk and scale of the building and maintain appropriate setback distances from the boundary.*
- \* *The design fully complies with the current 50m AHD height limit and the recommended six-storey height limit under the Tweed Heads Town Centre Master Plan*
- \* *The building contributes positively to the locality in terms of urban design outcomes.*
- \* *The building setbacks to property boundaries increase with building height to provide a tapered building form.*
- \* *The minor areas of encroachment are negligible and unlikely to create adverse visual, privacy or shadow impacts on adjacent properties.*
- \* *Given the length, breadth and topography of the site, minor encroachments into the building envelope are somewhat unavoidable. Strict compliance with the building envelope requirements would result in a building with undesirable proportions; i.e. a very narrow, lengthy building. The building, as proposed, has an attractive and proportionate length to breadth ratio.*
- \* *The small size and configuration of allotments in the immediate area has resulted in other development being granted similar relaxations of building envelopes necessary to achieve the high density development desired by the zone objectives and DCP 18, including development at No. 2 and 18 Hill Street.*

- \* *Privacy issues have been mitigated within the design of the building by the inclusion of screening elements on the protruding balconies. Aluminium battens are to be provided to the balconies to obtain privacy for residents and maintain privacy of adjacent sites. Additionally, no privacy concerns would arise by the positioning of the lift well outside of the building envelope.*

It is confirmed that the proposal predominately complies with the established building envelope requirements; however, preliminary assessment of the application, raised concern in relation to building bulk and non-compliance with the building envelope provisions along the north-eastern boundary. Namely, concern was raised that the balcony areas projecting from master bedrooms at levels 2 and 3, along the north-eastern elevation, excessively encroached into the prescribed building envelope and included extensive use of aluminium battens for privacy purposes, unnecessarily added to the bulk of the building.

Accordingly, the applicant was requested to remove of the north-eastern projection of the master bedroom balcony, allowing a greater level of compliance with the building envelope provisions, whilst not unreasonably detracting from the functionality and amenity of the units.

In response, the applicant submitted the following information:

*We would prefer to retain the NE projection of the Bed 1 balcony on levels 2 and 3 as it is an integral component of the external aesthetics. If it is removed we believe that it will also have a significantly detrimental effect on the articulation of the building when viewed from Hill Street. The balcony configuration also enhances the amenity of Bedroom 1 by providing privacy to the bedroom area. By removing this projection, the amenity of the bedroom would be significantly affected and the adjacent window would have to be reduced in size. We attach some perspective views in support of our argument. (Perspectives are attached for Council's viewing)*

In this regard, the following comments are made.

The balcony area's are accessed off the master bedroom, as opposed to a main living area, as such the balconies do not comprise part of the units private open space, rather act as a passive area for the users of the main bedroom. Accordingly, the provision of these areas, whilst increasing the unit's amenity level, are not considered essential in order for the units to possess a high level of amenity.

Further, whilst Council's controls often allow for open balconies to encroach into the building envelope, the proposal involves significant use of aluminium battens to provide privacy to the balcony and master bedroom. This, in combination with roofing above both balconies essentially encloses both balcony areas, adding to the bulk of the building, where an open balcony would not possess the same level of impact.

Finally, whilst it is acknowledged that the balconies areas contribute to the tiered appearance of the building as viewed from Hill Street, should the balcony areas be removed the building still has sufficient design features through building materials, setbacks and projections and provision for landscaping to enable the proposal to positively contribute to the streetscape.

However, on balance, it is considered that the proposal is suitable for approval in its current form. Whilst the northeastern projection of the balcony does encroach the building envelope, the screening methods employed are considered to mitigate privacy and overlooking concerns to the adjoining property, view corridors are not considered to be significantly affected and given the medium/high density building provisions of the precinct the overall building bulk is not considered excessive.

Although the proposal is considered to warrant approval in it's current form, an additional option has been included for the Administrators consideration, requiring the northeastern projection of 2<sup>nd</sup> and 3<sup>rd</sup> level balconies be removed.

#### Building Mass

The proposed design is broken up into elements to reduce the building mass. This achieved with variation in the façade of the building on each elevation. Varied setbacks are adopted and balconies are provided to the northern and southern elevations.

#### Energy Efficiency

The proposal achieves the cross ventilation and daylight access to the units as each level is a unit. This enables each unit to capture the benefit of light and air movement throughout the year. In addition, the proposal has achieved compliance with the state BASIX requirements for energy efficiency.

#### Wind Mitigation and Overshadowing

The proposed development is unlikely to result in any significant adverse wind effects.

The proposed development does result in some shadow impacts, as demonstrated within the submitted shadow diagrams, however shadow impacts are only apparent within a short period of time. The winter shadow impact has been assessed and as both adjoining properties are able to have solar access for extended periods of time, it is considered the impact does not significantly impair the residential amenity.

The proposal is not considered to result in significant shadow impacts during the summer period.

### Roof Lines

The proposal provides a roof top terrace for the occupants of the penthouse suite, within which the lift overrun is contained, satisfying the provisions of DCP 18. The applicant has commented that the rooftop terrace is intentionally designed as a "hat" to the building and as such is meant to be visually prominent. The rooftop terrace provides for 2 x viewing/dining areas, a plunge pool and ancillary landscaping.

### Privacy

The proposed development is adjacent to a four storey unit development (to the west), a 2 storey unit development (to the north) and a 5 storey unit development (to the east).

The balconies are predominately located on the northern and southern elevations, with the northern balconies including significant use of privacy battens for screening. This limits the overlooking from balconies onto adjoining properties. The proposed development floor levels are off set from the adjoining unit developments as a result of the sloping topography of the area and use of varying window positioning. Consequently the proposal does not result in direct view between the units.

### Security

The proposed development provides surveillance of the public street from the balconies of Levels 2 & 3 and clearly defines the private and public realms. The development is designed with secure pedestrian access and minimises the opportunity for concealment within the public thoroughfare areas.

### Materials and Colours

The applicant has not yet submitted a full colour schedule, accordingly a condition has been included requiring it's submission and approval prior to the issue of construction certificate. The applicant has detailed that materials will be a combination of concrete aluminium, steel, timber and glass. In this regard, there appears to be no reason why the objectives of DCP 18 cannot be met in this regard.

### Access and Parking

The on site car parking complies with Council's numerical requirements for resident and visitor parking in a partially open basement. As discussed within the DCP 2 assessment, further detail will be required prior to the issue of a construction certificate, confirming compliance with driveway gradients, turning circle templates and driveway width.



Open Space and Balconies

Each unit has the benefit of two balconies providing substantial private open space per unit. All of the units exceed the 25m<sup>2</sup> minimum requirement and as such, the proposed development is considered to comply with the requirements of DCP 18 for private open space.

Development Control Plan No.2 - Access and Car Parking

The following table provides an assessment of the proposal under DCP2.

Standard	Requirement	Assessment
On site car parking	1.5/dwelling 25% for visitors 6 required 2 for visitors.	Basement plan provides 9 spaces in total (2 in a tandem layout, 1 space doubling as a car wash bay) 2 of the 9 spaces are marked for visitor use. <b>Complies</b>

Whilst the proposal is numerically satisfactory, concern has been raised by Council's assessing Development Engineers, regarding the proposals compliance with the relevant Australian Standards, particularly in relation to vehicular manoeuvring and driveway width. Whilst these concerns have been raised with the applicant, relevant conditions of consent have been included to ensure these matters are properly satisfied prior to the issue of a construction certificate.

With these conditions the proposal is considered to satisfy the provisions of DCP 2.

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

NSW Coastal Policy

The proposed development is not in conflict with the strategic goals objectives of this policy.

Demolition

The proposal requires the demolition an existing dwelling. The applicant has submitted a demolition plan, and appropriate conditions of consent have been recommended to control demolition activities.

**(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**

Built Environment

The proposed development is located in the Flagstaff Hill precinct which is changing with the redevelopment of sites. There is a transition from the older homes and development towards new developments. The streetscape of Hill Street is changing with recent approval for units at 2 Hill Street, 18 Hill Street and other developments in the area. The proposed development is similar in design and scale of that approved at 2 Hill Street and 18 Hill Street.

Adjacent to the subject land are medium density, multi dwelling developments. The proposed development is considered to reflect the intended future character of the built environment.

Natural Environment

The subject site does not contain any natural features of significance requiring retention. A single dwelling house exists on the site.

Loss of View and Privacy

The proposed development changes the extent of views from the adjoining developments due to the proposed building being more substantial than the existing single dwelling house. The size and shape of the allotment constrains the height of the development. In this regard the subject land results in a smaller scale development than that with consolidation with adjoining lots.

Again, due to the adopted finished level for that site to adjoining developments, the proposed floor levels are off set and do not gain direct view into the units. As discussed earlier, the balconies on levels 2 & 3 projecting towards the east are significantly screened so as to not create the potential for residences to overlook adjacent balconies. Further, the top 2 levels varies from this floor plan and do not include balconies at the rear of the development, therefore avoiding privacy impacts.

The intended future character of this precinct is for higher density residential development and the proposal is considered to achieve this without substantial impacts.

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

Size and Shape

The subject land is 379.4m<sup>2</sup> and has a 15.08m frontage to Hill Street and a lot depth of 25.14m. The lot size and shape limits the development as the building envelope cannot reach the 50m AHD for the site. However it does provide for a character of development compatible with the area.

Whilst the site involves a sloping topography, it possesses limited constraints. Accordingly, the site is considered to be suitable for the development as proposed.

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

The proposal was advertised for a period of 14 days, during the submission period, 2 submissions were received. The objections raised are discussed as follows.

Objection	Concern	Response
Building Envelope	Concern was raised regarding the level of non-compliance with the prescribed building envelope, resulting in a lose of privacy and amenity to the adjoining property to the east.	The assessment of the proposal against the applicable building envelope requirements have been discussed extensively within Section (a)(iii) of the report, concluding that refusal of the application on this basis was not warranted.
Stormwater	1 submission received sought to ensure that suitable stormwater methods were present so adjoining properties were not impacted be increased stormwater runoff	The proposal has been reviewed by Council's Development Engineers who have included appropriate conditions of consent to ensure appropriate disposal of stormwater. The current proposal involves stormwater disposal via Hill Street as opposed to utilising adjoining residential land. Accordingly, refusal of the application on this basis was not warranted.
Geotechnical	1 submission received sought assurances that any earthworks would not result in damage to the adjoining property.	As a result of the natural topography of the land and the design adopted, the majority of excavation work is located adjacent to Hill Street, as opposed to adjoining properties. Additionally, the preparation of a comprehensive geotechnical report will be required prior to the issue of construction certificate. Refusal of the application on this basis is not considered warranted.

Terracing	A submission was received requesting that the maximum height of terracing at the rear of the development (to replace the existing rear boundary fence) be no more than 1.8m in height.	The applicant has confirmed that rear terracing shall not exceed 1.8 metres in height. Refusal of the application on this basis is not considered warranted.
Overshadowing	Concern was raised regarding the level of overshadowing generated by the proposal.	It is noted that the location of the submission is to the north of the subject land, accordingly overshadowing of the objecting party is not likely to detrimental. In addition, the proposals level of overshadowing has been discussed within Section (a)(iii) of this report, concluding that it is within acceptable parameters. Refusal of the application on this matter is not considered warranted.
Acoustic	1 submission was received seeking assurances that the proposal does not have an adverse impact on the adjoining property.	The proposal has been reviewed by Council's Environment & Health Unit, whom raises no objection to the proposal, subject to the imposition of conditions of consent. Additionally, whilst the proposal is considered acceptable, it is acknowledged that some increase in noise levels is unavoidable. Refusal of the application on this basis is not considered warranted.
Construction Procedures	1 submission was received seeking assurances that the construction of the proposal is wholly contained within the subject lot.	The containment of the proposal to the subject land would be a requirement imposed within any consent issued. It has been confirmed by the applicant that it is not anticipated that any adjoining land parcels will be required to facilitate the construction. Refusal of the application on this basis is not considered warranted.

**(e) Public interest**

Despite the objections received to this application the proposal is not considered to be in conflict with the general public interest in the locality. The proposed development adequately reflects the provisions of the controls and the intended development for the locality

**OPTIONS:**

1. Approve the application in accordance with the recommended conditions.
2. Approve the application with an additional condition, to read:

*'Prior to the issue of a Construction Certificate, amended plans are to be submitted to the satisfaction of Council's Director of Planning & Development or their delegate, clearly removing the northeastern projection of the balcony areas access from the master bedroom at Levels 2 & 3.'*

3. Refuse the application.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The applicant has a right of appeal to the Land and Environment Court.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

The proposed development has provided high density residential development in an area nominated for such a use given its close proximity to the commercial business districts of Tweed Heads and Coolangatta, which provide for a variety of shopping, dining, and recreational opportunities.

The existing public infrastructure is adequate to service the proposed residential flat building, as the area is not subject to any known hazard such as slip, flood or bushfire. Furthermore, the local road network surrounding the site is suitable for such a development especially when basement car parking is provided.

The merit assessment of the applicable issues relating specifically to the building envelope, open space landscaping, privacy and loss of views are not considered to be unsustainable or result in an over development of the site.

The site of the proposed development is considered suitable for this type of development and encouraged through Council's strategic planning documents for the area. Having had regard for the proposed development and controls provided for the site it is considered that conditional consent is warranted.

**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. Montage of proposed development. DW 1522648
  2. Perspectives of proposed development. DW 1522649
-

**P7 [PD-PC] Oyster Industry Sustainable Aquaculture Strategy**

**ORIGIN:**

**Development Assessment**

**SUMMARY OF REPORT:**

The NSW Department of Primary Industries has advised Council that the NSW Oyster Industry Sustainable Aquaculture Strategy (OISAS) was gazetted on Friday 8 December 2006. The strategy is one of a suite of strategies initiated by the NSW Government for the management and development of aquaculture in NSW.

Part 5.3 of the OISAS maps priority oyster aquaculture areas. In the Tweed Shire there are five (5) areas nominated in the Terranora Broadwater being a total area of 27.5 hectares. One lease adjacent to the Boyds Bay Caravan Park has been identified as a lease to be phased out. This lease has an area of 0.3 hectares.

State Environmental Planning Policy No 62 - Sustainable Aquaculture has also been amended and has introduced additional requests for the assessment of development applications that may have an impact on oyster aquaculture development.

**RECOMMENDATION:**

**That this report be noted and incorporated into relevant development assessment criteria for any future development applications which may impact on the five (5) areas nominated for oyster aquaculture in the Terranora Broadwater.**

**REPORT:**

The NSW Department of Primary Industries has advised Council that the NSW Oyster Industry Sustainable Aquaculture Strategy (OISAS) was gazetted on Friday 8 December 2006. The strategy is one of a suite of strategies initiated by the NSW Government for the management and development of aquaculture in NSW.

The objectives of the OISAS set out in Section 1.2 of Chapter 1 are as follows:-

"

- *Identifies those areas within NSW estuaries where oyster aquaculture is a suitable and priority outcome;*
- *Secures resource access rights for present and future oyster farmers throughout NSW;*
- *Documents and promotes environmental, social and economic best practice for NSW oyster farming and ensures that the principles of ecological sustainable development, community expectations and the needs of other user groups are integrated into the management and operation of the NSW oyster industry;*
- *Formalises industry's commitment to environmental sustainable practices and a duty of care for the environment in which the industry is located;*
- *Provides a framework for the operations and development of a viable and sustainable NSW oyster aquaculture industry with a clear approval regime and up-front certainty for existing industry participants, new industry entrants, the community and decisions makers;*
- *Identifies the key water quality parameters necessary for sustainable oyster aquaculture and establishes a mechanism to maintain and where possible improve the environmental conditions required for sustainable oyster production; and*
- *Ensures that the water quality requirements for oyster growing are considered in the State's land and water management and strategic planning framework."*

Part 5.3 of the OISAS maps priority oyster aquaculture areas. In the Tweed Shire there are five (5) areas nominated in the Terranora Broadwater having a total area of 27.5 hectares. One lease adjacent to the Boyds Bay Caravan Park has been identified as a lease to be phased out. This lease has an area of 0.3 hectares.

A plan showing these areas will be attached to this agenda.

The OISAS has been implemented by nominating the Strategy as an Aquaculture Industry Development Plan for the purpose of s.143 of the Fisheries Management Act, 1994.



State Environmental Planning Policy No 62 - Sustainable Aquaculture has also been amended to give effect to the revised planning provisions for the oyster industry and gazettes the Oyster Aquaculture Map referred to in Chapter 5 of the OISAS. Further details of the changes to the SEPP will be referred to later in this report.

Section 2.4 of the OISAS sets out the roles and responsibilities of the key agencies. The Local Government section is as follows:-

*"Local government has a diverse role covering town planning, building approvals, local roads, parking, public libraries, public toilets, water and sewerage, approval and inspection of septic systems, waste removal, domestic animals and community facilities. Of particular importance to the NSW oyster industry is council's part in managing estuarine water quality and resolving land and water use conflicts through estuary management planning, land use planning and development control. Council may also provide waste management services to the industry. Councils also assist the oyster industry with water quality monitoring and have a role in investigating water pollution incidents."*

Chapter 4 of the OISAS refers to water quality protection guidelines for planners, developers and estuary managers. The maintenance of existing water quality, tidal range and flow will be achieved primarily through established links. Three of these links are as follows:-

*"**Firstly**, when preparing statutory environmental management plans that govern activities (both upstream and downstream) that may influence priority oyster aquaculture areas the relevant agency is required to:*

- Consider the potential impact of the activity or plan on oyster aquaculture areas, and,*
- Include specific actions that will contribute to the protection and/or improvement of water quality for oyster aquaculture.*

***Secondly**, in determining applications for consent of approval under the Environmental Planning and Assessment Act, 1979 the consent or determining authority needs to consider the potential impacts of the activity on oyster aquaculture areas in the locality. Of particular concern is that catchment or foreshore development will reduce the suitability of an oyster aquaculture area for its intended purpose.*

***Thirdly**, the NSW oyster industry is recognised as a neighbour/stakeholder and will be notified of relevant applications for approvals and consents and natural resource plan making activities."*

Chapter I of the OISAS refers to "Planning and Approvals" and those sections specifically related to Council are as follows:-

- Section 8.1.3 - New leases NOT in a Priority Oyster Aquaculture area.

A development application will need to be lodged with council for assessment under Part 4 of the Environmental Planning and Assessment Act, 1979. The development application will need to be supported by a Statement of Environmental Effects, or for designated development an Environmental Impact Statement. A Species Impact Statement is required if a threatened species is likely to be significantly affected.

- Section 8.3 - Making Local Environmental Plans that may affect oyster aquaculture.

As a result of the impacts of development of estuarine catchments (eg stormwater, septic seepage, sewerage outfalls), there has been a deterioration in the environmental conditions required for oyster cultivation in some estuaries.

To address this issue the priority oyster aquaculture areas will be shown on Local Environmental Plans and Council must have regard for these areas in preparing a new LEP. The Director-General of DPI may object to the terms of a draft local environmental plan on the grounds of deleterious effects on an oyster aquaculture area.

- Section 8.4 - Determining development applications that may affect oyster aquaculture

When considering an application for development that, because of its proposed location, may affect a priority oyster aquaculture area or oyster aquaculture outside such an area, the consent authority must:

1. Give the Director-General of the Department of Primary Industries (DPI) written notice of the development application and take into consideration any written submissions made in response to the notice within 14 days after notice was given, and
2. Take into consideration the provisions of the *NSW Oyster Industry Sustainable Aquaculture Strategy*.
3. Consider any issues that are likely to make the development incompatible with oyster aquaculture and evaluate any measures that the applicant has proposed to address those issues. Examples of potential land use incompatibility issues include access to oyster leases being limited by the development or the risk of adverse impacts of the development on water quality and, consequently, on the health of oysters and on the health of consumers of those oysters.

The consent authority may refuse to grant consent to development if, in the opinion of the consent authority, the development is likely to have an unreasonable impact on a priority oyster aquaculture area or on oyster aquaculture outside such an area.

- Section 8.7 - Maintenance dredging of oyster leases

Dredging to maintain adequate water depth on an oyster aquaculture lease situated on Crown submerged land will require a licence issued under the *Crown Lands Act, 1989*. The provisions of the relevant local environmental plan and/or the *Environmental Planning and Assessment Act, 1979* may require development consent to be obtained. Development applications will require land owner's consent from the Department of Lands prior to lodgement.

**State Environmental Planning Policy No 62 - Sustainable Aquaculture (Amendment No 3)**

Amendment No 3 to the SEPP relates to the OISAS and the aims of the Policy are:

- "(a) to identify priority oyster aquaculture areas (priority areas) in accordance with the Government's NSW Oyster Industry Sustainable Aquaculture Strategy, and*
- (b) to make oyster aquaculture development in priority areas permissible without consent, and*
- (c) to retain the requirement for consent for oyster aquaculture development outside priority areas, and*
- (d) to require the Director-General of the Department of Primary Industries to be notified of any application for consent to a development that, because of its proposed location, may affect a priority oyster aquaculture area or oyster aquaculture outside such an area, and*
- (e) to remove the requirement for certain classes of oyster aquaculture development to be approved under Part 3A of the Act, and*
- (f) to protect priority areas and oyster aquaculture development outside these areas from new development that is unrelated to oyster aquaculture that may have adverse impacts on water quality (and, consequently, on the health of oysters and oyster consumers) by introducing particular requirements for the assessment of such development."*

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

When preparing a Local Environmental Plan and dealing with relevant development applications the provisions of the OISAS and SEPP62 will need to be considered.

**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. Map of Priority Oyster Aquaculture areas in Tweed Shire (DW 1524633).
  2. Amendment No 3 to SEPP 62 - Sustainable Aquaculture (DW 1524671).
-

**P8 [PD-PC] Amendments to Tweed Local Environmental Plan 2000**

**ORIGIN:**

**Development Assessment**

**FILE NO: GT1/LEP/2000/29; 47; 49; 50; 54; 62; 73; 78 and 79**

**SUMMARY OF REPORT:**

In accordance with directions from the State Department of Planning Council has resolved to prepare a new Local Environmental Plan for the Shire.

The plan will be completed in two stages. Stage 1 will be the conversion of Tweed Local Environmental Plan 2000 to the new LEP template format. The second stage will be a complete review of the Plan.

Having regard to the timetable for the completion of this project as well as workloads and priorities within the Planning and Development Division a review has been carried out of all current Council resolutions to prepare amendments to Tweed LEP 2000.

This review has had regard to the stage each one has reached in relation to the legislative process, responses received to date from the Department of Planning, the timing for completion of the amendment as well as the option of including the amendment as part of the new Local Environmental Plan process.

The review has identified nine (9) Council resolutions for amendments that should not now be proceeded with.

**RECOMMENDATION:**

**That Council resolve not to proceed with the following amendments to Tweed Local Environmental Plan 2000:**

- 1. Amendment No. 29 - Lot 2 DP 815370 Mooball/Pottsville Road, Pottsville.**
- 2. Amendment No. 47 - Master Planning.**
- 3. Amendment No. 49 - Lots 154 and 156 DP 801121, Lots 151 and 152 DP 630766 and Lots 529 and 530 DP 1003396 Clothiers Creek Road, Tanglewood.**
- 4. Amendment No. 50 - Deferred land, Lot 1 DP 803722 and Lot 1 DP 810063 Cudgen Road, Cudgen.**

5. **Amendment No. 54 - Lots 532 and 533 DP 1003396 Clothiers Creek Road, Tanglewood.**
6. **Amendment No. 62 - Lot 4 DP 835954 North Arm Road, Murwillumbah.**
7. **Amendment No. 73 - Rezoning of Lots 1, 2, 3 and 4 DP 381437 Cnr Turnock Street and Pearl Streets, Kingscliff.**
8. **Amendment No. 78 - Definition of Tourist Accommodation and Tourist Resort.**
9. **Amendment No. 79:**
  - (a) **Lot 7 DP 565198 Tree Street, Bray Park;**
  - (b) **Lot 4 DP 835954 & Part Lot 1 DP 814412 North Arm Road, Murwillumbah**

**REPORT:**

**Background**

In accordance with directions from the State Department of Planning Council has resolved to prepare a new Local Environmental Plan for the Shire.

The plan will be completed in two stages. Stage 1 will be the conversion of Tweed Local Environmental Plan 2000 to the new LEP template format. The second stage will be a complete review of the Plan.

Having regard to the timetable for the completion of this project as well as workloads and priorities within the Planning and Development Division a review has been carried out of all current Council resolutions to prepare amendments to Tweed LEP 2000.

This review has had regard to the stage each one has reached in relation to the legislative process, responses received to date from the Department of Planning, the timing for completion of the amendment as well as the option of including the amendment as part of the new Local Environmental Plan process.

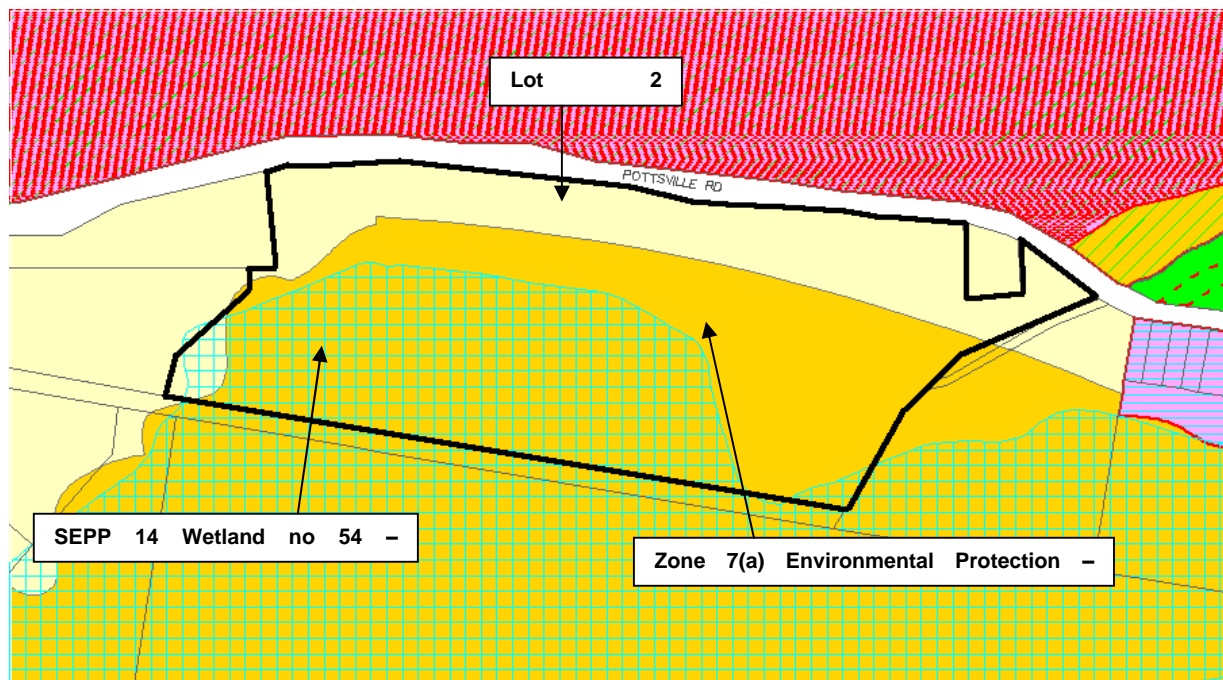
The review has identified nine (9) Council resolutions for amendments that should not now be proceeded with.

The details of each amendment and comments on each are as follows:

**1. Amendment No. 29 - Lot 2 DP 815370 Mooball/Pottsville Road, Pottsville**

This amendment relates to a request on behalf of the owners of the subject land for the rezoning of the lot from Part 1(a) Rural and Part 7(a) Environmental Protection (Wetland and Littoral Rainforest) to Part 3(c) Commerce and Trade and Part 7(a) Environmental Protection (Wetland and Littoral Rainforest).

**Site Plan - Lot 2 DP815370 - SEPP 14 and Zone 7(a)**



The request was considered by Council at a meeting on 19 December 2001 when it was resolved to prepare an amendment to Tweed LEP 2000.

Following consultation with Government agencies significant issues were raised in relation to the rezoning. These issues were summarised and are attached to this agenda. A meeting between Council officers and a representative of the owners of the subject land was held on 6 May 2002 to discuss these issues. As a consequence of this meeting the landowners were to formally advise Council of their intentions with regards to the future development of the subject land. No further action on the amendment has occurred since that time.

Given the recent decision to prepare a locality plan for Pottsville and the significant issues raised in relation to this rezoning it would be more appropriate for this amendment to be abandoned and the subject lot be considered as part of the locality plan for Pottsville in the first instance.

**2. Amendment No. 47 - Master Planning**

On 20 March 2002 Council adopted an resolution to pursue a "housekeeping" amendment to Tweed LEP 2000 (Amendment No. 26). The amendment referred to 14 separate matters some of which were split into individual amendments. One of these was to incorporate the master planning provisions of the EP & A Regulations into Council's LEP. This became amendment No. 47 and was exhibited in May and June 2003.

The amendment was adopted by Council at a meeting on 18 February 2004 and referred to the Department of Planning with a request that the Minister make the plan.

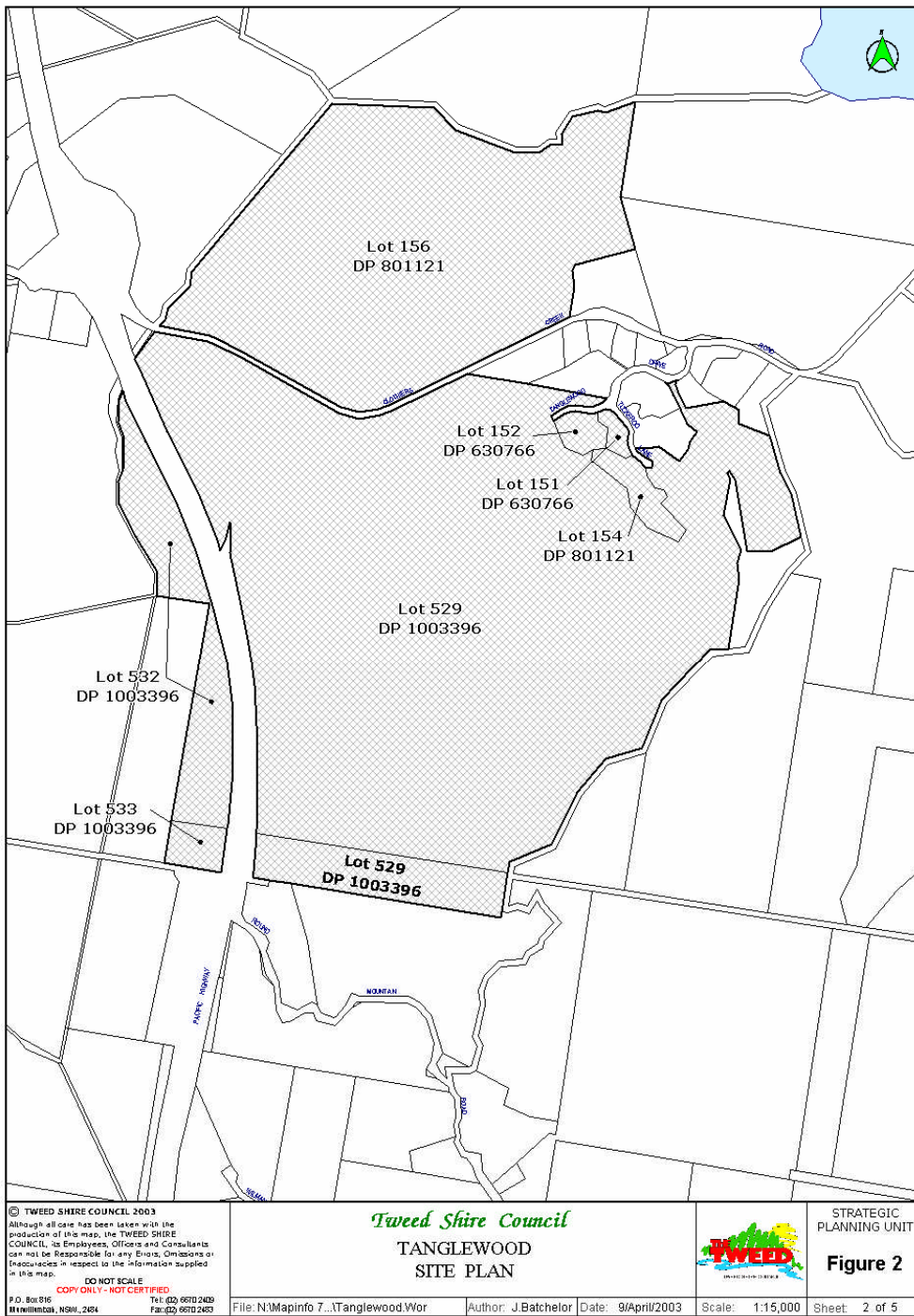


In June 2004 the Department advised that the questions of master planning and the inclusion of these provisions in Local Environmental Plans was under review and that the making of amendment 47 should be deferred. No further action has occurred on the file. On this basis the amendment should be abandoned and this issue be considered as part of the new Shire LEP.

3. **Amendment No. 49 - Lots 154 and 156 DP 801121, Lots 151 and 152 DP 630766 and Lots 529 and 530 DP 1003396 Clothiers Creek Road, Tanglewood**

On 18 June 2003 Council resolved to prepare an amendment to review the zonings for the Tanglewood property. The amendment was broken into parts, one (Amendment No. 49) dealt with all of the Tanglewood property on the eastern side of the motorway and the other (amendment No. 54) was for the land on the western side of the motorway).

**Site Plan**



In August 2003 the Department of Planning advised Council that there was a need for an environmental study for this amendment. The environmental study was to be funded by the owners of the subject land. Although a draft brief was prepared for the study the amendment has not progressed beyond that point pending a formal response from the consultant for the owners on the draft document.

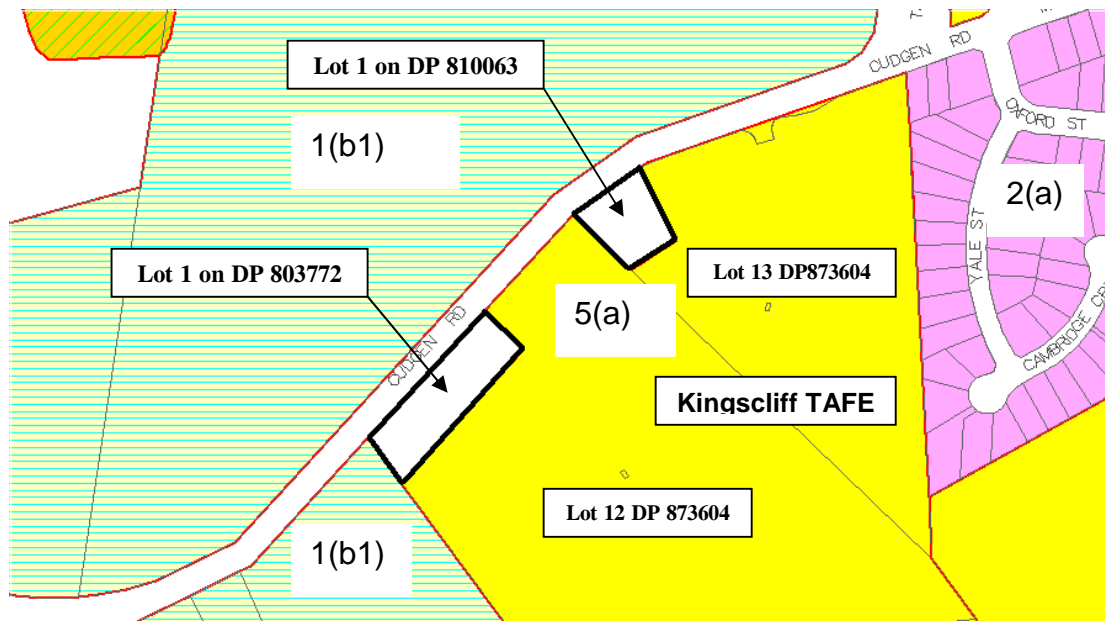
In recent times there has been an indication that the proposed Tanglewood development will be pursued by way of a Part 3A application (Major Infrastructure and Other Projects) under the Environmental Planning and Assessment Act 1979.

In view of the progress reached with Amendment No. 49 and the indications that this site will be pursued as a Part 3A application this amendment to Tweed LEP should be abandoned.

4. **Amendment No. 50 - Deferred land Lot 1 DP 803772 and Lot 1 DP 810063 Cudgen Creek Road, Cudgen**

These two lots are adjacent to the Kingscliff TAFE campus and are unzoned and marked as 'deferred area' under Tweed LEP 2000.

**Site Plan**



At a Council meeting on 28 June 2003 it was resolved to prepare an amendment to the LEP to zone the subject lots 1(a) Rural.

Relevant Government agencies have been consulted however the amendment process has not progressed beyond that point.

Given the likely timeframe for completing this amendment it would be more efficient to include this rezoning as part of the new Local Environmental Plan and this amendment be abandoned.

5. **Amendment No. 54 - Lots 532 and 533 DP 1003396 Clothiers Creek Road, Tanglewood**

This amendment is referred to in that section of this report relating to amendment No. 49 and the land the subject of this amendment is on this site plan relation to Amendment No. 49.

The subject lots are on the western side of the motorway and are currently zoned 6(b) Recreation. Given its' fragmentation from the main Tanglewood property the lots were to be rezoned to a more appropriate zone.

Although an environmental study was not required for this amendment the process has not gone beyond consultation with Government Agencies. The amendment should therefore be abandoned and included in the new Shire LEP.

6. **Amendment No. 62 - Lot 4 DP 835954 North Arm Road, Murwillumbah (also refer to Amendment No. 79)**

This amendment relates to a small area of land adjacent to the Wollumbin High School that is zoned 2(c) Urban Expansion. The majority of Lot 4 is zoned 1(b2) Agricultural Protection and the topography of the 2(c) area is appropriate for this zoning. The 2(c) zone was seen to be a mapping anomaly.

Site Plan



At a Council meeting on 15 September 2004 it was resolved to prepare an amendment to correct the mapping anomaly.

Relevant Government agencies have been consulted however the amendment process has not progressed beyond that point.

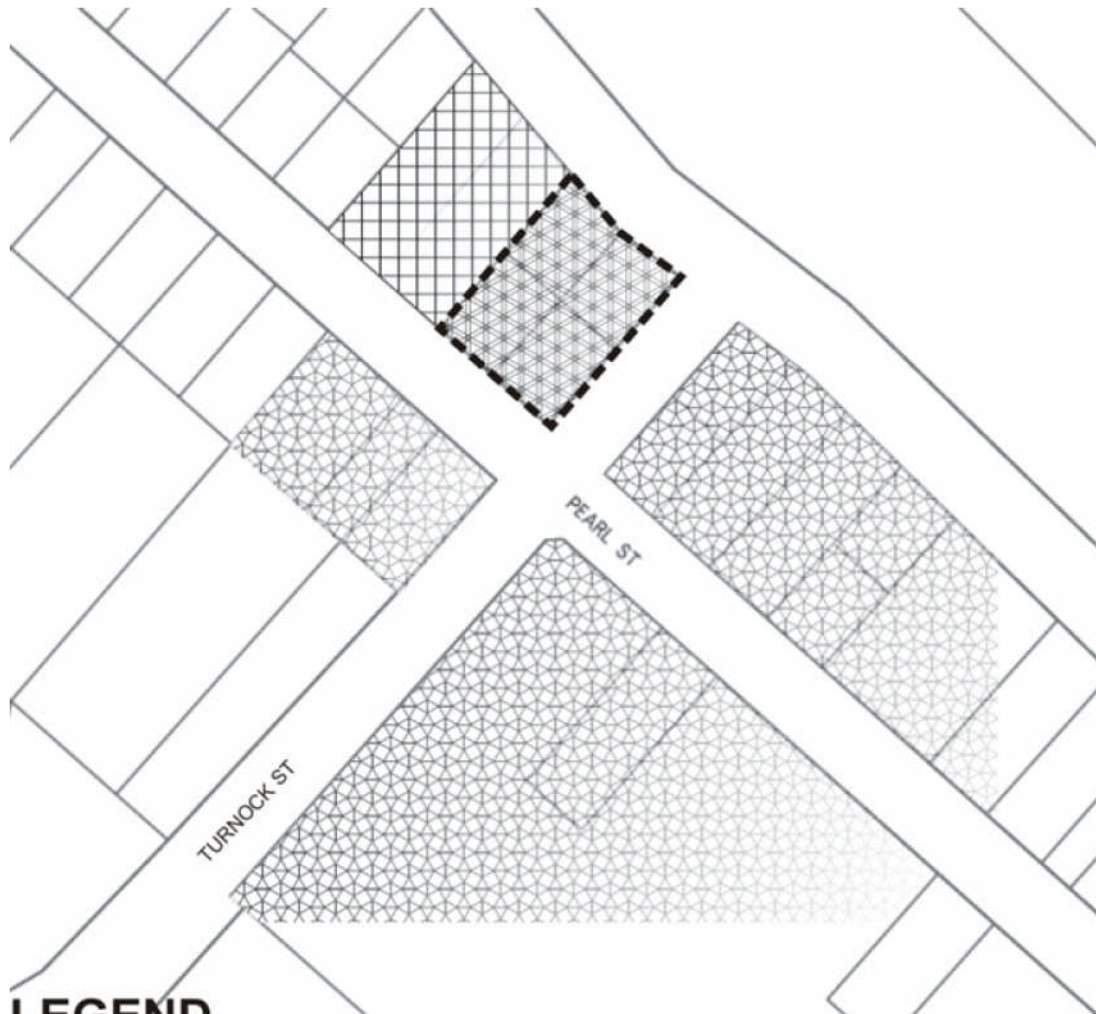
Given the likely timeframe for completing this amendment it would be more efficient to include this rezoning as part of the new Local Environmental Plan and this amendment be abandoned.

7. **Amendment No. 73 - Lots 1, 2, 3 & 4 DP 381437 Cnr Turnock & Pearl Streets, Kingscliff**

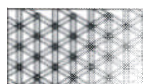
This amendment proposes to rezone the four (4) lots from 2(b) Medium Density Residential to 3(b) General Business.

Site Plan

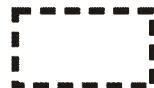
# Proposed Expansion of Business Zone



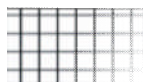
## LEGEND



Proposed Rezoning Area



Full rezoning boundary



Possible Extension of Expansion Area



Existing General Business Zone (3b)

At a Council meeting on 22 March 2006 it was resolved to prepare this amendment. No further action has occurred to prepare the amendment. On this basis it would be more efficient to include this rezoning in the new Local Environmental Plan and that this amendment be abandoned.

7. **Amendment No. 78 - Definition of Tourist Accommodation and Tourist Resort**

At a Council meeting on 19 October 2005 it was resolved to amend the definition of tourist accommodation and Tourist Resort in Tweed LEP 2000.

In May 2006 the Department of Planning were asked to issue a Section 65 Certificate to enable the public exhibition of the amendment. On 28 June 2006 the Department declined to issue the Certificate as the draft amendment did not accord with definition in the standard LEP that had been recently gazetted. The amendment has not progressed any further.

Given that work is well advanced on the conversion of LEP 2000 to the Standard LEP format this proposal should be incorporated in the new plan and this amendment be abandoned.

9. **Amendment No. 79 - (a) Lot 7 DP 565198 Tree Street, Bray Park and (b) Lot 4 DP 835954 & Part Lot 1 DP 814412 North Arm Road, Murwillumbah (This lot is also referred to in amendment No. 62 in this report)**

Amendment 21 that proposed to integrate the natural resource reforms adopted by the State Government into Council's LEP was exhibited from December 2004 to March 2005.

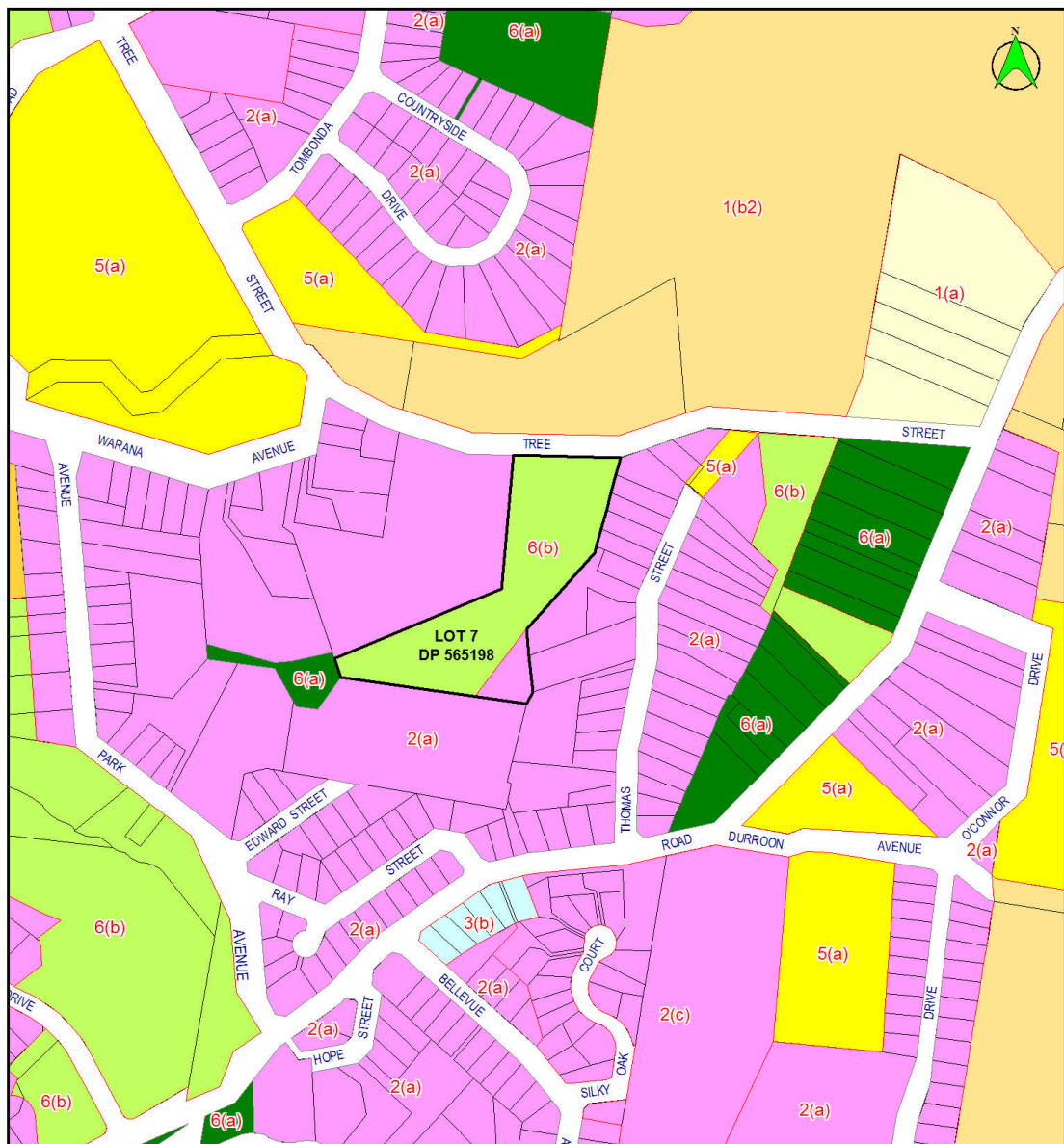
As part of this amendment the two separate sites referred to above that formed part of amendment 21 were taken out of that amendment and became amendment No. 79. The expectation at the time was that amendment No. 21 would not be completed for some time because of the complexities of that amendment. This decision was made at a meeting on 2 November 2005.

Site (a) above has been heavily revegetated by the landowner and is predominantly flood prone. A small part of the site is not affected by flooding and a dwelling house has been constructed there.

LEP 2000 inadvertently rezoned the land entirely 6(a) Open Space. This amendment was to rezone the site to 2(a) Residential (the flood free house site) and 6(b) Recreation to more accurately reflect the ownership and site constraints.



Site Plan for (a)



LEGEND - TWEED LOCAL ENVIRONMENT PLAN 2000 - AMENDMENT NO.21			
<b>RURAL</b>	<b>BUSINESS</b>	<b>OPEN SPACE</b>	<b>ADDITIONAL CONTROLS</b>
1(a) RURAL (Steep Land/Escarpment)	3(a) SUB-REGIONAL BUSINESS	6(a) OPEN SPACE (Township)	CLAUSE 37 (Transmission Line Corridor)
1(b2) AGRICULTURAL PROTECTION	3(b) GENERAL BUSINESS	6(b) RECREATION (Township)	CLAUSE 38 (Future Roads)
1(c) AGRICULTURAL PROTECTION	3(c) COMMERCE & TRADE (Business)	<b>ENVIRONMENTAL PROTECTION</b>	CLAUSE 41 (Heritage Conservation Area)
1(c) RURAL LIVING	3(d) WATERFRONT ENTERPRISE (Business)	7(a) ENVIRONMENTAL PROTECTION (Significant Natural Vegetation and Wildlife Habitat)	CLAUSE 52 (Kings Beach / Kings Forest)
<b>RESIDENTIAL</b>	3(e) SPECIAL TOURIST / BUSINESS (Jack Evans Boatharbour)	7(f) ENVIRONMENTAL PROTECTION (Coastal Lands)	CLAUSE 52 (Pottsville)
2(a) LOW DENSITY RESIDENTIAL	<b>INDUSTRIAL</b>	<b>NATIONAL PARKS &amp; NATURE RESERVES</b>	CLAUSE 52 (Stormwater and Fill)
2(b) MEDIUM DENSITY RESIDENTIAL	4(a) INDUSTRIAL	8(a) National Parks and Nature Reserves	CLAUSE 52 (Minimum Lot Sizes)
2(c) URBAN EXPANSION (Township)	<b>SPECIAL USES</b>		CLAUSE 52 (Cobaki Lakes)
2(d) VILLAGE	5(a) SPECIAL USES		CLAUSE 53 (Schedule 3 Item)
2(e) RESIDENTIAL TOURIST			
2(f) TOURISM (Township)			

<p>© TWEED SHIRE COUNCIL 2005</p> <p>Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL, its Employees, Officers and Consultants can not be Responsible for any Errors, Omissions or Inaccuracies in respect to the information supplied in this map.</p> <p>DO NOT SCALE</p> <p>COPY ONLY - NOT CERTIFIED</p> <p>P.O. Box 816 Murwillumbah, NSW, 2484 Tel: (02) 6670 2409 Fax: (02) 6670 2483</p>	<p><i>Tweed Shire Council</i></p> <p>Lot 7 DP 565198 Tree Street, Bray Park</p> <p><b>LEP AMENDMENT NO.21</b></p>		<p>STRATEGIC PLANNING UNIT</p> <p><b>Figure 3</b></p>	
	File: N:\MapInfo 7...Tree Street Wor	Author: J.Batchelor		Date: 13/Oct/2005

Site (b) is the same land referred to in Amendment No. 62 that is referred to earlier in this report.

In June 2006 the Department of Planning advised that the Minister's Office had returned the draft Plan to them with the advice that the plan could not be made. Given that the Department had previously advised that taking the two issues out of Amendment 21 and completing them as a separate amendment (amendment 79) was possible, clarification of the Minister's office decision was sought from the Department.

In August 2006 the Department advised that the decision was based on legal advice and that if Council wished to proceed with this amendment then a new resolution for the two properties would be required and the process recommenced. Alternatively it was suggested that they could be incorporated in the completion of amendment 21.

Both the proposed amendments could be more efficiently incorporated into the new LEP and accordingly this amendment should be abandoned.

## **OPTIONS**

1. Approve the recommendations to not proceed with the nominated amendments to Tweed LEP 2000.
2. Proceed with some or all of the nominated amendments to Tweed LEP 2000.

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

Adoption of the recommendation will enable resources to be more efficiently used.

## **POLICY IMPLICATIONS:**

Nil.

## **CONCLUSION**

For the reasons outlined in the report it is recommended that the nominated amendments not be proceeded with.

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

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1. Issues associated with Amendment No. 29. (DW 1525443)
-

**P9 [PD-PC] Tweed Local Environmental Plan 2000 Amendment No 70 (Exempt and Complying Development) and Amendment No 4 Development Control Plan No 40 (Exempt and Complying Development)**

**ORIGIN:**

**Development Assessment**

**FILE NO: GT1/LEP/2000/70 Pt1 and GT1/DCP/40 Pt2**

**SUMMARY OF REPORT:**

Amendment No 4 to DCP 40 - Exempt and Complying Development and associated amendment No 70 to Tweed Local Environmental Plan (LEP) 2000 that primarily related to film shoot productions on Council controlled land was exhibited for public comment in March/April 2006 and adopted at a Council Meeting held 13 June 2006.

Part of the amendment to Tweed LEP 2000 was the change to the date of adoption of Development Control Plan (DCP) 40. This amendment has not been finalised and it has now been identified that the requirements of the Environmental Planning and Assessment Regulations 2000 to give public notice of the decision to adopt amendment No 4 to DCP 40 within twenty-eight (28) days after the decision did not occur.

A new adopted date for Amendment No 4 to DCP 40 is therefore required to finalise Tweed LEP Amendment No 70.

**RECOMMENDATION:**

**That Council:-**

- 1. Adopts Amendment No 4 to Development Control Plan No 40 (Exempt and Complying Development) as referred to at Minute No 107 of the Council Meeting held 13 June 2006.**
- 2. Gives public notice in the Tweed Link of its decision to adopt Amendment No 4 to Development Control Plan No 40 (Exempt and Complying Development) in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the Development Control Plan will come into effect on the date of gazettal of Tweed Local Environmental Plan 2000 (Amendment No 70).**

**REPORT:**

As per the Summary of Report.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Action Item (includes resolution and report) on subject item from Council Meeting held 13 June 2006 (DW 1409493)
-

**P10 [PD-PC] Draft Tweed Local Environmental Plan 2000, Amendment No 76  
- Heritage Items**

**ORIGIN:**

**Strategic Town Planning**

**FILE NO: GT1/LEP/2000/76 Pt1**

**SUMMARY OF REPORT:**

On 21 September 2005 Council resolved to prepare Draft Tweed LEP 2000, Amendment No 76 – Heritage Items. The purpose of the Amendment is to amend Schedule 2 – Heritage Items of Tweed LEP 2000 in accordance with the recommendations of the Tweed Shire Community Based Heritage Study prepared by David Scobie Architects on the behalf of Council.

Adoption of the Amendment will result in the heritage protection of 238 items nominated as being significant to the physical and/or cultural heritage of the Tweed Shire.

During the preparation of Amendment No 76 relevant State Government Departments, adjoining Local Government Authorities and the Tweed Byron Aboriginal Land Council were requested to provide comment on the draft Plan.

Owners of the nominated items have not yet been notified of the proposed listing of their property; however, as part of the public exhibition process for the draft Plan each of the owners will be personally notified by mail and invited to attend a meeting with representatives of David Scobie Architects to discuss the benefits of owning a heritage listed property.

A summary of the key issues relevant to the adoption of the nominated heritage items is provided in the body of this report.

Despite the identified key issues the advantages to the Community of proceeding with the proposed Amendment outweigh any foreseeable disadvantages.

**RECOMMENDATION:**

**That, pursuant to Section 66 of the Environmental Planning and Assessment Act 1979, Council exhibits draft Tweed Local Environmental Plan 2000, Amendment No 76.**

## **REPORT:**

### **Introduction**

On 21 September 2005 Council, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 (the Act), resolved to prepare an Amendment to Tweed LEP 2000 to list 240 items significant to the physical and/or cultural heritage of the Tweed Shire.

The purpose of this report is to ensure that Council is aware of the proposed listing of heritage items and the potential issues that may arise during the exhibition of the draft Plan.

### **Background**

Council resolved on 19 June 2002 to engage David Scobie Architects to prepare a Community Based Heritage Study for Tweed. With the help of a number of dedicated local volunteers the Heritage Study was completed in October 2004.

A total of 405 individual items were considered for listing during the preparation of the Study. The final recommendations by David Scobie Architects were as follows:

- 259 items be included in the Shire's Heritage List.
- 48 items be deferred for further consideration at a later stage.
- 23 items be included as a record only.
- 78 items be removed from further consideration

To be included in the Shire's Heritage List each of the nominated items had to meet one or more criteria identified by the NSW Heritage Office. To establish if an item satisfied one or more of the criteria an assessment was undertaken to determine whether:

- (a) An item is important in the course of the region's cultural or natural history.
- (b) An item has a strong or special association with the life or works of a person, or group of persons, of importance in the region's cultural history.
- (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the region.
- (d) An item has strong or special association with a particular community or cultural group in the region for social, cultural or spiritual reasons.
- (e) An item has potential to yield information that will contribute to an understanding of the region's cultural or natural history.
- (f) An item possesses uncommon, rare or endangered aspects of the region's cultural or natural history.
- (g) An item is important in demonstrating the principal characteristics of a class of the region's cultural or natural places/environments.

Further to the criteria identified by the NSW Heritage Office the nominated items were selected to reflect a number of key themes applicable in the Tweed, including the sugar industry, banana growing, kanaka labour, local tourism and leisure, forestry, transport, and the development of townships.

A copy of the final report to the Study is attached as Appendix 1.

Of the 259 items recommended to be included in the Shire's Heritage List, some are located outside of Tweed Shire Council's jurisdiction or their inclusion would have resulted in a duplication of Council's planning provisions or their location could not be accurately identified from the data available. Hence, the reason behind Council's resolution to list only 240 of the 259 items recommended.

### **Preparation of Draft LEP 2000 Amendment No 76**

Pursuant to Sections 62 and 34A of the Act, relevant State Government Departments and adjoining Local Government Authorities have been requested to comment on the proposed heritage items. The Tweed Byron Aboriginal Land Council was also requested to provide comment.

Responses to the draft Plan have been received from the following Departments and Agencies:

- Department of Community Services
- North Coast Area Health Service on behalf of NSW Health
- NSW Roads and Traffic Authority
- Department of Environment and Conservation
- Department of Primary Industries
- Heritage Council of NSW
- NSW Rural Fire Service
- Tweed Byron Aboriginal Land Council

A copy of each submission is attached as Appendix 2.

The Department of Planning advised on 1 February 2006 that there was no need to prepare an Environmental Study in support of the Amendment provided the Community Based Heritage Study was exhibited with the draft Plan.

On 28 June 2006 Council was issued with a Certificate pursuant to Section 65 of the Act to enable the public exhibition of the draft Plan. However, since this date, two (2) of the nominated items have been destroyed or damaged beyond repair and no longer exist; and part of one other item has also been destroyed. These include:

- 41<sup>st</sup> Battalion Drill Hall 85 Ewing Street, Murwillumbah (no longer exists)
- Residence 18 Hill Street, Tweed Heads (no longer exists)
- Togo's Hill and Mango Trees (Mango Trees no longer exist)

To ensure that the draft Plan is relevant and not open to criticism it has been amended to delete the above items from the draft.

To exhibit the draft Plan a new certificate pursuant to Section 65 of Act will need to be issued by the Director General of the Department. Advice from the Department is that this should not be an issue and as such formal correspondence has been sent to the Department requesting that a new certificate be prepared.

A copy of the draft Plan is attached as Appendix 3 and a series of maps identifying the location of the nominated heritage items can be viewed at Council Offices in Murwillumbah and Tweed Heads.

### **Public Exhibition**

Should Council resolve to exhibit Amendment No 76, the draft Plan and accompanying exhibition material will be placed on public exhibition at the following locations:

- Murwillumbah Civic Centre from 8.00am to 4.30pm weekdays.
- Tweed Heads Civic Centre from 8.00am to 4.30pm weekdays.
- Kingscliff Library from 10.00am to 5.00pm Tuesday-Friday and 9.00am to 12.00 noon Saturday.
- Uki Community Technology Centre (CTC) located at the Old Butter Factory from 9.00am to 4.00pm weekdays.
- Tweed Shire Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

Due to the potential for conflict to occur with the heritage listing of personal property the exhibition period will be extended to 40 days.

Representatives from David Scobie Architects will be available during the exhibition period to discuss the listing of the identified items with owners and the Community. Particular arrangements for when these representatives will be available are yet to be finalised, however it is envisaged that a one-off period towards the end of the exhibition period will be set aside for the representatives to attend at Council.

### **Key Issues**

The listing of personal property as an item of heritage can be a very contentious issue, particularly if the listing of an item results in a reduction in the value or the return an owner could receive from the sale of the item. Below is a summary of the key issues identified during the preparation of the draft Plan.

*Issue:*

- Identification of the nominated heritage items has largely been undertaken without the owner's knowledge or consent. It was considered that should the owners of the nominated items be advised prior to any protection being established for the items some might be damaged or even destroyed to prevent them from being listed.



*Response:*

- Owners of the nominated heritage items will be personally advised, during the exhibition of the draft Plan, of the proposed listing of their property and will be invited to attend a meeting with representatives of David Scobie Architects to discuss the advantages and disadvantages of owning property that is heritage listed. A copy of the letter that will be sent to the various owners is attached as Appendix 4.

*Issue:*

- A thorough justification for listing some of the nominated items as heritage has not been established.

*Response:*

- Preparation of the Community Based Heritage Study included the amalgamation of a number of previously prepared heritage lists compiled by various Government Departments, Council, professional institutions and the Community. The level of detail in some of these lists was limited at best and contact with the persons involved in their creation could not be made.
- A Comprehensive heritage assessment of each of the nominated items was not possible in the preparation of the Community Based Heritage Study due to the availability of resources and the level of access available to the items. It is anticipated that during the exhibition of the draft Plan that some additional information may be identified through the owners of the nominated items.
- To truly protect the nominated heritage items and provide a useful planning resource for Council officers and the community in general, a comprehensive heritage assessment of each of the nominated items should be undertaken by a suitably qualified heritage consultant following the exhibition of the draft Plan. It is particularly important to undertake this work for those items where there is an objection to the listing of the item.

*Issue:*

- Listing of the identified items will prevent their demolition and/or limit the potential for them to be re-located. Hence the potential for the re-development of key sites in the Shire's urban centres will be limited, particularly in Murwillumbah. A direct consequence of this is that businesses requiring a sizeable site to operate will be deterred from establishing in some key areas.

*Response:*

- Although some key centres will become heavily constrained by the adoption of the nominated heritage items with respect to re-development, there still remains opportunities for businesses requiring larger sites to establish. To identify these opportunities a more innovative and pro-active approach by Council in the development of Locality Plans for the Shire's urban centres needs to be undertaken.

### **Advantages/Benefits of Adopting the Nominated Heritage Items**

The identification and protection of items that convey a community's heritage is important and all levels of Government should be actively involved in establishing heritage conservation provisions and practises.

The advantages of Amendment No 76 to the Tweed Community include:

- A significant increase in the number of heritage items protected in the Tweed Region. Presently only 25 items are identified in Tweed LEP 2000.
- The establishment of more certainty for both the broader Community and individual owners of the listed heritage items with regard to the re-development of key sites and buildings that are reflective of the Region's heritage.
- Opportunities to access dollar for dollar State Government funding for the maintenance and renovation of heritage-listed items.
- The potential for an increase in the value of heritage listed items.

### **Conclusion**

Although a number of key issues present with the exhibition of the draft Plan it is recommended that Council proceeds with the public exhibition of draft Tweed Local Environmental Plan 2000, Amendment No 76 – Heritage Items.

Further to this, it is also recommended that Council identifies funding for the engagement of a suitably qualified Heritage Consultant to undertake a comprehensive heritage assessment of each of the nominated items following the public exhibition of the draft Plan and to determine the validity of any objections received with regard to the listing of the nominated items in Tweed LEP 2000. This will be the subject of a further report to Council following exhibition of the draft Plan.

### **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).

1. Tweed Shire Community Based Heritage Study Summary Report (DW 1253692).
  2. Submissions from relevant State Government Departments and/or Agencies and the Tweed Byron Aboriginal Land Council (DW 1326264, 1328702, 1331933, 1335689, 1346368, 1415701, 1329131 & 1386254).
  3. Draft Tweed Local Environmental Plan 2000, Amendment No 76 (DW 1525447).
  4. Draft Notification letter to be forwarded to the owners of the nominated heritage items (DW 1523873).
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**P11 [PD-PC] Murwillumbah Locality and Master Planning Projects**

**ORIGIN:**

**Strategic Town Planning**

**FILE NO: GT1/DCP/56**

**SUMMARY OF REPORT:**

This report has been prepared to inform and update Council on the status of the Murwillumbah locality and master planning projects, in particular it provides a draft outline of the initial consultation stage.

**RECOMMENDATION:**

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

## **REPORT:**

### ***Reason for Report***

This report has been prepared to inform and update Council on the status of the Murwillumbah locality and master planning projects.

### ***Summary of Project***

At its Ordinary Meeting on 17 October 2006 Council resolved to engage the services of Architectus (Brisbane) to undertake the locality and master planning work detailed in the Tweed Shire Council Consultant Brief DQ2005-192, based on their tender document dated October 2006.

The project consists of three key elements (not stages) that are to be undertaken concurrently, they are: -

- A locality plan and DCP for Murwillumbah (as defined by the study area map below);
- A masterplan for Knox Park, and
- A scoping study (confined to within a 5Klm radius of the town centre).

### ***Locality Plan / DCP (Murwillumbah)***

It is envisaged that the plans will establish a comprehensive planning framework through the implementation of planning and design objectives (locality plan) backed-up with an appropriate degree of regulatory controls (dcp) that will guide the future development of the study area. An integrated approach combining analysis of present land-use patterns, population, retail, economic, social, cultural and traffic elements will be undertaken by the project consultant in combination with public focus group meetings to ensure that best practice and informed decision making are embodied in the design of the plans.

There is significant pressure being exerted by various sources in so far as retail space/premises is concerned within the town and whilst this will invariably have a degree of influence in the design of the plans they are by no means an exercise in retail geography or protection. They are to be an integrated plan based on a methodology that will capitalise on retail, tourist, commercial and residential opportunities, maximised in the context of the towns heritage values, transportation network, spatial location and population demands.

### ***Knox Park Masterplan***

It is envisaged that the masterplan for Knox Park will provide the impetus and direction for the revitalisation and activation of the most significant area of public open space in the locality. The integration of human uses within the landscaped environment of the park and its overall integration and relationship to the town centre are pivotal to the success not only of the park but the adjoining built environment, in particular commercial and retail premises. A review of the present and potential park user groups (e.g. netball, croquet clubs), infrastructure provision, connectivity/spatiality, associated car parking and anti-social behavioural elements will be undertaken by the project consultant in combination with public focus group meetings to ensure that the masterplan embodies principles that maximise recreational opportunities, activate the park/town centre interface, improves surveillance opportunities and provides positive actions to help curb the present level of anti-social behavioural issues associated with the park.

### ***Scoping Study***

The scoping study covers a 5km radius from the Murwillumbah town centre. It is envisaged the study will identify areas that may have the capability to support a change in present land-use through rezoning. An analysis of constraint mapping, that is, identifying areas that are subject to natural or human constraints (flooding, steep land, highways, infrastructure etc) will be undertaken by the project consultant in order to identify areas that have positive attributes that may warrant further investigation at a future time. The level of generality in the scoping study is expected to be sufficiently detailed to permit estimates of possible future residential densities and commercial / industrial floor area within the scoping area, but which will be subject to and require further detailed investigation. This body of work will be undertaken in combination with public focus group meetings.

The scoping study by itself will not result in a level of detail that will enable land rezoning.

### ***Consultation***

The project is being managed collaboratively between the Planning Reform Unit, Recreational Services and the project consultant. In addition, there is an internal reference group comprising:

- Manager Recreation Services
- Manager Environment and Health Services
- Manager Community & Cultural Services
- Mr Tom Senti representing TEDC
- Traffic & Transport Engineer
- Landscape Architect – Recreation Services
- Senior Planner – Planning Reform Unit

There is no consultative committee required for this project.

Public consultation is to be held in two ways comprising general public meetings/workshops and key user focus group workshops. It is anticipated that the latter will comprise of: -

- Key users of Knox Park, e.g. netball, croquet clubs
- Red Cross
- Chamber of Commerce
- Key land-owners / business owners / developers
- Tweed tourism (formerly TACTIC)
- Key service providers (TAFE, Centrelink)
- Youth representatives
- Murwillumbah Residents' Committee

An initial article was published in issue 491 of the November 21 addition of the Tweed Link. The article provided a broad overview of the projects three components, its purpose and relationship to other Murwillumbah centred Council projects and invited expressions of interest from any interested party, which was open until 4 December. During this period 14 expressions of interest were recorded.

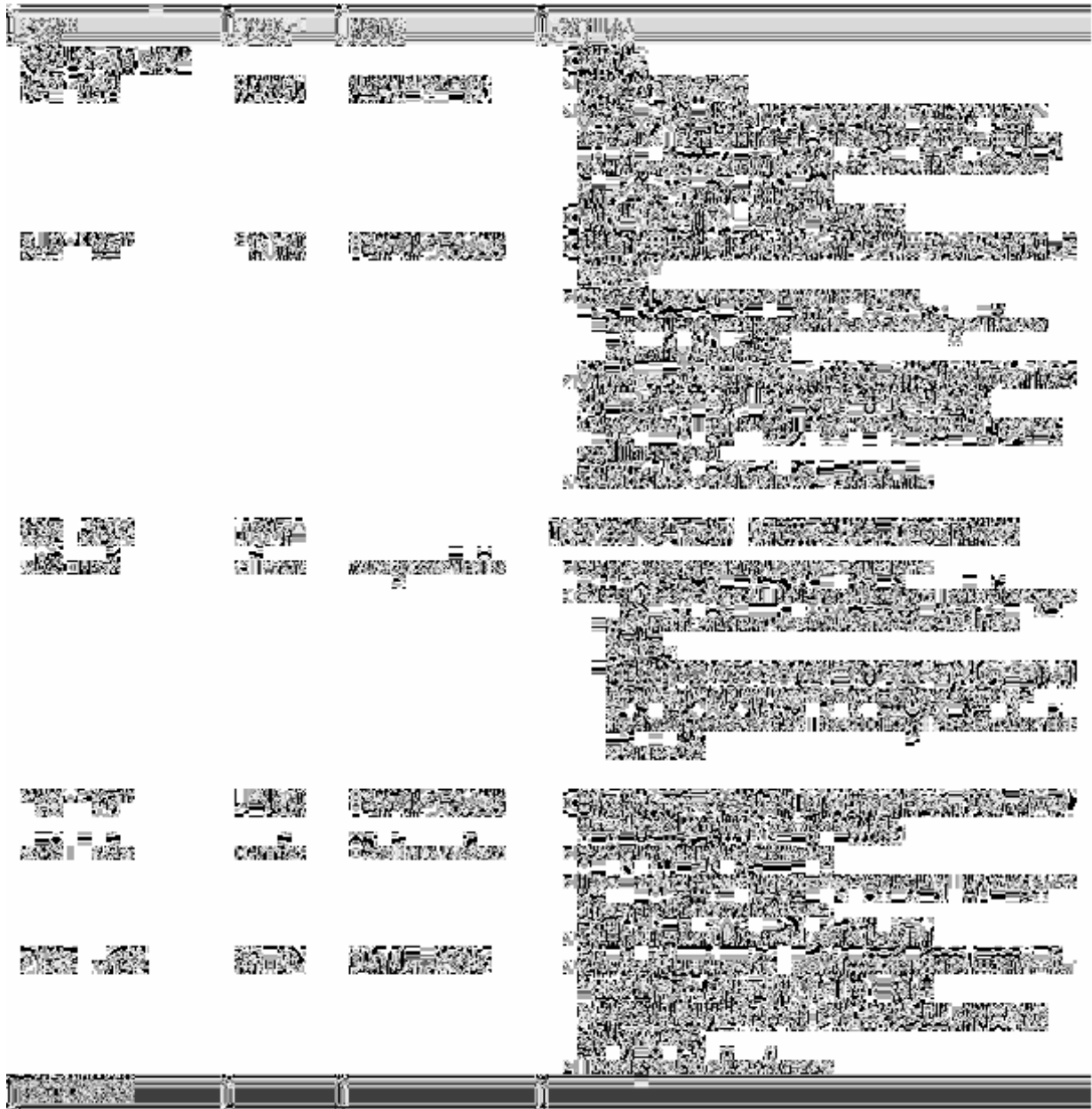
The first public meeting is scheduled for Monday 12 February 2007 in the Auditorium. This will be supported with a further open invitation in a public notice to be published in the Tweed Link.

The draft consultation outline for February 2007 is provided below.





The draft public workshop outline for 12 February is provided below.



The information gathered from the above consultation will be used to formulate preliminary strategies and design for internal review, which will filter into the preparation of public consultation documents for the second round of consultation in March. There is scope in the consultant brief to increase the number of public/key focus group meetings on a need basis.

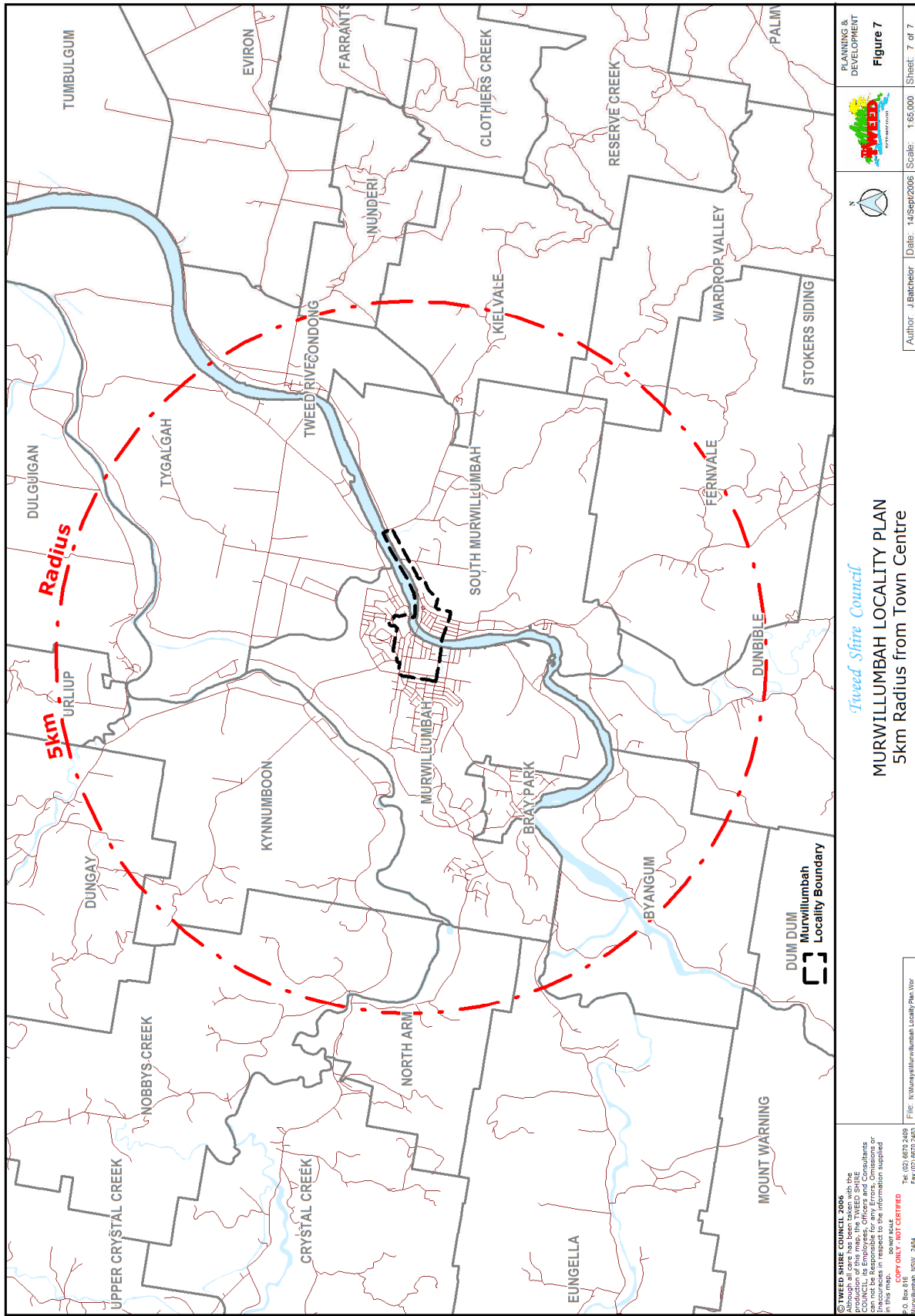
Council will be updated at each stage of the project consultation.

***Where are we at?***

To-date, the project consultant team and Council's project team have met to define the three elements of the brief and to identify and pass on significant information including, mapping data, traffic / economic studies and previous and present relevant planning documents. This information is being reviewed with a view to informing preliminary ideas and concepts that can be used and presented to stimulate the discussion in the initial rounds of consultation.

It is expected that ideas and concepts will start to filter through from the project consultants to Council in late January at which time an internal project facilitation group meeting may be held. In the meantime arrangements are being made for the consultation meetings and public notices.

Map



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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