



Tweed Shire Council

DA15/0160 for Men's Shed at Black Rocks Sports Fields, Overall Drive, Pottsville Development Assessment Report

November 2015

Table of contents

| | | |
|-----|--|----|
| 1. | Introduction | 1 |
| 1.1 | Purpose of this report | 1 |
| 1.2 | Scope and limitations | 1 |
| 2. | Compliance report..... | 3 |
| 2.1 | Preamble..... | 3 |
| 2.2 | Considerations under section 79C of the Environmental Planning and Assessment Act 1979..... | 5 |
| 2.3 | Considerations under part 1, schedule 1 of Environmental Planning and Assessment Regulation 2000 | 12 |
| 2.4 | Summary..... | 17 |
| 3. | Assessment report | 18 |
| 3.1 | Scope of assessment | 18 |
| 3.2 | Summary of outstanding issues and recommendation | 38 |
| 4. | Submissions report | 39 |
| 4.1 | Overview of community submissions and state agency comments..... | 39 |
| 4.2 | Evaluation of community submissions | 40 |
| 4.3 | Evaluation of state agency comments..... | 62 |
| 4.4 | Site meeting and consultation..... | 64 |
| 4.5 | Supplementary information requested from Council | 67 |
| 4.6 | Supplementary information provided by Council | 68 |
| 4.7 | Summary..... | 76 |
| 5. | Conditions report..... | 77 |
| 5.1 | Recommendations for conditions of approval..... | 77 |
| 6. | Conclusion | 88 |
| 7. | References | 89 |

Table index

| | | |
|-----------|---|----|
| Table 2-1 | Relevant matters of the TLEP 2014 addressed in SEE | 5 |
| Table 2-2 | Relevant Matters of the TLEP 2000 addressed in SEE | 9 |
| Table 2-3 | Relevant SEPP matters addressed in SEE | 10 |
| Table 2-4 | Relevant SEPP matters not addressed in SEE | 11 |
| Table 2-5 | Relevant Tweed DCP matters addressed in SEE..... | 11 |
| Table 2-6 | Relevant Tweed DCP matters not addressed in SEE..... | 12 |
| Table 2-7 | Relevant matters under part 1, schedule 1 of EP&A Reg | 13 |
| Table 3-1 | Assessment of proposal against SEPP 64..... | 19 |

| | | |
|------------|---|----|
| Table 3-2 | Assessment of proposal against schedule 1, part 1 of EP&A Regulation..... | 22 |
| Table 3-3 | Ecological assessment..... | 26 |
| Table 4-1 | Submission 1-9..... | 40 |
| Table 4-2 | Submission 10..... | 40 |
| Table 4-3 | Submission 11..... | 42 |
| Table 4-4 | Submission 12..... | 44 |
| Table 4-5 | Submission 13..... | 59 |
| Table 4-6 | Submission 14..... | 60 |
| Table 4-7 | Letter of support..... | 61 |
| Table 4-8 | NSW Rural Fire Service..... | 62 |
| Table 4-9 | Office of Environment and Heritage..... | 62 |
| Table 4-10 | Issues raised at site meeting..... | 64 |
| Table 4-11 | Summary of information provided by Council..... | 68 |

1. Introduction

1.1 Purpose of this report

This report has been prepared on behalf of Tweed Shire Council (Council) in order to provide an independent third party assessment of a development application (DA15/0160) lodged with Council for a proposed Men's Shed, located at the Black Rocks Sports Field, Overall Drive, Pottsville.

It provides a review of the development application pursuant to section 79C(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) taking into account:

- The plans and documentation lodged with the development application
- Comments received from external referral agencies
- Submissions received during the neighbour notification period
- Applicable planning instruments and development control plans relating to the development.

The following reports have been prepared as separate sections and are structured as follows:

- *Compliance report*: providing an evaluation of the: form, content and general compliance of the DA application, with the purpose of certifying that it is complete and suitable for the purpose of making a recommendation for Council's determination, or otherwise documenting any deficiency. This will comprise a preliminary CR report following initial assessment, where a deficiency is identified and additional information requested, and a final CR at the conclusion of assessment. Refer to section 2.
- *Assessment report*: detailing the scope of assessment, issues identified and resolution of issues. This report will contain a recommendation in respect of the grant of consent. Refer to section 3.
- *Submissions report*: the content, evaluation and recommendation in respect of any public or other submission received in relation to either public exhibition of the application or other referral that invites comment. Refer to section 4.
- *Conditions report*: detailing either recommendations for or conditions of approval; alternatively it will contain the 'reasons' for refusal. Refer to section 5.

A *Planning Committee Report* (PCR) will also be prepared as a separate stand-alone report. It will comprise a business paper report for consideration by the Council in Chambers. It will provide a précis of the DA, issues, evaluation, exhibition, submissions received, and recommendation as to the merit suitability of the application for the grant of development consent.

1.2 Scope and limitations

This report has been prepared by GHD for Tweed Shire Council and may only be used and relied on by Tweed Shire Council for the purpose agreed between GHD and the Tweed Shire Council as set out in section 1.1 of this report.

GHD otherwise disclaims responsibility to any person other than Tweed Shire Council arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD as described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by Tweed Shire Council and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

2. Compliance report

2.1 Preamble

2.1.1 Site description

The site is located at the Black Rocks Sports Field, Overall Drive, Pottsville. It is referred to as Lot 301 DP 1125090. The site is owned by Council and zoned RE1 Public Recreation under the *Tweed Local Environment Plan 2014* (TLEP 2014). A small portion of the site is zoned 7(l) Environmental Protection (Habitat) under the *Tweed Local Environment Plan 2000* (TLEP 2000).

2.1.2 Background

Selection of a preferred location for a Men's Shed in Pottsville and surrounding suburbs was performed by the Pottsville and District Men's Shed Inc. (P&DMS) in consultation with the NSW Department of Primary Industry - - Lands, the State elected member for Tweed and Council.

Based on selection of the Black Rocks Sports Fields as the preferred location for the Men's Shed by P&DMS, Council resolved at its meeting of the 17 July 2014 that Council supports the request to construct and operate a Men's Shed facility at the Black Rocks Sports Fields.

Subsequently, at its meeting of the 21 August 2014 Council resolved that in relation to Council's previously supported position of the request to construct and operate a Men's Shed facility at the Black Rocks Sports Fields that the following also be applied:

1. That in the event that the Pottsville Men's Shed seeks a licence or lease to operate from the site at the Black Rocks Sports Field that Council consider granting a limited use licence to operate the Men's Shed for a maximum term of 5 years at the site
2. Requests that the shed construction be of the type that it can be fully dismantled and reassembled at an alternative site
3. Council officers be requested to continue to pursue alternative sites including future development or appropriately zoned sites that could accommodate the Men's Shed in the longer term on a permanent basis.

As a consequence it was further resolved and subsequently agreed at a Council meeting dated 16 October 2014 that Council prepares and lodges the development application or Part 5 Application (whichever is applicable) for a Men's Shed at Lot 301 DP 1125090 (Black Rocks Sports Field), in accordance with their concept design and the Council resolution of 21 August 2014, whereby the construction be of the type that can be fully dismantled and reassembled at an alternative site.

Further, at its meeting of 11 December 2014 Senior Council staff provided updates regarding the investigation of alternative sites for the Pottsville Men's Shed. In short, Council staff reiterated the outcome of a workshop in which elected members did not support the concept of establishing a Men's Shed at a future industrial estate within Dunloe Park based on cost. In addition, discounting of two sites at Bogangar and Round Mountain for land-use and location reasons respectively was also outlined by Council staff. The choice not to proceed with these two latter sites, namely Camp Wollumbin and Barry Sheppard Sports Fields, is addressed in Table 2.1 of the SEE.

In summary, Council staff stated that as Council officers have not been able to identify an alternative site that meets the support of the elected body, staff would be proceeding with the

resolutions of Council dated 21 August 2014 and 16 October 2014 and would prepare a development application for the Men's Shed at Black Rocks Sports Field.

It is noted, despite Council's resolution of 21 August 2014, if no alternative suitable site is identified the Men's Shed may be granted continuing licenses to operate at Black Rocks sports field after 5 years.

2.1.3 Proposal description

The proposed development primarily comprises a shed to accommodate the P&DMS. The P&DMS are a member of the Australian Men's Shed Association (AMSA), with both being not-for-profit organisations. Operation of the facility would be coordinated by a Shed Manager.

The intent of the Men's Shed is to encourage the social and cultural well-being of men within the Pottsville locality in a similar capacity to other Men's Sheds located in Murwillumbah and Tweed Heads, given a recognised demand for such a facility in the area. Similar to other Men's Shed facilities, the Pottsville Men's Shed *"will enhance the well-being, health and quality of life of men by providing a fully equipped workshop and activities, projects and hobbies that they can work on for their own enjoyment or for the benefit of the community at large. Men will share skills and information to enhance adult learning opportunities and help combat isolation and depression."*

The description of the proposal is considered sufficient for an adequate assessment to be made by Council.

2.1.4 Amendment to proposal

A proposal to amend the scope of works for the development application, as per clause 55 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg) was submitted to Council on 12 November 2015. The proposed amendment is as follows:

- Removal of access road upgrade works including vehicle turnaround and car parking spaces.

The background and justification for the amendment is below:

'A lock rail gate was installed at the western end of the sports field access road in June 2013 to provide a 24 hours a day 7 days a week (24/7) vehicle exclusion as a response to the fields being used for parties and hooning behaviour. A key to the gate is made available to sporting groups and other registered users. As discussed in section 2.4.2 of the Statement of Environmental Effects (SEE), this lock rail gate requires general users of the fields to park their vehicles on the northern side of, and parallel with, the access road sometimes resulting in damage to the road verge which is located adjacent a low swale drain. This issue was highlighted in pre-application discussions with Council's Natural Resource Management Unit.

To address the general parking off the road verge on the access road, it was proposed as part of the development application to construct a vehicle turnaround and parallel car parking for three vehicles. These works should have been addressed previously in association with the installation of the lock rail gate, however, given the small section of road verge in question, the approach has been to maintain the access road as required.

It has been raised that the P&DMS would be issued a key to the lockable gate at the western end of the fields (under their proposed user lease) and consequently, their users would not be parking on the road verge or turning around on unmade road verges. Instead, Council's Recreation Services Unit would manage this issue separately as road maintenance.

Given car parking at the sport fields is provided informally via a grassed hardstand (gravel) area providing space for up to 55 vehicles, the loss of three spaces from the application can be easily accounted for in association within the gravel hard stand area (see below for further discussion

on park). A single sealed hardstand accessible car parking space and 3 bicycle spaces would be provided adjacent the connecting pedestrian pathway in proximity to the proposed shed.

In conclusion, the following amendments to the Men's Shed proposal at Black Rocks Sports Field are proposed:

- Removal of all road upgrade works, including withdrawal of three car parking spaces and a vehicle turnaround area, associated with the access road directly east of the lock rail gate
- Amending the assessment to reflect no works as a result of the proposal to occur within the access road and as a consequence, no works to occur within land zoned as Deferred Matter pursuant to the TLEP 2014
- A revised parking plan showing the arrangement of a single accessible (universal) car parking space and 3 bicycle spaces on a suitable hardstand surface adjacent to a connecting pathway would be provided prior to issue of a construction certificate.

The above information is intended to satisfy clause 55(2) of the EP&A Reg. The development application is not development for which concurrence is required, nor is it integrated development. As such, clause 55(3) of the EP&A Reg is not considered to apply.'

This report has considered the proposal in light of the amendment proposed.

2.2 Considerations under section 79C of the Environmental Planning and Assessment Act 1979

The following matters are to be considered in the assessment of a development application under Section 79C of the EP&A Act. The preceding sections provide an assessment of the adequacy of the information supplied in the development application.

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

The development application has been assessed against the relevant provisions of the *Tweed Local Environmental Plan 2014* (TLEP 2014) and the *Tweed Local Environmental Plan 2000* (TLEP 2000).

TLEP 2000 continues to apply to the part of the subject site identified as a deferred matter (DM) under Clause 1.3(1A) of the TLEP 2014. However, pursuant to Clause 1.8 (2) of the TLEP 2014, all local environmental plans including the TLEP 2000 applying to land to which TLEP 2014 applies and to other land cease to apply to land to which the TLEP 2014 applies. Accordingly, the TLEP 2000 would apply to the part of the development proposed to occur within the part of the site identified as DM (7(l) zone) only.

The relevant matters of the TLEP 2014 are considered in Table 2-1.

Consideration of the relevant matters of the TLEP 2000 clauses is included in Table 2-2.

Table 2-1 Relevant matters of the TLEP 2014 addressed in SEE

| Tweed Local Environmental Plan 2014 Requirement | Provided in SEE | Adequate for assessment? |
|---|---|--------------------------|
| Summary | | |
| Zoning | RE1 Public Recreation | N/A |
| Development defined as | Community facility, as per other approved | N/A |

| Tweed Local Environmental Plan 2014 Requirement | Provided in SEE | Adequate for assessment? |
|--|---|--------------------------|
| | Men's Sheds in the Tweed Shire. | |
| Permissibility | Community facilities are permitted with consent under the zone provisions for RE1 (Public Recreation) in accordance with the TLEP 2014. | N/A |
| Specific Clauses | | |
| Clause 1.2 – Aims of the Plan | The proposal does not contravene the objectives of the TLEP 2014. | Yes |
| Clause 5 – ESD Principles | The proposed development would not contradict the principles of ecologically, sustainable development, namely: the precautionary principle, inter-generational equity, conservation of biological diversity and ecological integrity, and improved valuation, pricing and incentive mechanisms. | Yes |
| Clause 4.3 – Height of buildings | The proposed development would comply with the building height limit of the land as nominated on the Height of Building map under the TLEP 2014, which provides a building must not be higher than 10m. | Yes |
| Clause 5.5 – Development within the coastal zone | The proposed development is considered to satisfy the provisions of this clause as demonstrated by its consideration against the provisions of SEPP 71 outlined within the Men's Shed at Black Rocks sports Field, Pottsville SEE. | Yes |
| Clause 5.9 – Preservation of trees or vegetation | The proposed development does not require the removal of any trees or significant vegetation. 15 Koala food trees (Swamp Mahogany and Forest Red Gum) would be planted in the south west corner of the fields and maintained to ensure 100% survival to maturity. | Yes |
| Clause 5.10 – Heritage conservation | Searches of relevant heritage registers did not identify any heritage items or Aboriginal objects and places in proximity to the subject site. | Yes |
| Clause 7.1 - Acid sulfate soils | The subject site is mapped within a Class 2 acid sulfate soil (ASS) constraint area. These works would be performed in accordance with a project specific management plan which has been provided. | Yes |

| Tweed Local Environmental Plan 2014 Requirement | Provided in SEE | Adequate for assessment? |
|--|--|--------------------------|
| Clause 7.2 - Earthworks | Minor land excavation would be required for the purpose of establishing footings for the proposed shed. The proposal is considered to satisfy the objective of Clause 7.2. | Yes |
| Clause 7.3 - Flood planning | <p>The subject site is land identified within the "Flood planning area" on the Flood Planning Map produced under the TLEP 2014, being land at or below the level of the 1:100 average recurrent interval flood event plus 0.5 m freeboard.</p> <p>In accordance with the Tweed Development Control Plan Section A3 - Development of Flood Liable Land, the proposal incorporates appropriate measures to minimise the flood risk to life and property.</p> <p>The proposal would be used for recreational purposes and would not be used for habitable residential accommodation. Pursuant to the Tweed Development Control Plan Section A3 - Development of Flood Liable Land, the proposal is not listed as inappropriate development for this site.</p> | Yes |
| <p>Clause 8 – Consent considerations</p> <p>(a) it is satisfied that the development is consistent with the primary objective of the zone within which it is located, and</p> <p>(b) it has considered those other aims and objectives of this plan that are relevant to the development, and</p> <p>(c) it is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.</p> <p><i>NOTE: The above consent considerations apply to Clause 8(1) matters only NOT Clause 8(2) matters which must be considered should the</i></p> | The proposed development for a 'community building' is consistent with the Clause 8, being a dedicated community facility which will remain in Council ownership. | Yes |

| Tweed Local Environmental Plan 2014 Requirement | Provided in SEE | Adequate for assessment? |
|--|--|--------------------------|
| <i>development be subject to Clause 8(2)</i> | | |
| Clause 7.11 - Council infrastructure development | The proposed development is likely to constitute a Class 9b building under the Building Code of Australia and pursuant to subclause (2) of Clause 7.11 development consent is required for the proposed development. | Yes |
| Clause 11 – Zone objectives | The proposed development is consistent with the primary objective of the zone by virtue of providing an important community facility which will remain owned by a public body (Council). | Yes |
| Clause 15 - Essential Services | All essential services are available to the site | Yes |
| Clause 16 - Height of Building | Complies. Provided 3.6 m height. | Yes |
| Clause 17 - Social Impact Assessment | The proposed development is considered to have a positive social impact by providing a safe place for men of all ages to interact. | Yes |
| Clause 34 – Flooding | The subject site is land identified within the "Flood planning area" on the Flood Planning Map produced under TLEP 2014. The proposal provides mitigation measures in accordance with the Tweed Development Control Plan Section A3 -Development of Flood Liable Land. | Yes |
| Clause 35 - Acid Sulfate Soils | Works would be performed in accordance with a project specific management plan in order to prevent environmental damage by the oxidation of ASS. | Yes |
| Clause 39A – Bushfire Protection | Management measures are proposed to avoid adverse impacts. | Yes |

Table 2-2 Relevant Matters of the TLEP 2000 addressed in SEE

| Tweed Local Environmental Plan 2000 Requirement | Provided in SEE | Adequate for assessment? |
|---|--|--------------------------|
| Summary | | |
| Zoning | 7(l) Environmental Protection (Habitat) | N/A |
| Development defined as | Community facility, as per other approved Men's Sheds in the Tweed Shire. | N/A |
| Permissibility | Community buildings and facilities, such as the proposed Men's Shed, are prohibited in these zones respectively. | N/A |
| Specific Clauses | | |
| Clause 34 - Flooding | The potential for the entire proposed development to exacerbate the impacts and risks associated with these constraints has been considered; refer to Section 5, Appendix C and E of the SEE. Management measures are proposed to avoid adverse impacts. | Yes |
| Clause 35 – Acid sulfate soils | The potential for the entire proposed development to exacerbate the impacts and risks associated with these constraints has been considered; refer to Section 5, Appendix C and E of the SEE. Management measures are proposed to avoid adverse impacts. | Yes |
| Clause 39A – Bushfire protection | The potential for the entire proposed development to exacerbate the impacts and risks associated with these constraints has been considered; refer to Section 5, Appendix C and E of the SEE. Management measures are proposed to avoid adverse impacts. | Yes |

The submitted development application has been assessed against the necessary criteria of the TLEP 2014 and the TLEP 2000 and meets the necessary criteria relevant to the development application.

2.2.2 State Environmental Planning Policies

The development application has been assessed against the following State Environmental Planning Policies (SEPP), as discussed in Table 2-3.

Table 2-3 Relevant SEPP matters addressed in SEE

| SEPP | Comment/relevant section of SEE | Adequate for assessment? |
|---|---|--|
| SEPP (North Coast Regional Environmental Plan) 1988 | <p>Clause 32B – Coastal Lands</p> <p>The proposed development is considered to satisfy the relevant development controls of SEPP (North Coast Regional Environmental Plan) (NCREP), which for most purposes are largely redundant following the gazettal of the TLEP 2014. No further consideration of the proposed development against the NCREP is considered necessary.</p> | Yes |
| SEPP No 44 – Koala Habitat Protection | <p>Section 5.5 (i) of the Koala Plan of Management (KPOM) states that development proposals affected by an Integrated Koala Plan of Management (KPoM) approved under SEPP 44 (which includes the Black Rocks KPoM) must be prepared and implemented in accordance with that relevant KPoM.</p> <p>Section 5.9.4 (i) of the KPoM states that for development proposals within a KAP, a minimum of 10% of the land area of the proposed development envelope (including any envisaged infrastructure, easements, bush fire asset protection zones and the like) must be revegetated to create additional preferred Koala habitat. Consequently, an area has been set aside at the sports field specifically to provide additional Koala habitat planting.</p> | Further assessment required |
| SEPP No 71 – Coastal Protection | <p>Clause 8 of the Policy details sixteen matters for consideration for land within the coastal zone. The application is considered to adequately satisfy the matters for consideration. Specifically the proposed development is considered compatible with the intent for the development of the locality. It will not restrict public access to the foreshore.</p> | Further assessment required in regard to Clause 15 – Effluent Disposal and Clause 16 – Stormwater of SEPP No 71. |

The development application does not address the following SEPPs of which are relevant to the proposal as discussed in Table 2-4.

Table 2-4 Relevant SEPP matters not addressed in SEE

| SEPP | Comment | Adequate for assessment? |
|--------------------------------------|---|--|
| SEPP No 64 - Advertising and Signage | <p>This Policy applies to all signage:</p> <p><i>(a) that, under another environmental planning instrument that applies to the signage, can be displayed with or without development consent, and</i></p> <p><i>(b) is visible from any public place or public reserve.</i></p> <p>The proponent proposes the following signage:</p> <ul style="list-style-type: none"> • A building identification sign • A portable sign that would be located at the entrance to the access road during operating periods • A street sign (in consultation with Council) also at the entrance to the access road. | Assessment against SEPP No 64 is required. |

2.2.3 Section 79C (1) (a) (ii) Draft environmental planning instrument

There are no known draft EPIs that would affect the proposed development proceeding. The submitted development application has been assessed against the necessary criteria.

2.2.4 Section 79C (1) (a) (iii) Any Development Control Plan

The relevant matters of the *Tweed Development Control Plan 2008* (Tweed DCP) are considered in Table 2-5.

Table 2-5 Relevant Tweed DCP matters addressed in SEE

| Matter for consideration | Comment/relevant section of SEE | Adequate for assessment? |
|--|--|--------------------------|
| DCP A2 – Site Access and Parking Code | The site includes an existing informal parking area catering to approximately 55 vehicles. It is noted that a bus stop is nominated within the nearby Black Rocks residential estate (~250m from the subject site). The proposal would satisfy the relevant provisions of Section A2 of the Tweed DCP. | Yes |
| Section A3 – Development of flood liable land | The subject site is mapped as flood prone land. The proposal is not listed as inappropriate development for the site and includes measures to avoid adverse outcomes to life and property in the event of flooding. | Yes |
| Section B21 – Pottsville Locality Based Development Code | The proposal addresses the need for more community facilities within the Pottsville locality. | Yes |

The development application does not address the following provisions of the Tweed DCP of which are relevant to the proposal as discussed in Table 2-6.

Table 2-6 Relevant Tweed DCP matters not addressed in SEE

| Matter for consideration | Comment | Adequate for assessment? |
|---------------------------------|--|------------------------------|
| Section A2.2.4 – Surface Design | Low turnover parking areas must provide a flush seal (i.e. two coat bitumen spray) which is not addressed. | Further assessment required. |

2.2.5 Section 79C(1)(c) Suitability of the site

The proposed development satisfies the zone objectives of the RE1 Public Recreation zone and is considered suitable for the site and its surroundings.

The site is currently serviced by essential infrastructure including water, sewer and electricity. The development footprint would be located within an area of cleared land devoid of significant vegetation, ensuring minimal impacts to the natural environment. The site is accessible via a range of transport modes including public and private transport, bicycles and walking ensuring active use by P&DMS members and other visitors.

Adverse amenity impacts to surrounding residents from noise and traffic will be minimal. The proposed development would complement the recreational and community use of the sports field and would utilise existing infrastructure while providing additional infrastructure and management scenarios suitable for future development of the site.

The submitted development application appears to provide sufficient information for Council to adequately address the requirements of section 79C (1) (c).

2.2.6 Section 79C (1) (e) The public interest

The proposal is considered to be in the public interest as:

- The proposed development addresses the applicable statutory provisions affecting the site and the proposed land use.
- The proposed development is not predicted to have any significant adverse impact on the natural and built environment, socially or economically in the locality.
- The proposed development is suitable for the site and would complement the range of recreational and community uses of the sports field while providing a compatible and desirable land use within the Pottsville locality.
- The nature of the site and proposed development is considered to protect the existing amenity of the Pottsville locality including Black Rocks Estate.

The submitted development application appears to provide sufficient information for Council to adequately address the requirements of section 79C (1) (e).

Several submissions have been received in respect to the development proposal, of which are discussed in section 4.

2.3 Considerations under part 1, schedule 1 of Environmental Planning and Assessment Regulation 2000

The relevant matters under part 1, schedule 1 of the EP&A Reg are considered in Table 2-7 below.

Table 2-7 Relevant matters under part 1, schedule 1 of EP&A Reg

| Matter for consideration | Requirements | Adequate for assessment? |
|--|---|--------------------------|
| Clause 1 – Information to be included in development application | (1) <i>A development application must contain the following information:</i> | |
| | (a) the name and address of the applicant, | Yes, has been provided. |
| | (b) a description of the development to be carried out, | Yes, has been provided. |
| | (c) the address, and formal particulars of title, of the land on which the development is to be carried out, | Yes, has been provided. |
| | (d) an indication as to whether the land is, or is part of, critical habitat, | Yes, has been provided. |
| | (e) an indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is taken to be development that is not likely to have such an effect because it is biodiversity compliant development, | Yes, has been provided. |
| | (ea) for biodiversity compliant development, an indication of the reason why the development is biodiversity compliant development, | Not required |
| | (f) a list of any authorities from which concurrence must be obtained before the development may lawfully be carried out or from which concurrence would have been required but for section 79B (2A) or 89J, | Yes, has been provided. |
| | (g) a list of any approvals of the kind referred to in section 91 (1) of the Act that must be obtained before the development may lawfully be carried out | Not required. |
| Clause 2.1 – Documents to accompany development application | (1) <i>A development application must be accompanied by the following documents:</i> | |
| | (a) a site plan of the land, | Yes, has been provided. |
| | (b) a sketch of the development, | Yes, has been provided. |
| | (c) a statement of environmental effects (in the case of development other than designated development or State significant development), | Yes, has been provided. |
| | (d) in the case of development that involves the erection of a building, an A4 plan of the | Yes, has been provided. |

| Matter for consideration | Requirements | Adequate for assessment? |
|--------------------------|--|--|
| | building that indicates its height and external configuration, as erected, in relation to its site (as referred to in clause 56 of this Regulation), | |
| | (e) an environmental impact statement (in the case of designated development or State significant development), | Not required. |
| | (f) a species impact statement (in the case of land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats), but not if the development application is for State significant development, | The biodiversity assessment provided states that a species impact assessment is not required. Further assessment required. |
| | (g) if the development involves any subdivision work, preliminary engineering drawings of the work to be carried out, | Not required. |
| | (h) if an environmental planning instrument requires arrangements for any matter to have been made before development consent may be granted (such as arrangements for the provision of utility services), documentary evidence that such arrangements have been made, | Further assessment required. |
| | (i) if the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure): (i) a list of the Category 1 fire safety provisions that currently apply to the existing building, and | Yes, has been provided. |
| | (k) if the land is within a wilderness area and is the subject of a wilderness protection agreement or conservation agreement within the meaning of the Wilderness Act 1987, a copy of the consent of the Minister for the Environment to the carrying out of the development, | Not required. |
| | (l) in the case of development to which clause 2A applies, such other documents as any BASIX certificate for the development requires to accompany the application, | A BASIX certificate has been supplied. |

| Matter for consideration | Requirements | Adequate for assessment? |
|--------------------------|--|--|
| | (m) in the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied), such other documents as any BASIX certificate for the development requires to accompany the application, | A BASIX certificate has been supplied. |
| | <i>2) The site plan referred to in subclause (1) (a) must indicate the following matters:</i> | |
| | a) the location, boundary dimensions, site area and north point of the land, | Yes, has been provided. |
| | (b) existing vegetation and trees on the land, | Yes, has been provided. |
| | (c) the location and uses of existing buildings on the land, | Yes, has been provided. |
| | (d) existing levels of the land in relation to buildings and roads, | Yes, has been provided. |
| | (e) the location and uses of buildings on sites adjoining the land. | Yes, has been provided. |
| | <i>3) The sketch referred to in subclause (1) (b) must indicate the following matters:</i> | |
| | (a) the location of any proposed buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development, | Yes, has been provided. |
| | (b) floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building, | Yes, has been provided. |
| | (c) elevations and sections showing proposed external finishes and heights of any proposed buildings (other than temporary structures), | Yes, has been provided. |
| | (c1) elevations and sections showing heights of any proposed temporary structures and the materials of which any such structures are proposed to be made (using the abbreviations set out in clause 7 of this Schedule), | |
| | (d) proposed finished levels of the land in | Yes, has been provided. |

| Matter for consideration | Requirements | Adequate for assessment? |
|--------------------------|--|---|
| | relation to existing and proposed buildings and roads, | |
| | (e) proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate), | Yes, has been provided. |
| | (f) proposed landscaping and treatment of the land (indicating plant types and their height and maturity), | Yes, has been provided. |
| | (g) proposed methods of draining the land, | Yes, has been provided. |
| | (h) in the case of development to which clause 2A applies, such other matters as any BASIX certificate for the development requires to be included on the sketch, | A BASIX certificate has been supplied. |
| | (i) in the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied), such other matters as any BASIX certificate for the development requires to be included on the sketch. | A BASIX certificate has been supplied. |
| | <i>(4) A statement of environmental effects referred to in subclause (1) (c) must indicate the following matters:</i> | |
| | (a) the environmental impacts of the development, | Yes, has been provided. |
| | (b) how the environmental impacts of the development have been identified, | Yes, has been provided. |
| | (c) the steps to be taken to protect the environment or to lessen the expected harm to the environment, | Yes, has been provided. |
| | (d) any matters required to be indicated by any guidelines issued by the Director-General for the purposes of this clause. | Yes, has been provided. |
| | (5A) The species impact statement referred to in subclause (1) (f) is not required in relation to the effect of the development on any threatened species, populations or ecological communities, or their habitats, if the development is taken to be development that is not likely to significantly affect those | Not required as development will have minimal impact. |

| Matter for consideration | Requirements | Adequate for assessment? |
|--|--|--|
| | threatened species, populations or ecological communities, or their habitats, because it is biodiversity compliant development. | |
| Clause 2A BASIX certificate required for certain development | (1) In addition to the documents required by clause 2, a development application for any BASIX affected development must also be accompanied by a BASIX certificate or BASIX certificates for the development, being a BASIX certificate or BASIX certificates that has or have been issued no earlier than 3 months before the date on which the application is made. | A BASIX certificate has been supplied. |
| | (2) If the proposed development involves the alteration, enlargement or extension of a BASIX affected building that contains more than one dwelling, a separate BASIX certificate is required for each dwelling concerned. | Not required. |

2.4 Summary

The application appears to provide sufficient information for Council to adequately assess the proposal in accordance with the provisions of Section 79C of the EP&A Act, including Council's LEP and relevant DCPs/policies and is generally considered satisfactory.

Any section 79C matters which have not been addressed as detailed throughout this report will be addressed in the Assessment Report provided in section 3.

3. Assessment report

3.1 Scope of assessment

This assessment report provides a review and assessment of the development application under section 79C(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) including a consideration of:

- A site inspection
- The plans and documentation lodged with the development application
- Applicable planning instruments and development control plans relating to the development.

This report also provides specialist review of the application in relation to the following key areas of assessment:

- Building Code of Australia
- Ecology
- Contamination and acid sulfate soils
- Flooding
- Traffic
- Bushfire.

The following items which are not included in the scope of the assessment report include:

- Comments received from external referrals
- Submissions received during the neighbour notification period.

The submissions report provided in section 4 of this report will provide further assessment on these matters.

3.1.1 Considerations under section 79C of the Environmental Planning and Assessment Act 1979 and schedule 1, part 1 of the Environmental Planning and Assessment Regulation 2000

The compliance report provided in section 2 identified that further assessment is required in relation to the following matters:

- Clause 15 – Effluent Disposal and Clause 16 – Stormwater of State Environmental Planning Policy (SEPP) No 71
- SEPP No 64
- Section A2.2.4 – Surface Design of the *Tweed Development Control Plan 2008* (Tweed DCP)
- Matters identified in Table 2-7, pertaining to schedule 1, part 1 of the EP&A Reg.

These have been addressed below.

SEPP No 71, Clause 15 – Effluent Disposal

Council's piped effluent disposal infrastructure is available within the area as the Men's Shed will be located adjacent to the nearby public toilets. A new connection will be required for this development.

SEPP No 71, Clause 16 –Stormwater

No mitigation measures are proposed however the proposed shed would incorporate suitable stormwater infrastructure including gutters and downpipes that would direct rainfall onto surrounding land areas for ground infiltration. This is consistent with existing buildings at the site and therefore, following construction, the water quality of surrounding waterways would be expected to be comparable to the current environment.

SEPP No 64 Advertising and Signage

The proponent proposes the following signage:

- A building identification sign
- A portable sign that would be located at the entrance to the access road during operating periods
- A street sign (in consultation with Council) also at the entrance to the access road.

A building identification sign is defined in Clause 4 of the SEPP as follows:

A sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of produces, goods or services.

The proposed signage will be located in an open space area. Clause 3(1) of the SEPP sets out relevant aims of the policy to the proposal which includes ensuring that signage:

- (i) is compatible with the desired amenity and visual character of an area, and
- (ii) provides effective communication in suitable locations, and
- (iii) is of high quality design and finish.

Given that a signage plan has not been supplied, it is difficult to assess the impact of the sign on the Men's Shed structure within the open space sports field.

Schedule 1 of the SEPP sets out assessment criteria required to assess a signage proposal. An assessment of the proposal against the criteria is provided in Table 3-1 below.

Table 3-1 Assessment of proposal against SEPP 64

| Assessment criteria | | Assessment |
|---------------------|---|--|
| 1 | Character of the area | Appropriate sized signage that is compatible with the surrounding sport field is to be provided. |
| | Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? | |
| | Is the proposal consistent with a particular theme for outdoor advertising in the area of locality? | |
| 2 | Special areas | The subject site is within a large open space area. More discreet signage on the front elevation of the shed is warranted in this open space |
| | Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other | |

| Assessment criteria | | Assessment |
|---------------------|---|---|
| | conservation areas, open space areas, waterways, rural landscapes or residential areas? | location. |
| 3 | Views and vistas | Does the proposal obscure or compromise important views? |
| | | Does the proposal dominate the skyline and reduce the quality of vistas? |
| | | Does the proposal respect the viewing rights of other advertisers? |
| 4 | Streetscape, setting or landscape | Does the proposal obscure or compromise important views? |
| | | Does the proposal dominate the skyline and reduce the quality of vistas? |
| | | Does the proposal respect the viewing rights of other advertisers? |
| | | Does the proposal obscure or compromise important views? |
| | | Does the proposal dominate the skyline and reduce the quality of vistas? |
| | | Does the proposal respect the viewing rights of other advertisers? |
| | | Does the proposal respect the viewing rights of other advertisers? |
| 4 | Streetscape, setting or landscape | Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? |
| | | Does the proposal contribute to the visual interest of the streetscape, setting or landscape? |
| | | Does the proposal reduce clutter by rationalising and simplifying existing advertising? |
| | | Does the proposal screen unsightliness? |
| | | Does the proposal protrude above buildings, structures or tree canopies in the area or locality? |
| | | Does the proposal require ongoing vegetation management? |
| | | Does the proposal require ongoing vegetation management? |
| 5 | Site and building | Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? |
| | | Does the proposal respect important features of the site |
| | | location. |
| | | The shed will not obscure or compromise any important views. |
| | | N/A |
| | | The proposed scale of the Men's Shed is appropriate for the site and surrounding landscape. |
| | | A discreet contribution to the visual interest of the landscape is required in this location. |
| | | N/A |
| | | N/A |
| | | No |
| | | No |
| | | As above, the scale of the proposed sign is larger than necessary to identify a community building within an open space reserve. |
| | | The proposed signage should not be able to be seen from a |

| Assessment criteria | | Assessment | |
|---------------------|--|---|--|
| | or building or both? | distance (eg. across the reserve). | |
| | Does the proposal show innovation and imagination in its relationship to the site or building or both? | A discreet addition to the site and building is required in this location. | |
| 6 | Associated devices and logos with advertisements and advertising structures | Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? | Unable to be determined from the information provided. |
| 7 | Illumination | Would illumination result in unacceptable glare? | Unable to be determined from the information provided |
| | | Would illumination affect safety for pedestrians? | |
| | | Would illumination detract from the amenity of any residence or other form of accommodation? | |
| | | Can the intensity of the illumination be adjusted if necessary? | |
| | | Is the illumination subject to a curfew? | |
| 8 | Safety | Would the proposal reduce the safety for any public road? | Unable to be determined from the information provided. |
| | | Would the proposal reduce the safety for pedestrians, particularly children by obscuring sightlines from public areas? | |

A recommended condition of consent will require further detail of associated signage to be submitted prior to the issue of a construction certificate, if statutorily required.

Section A2.2.4 – Surface Design of Tweed DCP

The car parking area is to be maintained by the P&DMS as per the standards and requirements of a maintenance agreement with Council.

Schedule 1, part 1 of EP&A Regulation

An assessment against the matters identified for further assessment in the compliance report (section 2) is provided in Table 3-2 below.

Table 3-2 Assessment of proposal against schedule 1, part 1 of EP&A Regulation

| Matter for consideration | Requirements | To be provided |
|---|--|---|
| Clause 2.1 – Documents to accompany development application | (f) a species impact statement (in the case of land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats), but not if the development application is for State significant development, | An ecological assessment has been undertaken to review the content and general compliance of the flora and fauna assessment and to provide recommendations for any changes or updates as necessary. Refer to section 3.1.3. |

3.1.2 Building Code of Australia assessment

The following sections provide an assessment of the proposal against the Building Code of Australia (BCA) (Australian Building Codes Board (2015)).

Part A3: Classification of buildings and structures

The building is classified in accordance with the following table:

| Part | Use | Class |
|--------|-----------------------|-------|
| Ground | Office | 5 |
| | Workshop area | 8 |
| | Meeting/activity room | 9b |

In accordance with Part A3 of the BCA the building can be classified as Class 5 (office), Class 8 (handicraft) and 9b (place of assembly).

Part B1: Structural provisions

Relevant conditions will be required to address the following structural provisions during detailed design:

- All building works shall be designed in accordance with Part B1.
- The building structure shall be designed to satisfy the requirements of AS 1170.

Section C: Fire resistance

In accordance with Table C1.1 of the BCA, the building incorporates a single storey and will be required to satisfy the requirements of Type C construction. Type C construction is the least fire resistant type of construction.

Table 5 of Specification C1.1 does not require building elements to be fire rated. The fire rating of building elements is related to the location of the building in relation to fire source features

such as side or rear boundaries. The building is located more than 3 m from an adjoining fire source feature and is not required to have fire rated building elements in accordance with Table 5 of Spec C1.1.

Table C2.2 allows for a maximum floor area of 2,000 m² and a maximum volume of 12,000 m³ for a building of Type C construction. The building will satisfy the floor area and volume requirements of Table C2.2.

There is no requirement to fire separate the different classifications within the building in accordance with Clause C2.8.

Specification C1.10 of the BCA specifies various fire indices for any material or component used in a Class 5, 8 and 9b building including floor linings and floor coverings; wall and ceiling linings; air handling ductwork, and other materials. Fire indices shall comply with these requirements.

Section D: Egress

Part D1: Provision for escape

The building is served by a single exit which satisfies Clause D1.2.

The maximum population has been calculated to be 39 persons in accordance with D1.13 and therefore the single exit will satisfy Clause D1.2(d)(vi).

The maximum travel distance has been assessed to be 18 m and satisfies the requirements of Clause D1.4.

Relevant conditions will be required to address the following matters during detailed design:

- The dimensions of the exit and paths of travel to that exit shall be designed to satisfy Clause D1.6 with an unobstructed height throughout of 2 m except a doorway which may be reduced to 1.98 m, the unobstructed width of the path of travel must be 1 m and the doorway may be reduced to a clear width of 750 mm.

The width of the doorways will be further discussed in Part D3 below for access for persons with a disability.

Part D2: Construction of exits

Relevant conditions will be required to address the following matters during detailed design:

- Clause D2.7 requires services or equipment if located within the building to be enclosed by non-combustible construction or a fire protective covering with doorways suitably smoke sealed.
- Clause D2.20 requires an exit door to swing in the direction of travel unless it serves a building with a floor area less than 200 m² and it is fitted with a device to hold the door in the open position.
- Clause D2.21 requires the operation of the latch to the exit doorway to be readily openable without a key from the side that faces a person seeking egress by single handed action located between 900 mm and 1.1 m from the floor.

Part D3: Access for people with a disability

Relevant conditions will be required to address the following matters during detailed design:

- The provisions of Part D3 of the BCA, Access for People with Disabilities, apply to the building. Table D3.1 of the BCA requires access to the building. Access to the building must be provided for persons with disabilities in accordance with the requirements of AS

1428.1- 2009 from the front allotment boundary through the principal pedestrian entrance and within the building.

- A path of travel must be maintained with a clear width of 1 m and doorways must have a clear width of not less than 850 mm in accordance with AS 1428.1. Circulation space must also be provided at each doorway in accordance with Clause 13.3.2 of AS 1428.1.
- Signage and tactile indicators are to be provided in accordance with Clause D3.6 and D3.8 of the BCA.
- Accessible car parking shall be provided on the basis of 1 space for every 100 car parking spaces in accordance with AS/NZS 2890.6.
- A hearing augmentation system shall be provided where an inbuilt amplification system has been installed within the building in accordance with Clause D3.7.

Section E: Firefighting equipment

Relevant conditions will be required to address the following matters during detailed design:

- Portable fire extinguishers shall be provided in accordance with Clause E1.6.

Part F: Health and amenity

Part F1: Damp and weatherproofing

Relevant conditions will be required to address the following matters during detailed design:

The building shall be constructed to satisfy stormwater drainage in accordance with AS/NZS 3500.3:

- Roof covering in accordance with AS 1562.1
- The kitchen sink area shall be water-resistant or waterproof in accordance with AS 3740
- The provision of a vapour barrier to the slab on ground in accordance with AS 2870.

Part F2: Sanitary and other facilities

The existing public toilet facility will be utilised by the occupants of the Men's Shed.

Relevant conditions will be required to address the following matters during detailed design:

- Sanitary facilities including a facility for persons with a disability and for ambulatory disabled persons shall be provided in accordance with Clause F2.3 and Table F2.3.

Part F4: Light and ventilation

Relevant conditions will be required to address the following matters during detailed design:

- Artificial lighting shall comply with AS/NZS 1680.0.
- Natural ventilation shall consist of windows or doors with an aggregate opening or openable size not less than 5% of the floor area of the room to be ventilated. Alternatively provide a mechanical ventilation or air conditioning system complying with AS 1668.2.

Section G: Ancillary provisions

Part G5: Construction in bush fire prone area

Relevant conditions will be required to address the following matters during detailed design:

- The building shall be designed in accordance with Clause NSW G5.2 Protection.

Section H: Special use buildings

Not applicable to this proposal.

Section J: Energy efficiency

Not applicable to this proposal.

Summary of assessment

The above assessment indicates that the development can achieve compliance with the deemed-to-satisfy requirements of the BCA. These requirements can form conditions of approval.

3.1.3 Ecological assessment

An ecological assessment has been undertaken to review the content and general compliance of the flora and fauna assessment and to provide recommendations for any changes or updates as necessary.

Three threatened fauna species are known to occur in the vicinity of the proposal, the Koala (*Phascolarctos cinereus*), Bush Stone-curlew (*Burhinus grallarius*) and Eastern Osprey (*Pandion cristatus*). The Koala population in the Tweed Local Government Area (LGA) east of the Pacific Highway has been proposed for listing as an endangered population under the *Threatened Species Conservation Act 1995* (TSC Act). A preliminary determination has been made by the NSW Scientific Committee (NSW Scientific Committee 2014). Four sub-populations have been identified in the Tweed LGA east of the Pacific Highway and south of the Tweed River. One of these, the Pottsville Wetlands-Black Rock-Dunloe Park sub-population occurs in the vicinity of the proposal. This sub-population inhabits an area of 316 hectares, of which 79% is vegetated. The total number of individuals in the four southern sub-populations is estimated to be 144 (NSW Scientific Committee 2014). Vehicle strike is responsible for a large number of Koala deaths in the Tweed area, and Pottsville Road in particular, is an identified Koala 'blackspot' (Phillips et al 2011). Given the location of the proposal and changes to access to the sports field complex, concerns have been raised in submissions by local residents and the Office of Environment and Heritage (OEH) regarding the potential impacts of the proposal on the local Koala population. Where relevant, this assessment also makes recommendations for supplementary assessments with respect to the local Koala population.

Review of the flora and fauna impact assessment

GHD ecologists have reviewed the flora and fauna assessment (TSC 2015), as well as a number of submissions from OEH and members of the public regarding the proposed development. The results of the flora and fauna impact assessment are summarised in Table 3-3, together with a comment on the adequacy or otherwise of the assessment.

Table 3-3 Ecological assessment

| Section of SEE | Summary of SEE | Comment |
|----------------------|--|--|
| Proposal description | <p>A summary of the proposal is contained in the flora and fauna assessment (TSC 2015). As described in the report, the proposed development consists of a shed to accommodate the activities of the P&DMS Inc. on the Black Rocks Sports Fields. The facility would make use of informal parking areas already located in the south east corner of the fields as well as additional sealed parking spaces (including an all access parking space) at the western end of the access road. The P&DMS Inc. would be provided with a key to the existing Koala-proof gate at the western end.</p> | <p>GHD understands that Council proposes to remove the existing Koala-proof gates near Toshack Place and replace these with a Koala grid. If this is the case, the proposal description should be updated to conform with this decision.</p> |
| Desktop assessment | <p>A variety of sources were utilised for the assessment. These included government databases, websites, Koala habitat mapping, vegetation mapping and previous fauna assessment reports.</p> | <p>It would be useful to include the date(s) that the wildlife atlas and protected matters search were carried out. A radius of 10 km for the searches is a suitable area for the locality.</p> <p>Database searches undertaken by GHD recorded additional species not assessed by Council. GHD recommends updating database searches to reflect current records.</p> <p>More detail on previous Koala work in the area in particular should be specified in order to provide more detail on Koala movement patterns in the area and usage of adjacent vegetation.</p> <p>The main reports discussed in the biodiversity values sections are not included in the list (e.g. JWA 2011, Biolink 2011).</p> |
| Field surveys | <p>Surveys were conducted over a number of days in 2013 and 2015. These included:</p> <ul style="list-style-type: none"> • three nights of amphibian surveys (14 November 2013, 19 February 2015 and 23 February 2015), | <p>As there would be no vegetation clearing for the project, this level of survey is generally considered adequate, however some additional Koala surveys could be carried out to identify how often Koalas move across the access road and the oval, and to assist with assessment of likely impacts. Similarly, more detail on</p> |

| Section of SEE | Summary of SEE | Comment |
|----------------------------------|--|--|
| | <p>focussing on the threatened Wallum Froglet (<i>Crinia tinnula</i>) and Green-thighed Frog (<i>Litoria brevipalmata</i>).</p> <ul style="list-style-type: none"> • Flora assessment (on the afternoon of 17 February 2015), to validate previous site mapping, assess tree protection zones and record flora species in the open grassland area <p>Fauna habitat assessment (morning of 18 February 2015) to assess fauna habitats present, locate the osprey nest, and assess general habitat condition in adjacent native vegetation.</p> | <p>known movements of Bush Stone-Curlew should be included to provide detail on the species' usage of the area, and to assist with assessment of likely impacts.</p> |
| <p>Flora biodiversity values</p> | <p>An assessment of the likelihood of occurrence of threatened flora species is provided. Given the disturbed footprint, no threatened flora species are considered likely to occur in the proposal site.</p> <p>Vegetation communities are described according to previous reports (Kingston et al, 2004 updated by BRS, 2009, and JWA 2011). Dominant vegetation types mapped by Kingston et al (2004 updated by BRS, 2009) in the study area included:</p> <ul style="list-style-type: none"> • Substantially Cleared of Native Vegetation • Coastal Swamp Mahogany Open Forest to Woodland • Broad-leaved Paperbark Closed Forest to Woodland • Broad-leaved Paperbark / Swamp She-oak Closed Forest to Woodland • Swamp She-oak Closed Forest to Woodland. • Areas of regrowth vegetation were identified by JWA 2009. In addition, JWA (2009) identified two | <p>There has been no attempt to combine the previous vegetation mapping ground-truthed during surveys. The vegetation mapping provided is from Kingston et al (2004 updated by BRS, 2009), and does not incorporate results from JWA (2011). No legend has been provided and the vegetation unit numbers are too small to easily identify the vegetation types present. Regrowth vegetation obvious on recent aerial photographs and discussed in JWA (2011) is not shown on this figure.</p> <p>The vegetation section should be revised to describe which vegetation types are present and an appropriate figure should be provided showing all vegetation types and including a legend.</p> |

| Section of SEE | Summary of SEE | Comment |
|---------------------------|---|---|
| | <p>vegetation types commensurate with the endangered ecological community Swamp Sclerophyll Forest adjacent to the proposal site:</p> <ul style="list-style-type: none"> • Community 1 – Mid-high to tall open forest (Eucalyptus robusta) • Community 3 – Mid-high regrowth (Melaleuca quinquenervia / Casuarina glauca +/- E. robusta). <p>The proposal would be located entirely within cleared grassland areas.</p> | |
| Fauna biodiversity values | <p>Three threatened fauna species, the Koala, the Bush Stone-curlew and the Eastern Osprey are well known from the study area and surrounds. Vegetation surrounding the subject site supports two Primary Koala feed trees species - Swamp Mahogany and Forest Red Gum. Koalas were observed on a number of occasions by JWA (2011). The report also notes that there have been subsequent Koala sightings in the area which have been reported to Council by members of the community and by other Council staff. Koala habitat mapping prepared by Biolink (2011) shows primary Koala habitat immediately to the south-east of the proposal site, and further to the north-east. Other native vegetation near the proposal site is mapped as secondary Koala habitat. An Eastern Osprey nest is located in native vegetation between the proposal site and Toschack Place to the east. Many successful breeding attempts have occurred over recent years (TSC 2015).</p> <p>A further seven threatened fauna species are considered to have a high likelihood of occurring in the study area. Known and potential habitat is present in native vegetation adjacent to the</p> | Fauna habitats and likely threatened species have been discussed adequately, however it is recommended that the results of the Black Rock Koala study commissioned to assess the removal of the Koala-proof gates be incorporated into the report. Further discussion of Koala movements across open areas (as is provided in JWA 2011) should also be incorporated. This would assist in the assessment of impacts and recommendations for mitigation. |

| Section of SEE | Summary of SEE | Comment |
|-------------------|---|---|
| | <p>proposal site. No evidence of threatened frog species was recorded during targeted surveys.</p> <p>Fauna habitat within the proposal site is minimal as it is mown grassland or paved road. No habitat for threatened species is located within the proposal site, however Koalas may regularly traverse the area.</p> | |
| Impact assessment | <p>Potential impacts on biodiversity are restricted to:</p> <ul style="list-style-type: none"> • Removal of 506m² of cleared areas (mainly mown grassland) • Increase in traffic (an extra 7.8 trips per day). <p>There would be no encroachment of tree protection zones and no removal of Koala feed trees.</p> <p>The flora and fauna assessment also considered potential impacts resulting from habitat fragmentation and edge effects. Given the cleared nature of the proposal site, impacts from these are unlikely to occur.</p> <p>The potential impacts on Koalas, particularly with respect to vehicle strike, are discussed. The report notes that most Koala deaths from vehicle strike occur between sunset and sunrise. The facility is signposted for 40km/hr, with four speed humps to reduce speed to 20 km/hr. Gates at either end of the access road would be closed at night to limit access during the higher risk period. The Men's Shed would primarily be used during the day (TSC 2015). Given the traffic calming installed, hours of operation, and restriction of dogs from the site, and buffers between the shed and adjacent bushland, the report concluded that proposal would pose a low level of disturbance impact on</p> | <p>It is understood from email correspondence and letters from OEH that Council plans to replace the Koala gates with a grid. If this is the case, the impact assessment should be updated to reassess the risk of vehicle strike on Koalas and Bush Stone-curlews.</p> <p>Confirm the total number of vehicle movements per day and provide further discussion in relation to the potential impacts on the Koala and Bush-stone Curlew. In particular, this would need to take into account if the gates are left open and additional vehicles can access the area at night.</p> <p>The assessment of significance for the Koala needs to be updated to incorporate the discussion of the impact of removing the gate and night traffic. A discussion of cumulative impacts should also be included.</p> <p>The Department of the Environment published the final Matters of National Environmental Significance (MNES) referral guidelines for the Koala in 2014. The report should be updated to address these guidelines (rather than the interim referral guidelines).</p> <p>An assessment of significance for the Bush Stone-curlew should be prepared. This should take into account vehicle movements (both day and night as relevant), noise, potential for fire, dog kill etc.</p> |

| Section of SEE | Summary of SEE | Comment |
|--|---|---|
| | <p>the Koala and other resident fauna (TSC 2015).</p> <p>An assessment of significance was prepared pursuant to Section 5A of the EP&A Act for the Koala, which concluded that the proposal is unlikely to result in a significant impact on this species. No other assessments of significance were prepared.</p> | <p>Discussion of potential impacts (e.g. noise etc.) on the Eastern Osprey should be included. An assessment of significance for the Eastern Osprey should be prepared.</p> <p>The approach to the preparation (or not) of assessments of significance with respect to other threatened fauna is considered acceptable.</p> |
| Comprehensive Koala Plan of Management (CKPoM) | <p>The flora and fauna assessment assesses the proposal against the Individual Koala Plan of Management (KPoM) for the Blacks Rocks By The Sea Estate (JWA 2004), which incorporates the sports field precinct, as well as the recently adopted Tweed CKPoM. TSC (2015) notes that the DA does not need to comply with the CKPoM as the proposal site is covered by the KPoM.</p> | <p>The sports field complex is located within the area covered by the Blacks Rocks By The Sea Estate KPoM. A revegetation area targeting Koala food trees is identified in the area either side of the access road to the sports field. A Koala exclusion fence (including the Koala gate) is located adjacent to development areas to minimise the risk of dog attack and vehicle strike.</p> <p>Relevant threats identified in the KPoM include habitat removal and vehicle collisions. The proposal would not remove Koala habitat. Vehicle strike is a risk, particularly as the revegetated Koala corridor spans the access road. Removal of the koala proof gate is likely to result in increased traffic along the access road, including at night, further increasing the risk of Koala mortality through vehicle strike.</p> <p>In combination, there is likely to be an increased threat as a result of encouraging Koalas into proximity of the access road through revegetation with food trees and then removing gate and potential for increase traffic and night traffic when Koalas likely to be most active and moving through the area.</p> |
| Mitigation measures | <p>Pre, operational and post construction mitigation measures have been recommended. These include:</p> <ul style="list-style-type: none"> • pre-clearing surveys | <p>Mitigation measures do not necessarily match the impacts described. For example, there is no reference to branch lopping in the impact sections but mitigation for this is provided. Similarly,</p> |

| Section of SEE | Summary of SEE | Comment |
|----------------|--|--|
| | <ul style="list-style-type: none"> • construction environmental management • vegetation enhancement. | <p>mitigation measures relating to pre-clearing surveys and threatened flora searches are not necessary if no native vegetation is being removed.</p> <p>The following mitigation measures from the Conditions List (TSC) could be added:</p> <ul style="list-style-type: none"> • DUR2825. All topsoil stockpiles are to be sprayed with dust suppression material such as "hydromulch", "dustex" or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site. • DUR2825. All construction activities that generate dust shall cease when average wind speeds exceed 15m/s (54 km/h). The applicant shall be responsible for the monitoring of on-site wind speeds and be able to produce this data to Council on request. <p>Operational mitigation measures should be considered to address all potential impacts associated with operation, particularly if the gate is to be removed.</p> <p>Mitigation measures suggested by OEH should be incorporated into the report.</p> |

Summary of assessment

The following recommendations are made:

- The flora and fauna assessment should be updated with the most up to date proposal description. If Council is to remove the Koala-proof gate, the assessment must be updated to assess the impacts of this on the local Koala population and other fauna that may be affected such as the Bush Stone-curlew. Alternatively, if the gate is to be retained/remodelled and a grid included, this should be include and discussed.
- The vegetation section should be revised to describe which vegetation types are present and an appropriate figure should be provided showing all vegetation types and including a legend.
- The flora and fauna assessment should be updated to incorporate information from the Black Rock Koala Study that Council has commissioned as part of the motion to remove the Koala-proof gate. This is in accordance with recommendations from OEH.
- Further discussion of Koala and Bush Stone-curlew movements across open areas should also be incorporated to enable appropriate assessment of impacts of vehicle traffic and the implications of removing the locked gate and introduction of night traffic in the study area (if relevant).
- Discussion of indirect impacts (e.g. noise, fire etc.) on the Eastern Osprey, Koala and Bush Stone-curlew should be included.
- Operational mitigation measures should be considered that address all potential impacts associated with operation, particularly if the gate is to be removed.
- The assessment of the likely significance of impacts on the Koala should be updated to assess these details, incorporate cumulative impacts and verify the conclusions of the original assessment.
- An assessment of significance for the Bush Stone-curlew should be prepared.
- An assessment of significance for the Eastern Osprey should be prepared.
- The report should include consideration of additional mitigation measures to address operational impacts associated with any proposed modifications of the proposal originally assessed, such as removal of the locked Koala proof gate, as applicable.
- Mitigation measures recommended by OEH should be incorporated into the report.

3.1.4 Contamination assessment

A contamination assessment has been undertaken to review the content and general compliance of the proposal and to provide recommendations for any changes or updates as necessary. The following documents have been reviewed:

- SEE for Men's Shed at Black Rocks Sports Fields, Pottsville, (Tweed Shire Council 2015).
- NSW Environment Protection Authority (EPA) Contaminated land record
- List of NSW contaminated sites notified to EPA
- NSW EPA POEO (Protection of Environment Operations) Register.

Statement of Environmental Effects

The SEE included a preliminary contamination assessment, which comprised a response to Council's Contaminated Lands Policy items for consideration and a review of historical aerial photographs.

The SEE stated that the site was used for agricultural purposes from 1944. In 2012, the site became the current public open space.

The SEE stated that the site was created as part of a subdivision approved in 2006 under DA243-10-2004 (as amended), which included the importation of fill to the site. The Planning Assessment Report for the 2006 development application did not indicate contamination of the site prior to its establishment as playing fields. Conditions of consent were imposed to ensure imported fill material would be free of contaminants. No subsequent land uses were known to have occurred at the site that would have resulted in the prevalence of contaminated land.

NSW EPA contaminated land record

A site will be on the Contaminated Land: Record of Notices only if the EPA has issued a regulatory notice in relation to the site under the *Contaminated Land Management Act 1997*.

Based on a search undertaken by GHD on 16 June 2015, no contaminated land records were listed for the site or within a one kilometre radius.

List of NSW contaminated sites notified to EPA

The sites appearing on the NSW EPA "*List of NSW contaminated sites notified to the EPA*" indicate that the notifiers consider that the sites are contaminated and warrant reporting to EPA.

However, the contamination may or may not be significant enough to warrant regulation by the EPA. The EPA needs to review information before it can make a determination as to whether the site warrants regulation.

GHD undertook a search of the listing on 16 June 2015. The search did not return any records in the listing for the site or within a one kilometre radius of the site.

Environment Protection Licences in NSW EPA POEO (Protection of Environment Operations) register

GHD undertook a search of the NSW EPA POEO register on 16 June 2015. The search did not show any records for the site or within a one kilometre radius of the site.

Summary of assessment

The above desktop review indicates that no significant contamination is present at the site.

3.1.5 Acid sulfate soil assessment

An acid sulfate soil (ASS) assessment has been undertaken to review the content and general compliance of the proposal and to provide recommendations for any changes or updates as necessary. The following documents have been reviewed:

- SEE for Men's Shed at Black Rocks Sports Fields, Pottsville (Tweed Shire Council 2015)
- *Acid Sulfate Soil Risk Map* for Burringbar / Pottsville (Land and Water Conservation 1997)

Statement of Environmental Effects

The SEE stated that the site was mapped as a Class 2 ASS constraint area. The proposed development would require minor excavations (about 300 mm) for the shed footings.

The SEE included an Acid Sulfate Soil Management Plan (ASSMP). The ASSMP included the previous ASS investigation results in the surrounding areas. The proposed mitigation measures included application of agricultural lime to all excavated material.

The Land and Water Conservation Acid Sulfate Soil Risk Map (1997), Burringbar / Pottsville

The *Acid Sulfate Soil Risk Map* for Burringbar / Pottsville (Land and Water Conservation 1997) describes the site as having low probability of occurrence of acid sulfate soil material within the soil profile. The environment of deposition has generally not been suitable for the formation of acid sulfate soil materials. Soil materials are often Pleistocene in age. Acid sulfate soil material, if present, is sporadic and may be buried by alluvium or windblown sediments. To depth, acid sulfate soil materials are within 1 metre of the ground surface.

The majority of these landforms are not expected to contain acid sulfate soil materials. Therefore land management is generally not affected by acid sulfate soils. However, highly localised occurrences may be boundaries with environments with a high probability of occurrence. Disturbance of these soil materials will result in an environmental risk that will vary with elevation and depth of disturbance.

Summary of assessment

Based on the review of above information, acid sulfate soil materials is likely to present at the site.

3.1.6 Flooding assessment

A flooding assessment has been undertaken to review the content and general compliance of the proposal and to provide recommendations for any changes or updates as necessary. The following documents have been reviewed:

- TLEP 2014
- Section A3 of the Tweed DCP.

TLEP2014

- The TLEP 2014 Flood Planning Map nominates the site as a Flood Planning Area, which is inundated by the Probable Maximum Flood (PMF).

Section A3 of Tweed DCP

- DCP Mapping:
 - The DCP Design Flood Level Map nominates the 100-year event flood level as 2.8m Australian Height Datum (AHD) at the site, being the Design Flood Level
 - The DCP Flow Maps define the site as a 'Low Flow Area', being a flood velocity depth product as less than 0.3
 - The DCP PMF Map nominates the site to be inundated by the PMF
 - The DCP Climate Change Map nominates the 100-year event flood level as 3.0m AHD at the site under future climate conditions
- The site has previously been filled to an average level of 2m AHD.
- The DCP defines 'habitable land use' as development that facilitates the occupation or use of buildings or rooms by persons for accommodation and includes residential accommodation; moveable dwellings; caravan parks; residential care facilities; tourist and visitor accommodation; hospitals; correctional facilities. The development is thus considered a non-habitable land use.

- DCP Section A3.6: Coastal Villages nominates for Development Generally on Flood Liable Land:
 - Design Flood Levels (refer above).
 - High Flow Areas: Low Flow Area (refer above), therefore not applicable.
 - Emergency Response: Generally not applicable however a formulation of a Private Flood Emergency Plans should be developed and implemented by owners and occupants following completion of the development. Information available on the NSW State Emergency Services (SES) website www.ses.nsw.gov.au may assist in the preparation of Private Flood Emergency Plans.
 - Filling: not applicable.
 - Building Materials: All building materials used below Council's adopted Design Flood Level must not be susceptible to water damage.
 - Electrical Supply: Subject to the requirements of Northern Rivers Electricity, all electrical wiring, power outlets, switches, etc., should, to the maximum extent possible, be located above the Design Flood Level. All electrical wiring installed below the Design Flood Level should be suitably treated to withstand continuous submergence in water.
 - Car parking in the form of basement parking: not applicable.

Summary of assessment

The above assessment indicates that the development can achieve compliance with the requirements of TLEP 2014 and Section A3 of the Tweed DCP, on the basis that it is a non-habitable land-use.

3.1.7 Traffic assessment

A traffic assessment has been undertaken to review the content and general compliance of the proposal in regard to access, parking and traffic generation and to provide recommendations for any changes or updates as necessary.

Parking

The sports field have an informal grassed hardstand (gravel) area providing space for up to 55 vehicles. The parking outlined in the development assessment is to be based on the Tweed DCP A2 – Site Access and Parking Guide. The Tweed DCP comments that “Community Facilities” are to be assessed on merit. This has been undertaken for the development proposal, with a comparison being made to the following car parking requirements:

D4 General Industries – 1 space per 120 m² GFA – 2 spaces, 1 heavy vehicle space and 1 bicycle parking space per 5 staff – 3 spaces – Total 3 spaces for vehicles and 3 spaces for bicycles.

A single sealed hardstand accessible car parking space and 3 bicycle spaces would be provided adjacent the connecting pedestrian pathway in proximity to the proposed shed.

The need for any heavy vehicle parking may be negated by an assumption that most deliveries made to the site will be made in private vehicles, vans, utilities and on box trailers, therefore meaning that car parking spaces will only be required.

Traffic generation

The *Guide to Traffic Generating Developments – Updated Traffic Surveys* (Roads and Maritime Services, 2013) shows a regional average of 7.83 daily total vehicle trips with a range of 3.78-11.99 daily vehicle trips for industrial developments. This is considered an acceptable traffic

generation for this type of development. The existing road adjacent to the site has an existing traffic volume of 4,183 vehicles per day (VPD) therefore the proposed additional 14 VPD can easily be accommodated and considered a negligible impact.

The assumptions stated in Appendix F Traffic Assessment of the SEE, referring to the *Guide to Traffic Generating Developments – Updated Traffic Surveys* (Roads and Maritime Services, 2013) are considered reasonable.

Construction traffic

The existing 55 car parking spaces provided on the site can be used for construction traffic. Further to this, the construction traffic will be limited to daylight hours between 7:00 am and 6:00 pm on weekdays and Saturdays and no work being carried out on Sundays or Public Holidays. This is consistent with the *Interim Construction Noise Guideline* (NSW Department of Environment and Climate Change, 2009) during weekdays, Sundays and on public holidays, however varies from this guideline on a Saturday with hours being from 8:00 am to 1:00 pm. If the construction of the Men's Shed is likely to occur during the cricket season work should be restricted on Saturdays to ensure adequate parking remains for cricket players.

The mitigation measures proposed for construction traffic are acceptable, with parking available for construction workers in the existing sports field parking.

Access, transport and traffic

The existing internal access road to the site from Toshak Place is to be upgraded to deal provide for improved accessibility to and from the site.

The proximity of the site to local bus services is approximately 1,400 metres. This provides limited accessibility by modes other than private vehicle to the site. It is noted that there is provision for a bus stop in the Black Rocks urban development area. A car-pooling scheme may wish to be implemented and provided as part of this consent, similar to that which was provided in the Tweed Heads Community Men's Shed Development Assessment to reduce the trip generation rate to four vehicles per day from eight vehicles per day.

Pedestrians are served within the subject site by existing pathways and cycle ways linking the site to Pottsville Central Business District (CBD) and other towns within Tweed Coast. Being a sports park, with available grassed and gravel areas provided, the note on provision of adequate bicycle and motorcycle parking is acceptable.

Summary of assessment

The traffic and transport component of the SEE is considered reasonable, subject to the implementation of reasonable and relevant conditions.

3.1.8 Bushfire assessment

In accordance with the intent of the provisions of the NSW Rural Fire Service' (RFS) *Planning for Bushfire Protection* (NSW RFS 2006), the Men's Shed is classified as a BCA Class 8 structure.

The Men's Shed could not be considered as a Class 9 structure as persons residing on-site are independent and able bodied, and are not vulnerable members of the community with restricted mobility due to age, disability or other incapacity (NSW RFS 2006).

It also would not fall into the category of a Special Fire Protection Purposes Development (SFPP) as it does not fall into any of the categories identified in the excerpt below:

- a. A school

- b. A child care centre
- c. A hospital (including a hospital for the mentally ill or mentally disordered)
- d. A hotel, motel or other tourist accommodation
- e. A building wholly or principally used as a home or other establishment for mentally incapacitated persons
- f. Housing for older people or people with disabilities within the meaning of SEPP No. 5 – Housing for Older People or People with a Disability [now SEPP (Seniors Living)]
- g. A group home within the meaning of SEPP No. 9 – Group Homes
- h. A retirement village
- i. Any other purpose prescribed by the regulations (section 100B (6) of the RF Act).

It would also not fall under the category of a SFPP under Section 100B of the NSW Rural Fires Act (1997) or Regulation 46 of the NSW Rural Fires Regulation (2013) in that it is not a:

- School
- Child care centre
- Hospital
- Hotel, motel or other tourist accommodation
- Home for mentally incapacitated persons
- Seniors housing or group home
- Retirement village
- Manufactured home estate
- Sheltered workshop
- Respite care centre
- Student or staff accommodation associated with a school, university or other educational establishment.

The persons visiting the facility are able bodied, can independently make their way to and from the shed by their own means, and are primarily locals so are familiar with the site and surrounding areas.

The mitigation measures identified in the SEE achieves compliance with the acceptable solutions identified in the *Planning for Bushfire Protection* (NSW RFS, 2006). These mitigation measures include:

- Incorporating a 20 metre asset protection zone around the perimeter of the building
- Construction of non-flammable materials
- Reticulated water supply present
- A sealed access to the site.

It should be noted that as a non-residential structure, these requirements are not mandatory for this structure.

In addition, the vegetation adjoining the site has a discontinuous crown cover and includes open cleared areas. This means that despite being mapped as bushfire prone, a bushfire burning towards the structure is likely to burning at less than its maximum intensity or rate of spread, and making short fire runs.

Summary of assessment

The bushfire mitigation measures incorporated into the SEE exceeds the requirements for a structure of this type and for the type of fire behaviour likely to impact on the structure.

3.2 Summary of outstanding issues and recommendation

The SEE will require amendment in relation to the ecological matters outlined in section 3.1.3.

Subject to these matters being addressed to a standard that is satisfactory to Council, it is recommended that the proposal is approved subject to reasonable and relevant conditions.

These conditions are provided in the conditions report in section 5.

4. Submissions report

4.1 Overview of community submissions and state agency comments

The development application was available for public comment from 27 May 2015 to 10 June 2015. For completeness, any submissions received after these dates were also considered as part of the assessment.

4.1.1 Community submissions

A total of 14 submissions from the community were received in regard to the proposal, including a submission of objection with 326 signatures. The submissions received include the following:

- Submission 1 dated 09 June 2015
- Submission 2 dated 09 June 2015 *
- Submission 3 dated 08 June 2015 *
- Submission 4 dated 08 June 2015 *
- Submission 5 dated 11 June 2015 *
- Submission 6 dated 08 June 2015 *
- Submission 7 dated 12 June 2015 *
- Submission 8 dated 12 June 2015 *
- Submission 9 dated 09 June 2015 *

Submission 10 dated 08 June 2015 (refer to

- Table 4-2)
- Submission 11 that comprised a letter with 326 signed submissions dated 10 June 2015 (refer to Table 4-3)
- Submission 12 consisting of the following (refer to Table 4-4):
 - Original submission dated 10 June 2015
 - Amended submission dated 14 June 2015
 - Amended submission dated 04 July 2015
 - Amended submission dated 02 August 2015.
- Submission 13 dated 10 July 2015 (refer to Table 4-5)
- Submission 14 dated 07 August 2015 (refer to Table 4-6)
- Letter of support dated 02 August 2015 (refer to Table 4-7).

** These submissions consisted of a single letter with the same content; therefore these submissions have all been addressed in Table 4-1.*

4.1.2 State agency comments

Comments on the proposal were also received from the following State agencies:

- NSW Rural Fire Service dated 16 October 2015 (previous advice received 23 June 2015 was superseded) (refer to Table 4-8)
- OEH dated 19 February 2015 and 10 July 2015 (refer to Table 4-9).

4.2 Evaluation of community submissions

Evaluation of the community submissions received (as summarised in section 4.1 above) is provided in the following tables.

Table 4-1 Submission 1-9

| Key points of submission | Comment |
|---|--|
| Direct and indirect impacts on the Koala and other threatened species by the construction and operation of a Men's Shed on the Black Rocks sports field. | <p>The proposal will not require the removal of any trees or significant vegetation.</p> <p>The proposal will involve predominantly indoor activities such as wood working, board games, music lessons and cooking classes. There will be some outdoor activities such as photography and exercise which are non-invasive in nature and not expected to have an impact on the Koala and other threatened species.</p> |
| Mitigation measures will be ineffective in ensuring the recovery of the Pottsville Wetlands-Black Rocks source Koala population. | Fauna habitats and likely threatened species have been discussed adequately in the SEE, however it is recommended that the results of the Black Rock Koala study commissioned to assess the removal of the Koala-proof gates be incorporated into the report. Further discussion of Koala movements across open areas (as is provided in JWA 2011) should also be incorporated. This would assist in the assessment of impacts and recommendations for mitigation. |
| The impediment to corridor connectivity caused by the construction and operation of a Men's Shed and the threats to Koala health and safety by increased human-related activities in this breeding, foraging and roosting area will increase the likelihood that there will be an adverse effect on the life cycle of the species (Koala) such that a viable local population of this species is likely to be placed at risk of extinction. | <p>The proposal will not require any vegetation or significant trees to be removed. Connectivity along the sports field will be enhanced through the planting of 15 Koala food trees along the north western boundary.</p> <p>The operation of the facility and its activities would be coordinated by a Shed Manager under the Pottsville and District Men's Shed Association (AMSA) to ensure safety and noise generated is at an appropriate standard.</p> |
| The resident and breeding Koala population has a home range between 2 breeding areas east of the sports field; this site is surrounded by Core Koala Habitat and is centrally-located at the junction of 3-Koala/wildlife corridor for north-south and east-west Koala movement and dispersal of gene diversity. | The Men's Shed will not require the removal of any existing vegetation. The proposal will provide planting of 15 Koala food trees to enhance connectivity for the Koalas. |

Table 4-2 Submission 10

| Key points of submission | Comment |
|---|---|
| The determination by the Tweed Coast Koala Habitat Study 2011 that there has been a 50% Tweed Coast | It is unclear whether the Resolution of Council to remove the gate will be enacted, modified, or rescinded. Nonetheless, the Men's Shed proposal is |

| Key points of submission | Comment |
|---|---|
| <p>Koala population decline over the last decade , and that according to leading Koala expert Dr Steve Phillips, at the current rate of decline, they may be extinct by 2025-2030 unless strong assertive action is taken.</p> | <p>for daytime use only and any nexus between the operation of the men's shed and risks to wildlife as a result of the Koala gate being removed or modified does not exist by virtue of the proposed operation hours of the proposal being for daytime use only.</p> <p>To ensure daytime operation of the proposal only, a recommended condition will outline operating hours for the proposal.</p> |
| <p>The isolated location of the Men's Shed in the middle of a Koala corridor, which poses a serious risk of fire and explosion if a workplace accident occurs or vandals/ thieves access the flammable commodities stored within.</p> | <p>Use of the site by the P&DMS would increase the daytime presence at the sports field and could have an active management and reporting function at the site. The P&DMS would be provided with keys to the gate.</p> <p>As a measure of added security, the Men's Shed would be likely to feature internal ply-wood wall cladding as a measure to prevent theft in the event of attempted break in.</p> |
| <p>The significant incidence of Koala illness and death due to the stress-related disease Chlamydia at or adjacent to the Black Rocks sports field site, which is likely to have manifested as a result of the ongoing disturbance associated with human-related Koala-impact activities.</p> | <p>The proposal will involve predominantly indoor activities such as wood working, board games, music lessons and cooking classes. There will be some outdoor activities such as photography and exercise which are non-invasive in nature and not expected to have an impact on the Koala and other threatened species.</p> |
| <p>The inadequate existing Koala protection at the sports field site, with the Koala/dog-proof vehicle access gates being left open during the day, which allows easy access to hoons, unleashed dogs, motor bikes and other unregulated illegal and/or inappropriate activities which are causing stress and risk of harm to Koalas.</p> | <p>As noted in section 2.5.4 of the SEE, anti-social behaviour including vandalism at the sports field has been documented by Council in the past. However, upon installation of a set of gates at the entry to the sports field this behaviour has significantly reduced.</p> <p>As a measure of added security the shed would be likely to feature internal ply-wood wall cladding as a measure to prevent theft in the event of attempted break in.</p> <p>Use of the site by the P&DMS would increase the daytime presence at the sports field and could have an active management and reporting function at the site. The P&DMS would be provided with keys to the gate.</p> |
| <p>On 17 occasions in this documentation reference was made to this gate being in place to provide Koala protection. However, this gate is set to be replaced with a Koala grid.</p> | <p>It is unclear whether the Resolution of Council to remove the gate will be enacted, modified, or rescinded. Nonetheless, the Men's Shed proposal is for daytime use only and any nexus between the operation of the men's shed and risks to wildlife as a result of the Koala gate being removed or modified does not exist by virtue of the proposed operation hours of the proposal being for daytime use only.</p> <p>To ensure daytime operation of the proposal only, a recommended condition will outline operating hours for the proposal.</p> |
| <p>The DA states, repeatedly, that there</p> | <p>It is understood that Council proposes to remove</p> |

| Key points of submission | Comment |
|---|---|
| are lockable gates to the grounds for security, yet Council has just approved removal of those gates. | <p>the existing Koala-proof gates near Toshack Place and replace these with a Koala grid. If this is the case, the proposal description should be updated to conform with this decision.</p> <p>The impact assessment should be updated to reassess the risk of vehicle strike on Koalas and Bush Stone-curlews.</p> |
| Activities may generate industrial noise which would create a serious disturbance to resident wildlife and may encourage their movement out of the area to quieter locations. | The proposal's SEE identified that adverse impacts from aspects such as traffic and noise are expected to be negligible. Refer to section 2.5.4 and Appendix F of the SEE. |
| The location is in a high bushfire risk area and also an area known to be regularly targeted by thieves and vandals. | The proposed shed would be constructed of steel members and cladding, therefore satisfying the requirements of AS3959 and minimising any associated bushfire risk. |
| The site is very isolated and far away from community facilities. The Men's Shed website declares that their goal is to facilitate and encourage social contact and interaction, and clearly this is not possible in such an isolated and remote location. | The proposed development would enhance site safety and security by providing routine surveillance of the sports field during operation of the Men's Shed. The Men's Shed would operate pursuant to a licence granted by Council. |
| The development approval appears to be for a temporary facility only, while an alternate and more suitable site is identified. This imposes unnecessary costs on both the organization and the public. | <p>As per Council's resolution, the lease of the site would be for a five year period with the P&DMS assigned responsibility for all maintenance and outgoings. It is anticipated that the lease would be a peppercorn fee, or the same as the other Men's Shed leases within the Shire.</p> <p>This lease will pose no cost to the general public.</p> |
| The proposed development has a direct and indirect negative impact on Koalas and other threatened species, putting already endangered wildlife at greater risk of extinction by increasing incompatible human activity in the area, creating noise that will upset native animals, and encouraging vehicle movement on the Access Road which cuts directly through a koala corridor and which koalas have often been seen walking across. | <p>As discussed in section 2.5.7 of the SEE, the Black Rocks Sports Field and adjacent Black Rocks By The Sea Estate are covered under an existing Integrated Koala Plan of Management (IKPoM) approved under SEPP44. Consequently, a number of environmental safeguards are already in place at the sports field to minimise impacts on fauna.</p> <p>Section 5 and Appendix G of the SEE provide discussion of the impact of the proposal on wildlife corridors. As per the results of this assessment, it is recommended that these are updated in line with the results of specialist studies undertaken.</p> |

Table 4-3 Submission 11

| Key points of submission | Comment |
|-----------------------------------|--|
| Black Rocks sports oval should be | The north western side of the Black Rocks Sports |

| Key points of submission | Comment |
|---|--|
| <p>revegetated to help koalas, threatened species in NSW and nominated as endangered on Tweed Coast, who are struggling to survive after the Xmas fire that burned 20A ha of Pottsville wetlands.</p> | <p>Field has been set aside for infill planting to meet the requirements of the Tweed Coast KPoM. 15 Koala food trees (Swamp Mahogany and Forest Red Gum) would be planted in the south west corner of the fields and maintained to ensure 100% survival to maturity.</p> |
| <p>Men's Shed is an industrial facility that has the potential to cause a major fire due to the use of inflammable liquids</p> | <p>The proposal is considered to be best described as a community facility, as per other approved Men's Sheds in the Tweed Shire. Community facilities are permitted with consent under the zone provisions for RE1 (Public Recreation) in accordance with the TLEP 2014.</p> <p>The bushfire mitigation measures incorporated into the SEE exceeds the requirements for a structure of this type and for the type of fire behaviour likely to impact on the structure.</p> |
| <p>There is a long history of vandals breaking into Council infrastructure, destroying it or causing fires.</p> | <p>It is recommended that the existing locked boom gate is retained by Council. As the current boom gate has proven to reduce anti-social behaviour as stated within the SEE for the proposal.</p> <p>The proposed Men's Shed will incorporate roller doors on the northern, eastern and western elevation of the shed to minimise potential break-ins. In addition the Men's Shed is to be lined with plywood as an extra security measure against break and enter.</p> |
| <p>Currently there are no regulations to limit future activities at this Men's Shed.</p> | <p>The operation of the facility and its activities would be coordinated by a Shed Manager under the AMSA. The SEE for the proposal states the activities will consist of wood working, board games, music lessons, cooking classes and outdoor activities such as photography and exercise.</p> <p>A full list of activities proposed to occur at the Men's Shed is provided in section 2.5.1 of the SEE. Any additional activities not covered by or inconsistent with this SEE would require consideration and/or by Council.</p> |
| <p>Pottsville does not need two Mens' Sheds, money has not been spent wisely.</p> | <p>Selection of a preferred location for a Men's Shed in Pottsville and surrounding suburbs was performed by the P&DMS in consultation with the NSW Department of Crown Lands, the State elected member for Tweed, and Tweed Shire Council. The location options that were considered are summarised in Table 2.1 of the SEE.</p> |
| <p>Council needs to confirm if the Men's Shed at Black Rocks is temporary.</p> | <p>The lease of the site would be for a five year period with the P&DMS assigned responsibility for all maintenance and outgoings. It is anticipated that the lease would be a peppercorn fee, or the same as the other Men's Shed leases within the Shire.</p> |
| <p>The proposal provides 3 parking spots in an Environmental Protection area, which is the Access Road.</p> | <p>An amendment to the proposal was submitted on 13 November 2015 that removed the 3 car parking spaces from the application. The existing car parking arrangements are considered adequate and</p> |

| Key points of submission | Comment |
|---|--|
| | no new parking spaces are required. |
| Location of Men's Shed is remote and certainly not in walking distance of Pottsville. | <p>The proposal would be located amongst other community facilities occurring within the subject site and approximately 1400 m from the nearest public transport bus route. It is noted that a bus stop is nominated within the nearby Black Rocks residential estate (250 m from the subject site) by the locality specific Pottsville Locality Based Development Code (Section B21 of the Tweed DCP).</p> <p>Existing access to the site is via a sealed vehicle road and adjacent pedestrian and bicycle pathway which are equipped with a lockable gate, traffic calming devices and lighting. The site access road connects to Overall Drive in the nearby residential subdivision known as Black Rocks Estate.</p> |
| Noise and Vibration only addresses impact on the nearby residents at Black Rocks and excludes koalas living in the corridor adjacent who are highly impacted by noise and manifest chlamydia as a result of resulting stress. | <p>The Men's Shed would operate at the sports field generally between the hours of 7 am - 5 pm Monday to Saturday.</p> <p>As outlined in section 2.5.1 of the SEE, the activities proposed by the Men's Shed would include a range of activities and games. The SEE has identified that adverse impacts from aspects such as traffic and noise are expected to be negligible. Refer to Table 5.1 and Appendix F of the SEE.</p> |

Table 4-4 Submission 12

| Key points of submission | Comment |
|--|--|
| <p>1. Location within corridor</p> <p>All the primary koala habitat, koala breeding areas and the majority of koala movement are between the eastern portion of the sports field and the Black Rocks by the Sea residential estate.</p> <p><i>Pottsville Wetland Restoration Plan 3.1.2 Conservation Significance</i> states: Pottsville Wetlands has been identified as part of a north-south and east-west regional fauna corridor in the Northern Rivers regional Biodiversity Management Plan (DECCW 2010).</p> | <p>Selection of a preferred location for a Men's Shed in Pottsville and surrounding suburbs was performed by the P&DMS in consultation with the NSW Department of Crown Lands, the State elected member for Tweed, and Tweed Shire Council.</p> <p>The north western side of the Black Rocks Sports Field has been set aside for infill planting to meet the requirements of the Tweed Coast KPoM. 15 Koala food trees (Swamp Mahogany and Forest Red Gum) would be planted in the south west corner of the fields and maintained to ensure 100 per cent survival to maturity.</p> |
| <p>2. Koala source populations</p> <p>According to Sandy Pimm (Ecologist and Senior Environmental Planner, City of Gold Coast and former Tweed Shire Council ecologist) the Black Rocks/Pottsville Wetlands Koala sub-population is critical to the survival of the koala on the Tweed Coast.</p> | <p>It is noted that there are information gaps in the SEE with regard to the assessment of ecological impacts. Therefore it has been recommended that the SEE is amended with regard to these measures and updated with the latest information. Refer to sections 3.1.3 and 4.5.2 of this report.</p> |

| Key points of submission | Comment |
|--|---|
| <p>3. Revegetation</p> <p>Pottsville Wetlands-Black Rocks is currently the least fragmented by roads within the Tweed Coast Corridor, but the subject site creates a barrier within the valuable section of the corridor. Ecologists Dr Steve Phillips and Sandy Pimm recommend that the subject site ideally should be revegetated with Koala habitat trees as it is strategically located to create a large habitat block within the corridor with sufficient buffers from the impacts which are driving them towards extinction.</p> | <p>Refer to comments in response to Point 2 above.</p> |
| <p>4. Access road</p> <p>The sports field is connected to the Black Rocks by the Sea residential estate to the east by an access road which winds through bushland and primary Koala food trees. There is no buffer between these Koala food trees and the disturbance and threats entering the koala habitat.</p> | <p>The site is currently serviced by an existing sealed access road. No works are proposed to occur within the access road, therefore no additional impacts on Koala habitat are anticipated.</p> |
| <p>5. Access road corridor value</p> <p>The access road bisects a local movement corridor between preferred habitat.</p> | <p>Refer to comments for Point 4 above.</p> |
| <p>6. Sports field</p> <p>The bushland adjacent to the south-east corner of the sports field (where the Men's Shed will be located) has a significant concentration of evidenced and reported Koala activity. Two Koala suffers from the stress-related disease Chlamydia were sighted in this location. Primary Koala food trees lined the northern, eastern and southern edges of the sports field.</p> | <p>The existing sports field will continue to operate as per existing, with no changes to these operations proposed.</p> <p>No significant vegetation disturbance is proposed and would be limited to ground cover removal for the purposes of establishing the concrete slab and footings.</p> |
| <p>7. Habitat classification of surrounding bushland (study area)</p> <p>The bushland surrounding the subject site is classified Core Koala Habitat, has a resident Koala population and supports Endangered Ecological Communities. These characteristics triggered the Black Rocks by the Sea Koala Plan of Management 2004 (Black Rocks IKPoM) which is outdated, does not reflect current Koala usage and quality of habitat, and has never been fully implemented. Since 2004 this bushland has naturally regenerated</p> | <p>Refer to comments in response to Point 2 above. The vegetation section of the SEE should be revised to describe which vegetation types are present and an appropriate figure should be provided showing all vegetation types and including a legend.</p> |

| Key points of submission | Comment |
|---|---|
| with significant stands of primary Koala food trees. | |
| <p>8. Koala breeding areas</p> <p>There is an established Koala home range between two breeding areas (one either side of the access road and the other 250 metres north-east of the sports field). An evidenced and reported significant daytime breeding event occurred on 8/11/2013 adjacent to the access road.</p> | Refer to comments in response to Point 2 above. |
| <p>9. Threatened status of Tweed Coast Koalas</p> <p>The P&DMS DA documentation does not acknowledge and/or adequately take into account the following threatened status of the Tweed Coast Koalas:</p> <ul style="list-style-type: none"> • Population numbers • Population decline • Viable population size • Endangered status. | <p>It is recommended that the vegetation section should be revised to describe which vegetation types are present and an appropriate figure should be provided showing all vegetation types and including a legend.</p> <p>The flora and fauna assessment should be updated to incorporate information from the Black Rock Koala Study that Council has commissioned as part of the motion to remove the Koala-proof gate. This is in accordance with recommendations from OEH. Refer to sections 3.1.3 and 4.5.2 of this report.</p> |
| <p>10. Need for effective Black Rocks-Pottsville Wetlands Koala Recovery Plan</p> <p>The FFA does not acknowledge and/or adequately take into account the need for an effective Pottsville Wetlands-Black Rocks Koala recovery plan as a consequence of the events detailed below:</p> <ul style="list-style-type: none"> • Pottsville Wetlands bush fire • Stress related disease. <p>It also incorrectly stated that the P&DMS proposal does not have the potential to interfere substantially with the recovery of the Koala.</p> | Refer to comments in response to Point 2 above. |
| <p>11. Inadequate existing koala protection contributing to significant impact on koalas</p> <p>The P&DMS DA documentation does not acknowledge and/or adequately take into account the following flawed existing koala protection, which is allowing a high level of adverse Koala impact to occur at the subject site and in the study area:</p> <ul style="list-style-type: none"> • Black Rocks by the Sea Koala Plan of Management | The assessment of significance for the Koala needs to be updated to incorporate the discussion of the impact of removing the gate and night traffic. A discussion of cumulative impacts should also be included. Refer to sections 3.1.3 and 4.5.2 of this report. |

| Key points of submission | Comment |
|---|---|
| <p>2004</p> <ul style="list-style-type: none"> • Koala/dog-proof fence • Koala protection gates • Dog and cat restrictions in residential estate • Dog restrictions within subject site • Golf restrictions • Motor cycle restrictions • Educational signage • Traffic calming. | |
| <p>12. Existing human-related impacts</p> <p>The P&DMS DA documentation does not acknowledge and/or adequately take into account the following existing human-related illegal and/or threatened species-impactive activities, which pose a significant threat to resident and breeding Koalas and other threatened species on the subject site and in the study area:</p> <ul style="list-style-type: none"> • Entry of unleashed and leashed domestic dogs • Attacks on wildlife • Hooning • Motor/trail/mini bike riding • Go-cart racing • Model glider and noisy petrol-powered aeroplanes • Dumping of rubbish in habitat • Weed invasion • Hitting golf balls • Screws on access road • Fire lighting • Shooting • Home-made spud cannon launching • Teen parties with fires, loud music, alcohol-fuelled commotion and vandalism • Sporting attendees with very loud motor vehicles and motor bikes • Private helicopter landing site | <p>The proposed development would enhance site safety and security by providing routine surveillance of the sports field during operation of the Men's Shed.</p> <p>It is recommended that the existing locked boom gate is retained by Council. As the current boom gate has proven to reduce anti-social behaviour as stated within the SEE for the proposal.</p> <p>The proposed Men's Shed will incorporate roller doors on the northern, eastern and western elevation of the shed to minimise potential break-ins. In addition the Men's Shed is to be lined with plywood as an extra security measure against break and enter.</p> |

| Key points of submission | Comment |
|--|---|
| <ul style="list-style-type: none"> Regular sports field maintenance, mowing, slashing and whipper snipping. | |
| <p>13. Existing threats to threatened species from human-related impacts</p> <p>The P&DMS DA documentation does not acknowledge and/or adequately take into account the level of the following risks to the resident and breeding threatened species on the subject site and in the study area associated with the above unregulated existing human-related impacts:</p> <ul style="list-style-type: none"> Stress-related disturbance Disease Vehicle strike Dog attack Habitat fragmentation Fire. | <p>Refer to comments in response to Point 2 above.</p> |
| <p>14. P&DMS DA environmental assessment inconsistencies and inadequacies</p> <ul style="list-style-type: none"> Unrecognised koala breeding area Unrecognised wildlife sightings Unrecognised koala habitat No focus on koala residency Unrecognised corridor significance <ul style="list-style-type: none"> Non-compliance with Tweed Coast Comprehensive Koala Plan of Management Non-compliance with EP&A Act Non-recognition of corridor integrity Narrow width of corridor links Barrier to dispersing young Koalas Habitat fragmentation Map linkage | <p>It is recommended that the vegetation section should be revised to describe which vegetation types are present and an appropriate figure should be provided showing all vegetation types and including a legend.</p> <p>The flora and fauna assessment should be updated to incorporate information from the Black Rock Koala Study that Council has commissioned as part of the motion to remove the Koala-proof gate. This is in accordance with recommendations from OEH. Refer to sections 3.1.3 and 4.5.2 of this report.</p> |

| Key points of submission | Comment |
|--|---|
| omission. | |
| <p>15. Flora and fauna assessment inconsistencies</p> <ul style="list-style-type: none"> • Ecological assessment of study area • Outdated and inaccurate mapping • Endangered ecological community assessment west of subject site • Endangered ecological communities assessment south of subject site • Corridor assessment south of subject site. | Refer to comments in response to Point 2 above. |
| <p>16. Bush stone-curlew inconsistencies</p> <p>The 56 documented sightings of Bush Stone-curlews, including wailing calls, on the subject site and in the study area over the last four years validate that the Bush-Stone curlew warrants further consideration as above and as per the inconsistencies detailed below:</p> <ul style="list-style-type: none"> • Preferred roosting and/or breeding habitat • Population numbers • Recovery Plan for the Bush Stone-curlew 2006 • Day sightings • Risk of vehicle strike • No night protection. | Refer to comments in response to Point 2 above. |
| <p>17. Koala impacts – south east corner of subject site</p> <ul style="list-style-type: none"> • Barrier to Koala movement • Impacts on sensitive Koala area • Stress-related disease • Insufficient buffers • Construction of Men's Shed in sensitive Koala area • Operation of Men's Shed in sensitive Koala area. | Refer to comments in response to Point 2 above. |
| <p>18. Access road – impacts on threatened species</p> | Refer to comments in response to Point 2 above. |

| Key points of submission | Comment |
|---|--|
| <p>As detailed below, the P&DMS DA does not provide effective mitigation measures to ensure that there will be no Koala deaths from vehicle strike:</p> <ul style="list-style-type: none"> • Edge effects • Cumulative effects of increased traffic • Risk of mortality in Koala breeding area • Barrier to fauna movement • Reduction in Koala breeding • Car parking in Koala breeding area • Commentary from Ecologist Sandy Pimm. | |
| <p>19. Men's Shed Site – Impacts on threatened species</p> <p>The following issues indicate that the Men's Shed site on the Black Rocks sports field is inappropriately located, with an unrealistic expectation based on actual operational times that the presences of Men's Shed members will provide an effective passive surveillance measure:</p> <ul style="list-style-type: none"> • Close proximity to Koala habitat • Unrestricted access to Koala habitat • Inappropriate location • Stranger danger • Risk of fire and explosion • Risk of flood • Operational times • Alternative sites • Expansion plans • Vandalism • Model aeroplanes • Security lighting. | <p>Operation of the facility would be coordinated by a Shed Manager. The P&DMS are a member of the Australian Men's Shed Association (AMSA), with both being not-for-profit organisations.</p> |
| <p>20. Men's Shed disturbance generally – impacts on threatened species</p> <p>The P&DMS documentation have not acknowledged and/or adequately taken into account the following general disturbance which will impact on the threatened species at or</p> | <p>It is recommended that the SEE should include consideration of additional mitigation measures to address operational impacts associated with any proposed modifications of the proposal originally assessed, such as removal of the locked Koala proof gate, as applicable.</p> |

| Key points of submission | Comment |
|--|---|
| <p>adjacent to the subject site. There is also no provision for the proposed mitigation measures to be monitored and maintained for the duration of the impact:</p> <ul style="list-style-type: none"> • High level of disturbance • Biodiversity values of sports field and access road • Abandonment of the subject site and study area • Adaption to disturbance • Cumulative effects of increased disturbance • Assessment of disturbance levels • Night use • Edge effects. | |
| <p>21. Increased risk of Koala disease by P&DMS proposal</p> <p>The P&DMS DA documentation does not acknowledge and/or adequately take into account the incidence of the stress-related disease Chlamydia at or adjacent to the site:</p> <ul style="list-style-type: none"> • Cumulative effects of stress related disturbance • Stress from human presence • Construction and operational disturbance levels. | <p>It is recommended that the SEE be updated to include an assessment of these factors.</p> |
| <p>22. Men's Shed DA environmental safeguards inconsistencies</p> <p>FFA page 4 and FFA 6.2 page 25 incorrectly states that adequate environmental safeguards are in place to ensure protection of Koala as follows:</p> <ul style="list-style-type: none"> • Koala protection gates • Night protection • 4 speed humps on access road • Visibility on access road • Lighting on access road • Dog restrictions. | <p>Refer to comments for Point 9 above.</p> |
| <p>23. Inappropriate Koala habitat offset planting</p> | <p>Council to investigate intended location for offset planting.</p> |

| Key points of submission | Comment |
|--|---|
| <p>According to SEE, 50 square metres of primary Koala food trees (i.e. 15 trees) are to be planted in the south-west corner of the sports field in accordance with the Tweed Coast KPoM. The offset planting, which will not be available for use for at least 5 years, is inappropriate for the following reasons:</p> <ul style="list-style-type: none"> • Inappropriate location • Edge effects • Proximity to disturbance • Maintenance of existing habitat. | |
| <p>24. Council regulations and enforcement</p> <p>The P&DMS DA documentation has not acknowledged and/or adequately taken into account the following Council regulations and enforcement inconsistencies, which place the resident and breeding threatened species at risk of undetected, unmonitored and unregulated activities:</p> <ul style="list-style-type: none"> • Unregulated activities • Passive surveillance • Protection of environmental values • Retail outlet. | <p>A monitoring program currently exists for all Council owned and managed land and assets.</p> <p>In regard to Black Rocks Sports Fields, all complaints and enquiries are logged with Council's Call Centre with details of location, time, nature of complaint or enquiry etc. and any actions managed as part of Council Customer Requests Management System. All complaints and enquiries can be accessed at any stage and collated for reporting purposes.</p> <p>It is reiterated that the proposed development would enhance site safety and security by providing routine surveillance of the sports field during operation of the Men's Shed.</p> |
| <p>25. Environmental legislation, policies and plans</p> <p>The P&DMS proposal is inconsistent and does not comply with the following environmental legislation, policies and plans:</p> <ul style="list-style-type: none"> • Access road zoning (LEP 2000) • Incompatibility with natural environment (SEPP 44) • Suitability of Men's Shed proposal (SEPP 44) • Supervision of anti-social behaviour (SEPP 44) • Koala recovery (NSW Koala Recovery Plan) • Tweed Development Control Plan (DCP) • Future use and development. | <p>Section 2 of this report provides an evaluation of the: form, content and general compliance of the DA application, with the purpose of certifying that it is complete and suitable for the purpose of making a recommendation for Council's determination, or otherwise documenting any deficiency. This report has identified any deficiencies with the SEE and has requested additional information to be provided by Council prior to a decision being made on the application.</p> |

| Key points of submission | Comment |
|---|---|
| <p>26. Koala plans of management</p> <p>The P&DMS proposal is inconsistent and does not comply with the following issues relating to the individual and comprehensive koala plans of management:</p> <ul style="list-style-type: none"> • Non-compliance with flawed Black Rocks IKPoM Management 2004 • Outdated Black Rocks IKPoM • Non-compliance with objectives of Black Rocks IKPoM • Non-compliance with objectives of Tweed Coast KPoM • Inconsistencies between P&DMS DA assessment against Black Rocks IKPoM and Tweed Coast KPoM • Enclaved development (Tweed Coast KPoM). | <p>The sports field complex is located within the area covered by the Blacks Rocks By The Sea Estate IKPoM. A revegetation area targeting Koala food trees is identified in the area either side of the access road to the sports field. A Koala exclusion fence (including the Koala gate) is located adjacent to development areas to minimise the risk of dog attack and vehicle strike.</p> <p>Relevant threats identified in the IKPoM include habitat removal and vehicle collisions. The proposal would not remove Koala habitat. Vehicle strike is a risk, particularly as the revegetated Koala corridor spans the access road. Removal of the koala proof gate is likely to result in increased traffic along the access road, including at night, further increasing the risk of Koala mortality through vehicle strike.</p> <p>In combination, there is likely to be an increased threat as a result of encouraging Koalas into proximity of the access road through revegetation with food trees and then removing gate and potential for increase traffic and night traffic when Koalas likely to be most active and moving through the area.</p> |
| <p>27. Risk of high-intensity fire – inadequate assessment under Planning for Bush Fire Protection 2006 (PBP)</p> <p>The P&DMS documentation does not acknowledge and/or adequately take into account the risk of fire and explosion as a result of the flammable materials, commodities and activities associated with the operation of the Men's Shed which will endanger life, property and the natural environment.</p> <ul style="list-style-type: none"> • Men's Shed bush fire assessment • Vulnerability to the effects of fire • Inadequate asset protection zone • Risk of fire from industrial-like activities • Risk of high-intensity fire and explosion from storage of flammable materials • Risk of high-intensity fire and explosion from flammable commodities • Risk to the environment. | <p>The bushfire mitigation measures incorporated into the SEE exceeds the requirements for a structure of this type and for the type of fire behaviour likely to impact on the structure. Refer to section 3.1.8 of this report.</p> |

| Key points of submission | Comment |
|--|--|
| <p>28. Inadequate ecological data to inform protection</p> <p>The P&DMS documentation is based on outdated desktop and on-ground Koala surveys which must be updated in order to comply with the EPBC referral guidelines.</p> | <p>Refer to comments in response to Point 2 above.</p> |
| <p>29. Non-recovery of the Koala</p> <p>The FFA has not acknowledged and/or taken into account that every Koala death is one too many, and that mitigation measures must eliminate any risk of vehicle strikes as well as other threats from dog attack and general disturbance. As indicated in this submission, all existing and proposed mitigation measures are flawed.</p> | <p>Refer to comments in response to Point 2 above.</p> |
| <p>30. Barrier to Koala movement</p> <p>The P&DMS DA documentation does not acknowledge and/or adequately take into account the corridor values at risk by the barrier created to north-south Koala movement, which is likely to result in a long-term reduction in genetic fitness or access to habitat critical to the survival of the Koala.</p> | <p>Refer to comments in response to Point 2 above.</p> |
| <p>31. Bush Stone-Curlew ('Endangered' in NSW)</p> <p>The following Bush Stone-curlew habitat assessment and sightings have not been acknowledged or taken into account in the P&DMS DA:</p> <ul style="list-style-type: none"> • Roosting and/or breeding habitat • 56 evidenced day and night sightings • Risk of motor vehicle strike • Risk of dog attack • Artificial lighting. | <p>Refer to comments in response to Point 2 above.</p> |
| <p>32. Eastern Osprey ('Vulnerable' in NSW)</p> <p>Even though the location of the proposed Men's Shed at the southern end of the sports field is not located in close proximity to the Eastern Osprey nest 50 metres north-east of the sports field, there is a potential impact from the flying of model glider and petrol powered aeroplanes in close proximity to this nest, as has been as is regularly occurred on the subject</p> | <p>Refer to comments in response to Point 2 above.</p> |

| Key points of submission | Comment |
|---|--|
| site and in the study area. | |
| <p>33. Koala ('Vulnerable' in NSW, nominated 'Endangered' Tweed Coast)</p> <p>The Koala should be re-assessed by the 7 part test under the EP&A Act as the FFA has not properly assessed the potential impacts of the P&DMS proposal.</p> | <p>Refer to comments in response to Point 2 above.</p> |
| <p>34. Making an assessment of significance under EP&A Act</p> <p>A reliance on the increased presence of P&DMS providing passive surveillance by having an active management and reporting function at the subject site should not be considered as an affective mitigation measure.</p> | <p>Refer to comments for Point 25 above.</p> |
| <p>35. Species and/or environmental impact statements under EP&A Act</p> <p>FFA, page 4 states that a Species Impact Statement is not required for the Koala because of the minor nature of the impacts and the traffic calming features already present on the access road. The P&DMS proposal should be subject to a Species Impact Statement and/or Environmental Impact Statement under the EP&A Act.</p> | <p>Refer to comments for Point 34 above.</p> |
| <p>36. Reasons for EPBC Act 1999 referral</p> <p>Based on the environmental values, flawed P&DMS DA ecological assessment, flawed existing and proposed Koala protection, flawed existing and proposed mitigation measures against the likely increased impacts created by the actions of the P&DMS proposal, the impacts of the Christmas Day 2015 Pottsville Wetlands bushfire and the need for a Koala Recovery Plan detailed in this submission, referral under the EPBC Act for assessment and approval is warranted.</p> | <p>Refer to comments for Point 34 above.</p> |
| <p>37. Reasons for P&DMS DA referral and/or non approval</p> <p>The P&DMS DA should not be approved while the following matters are unresolved, and should be re-assessed based on the outcome of these matters:</p> | <p>Refer to comments in response to Point 2 above.</p> <p>It is also noted that the Men's Shed is located within zone RE1 Public Recreation of the TLEP 2014. The proposed development satisfies the zone objectives of the RE1 Public Recreation zone.</p> <p>The site (including the access road (Overall Drive)) surrounded by land zoned for environmental</p> |

| Key points of submission | Comment |
|---|--|
| <ul style="list-style-type: none"> • Black Rocks Precinct Koala Study • Black Rocks IKPoM • LEP 2014 Environmental Protection Zones • Koala Recovery Plan • Updated Tweed Coast Koala Habitat Study • Koala Habitat Assessment under section 5.8 of the KPoM • Assessment of Endangered Ecological Community • 7 part test for Bush Stone-curlew and Eastern Osprey and 7 part test re-assessment for Koala • Bush Stone-curlew Habitat Study. | <p>protection (habitat) purposes pursuant to the TLEP 2000 as a deferred matter (in contrast to current zoning under the TLEP 2014).</p> <p>No works are to occur within the access road and as a consequence, no works are to occur within land zoned as a Deferred Matter pursuant to the TLEP 2014.</p> |
| <p>1. The Men's Shed proposal has been incorrectly assessed as it should have been categorised as Special Fire Protection Purpose (SFPP) in accordance with Part 6, section 46 of the RF Regulation.</p> | <p>In accordance with the intent of the provisions of the NSW RFS <i>Planning for Bushfire Protection</i> (NSW RFS 2006), the Men's Shed is classified as a BCA Class 8 structure.</p> <p>The Men's Shed could not be considered as a Class 9 structure as persons residing on-site are independent and able bodied, and are not vulnerable members of the community with restricted mobility due to age, disability or other incapacity (NSW RFS 2006).</p> <p>It would not fall into the category of a SFPP as it does not fall into any of the categories identified.</p> <p>It would also not fall under the category of a SFPP under Section 100B of the NSW <i>Rural Fires Act</i> (1997) or Regulation 46 of the NSW Rural Fires Regulation (2013).</p> <p>The persons visiting the facility are able bodied, can independently make their way to and from the shed by their own means, and are primarily locals so are familiar with the site and surrounding areas.</p> |
| <p>2. As the Men's Shed is classified as a Class 9 building (assembly area), it should have been considered on its merits under Section 79BA and 79C of the EP&A Act 1999 with consideration of the specific objectives listed in 4.2.3.</p> | <p>The Men's Shed is not classified as a Class 9 building. Refer to comments in relation to Point 1 above.</p> |
| <p>3. The APZ should be 60 metres (not 20 metres as indicated in the Men's Shed DA) as radiant heat levels at the building in order to comply with PBP</p> | <p>Advice received from RFS on 16 October 2015 confirmed that the property around the Men's Shed to a distance of 20 metres, shall be maintained as an inner protection area as outlined within section 4.1.3 and Appendix 5 of the NSW RFS <i>Planning for</i></p> |

| Key points of submission | Comment |
|--|--|
| Appendix 2 Table A2.6. | <i>Bushfire Protection</i> (NSW RFS 2006), and the NSW RFS document ' <i>Standards for asset protection zones</i> '. |
| 4. The Men's Shed proposal poses significant fire risk to the Ecological Endangered Communities and threatened species residing in the bushland surrounding the subject site. | Refer to comments in relation to Point 1 above. |
| 5. SFPP development is considered to be integrated development and requires bush fire safety authority under section 91 of the EP&A Act and section 100B of the RF Act. | Refer to comments in relation to Point 1 above. |
| <p>1. Black Rocks Precinct Koala Study</p> <p>As the flora and fauna assessment of the Men's Shed DA contains ecological data which is outdated, inadequate and inaccurate, no approval should be granted until accurate and up to date ecological data as per the OEH letter of 19 February 2015 can inform the development assessment process.</p> | It is noted that there are information gaps in the SEE with regard to the assessment of ecological impacts. Therefore it has been recommended that the SEE is amended with regard to these measures and updated with the latest information. Refer to sections 3.1.3 and 4.5.2 of this report. |
| <p>2. Activities during Koala breeding system</p> <p>The Men's Shed, if approved, should be constructed outside the Koala breeding season, with no Koala-impactive operational activities during the Koala breeding season.</p> | Construction outside Koala breeding season to be considered by Council. |
| <p>3. Offset planting</p> <p>The area of offset planting recommended by OEH adjacent to and beyond the western boundary of the sports field supports a Swamp Oak Ecological Endangered Community, where primary Koala food trees do not naturally occur. It would be more beneficial to revegetate the north-eastern corner of the subject site where there are existing stands of primary Koala food trees, thereby creating a larger primary Koala habitat block.</p> | Council to investigate intended location for offset planting. |
| <p>4. Bush fire assessment</p> <p>Considering that the P&DMS proposal should be categorised as SFPP development in accordance with Part 6, section 46 of RF Regulation, the Men's Shed DA should require a bush fire safety authority with the approval of the Commissioner of the NSW</p> | <p>The mitigation measures identified in the SEE achieves compliance with the acceptable solutions identified in the <i>Planning for Bushfire Protection</i> (NSW RFS, 2006). These mitigation measures include:</p> <ul style="list-style-type: none"> • Incorporating a 20 metre asset protection zone around the perimeter of the building |

| Key points of submission | Comment |
|---|--|
| <p>Rural Fire Service according to section 100B(1) of the <i>Rural Fires Act 1997</i> rather than approval by the consent authority in relation to bush fire assessment.</p> | <ul style="list-style-type: none"> • Construction of non-flammable materials • Reticulated water supply present • A sealed access to the site. <p>In summary, the bushfire mitigation measures incorporated into the SEE exceeds the requirements for a structure of this type and for the type of fire behaviour likely to impact on the structure. Refer to section 3.1.8 of this report.</p> |
| <p>5. Koala protection gates</p> <p>The recommendation that the existing gates be replaced with automated gates (to be locked at night) will limit unleashed dogs roaming into the site. However, dogs are able to be walked into the site any time of day or night through the pedestrian access gates, and will be able to be transported by vehicle into the site during the day.</p> <p>Automated gates will be subject to vandalism, as was demonstrated when the permanently locked boom gate (installed June 2013) and a timber bollard were rammed and damaged by a motorist. Automated gates will also be subject to breakdown, with a danger that sports field users may be locked inside.</p> | <p>It is unclear whether the Resolution of Council to remove the gate will be enacted, modified, or rescinded. Nonetheless, the Men's Shed proposal is for daytime use only and any nexus between the operation of the men's shed and risks to wildlife as a result of the Koala gate being removed or modified does not exist by virtue of the proposed operation hours of the proposal being for daytime use only.</p> <p>To ensure daytime operation of the proposal only, a recommended condition will outline operating hours for the proposal.</p> |
| <p>6. Traffic calming</p> <p>Existing traffic calming along the access road is ineffective as hoons and other motorists often by-pass these speed humps by driving on the grass verge.</p> | <p>Refer to comment for point 5 above.</p> |
| <p>7. Regulation compliance</p> <p>Based on Council's inability to date to enforce regulation compliance in the Black Rocks by the Sea estate and sports field site, it can be expected that they will also be unable to enforce the proposed environmental safeguards to mitigate impacts by the Men's Shed proposal.</p> | <p>The proponent will be required to ensure they comply with all necessary legislation and regulations in place during operation of the Men's Shed.</p> |
| <p>8. Monitoring enforcement</p> <p>Council has not fully implemented and has not fulfilled the monitoring requirements of the Black Rocks Koala Plan of Management. It can therefore be expected that the monitoring program recommended by OEH will also not be enforced.</p> | <p>A monitoring program currently exists for all Council owned and managed land and assets.</p> |
| <p>9. Community facility classification</p> | <p>The proposal is considered to be best described as a community facility, as per other approved Men's</p> |

| Key points of submission | Comment |
|--|---|
| <p>Even though the Men's Shed may be classified as a community facility, many of the proposed activities, plant equipment and associated flammable commodities are akin to those of an industrial facility, which is not appropriate within a Koala corridor only 20 metres from Primary Koala Habitat and present a significant risk of fire and explosion.</p> | <p>Sheds in the Tweed Shire. Community facilities are permitted with consent under the zone provisions for RE1 (Public Recreation) in accordance with the TLEP 2014.</p> <p>The bushfire mitigation measures incorporated into the SEE exceeds the requirements for a structure of this type and for the type of fire behaviour likely to impact on the structure.</p> |
| <p>10. Alternative site</p> <p>The Pottsville and District Men's Shed already have a temporary facility at the Pottsville Primary School for 2-3 years and maybe indefinitely, and the Barry Sheppard sports field (Hastings Point) has been offered by Council as an alternative permanent site which has the same approval pathway as the Black Rocks sports field.</p> <p>To progress a less environmentally sensitive site at the Barry Sheppard sports field will give the fragile Pottsville Wetlands-Black Rocks Koala source population (an estimated 10-15 Koalas after the fire according to Dr Steve Phillips) an opportunity to rest and recover to sustainable levels.</p> | <p>Selection of a preferred location for a Men's Shed in Pottsville and surrounding suburbs was performed by the P&DMS in consultation with the NSW Department of Crown Lands, the State elected member for Tweed, and Tweed Shire Council. The location options that were considered are summarised in Table 2.1 of the SEE. The SEE listed five potential locations for the proposed Men's Shed, most of which were dismissed due to location or financial reasons.</p> <p>As discussed in section 2.3 of the SEE, the Men's Shed is to be constructed of such a type that it can be fully dismantled and reassembled at an alternative site if required.</p> |

Table 4-5 Submission 13

| Key points of submission | Comment |
|--|--|
| <p>The proposed Men's Shed would have an unacceptable impact with respect to adjacent significant habitat and breeding area for the threatened Tweed Coast Koala population.</p> | <p>There would be no encroachment of tree protection zones and no removal of Koala feed trees.</p> <p>The flora and fauna assessment provided in Appendix G of the SEE considered potential impacts resulting from habitat fragmentation and edge effects. Given the cleared nature of the proposal site, impacts from these are unlikely to occur.</p> |
| <p>Retain the existing Koala protection gates around the site.</p> | <p>It is unclear whether the Resolution of Council to remove the gate will be enacted, modified, or rescinded. Nonetheless, the Men's Shed proposal is for daytime use only and any nexus between the operation of the men's shed and risks to wildlife as a result of the Koala gate being removed or modified does not exist by virtue of the proposed operation hours of the proposal being for daytime use only.</p> <p>To ensure daytime operation of the proposal only, a recommended condition will outline operating hours for the proposal.</p> |

| Key points of submission | Comment |
|---|-----------------------|
| <p>The flora and fauna assessment carried out by Council concludes that there is no requirement for a species impact statement (SIS) required to be submitted with the development application.</p> | <p>Comment noted.</p> |

Table 4-6 Submission 14

| Key points of submission | Comment |
|---|--|
| <p>On Monday July 27th [2015], 2 paramotor crafts landed and took off on the Black Rock Sports Fields. These flyers had a support car driving with them coming in to the sporting field. The engines from these crafts are very loud and disturbing when flown low and would potentially be very disturbing for both the nesting osprey and the koalas. This unlicensed usage of the sporting field would be made more difficult if the gate was retained at the sporting field access road. Please consider this in your consideration of future activities at the Black Rock Sports Fields.</p> | <p>It is unclear whether the Resolution of Council to remove the gate will be enacted, modified, or rescinded. Nonetheless, the Men's Shed proposal is for daytime use only and any nexus between the operation of the men's shed and risks to wildlife as a result of the Koala gate being removed or modified does not exist by virtue of the proposed operation hours of the proposal being for daytime use only.</p> <p>To ensure daytime operation of the proposal only, a recommended condition will outline operating hours for the proposal.</p> |

Table 4-7 Letter of support

| Key points of submission | Comment |
|---|---|
| <p>David Norris in the Tweed Daily News of Saturday 1 August encourages us to write to the Council concerning the P&DMS. I am following up on his suggestion.</p> <p>I recently joined the P&DMS- I have been along to one work morning. Contrary to David's assertion that the existing accommodation at the Pottsville School is satisfactory- it's not! Because the Shed's room is adjacent to other classrooms, during term time the Shed's windows are closed to cut down on the noise of work disturbing class periods. So there is no fresh air coming in, and neither is there dust extraction from the Shed's work space. I'm currently doing a lot of sanding down furniture generating a lot of fine dust particles. There is no way I'm going to do that in the Shed because of this lack of adequate ventilation. I'm doing it in my back yard.</p> <p>The Shed needs a permanent home where noise generated won't disturb anyone and where adequate ventilation can be provided. I don't consider the existing workplace safe. The sooner we get a purpose-built building the better.</p> | <p>Support for the Men's Shed has been noted.</p> |

4.3 Evaluation of state agency comments

Responses in relation to State agency comments have been prepared and are provided in Table 4-8 and Table 4-9.

Table 4-8 NSW Rural Fire Service

| Date | Recommended condition of consent | Comment |
|-----------------|--|---|
| 16 October 2015 | The recommendations are based on the plan prepared by Tweed Shire Council, titled 'Men's Shed – Blackrocks Preliminary Concept Design', numbered CMP1 and dated 13 February 2015. | Will form a condition of development consent. |
| | At the commencement of building works and in perpetuity the property around the building to a distance of 20 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. | Will form a condition of development consent. |
| | Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'. | Will form a condition of development consent. |
| | The external materials of the proposed building are to be non-combustible. | Will form a condition of development consent. |

Table 4-9 Office of Environment and Heritage

| Date | Recommended conditions of consent | Comment |
|------------------|---|---|
| 19 February 2015 | OEH is concerned that the gate may be removed and replaced by a grid prior to finalising the outcomes of the Koala numbers at Black Rock study, thereby potentially placing the local Koala population under further threat. OEH recommends the retention of the existing Koala gates until the Koala study is completed to ensure that any decision regarding sports field access is based on accurate and up to date ecological data. | It is recommended that the existing Koala gates be retained until the Koala study is completed to ensure that any decision regarding sports field access is based on accurate and up to date ecological data. |
| 10 July 2015 | The community facility is to operate for a period of up to five years after which, the development consent lapses. | Recommended condition not supported. Refer to Table 4-11. |
| | A monitoring program must be established for the duration of the approval period to monitor changes to the incidence of matters that could impact threatened species. This | Recommended condition not supported. Refer to Table 4-11. |

| Date | Recommended conditions of consent | Comment |
|------|---|--|
| | program must establish an audit into the management and operation of the facility. | |
| | Construction of the community facility must occur outside the breeding season of Osprey. | Recommended condition not supported. Refer to Table 4-11. |
| | Activities at the community facility that create excessive noise may directly impact the Osprey and will not be permitted during the Osprey breeding season. Such activities may only be undertaken after Osprey chicks have fledged and/or before eggs have been laid. | Recommended condition not supported. Refer to Table 4-11.. |
| | Hours of operation of the community facility are to be restricted to 7 am to 5 pm Monday to Saturday | Recommended condition not supported. Refer to Table 4-11. |
| | Koala proof gates along the access road to the facility must be replaced with automated gates that automatically open and close for vehicles during the daily hours of operation of the facility. These gates must be locked outside of the hours of operation. | Recommended condition not supported. Refer to Table 4-11. |
| | Dogs are prohibited in the sports field area and along the access road. | Recommended condition not supported. Refer to Table 4-11. |
| | A speed limit of 40 km/hr is to be applied and sign posted for the entire length of the access road. | Recommended condition not supported. Refer to Table 4-11. |
| | The four traffic calming points are to be maintained and the speed limit at these locations is to be 20km/hr. | Recommended condition not supported. Refer to Table 4-11. |
| | Koala food trees (<i>Swamp Mahogany Eucalyptus robusta</i> and <i>Forest Red Gum E. tereticornis</i>) must be planted adjacent to but beyond the western boundary of the sports field at a rate of one tree every 15 metres. | Recommended condition not supported. Refer to Table 4-11. |

4.4 Site meeting and consultation

A site meeting was held on 29 June 2015 in order to discuss with the community the key issues relevant to the proposal. 12 local residents were in attendance, in addition to six Council staff members and two external consultants from GHD. This meeting raised the following issues which are summarised in Table 4-10 below.

Table 4-10 Issues raised at site meeting

| Issue raised | Comment |
|---|---|
| Operational hours need to be confirmed by council. | <p>The hours of operation of the facility are to be restricted to Monday to Sunday 07:30am to 5:30pm with meetings and social activities on Sunday only (no workshop activities). All deliveries and pickups relating to the facility are to occur within the approved hours.</p> <p>A condition of approval has been imposed to this effect.</p> |
| Equipment, tools and activities need to be confirmed in addition to activities that will be prohibited. For example one of the proposed activities is for model planes which will disturb the fauna occupying habitat fringing the field. | <p>Table 2.3 of the SEE states the proposed Men's Shed activities to occur. Generally most of these activities will have a supervisor present at all times to ensure the proposed activities are consistent with P&DMS standards and to minimise surrounding impacts to the sensitive fauna.</p> <p>Further information in regards to equipment, tools and activities for use by the Men's Shed has been provided by the P&DMS and is provided in Attachment B of Council's supplementary information memo. In summary, proposed equipment, tools and activities would be consistent with those listed in Table 2.3 and Table 2.4 of the SEE. It is reiterated that the proposed use is not an industrial or commercial level of use but rather, those uses typically carried out in a domestic context such as woodwork, metalwork, arts and crafts and hobbies.</p> |
| Predicted traffic movements will be greater than reported in the SEE based on recent newspaper articles. | <p>The traffic assessment provided in Appendix F of the SEE is based on the removal of the Koala gate. Council are required to confirm whether the Koala gate will be removed and replaced with a grid. Nevertheless, amendments to these devices are not expected to affect the outcomes of the traffic assessment. Additional specialist assessment provided in section 3.1.7 of this report concludes that the traffic and transport component of the SEE is considered reasonable.</p> |
| If the gate is to be removed then that needs to be factored into the impact assessment with regards to the projected increase in vehicle movements associated with the Men's Shed. | <p>It is unclear whether the Resolution of Council to remove the gate will be enacted, modified, or rescinded. Nonetheless, the Men's Shed proposal is for daytime use only and any nexus between the operation of the men's shed and risks to wildlife as a result of the Koala gate being removed or modified does not exist by virtue of the proposed</p> |

| Issue raised | Comment |
|---|---|
| | <p>operation hours of the proposal being for daytime use only.</p> <p>To ensure daytime operation of the proposal only, a recommended condition will outline operating hours for the proposal.</p> |
| <p>The community believes alternative locations have not been properly considered and that they were based on erroneous grounds in the SEE. As the current proposed location is in an inappropriate location given ecological sensitivity of the surrounding environment including the local nesting site for the Osprey and habitat for Bush Stone-curlew.</p> | <p>Selection of a preferred location for a Men's Shed in Pottsville and surrounding suburbs was performed by the P&DMS in consultation with the NSW Department of Crown Lands, the State elected member for Tweed, and Tweed Shire Council. The location options that were considered are summarised in Table 2.1 of the SEE. The SEE listed five potential locations for the proposed Men's Shed, most of which were dismissed due to location or financial reasons.</p> <p>As discussed in section 2.3 of the SEE, the Men's Shed is to be constructed of such a type that it can be fully dismantled and reassembled at an alternative site if required.</p> |
| <p>RFS indicated the building would be a Class 9 under the BCA and the APZ 60 m.</p> | <p>The development can achieve compliance with the acceptable solutions identified in <i>Planning for Bushfire Protection</i> (NSW Rural Fire Service 2006). Although it should be noted that as a non-residential structure these requirements are not mandatory for this structure. These mitigation measures include:</p> <ul style="list-style-type: none"> • Incorporating a 20 metre asset protection zone around the perimeter of the building • Construction of non-flammable materials • Reticulated water supply present • A sealed access to the site. <p>In addition the vegetation adjoining the site has a discontinuous crown cover and includes open cleared areas. This means that despite being mapped as bushfire prone, a bushfire burning towards the structure is likely to burning at less than its maximum intensity or rate of spread, and making short fire runs.</p> <p>The above assessment indicates that the development can achieve compliance with the deemed-to-satisfy requirements of the BCA. These requirements can form conditions of approval.</p> |
| <p>Issues in regards to how the Men's Shed will prevent vandalism and potential arson.</p> | <p>It is unclear whether the Resolution of Council to remove the gate will be enacted, modified, or rescinded. Nonetheless, the Men's Shed proposal is for daytime use only and any nexus between the operation of the men's shed and risks to wildlife as a result of</p> |

| Issue raised | Comment |
|---|---|
| | <p>the Koala gate being removed or modified does not exist by virtue of the proposed operation hours of the proposal being for daytime use only.</p> <p>To ensure daytime operation of the proposal only, a recommended condition will be imposed to this effect.</p> |
| <p>Concern raised in the potential of the Men's Shed turning into a bulky goods retail outlet from the selling and restoring of old white goods.</p> | <p>The activities proposed for the Men's Shed will not involve the selling and restoring of old white goods.</p> |
| <p>Zoning 7L along the access road is inconsistent with the proposed parking.</p> | <p>The Men's Shed is located within zone RE1 Public Recreation of the TLEP 2014. The proposed development satisfies the zone objectives of the RE1 Public Recreation zone.</p> <p>The site (including the access road (Overall Drive) is surrounded by land zoned for environmental protection (habitat) purposes pursuant to the TLEP 2000 as a deferred matter (in contrast to current zoning under the TLEP 2014).</p> <p>No works are to occur within the access road and as a consequence, no works are to occur within land zoned as a Deferred Matter pursuant to the TLEP 2014.</p> |
| <p>Potential impacts to sensitive fauna due to noise and dust extractors from the Men's Shed.</p> | <p>The proposed Men's Shed will be a temporary structure for 5 years and will include relatively small dust extractors.</p> |
| <p>Ideal solution for many of the objectors was to remove the sporting facility and rehabilitate the whole site to native vegetation.</p> | <p>As part of Council's long term strategy, the Men's Shed will be a temporary structure for 5 years.</p> <p>Council's effort in rehabilitating the currently cleared site includes the planting of 15 Koala food trees in the south west corner of the fields.</p> |
| <p>Potential for increased fauna mortality due to an increase in traffic on the access road which traverses a known foraging and movement corridor for the Koala and habitat for the BSC.</p> | <p>The traffic assessment provided in Appendix F of the SEE is based on the removal of the Koala gate. Council are required to confirm whether the Koala gate will be removed and replaced with a grid. Nevertheless, amendments to these devices are not expected to affect the outcomes of the traffic assessment. Additional specialist assessment provided in section 3.1.7 of this report concludes that the traffic and transport component of the SEE is considered reasonable.</p> |

4.5 Supplementary information requested from Council

4.5.1 Identified from submissions and consultation

The following information from submissions and consultation with State agencies and the general public on the SEE was identified as a requirement to be suitably addressed by Council in the SEE:

- Council to confirm if the Koala gate will be removed. If this is the case, the proposal description should be updated to conform with this decision. However based on the conclusions made throughout this report, it is recommended that the gate be retained.
- Equipment, tools and activities for use by the Men's Shed need to be confirmed in addition to activities that will be prohibited.

4.5.2 Identified from specialist studies

The following information from additional specialist studies as detailed in section 3 of this report, was identified as a requirement to be suitably addressed by Council in the SEE:

Ecology

- The flora and fauna assessment should be updated with the most up to date proposal description. If Council is to remove the Koala-proof gate, the assessment must be updated to assess the impacts of this on the local Koala population and other fauna that may be affected such as the Bush Stone-curlew. Alternatively, if the gate is to be retained/remodelled and a grid included, this should be included and discussed.
- The vegetation section should be revised to describe which vegetation types are present and an appropriate figure should be provided showing all vegetation types and including a legend.
- The flora and fauna assessment should be updated to incorporate information from the Black Rock Koala Study that Council has commissioned as part of the motion to remove the Koala-proof gate. This is in accordance with recommendations from OEH.
- Further discussion of Koala and Bush Stone-curlew movements across open areas should also be incorporated to enable appropriate assessment of impacts of vehicle traffic and the implications of removing the locked gate and introduction of night traffic in the study area (if relevant).
- Discussion of indirect impacts (e.g. noise, fire etc.) on the Eastern Osprey, Koala and Bush Stone-curlew should be included.
- Operational mitigation measures should be considered that address all potential impacts associated with operation, particularly if the gate is to be removed.
- The assessment of the likely significance of impacts on the Koala should be updated to assess these details, incorporate cumulative impacts and verify the conclusions of the original assessment.
- An assessment of significance for the Bush Stone-curlew should be prepared.
- An assessment of significance for the Eastern Osprey should be prepared.
- The report should include consideration of additional mitigation measures to address operational impacts associated with any proposed modifications of the proposal originally assessed, such as removal of the locked Koala proof gate, as applicable.
- Mitigation measures recommended by OEH should be incorporated into the report.

This information was requested from Council on 10 September 2015.

4.6 Supplementary information provided by Council

Supplementary information requested by GHD was provided by Council on 09 October 2015. This information is summarised in Table 4-11 below.

Table 4-11 Summary of information provided by Council

| Information requested | Council response |
|--|--|
| Information identified from submissions and consultation | |
| <p>Council to confirm if the Koala gate will be removed. However based on the conclusions made throughout this report, GHD recommends that the gate be retained.</p> | <p>A report on the major planning and subdivision approvals, related agreements and management actions for the Black Rocks Estate Development at Pottsville (1992-2015) was prepared by Council Officers and forwarded to Councillors, members of the public, and 'Team Koala' on 13 March 2015. This report, amongst other things, summarised the past and current situation with the gates associated with the access road to the Black Rocks Sports Field. In summary, the report stated that:</p> <ol style="list-style-type: none"> 1. A lock rail gate at the western end of the sports field access road was installed in June 2013 to provide a 24 hours a day 7 days a week (24/7) vehicle exclusion as a response to the fields being used for parties and hooning behaviour. A key is made available to sporting groups and other registered users. 2. A Koala gate was installed in September 2014 at the eastern end of the sports field access road. The gate is opened at 7.30am by Council and closed at 5.30pm by a security firm Monday to Sunday. Pedestrian access is maintained 24/7. 3. Resolutions to remove the Koala gate and replace with a grid commenced in January 2015 and has been subject to numerous rescission notices until being finalised in May 2015. <p>At this stage, the Koala gate remains allowing vehicle access during daytime hours in accordance with point 2 above.</p> <p>The Flora and Fauna assessment (F&F assessment) and subsequent SEE for the Men's Shed proposal at Black Rocks Sports Field (the proposal) prepared on behalf of the P&DMS recognised that the operation of the Koala gate would be as existing – that is, opened during the day and closed at night. Section 2.5.6 of the SEE describes operating hours for the proposal as: generally between the hours of 7am and 5pm Monday to Saturday. However, occupation of the building outside these times by the P&DMS could also be expected. To provide more certainty in the operating times of the proposal, and remove any link between the proposal and 1: night time use of the Men's Shed and 2: any future modifications to the Koala gate, revised operating times are proposed as an outcome of this RFI.</p> <p>The revised operating times would be 7:30am to 5:30pm Monday to Sunday which align with the current opening and closing times of the Koala gate. In regard to occupation of the shed at other times, it was intended that on occasion, the P&DMS would be opened for meetings, demonstrations (from those who would normally work), or small social activities outside of work shop operation times. In recognition that the P&DMS would limit their activities to day time periods only, it is proposed that on occasion, members would meet on weekends for such meetings and social activities. Further, it is proposed that there would be no workshop construction activities on Sunday which is consistent with other Men Sheds in the area (such as the Tweed Heads District Men's Shed).</p> |

| Information requested | Council response |
|--|--|
| | <p>The F&F assessment concluded that given the existing mitigation measures associated with the access road, such as traffic calming reducing speed limits to 20km/hr, cleared road verges to ensure adequate visibility and site distances for wildlife crossing, as well as existing restrictions on dogs within the Black Rocks Sports Field, and a locked rail gate at the western end of the access road providing further obstruction to unauthorised vehicles, there is unlikely to be a significant impact on the Koala and other wildlife in the area. It was further noted that the proposal would have limited interaction with wildlife at night given the activities associated with the Men's Shed are generally undertaken during daytime hours.</p> <p>It is unclear whether the Resolution of Council to remove the gate will be enacted, modified, or rescinded. Nonetheless, the Men's Shed proposal is for daytime use only and any nexus between the operation of the men's shed and risks to wildlife as a result of the Koala gate being removed or modified does not exist by virtue of the proposed operation hours of the proposal being for daytime use only.</p> <p>To ensure daytime operation of the proposal only, a recommended condition could read:</p> <p>The hours of operation of the Men's Shed will be:</p> <ul style="list-style-type: none"> • General Workshop construction activities – 07.30am to 5.30pm Monday to Saturday • Meetings and social activities – 07.30am to 5.30pm Monday to Sunday |
| <p>Equipment, tools and activities for use by the Men's Shed need to be confirmed in addition to activities that will be prohibited.</p> | <p>Further information in regards to equipment, tools and activities for use by the Men's Shed has been provided by the P&DMS and is provided in Attachment B of Council's supplementary information memo. In summary, proposed equipment, tools and activities would be consistent with those listed in Table 2.3 and Table 2.4 of the SEE. It is reiterated that the proposed use is not an industrial or commercial level of use but rather, those uses typically carried out in a domestic context such as woodwork, metalwork, arts and crafts, hobbies.</p> <p>In regards to activities that will be prohibited, the use is guided by the permitted use within the RE1 zone (being a Community Facility) in accordance with the TLEP 2014. As noted in the SEE, a community facility means a building or place: (a) owned or controlled by a public authority or non-profit community organisation, and (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation. Consequently, activities to be prohibited are those not permissible under the definition of a Community Facility. Further, the P&DMS would also prohibit any activities not consistent with the goals, aims and objectives of the Australian Men's Shed Association (as outlined in Attachment B of Council's supplementary information memo).</p> <p>In summary, it is not considerable reasonable or warranted to supply a list of activities that would be prohibited. The proposed activities outlined in Attachment B of Council's supplementary information memo are considered to satisfy the definition of community facility and in turn, meet the objectives of the RE1 zone.</p> |
| <p>Information identified from specialist studies</p> | |

| Information requested | Council response |
|---|--|
| <p>Supplementary information should be provided to confirm if the Koala-proof gate would be removed, the information is to assess the impacts of this on the local Koala population and other fauna that may be affected such as the Bush Stone-curlew. Alternatively, if the gate is to be retained/remodelled and a grid included, this should be assessed.</p> | <p>The Men's Shed proposal would operate during daytime hours and coinciding with the opening and closing times for the Koala gate. The risk of road strike on wildlife during day time periods has been assessed in the SEE and supporting F&F assessment. The assessment found that given the limited number of vehicle movements associated with the proposal in association with existing traffic calming measures on the access road (i.e. speeds limited to 20km/hr at speed humps and 40km/hr generally on the access road, wide cleared road verges for good site visibility, a low fence separating on field parking areas from bush land), the proposal is unlikely to have a significant impact on threatened fauna species and other wildlife. This conclusion would not change in the event that the Koala gate was removed or remodelled given that the assessment was based on the existing Koala gate being open during the day.</p> |
| <p>There is a need to describe which vegetation types are present and an appropriate figure should be provided showing all vegetation types and including a legend.</p> | <p>Section 3.2 of the flora and fauna assessment (Appendix G of the SEE) describes which vegetation communities occur within and adjacent the subject site. The vegetation assessment for the proposal involved validating the Tweed Shire vegetation mapping (TVMS, 2009) and mapping previously undertaken by JWA (2011) on behalf of the Pottsville Tennis Club. A figure showing vegetation mapping and associated codes as per the TVMS (2009) is provided below (and can also be viewed on Council's Internet Site). A copy of the JWA (2011) vegetation mapping is provided in Attachment C of Council's supplementary information memo. It is noted that no vegetation clearing is required for this proposal.</p> |
| <p>Need to incorporate information from the Black Rock Koala Study that Council has commissioned as part of the motion to remove the Koala-proof gate. This is in accordance with recommendations from OEH.</p> | <p>The Black Rock Koala study is part of the Tweed Coast Koala Habitat study which is currently in progress and won't be finalised for some time. Considering the proposal would operate during day time periods only (removing any risk to wildlife at night), and complies with an existing approved IKPoM and has addressed the requirements within the Tweed Coast Koala Plan of Management (TCKPoM), the incorporation of information from the Black Rocks Koala study is neither feasible or reasonable for the current proposal – especially as the current proposal does not involve removal of the existing Koala gate and any requirement to assess this as part of the current proposal is unreasonable.</p> |
| <p>Further discussion of Koala and Bush Stone-curlew movements across open areas should also be incorporated to enable appropriate assessment of impacts of vehicle traffic and the implications of removing the locked gate and introduction of night traffic in the study area (if relevant).</p> | <p>A Section 5a (S5a) Assessment (7-part test) has been prepared for the Koala which considers the impact of the proposal on this species. Additional assessments are also provided for the Bush Stone-curlew and the Eastern Osprey (refer Attachment D of Council's supplementary information memo).</p> <p>The proposal would operate during opening times of the existing Koala gate and consequently, the implications of removing the locked Koala gate would not affect the operation of the proposal. There are no plans to remove or modify the locked rail gate at the western end of the access road. Further, there would be no introduction of night traffic as a result of this proposal.</p> |

| Information requested | Council response |
|--|--|
| <p>Discussion of indirect impacts (e.g. noise, fire etc.) on the Eastern Osprey, Koala and Bush Stone-curlew should be provided.</p> | <p>A S5a Assessment (7-part test) has been prepared for the Koala which considers direct and indirect impacts of the proposal on this species. Impacts of the proposal on the Bush Stone-curlew and the Eastern Osprey have also been assessed by way of a S5a Assessment (refer Attachment D of Council's supplementary information memo).</p> <p>In regard to fire, the proposal has sufficient setbacks to vegetation and is separated by totally cleared and regularly mown grass. Further, the proposal would comply with Total Fire Ban requirements which include not lighting, maintaining or using fire in the open, or to carry out any activity in the open that causes, or is likely to cause, a fire such as general purpose hot works. These hot works include using tractors, slashers and/or welding, grinding or gas cutting, using incinerators and barbecues which burn solid fuel, e.g. wood or charcoal.</p> |
| <p>Operational mitigation measures should be considered that address all potential impacts associated with operation, particularly if the gate is to be removed.</p> | <p>Construction and operational impacts of the proposal are discussed in Section 5.1 of the SEE. As noted, many of the operational impacts were not considered to have impacts that warranted specific mitigation measures. Three issues, however, required further consideration and included traffic management on the access road and associated with parking areas, shed activities, and addressing the future requirements of the TCKPoM (noting that the proposal is not bound by the TCKPoM by virtue of an existing approved IKPoM). These are discussed separately below.</p> <p>Operational traffic management</p> <p>As noted in the SEE, operational mitigation measures to address additional vehicle movements on the access road and parking areas included:</p> <ul style="list-style-type: none"> • Traffic calming in the form of 4 speed humps over a total distance of 330m regulating traffic to a 20km/hr speed limit on the access road (existing at the site) • Cleared road verges to ensure adequate visibility and site distances for wildlife crossing (existing at the site) • A locked rail gate (with key access to the Men's Shed) at the western end of the access road (existing at the site) • Proposed hours of operation coinciding with day time hours only to remove the risk of disturbance to wildlife at night • A 900mm high chain wire cyclone fence (or similar) to mitigate interaction between car movements and fauna at or near the shed (refer Attachment A of the SEE for location) • A proposed turning area at the western end of the access road to manage soil disturbance and subsequent sedimentation of table drains from turning vehicles. <p>Shed activities</p> <p>Operational impacts associated with shed activities are generally managed in accordance with the Men's Shed Health and Safety Manual (refer Attachment E of Council's supplementary information memo). This manual would be adapted to meet the site requirements where necessary.</p> <p>Other general operation mitigation measures</p> <p>Other operational mitigation measures also discussed within the SEE include:</p> |

| Information requested | Council response |
|--|---|
| | <ul style="list-style-type: none"> • The proposal would provide enhanced site safety and security by providing routine surveillance of the sports field during operation of the Men's Shed. • There is an existing restriction on dogs within the Black Rocks Sports Field. As noted above, the presence of the Men's Shed would improve surveillance and reporting of illegal activities at the field. • Koala feed tree planting is proposed along the western edge of the fields to enhance Koala habitat within the area as required under the TCKPoM. |
| <p>The assessment of the likely significance of impacts on the Koala should be provided to assess these details, incorporate cumulative impacts and verify the conclusions of the original assessment.</p> | <p>An assessment of significance pursuant to S5a of the EP&A Act has been prepared for the Koala. This assessment considers construction and operational impacts of the proposal.</p> |
| <p>An assessment of significance for the Bush Stone-curlew should be prepared.</p> | <p>An assessment of significance for the Bush Stone-curlew is provided in Attachment D of Council's supplementary information memo.</p> |
| <p>An assessment of significance for the Eastern Osprey should be prepared.</p> | <p>An assessment of significance for the Eastern Osprey is provided in Attachment D of Council's supplementary information memo.</p> |
| <p>The report supplementary information should include consideration of additional mitigation measures to address operational impacts associated with any proposed modifications of the proposal originally assessed, such as removal of the locked Koala proof gate, as applicable.</p> | <p>The proposal has been modified to ensure operation of the Men's Shed only occurs during day time hours. This is considered to remove any link between the proposal and impacts on wildlife from vehicle strike at night if the Koala gate were to be removed or modified. It is noted that there are no modifications proposed to the lock rail gate at the western end of the access road to the fields. The P&DMS have confirmed their hours of operation to also include meetings and/or social gatherings on weekends to primarily cater for those members who can't attend during week days or for invited guests to come and speak who are similarly not available during Monday to Friday working hours. Consequently, the P&DMS are requesting access 07:30 to 17:30 Monday to Sunday with no workshop construction activities on Sundays. Social gathering, talks, and passive recreation activities for example on Sundays is not considered to warrant any further assessment given that the SEE considers impacts of the proposal during day time hours. Further, no noise generating workshop construction activities are proposed for Sundays therefore precluding any additional assessments.</p> |
| <p>Mitigation measures recommended by OEH should be provided.</p> | <p>Council has been provided a copy of a letter set to Mr Daniel Mees (Senior Planner GHD) from the NSW Office of Environment and Heritage (OEH) dated 10 July 2015. A copy of this letter is provided in Attachment F of Council's supplementary information memo. The letter outlines a number of recommended conditions of consent. Further information is provided regarding each of these proposed conditions recognising that in some instances, these recommended conditions are not considered feasible whilst for others, recommended measures are already in place.</p> |

| Information requested | Council response |
|-----------------------|--|
| | <p><i>1. The community facility is to operate for a period of up to five years after which, the development consent lapses.</i></p> <p>Response:</p> <p>The approach proposed is as discussed in the SEE which is based on a 5 year leased term and in the event that no alternative suitable sites are identified, then the P&DMS may be granted continuing licenses to operate at Black Rocks Sports Fields.</p> <p>The P&DMS would operate the facility in accordance with their development consent including commitments made within the SEE, any Council lease requirements, and the Men's Shed Health and Safety Manual as adapted for the site. Consequently, a recommended condition resulting in the consent lapsing in 5 years is not considered reasonable or warranted.</p> <p><i>2. A monitoring program must be established for the duration of the approval period to monitor changes to the incidence of matters that could impact threatened species including, but not limited to, attacks on and injuries to wildlife, dog complaints, noise complaints, vandalism and hooliganism. This program must establish a basis for an audit into the management and operation of the facility such that the consent can be reviewed at the end of its fourth year of operation to determine whether a modification to the consent (beyond five years) is appropriate and can be justified.</i></p> <p>Response:</p> <p>A monitoring program currently exists for all Council owned and managed land and assets.</p> <p>In regard to Black Rocks Sports Fields, all complaints and enquiries are logged with Council's Call Centre with details of location, time, nature of complaint or enquiry etc. and any actions managed as part of Council Customer Requests Management System. All complaints and enquiries can be accessed at any stage and collated for reporting purposes.</p> <p>It is reiterated that the proposed development would enhance site safety and security by providing routine surveillance of the sports field during operation of the Men's Shed.</p> <p>Consequently, this recommended condition is not considered warranted in this instance given existing measures are already in place.</p> <p><i>3. Construction of the community facility must occur outside the breeding season of the Osprey. This must be confirmed on-site by a suitably qualified and experienced person prior to the commencement of construction.</i></p> <p>Response:</p> <p>A key threat to the Eastern Osprey outlined within the OEH species profile (OEH 2012) is "Disturbance to active nests potentially reducing reproductive success". Consequently, it is recognised that management at Osprey nest sites is warranted. However, the OEH Species Action Statement for the Eastern Osprey (OEH, n.d.; Source: http://www.environment.nsw.gov.au/savingourspeciesapp/project.aspx?ProfileID=10585) lists a number of critical actions for species such as the Eastern Osprey which fall into the landscape-managed species group. A primary action to guide management of the Eastern Osprey at the site level is stated as follows:</p> <ul style="list-style-type: none"> • Identify active or inactive nest sites (including old nests built by corvids), ensure that active nests are not disturbed during the |

| Information requested | Council response |
|-----------------------|--|
| | <p>breeding season; July-September (e.g. by restricting access within a 100m buffer to nests on public land and reducing activity within 100m of nests on private land), and ensure that nests and surrounding vegetation are protected from damage or removal when inactive</p> <p>The proposed shed construction location, and associated access and parking areas, are located more than double the recommended disturbance buffer distance from the nearest Eastern Osprey nest. Consequently, given that OEH recommends a disturbance buffer of 100m from active nests during breeding season, and that construction activities for the shed would be located more than double this distance (and at similar distances to existing residential subdivision construction activities), then it is argued that this restriction on the construction period is not reasonable or consistent with existing guidelines or other adjacent consents.</p> <p><i>4. Activities at the community facility that create excessive noise, such as working with power tools, and activities that may directly impact Osprey, such as flying model airplanes, are not permitted during the Osprey breeding season. Such activities may only be undertaken after Osprey chicks have fledged and/or before eggs have been laid, as confirmed on-site by a suitably qualified and experienced person prior to the commencement of those activities.</i></p> <p>Response:</p> <p>Noise generating activities typically associated with the Men's Shed proposal would include bench and floor tools (refer Attachment B of Council's supplementary information memo for further information on types of tools). These tools would normally be operated inside the shed. As noted in the SEE, as a measure of added security to prevent break-ins and theft, the shed would be lined with internal ply-wood wall cladding. This would provide an added level of noise reduction and mitigation with up to 10dB difference (as noted in the Interim Construction Noise Guidelines, DECCW 2009). In the event that workshop tools are used outside of the shed, they would in practical terms be in close proximity to the shed (especially if utilising power leads or pneumatic hoses).</p> <p>To demonstrate typical noise levels, a general example is provided below:</p> <p>The proponent wishes to use a pneumatic (air) tool outside the shed. The sound power level of a pneumatic tool measures approx. 100dB(A) (Source: US Department of Transportation Federal Highway Administration, 2012 - Construction Noise Handbook, Section 9.0 Construction Equipment Noise Levels and Ranges). The shed is approximately 230m from the Eastern Osprey nest (and 350m from the nearest residence) although given the tool would need a compressed air lead, then the distance to the nest is conservatively estimated at 200m. Reference to Figure B1 of Australian Standard 2436-1981 suggests that the noise level would be reduced by approximately 55db at 200m. Consequently, the sound pressure level at 200m would be 45db(A).</p> <p>Noise management levels at sensitive land uses (other than residences) is provided in Table 3 of the Interim Construction Noise Guidelines. The noise management levels for passive recreation areas (characterised by contemplative activities that generate little noise and where benefits are compromised by external noise intrusion, for example, reading, meditation), is 60db(A). Consequently, in this example the noise levels being generated by an external pneumatic tool would be well below acceptable amenity criteria noise levels. It is</p> |

| Information requested | Council response |
|-----------------------|---|
| | <p>acknowledged that the management level is in relation to other users (not nesting Eastern Ospreys) and is only used to provide some context to the noise levels being generated.</p> <p>In summary, the operation of the Men's Shed is highly unlikely to generate excessive noise that would warrant all workshop activities ceasing during the breeding season of the Eastern Osprey at the Black Rocks Sports Field. To ensure the proposal is consistent with the critical actions outlined within the OEH Species Action Statement for the Eastern Osprey, a recommended condition to ensure both direct and indirect impacts are managed could read:</p> <ul style="list-style-type: none"> • The P&DMS must ensure that the operation of the Men's Shed at the Black Rocks Sports Field does not disturb the Eastern Osprey nest during the active breeding season (July-September) by restricting access within 100m of the nest. <p><i>5. The hours of operation of the community facility are to be restricted to 7am to 5pm Monday to Saturday.</i></p> <p>Response:</p> <p>As discussed in the response to supplementary information request 1- the P&DMS would support a condition that restricts operation to day times hours Monday to Sunday 07.30am to 5.30pm with meetings and social activities on Sundays only (no workshop activities).</p> <p><i>6. The koala proof gates along the access road to the facility must be replaced with automated gates that automatically open and close for vehicles during the daily hours of operation of the facility. These gates must be locked outside the hour of operation of the facility so that they cannot be automatically opened.</i></p> <p>Response:</p> <p>The operation of the Men's shed would be in accordance with existing opening and closing times of the Koala gate. Future modifications to the Koala gate is expected to similarly allow ongoing day time access to the sport fields which would be consistent with the proposed daytime operating hours of the Men's Shed and assessments undertaken for the proposal.</p> <p>The requirement for the P&DMS to install automated gates is considered beyond the scope of the current proposal given the proposed operating hours aim to comply with existing gate opening hours.</p> <p><i>7. Dogs are prohibited in the sports field area and along the access road.</i></p> <p>Response:</p> <p>Dogs are prohibited at the Black Rocks Sports Field and the access road. Signage has been installed alerting members of the public to this restriction. Consequently, this duplication is not considered warranted.</p> <p><i>8. A speed limit of 40 km/hr is to be applied and signed posted for the entire length of the access road.</i></p> <p>Response:</p> <p>The access road is currently signposted for a 40km/hr speed limit. Consequently, this duplication is not considered warranted.</p> <p><i>9. The four traffic calming points are to be maintained and the speed limit at these locations is to be 20 km/h.</i></p> <p>Response:</p> |

| Information requested | Council response |
|-----------------------|---|
| | <p>Traffic calming in the form of 4 speed humps over a total distance of 330m regulating traffic to a 20km/hr speed limit on the access road is already installed and maintained by Council.</p> <p>Consequently, this duplication is not considered warranted.</p> <p><i>10. Koala food trees (Swamp Mahogany Eucalyptus robusta and Forest Red Gum E. tereticomis) must be planted adjacent to but beyond the western boundary of the sports field, within the existing vegetated area, by a suitably qualified and experienced person(s) at a rate of one tree every 15 metres. These plantings must be managed to ensure the total number of trees planted survives to maturity by monitoring tree health, and undertaking appropriate vegetation management and supplementary planning as required to achieve this outcome.</i></p> <p>Response:</p> <p>Following further discussion with Council's NRM Unit, the proposal in its current form consisting of infill planting along the western verges of the sports field is the preferred option. This would provide a net gain in Koala habitat within the parcel of land subject to the development proposal and is consistent with the TCKPoM which has been endorsed by Council and the community. Over time, a greater area of planting within the sports field is proposed once the final infrastructure layout is confirmed. It is further noted that following recent fires in the broader area, Koala feed trees (and other trees) in APZ's may have acted as refuge trees for Koalas during these fires. Consequently, the planted trees within the sports field, once established, may similarly provide refuge for Koalas from fires. Consequently, a proposal to plant trees within the existing vegetated area beyond the western boundary is not supported.</p> |

A review of the supplementary information provided concludes the information meets the requirements of the specialist studies, consultation undertaken and submissions received on the proposal.

4.7 Summary

It is recommended that the proposal is approved subject to reasonable and relevant conditions. These conditions are provided in the conditions report in section 5.

5. Conditions report

5.1 Recommendations for conditions of approval

A review of the existing conditions of approval has been undertaken as part of this assessment, and it is recommended that the following conditions are incorporated.

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and:
 - Concept Drawing (Proposed Floor Plan) of P&DMS Shed on Black Rocks Sports Field prepared Pottsville and District Men's Shed Inc. and dated March 2015.
 - Concept Drawing (Proposed Elevations) of P&DMS Shed on Black Rocks Sports Field prepared Pottsville and District Men's Shed Inc. and dated March 2015.
 - Drawing No. CMP1 Issue A (Men's Shed – BlackRocks Preliminary Concept Design) prepared by Tweed Shire Council and dated 13 February 2015.
 - Proposed Management Zones Plan dated March 2015.except where varied by the conditions of this consent.
2. Additional advertising structures/signs to the building identification sign to be the subject of a separate development application (where statutorily required).
3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.
4. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.
5. The colour of the walls and roof of the shed shall be Pale Eucalypt or a similar earthy, muted colour, subject to approval by the General Manager or delegate.
6. All landscaping work is to be completed in accordance with the approved plans within 3 months of the date of issue of any occupation certificate.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. The car parking area is to be maintained by the P&DMS as per the standards and requirements of a maintenance agreement with Council. Car parking is to be returned to its existing standard following cessation of the lease of the site.
8. 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.
9. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

This plan is to include a detailed plant schedule that will suitably screen the entire west and north elevations of the shed. It is also to include a detailed plant schedule to integrate with parking areas. Plantings are to reach a minimum height of 2.6m at maturity.

10. At the commencement of building works and in perpetuity the property around the building to a distance of 20 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
11. All buildings works are to comply with the National Construction Code Series, Volume One, Building Code of Australia 2015.
12. All building works shall be designed in accordance with Part B1 of the BCA.
13. The building structure shall be designed to satisfy the requirements of AS 1170.
14. The dimensions of the exit and paths of travel to that exit shall be designed to satisfy Clause D1.6 with an unobstructed height throughout of 2 m except a doorway which may be reduced to 1.98 m, the unobstructed width of the path of travel must be 1 m and the doorway may be reduced to a clear width of 750 mm.
15. In accordance with Clause D2.7 of the BCA, services or equipment (if located within the building) to be enclosed by non-combustible construction or a fire protective covering with doorways suitably smoke sealed.
16. In accordance with Clause D2.20 of the BCA, an exit door to swing in the direction of travel unless it serves a building with a floor area less than 200 m² and it is fitted with a device to hold the door in the open position.
17. In accordance with Clause D2.21 of the BCA, the operation of the latch to the exit doorway to be readily openable without a key from the side that faces a person seeking egress by single handed action located between 900 mm and 1.1 m from the floor.
18. Access to the building must be provided for persons with disabilities in accordance with the requirements of AS 1428.1- 2009 from the front allotment boundary through the principal pedestrian entrance and within the building.
19. A path of travel must be maintained with a clear width of 1 m and doorways must have a clear width of not less than 850 mm in accordance with AS 1428.1. Circulation space must also be provided at each doorway in accordance with Clause 13.3.2 of AS 1428.1.
20. Signage and tactile indicators are to be provided in accordance with Clause D3.6 and D3.8 of the BCA.
21. A hearing augmentation system shall be provided where an inbuilt amplification system has been installed within the building in accordance with Clause D3.7 of the BCA.
22. Portable fire extinguishers shall be provided in accordance with Clause E1.6 of the BCA.
23. The building shall be constructed to satisfy stormwater drainage in accordance with AS/NZS 3500.3, by implementing the following:
 - Roof covering in accordance with AS 1562.1
 - The kitchen sink area shall be water-resistant or waterproof in accordance with AS 3740
 - The provision of a vapour barrier to the slab on ground in accordance with AS 2870.

24. Sanitary facilities including a facility for persons with a disability and for ambulatory disabled persons shall be provided in accordance with Clause F2.3 and Table F2.3 of the BCA.
25. Artificial lighting shall comply with AS/NZS 1680.0.
26. Natural ventilation shall consist of windows or doors with an aggregate opening or openable size not less than 5% of the floor area of the room to be ventilated. Alternatively provide a mechanical ventilation or air conditioning system complying with AS 1668.2.
27. The building shall be designed in accordance with Clause NSW G5.2 Protection of the BCA.
28. The external materials of the proposed building are to be non-combustible.
29. All building materials used below Council's adopted design flood level must not be susceptible to water damage.
30. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
31. Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible, be located above the Design Flood Level. All electrical wiring installed below the Design Flood Level should be suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
32. The footings, floor slab and frame 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.
33. 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.
34. Should imported material be required for development, an assessment of imported material should be undertaken to ensure its suitability for community facility from a contamination perspective. Further, any material onsite requiring offsite disposal should be classified as per NSW EPA (2014) Waste Classification Guidelines, Part 1: Classifying Waste.
35. Waste classification in accordance with the NSW EPA (2014) Waste Classification Guidelines, Part 1: Classifying waste should be undertaken for waste soil and groundwater requiring disposal offsite during construction.
36. A construction environment management plan (CEMP) should be prepared and implemented during construction. It should include an unexpected finds protocol pertaining to contamination.
37. An updated acid sulfate soil management plan should be prepared which calculates the required liming rate calculated in accordance with the requirements of the Acid Sulfate Soil Management Advisory Committee (ASSMAC) Acid sulfate soil manual.

38. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development 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.
 - (d) Specific Requirements to be detailed within the Construction Certificate application include:
 - (i) Shake down area along the haul route immediately before the intersection with the road reserve.
39. 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.
- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
 - b) Where Council is requested to issue a construction certificate for civil works associated with a subdivision consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.
40. 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".
41. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.
42. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be provided with a list of construction materials for the roof/ceiling, walls, windows and

doors including internal walls and doors indicating compliance with the Rw requirements for these materials.

43. Gravitational access to the sewer is required for the building. Details are to be submitted to the General Manager or delegate for approval prior to the issue of a construction certificate.
44. Final building identification signage detail where statutorily required is to be submitted to the satisfaction of the General Manager or delegate prior to the issue of a construction certificate.

PRIOR TO COMMENCEMENT OF WORK

45. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.
46. 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.
47. 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.
48. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 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.
49. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
50. 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. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.
- 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.
- This sign is to remain in position for the duration of the project.
51. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.
52. 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.
53. Detailed plans of associated signage are to be submitted to Council prior to the issue of a construction certificate.

DURING CONSTRUCTION

54. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with the approved conditions or plans.
55. Construction and/or demolition 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 6.00pm.
- No work to be carried out on Sundays or Public Holidays.
- The proponent is responsible to instruct and control subcontractors regarding hours of work.
56. 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.

LAeq, 15 min 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.

LAeq, 15 min 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.

57. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.
58. 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).
59. 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.
60. 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.
61. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.
62. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.
63. The finished floor level of the building should finish not less than 225mm above finished ground level.
64. 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 NSW, Work Health and Safety Regulation 2011.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.
65. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.
66. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.
67. 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 a Subdivision Certificate/Occupation Certificate.

68. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution.
 - Dust during filling operations and also from construction vehicles.
 - Material removed from the site by wind.
69. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Council's General Manager or his delegate.
70. Landscaping of the site shall be carried out in accordance with the approved landscaping plans.
71. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.
72. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.
73. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.
74. 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 (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.
75. 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 Council's Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
76. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.
77. 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.
78. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Council's Engineering and Operations Division to arrange a suitable inspection.
79. 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.

80. 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 Plumbing Code of Australia and AS/NZS 3500.

81. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

82. 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.

83. 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:

- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50°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.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

84. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

85. 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).

86. 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.

87. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have 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 include indexation provided for in the S94 Plan and 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:

7 Trips @ \$844 per Trips \$5908

(\$815 base rate + \$29 indexation)

S94 Plan No. 4

Sector1_4

(b) Extensions to Council Administration Offices

& Technical Support Facilities

0.2166 ET @ \$1860.31 per ET \$402.94

(\$1759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

88. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have 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: 0.1 ET @ \$12575 per ET \$1257.50

Sewer Banora: 0.15 ET @ \$6042 per ET \$906.30

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.

89. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.
90. 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.

91. A flood evacuation plan shall be submitted to Council to the satisfaction of the General Manager or his delegate prior to the commencement of operations. The plan submitted shall have prior approval of the State Emergency Service.
92. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

USE

93. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.
94. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
95. The hours of operation of the facility are to be restricted to Monday to Sunday 07:30am to 5:30pm with meetings and social activities on Sunday only (no workshop activities). All deliveries and pickups relating to the facility are to occur within the approved hours.
96. 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 or glare creating a nuisance to neighbouring or adjacent premises.
97. The use of power tools outside of the building are to be limited to within 5 metres of the building and restricted to operating hours.
98. All commercial/industrial/residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate.
99. The kitchen facilities and the premises in general are not to be used for the handling or preparation of food for sale as defined under the provisions of the NSW Food Act 2003.
100. Activities at the premise shall be supervised by suitably qualified staff at all times.
101. No residential accommodation shall be provided to clients at the premise.
102. Adequate provision for the flood free storage for goods and equipment susceptible to water damage should be provided.
103. The P&DMS must ensure that the operation of the Men's Shed does not disturb the Eastern Osprey nest during the active breeding season (July-September) by restricting access within 100m of the nest.
104. Ensure sufficient area is provided for access to the facility by emergency vehicles at all times.

6. Conclusion

This report has been prepared on behalf of Tweed Shire Council in order to provide an independent third party assessment of a development application lodged to Council for a Men's Shed, proposed to be located at the Black Rocks Sports Field, Overall Drive, Pottsville.

It provides a review of the development application under section 79C(1) of the EP&A Act in consideration of:

- The plans and documentation lodged with the development application
- Comments received from external referral agencies
- Submissions received during the neighbour notification period
- Applicable planning instruments and development control plans relating to the development.

The application provides sufficient information to adequately assess the proposal in accordance with the provisions of Section 79C of the EP&A Act, including Council's LEP and relevant DCPs/policies and is considered a suitable use of the site.

The development application was available for public comment from 27 May 2015 to 10 June 2015. Any submissions received after these dates were also considered as part of the assessment. A total of 14 submissions from the community were received in regard to the proposal, including a petition of objection with 326 signatures.

The supplementary information identified from submissions and consultation with State agencies and the general public on the SEE was suitably addressed by Council.

Supplementary information as a result of this report was also requested from Council in relation to the ecological matters outlined in section 3.1.3. This information is summarised in section 4.5 of this report and was suitably addressed by Council.

It is therefore recommended that the proposal is approved subject to reasonable and relevant conditions. These conditions are provided in the conditions report in section 5.

7. References

Australian Building Codes Board (2015). *National Construction Code Series, Volume One. Building Code of Australia.*

James Warren and Associates (JWA) (2004). *Koala Plan of Management for final stages 13 & 14 of Black Rocks by the Sea, Pottsville.*

Land and Water Conservation (1997). *Conservation Acid Sulfate Soil Risk Map, Burringbar / Pottsville.*

NSW Department of Environment and Climate Change (2009) *Interim Construction Noise Guideline.*

NSW EPA (2015). *List of NSW contaminated sites notified to the EPA.*

NSW Scientific Committee (2014). *Preliminary determination: Koala Phascolarctos cinereus population in the Tweed Local Government Area east of the Pacific Highway - proposed endangered population listing.* Office of Environment and Heritage.
<http://www.environment.nsw.gov.au/resources/threatenedspecies/determinations/PDKoalapopTweed.pdf>

NSW Rural Fire Service (2006). *Planning for Bushfire Protection.*

Phillips S, Hopkins M, Shelton M (2011). *Tweed Coast Koala Habitat Study.* Report to Tweed Shire Council. Biolink Ecological Consultants, Uki.

The Roads and Maritime Services (2013). *Guide to Traffic Generating Developments – Updated Traffic Surveys.*

Tweed Shire Council (2015). *Men's Shed at Black Rocks Sports Fields, Pottsville.* Appendix G – Flora and Fauna Assessment.

Tweed Shire Council (2015). *Statement of Environmental Effects, Men's Shed at Black Rocks Sports Fields, Pottsville.*

Tweed Shire Council (2014). *Tweed Local Environment Plan 2014.*

Tweed Shire Council (2008). *Development Control Plan 2008.*

GHD

Level 15, 133 Castlereagh Street, Sydney NSW 2000
T: (02) 9239 7100 F: (020) 9239 7199 E: sydmal@ghd.com

© GHD 2015

This document is and shall remain the property of GHD. The document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement for the commission. Unauthorised use of this document in any form whatsoever is prohibited.

N:\AU\Sydney\Projects\21\24628\WP\467590.docx

Document Status

| Rev No. | Author | Reviewer | | Approved for Issue | | |
|---------|--------------------|----------|-----------|--------------------|-----------|----------|
| | | Name | Signature | Name | Signature | Date |
| A | A Cox R Ventura | S Lawer | S. Lawer* | D Mees | D. Mees* | 03.11.15 |
| 0 | A Cox | S Lawer | S. Lawer* | D Mees | D. Mees* | 19.11.15 |
| 1 | A Cox | S Lawer | S. Lawer* | D Mees | D. Mees* | 25.11.15 |

www.ghd.com

