

B6 - MURWILLUMBAH WEST

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B6 - MURWILLUMBAH WEST

B6.1 INTRODUCTION

B6.1.1 Aims of this Section

- Set out objectives of the development of Murwillumbah West.
- Provide detailed guidance to those wishing to develop within the Murwillumbah West Area and to indicate Council's policies with respect to that development.
- Provide guidelines for determination of the merits of developments within Murwillumbah West as required by Section 90(1)(a) of the Environmental Planning and Assessment Act, 1979.

B6.1.2 Land to Which This Section Applies

This Section applies to all that land within the area defined by the bold line as shown on B6 - Map 1, generally referred to as Murwillumbah West.

B6.1.3 How does this Section relate to other Sections and Environmental Planning Instruments?

Where an inconsistency arises between this Section and any environmental planning instrument applying to the same land, the provisions of environmental planning instrument prevails. An environmental planning instrument means a State Environmental Planning Policy, a Regional Environmental Plan or a Local Environmental Plan.

Where there is an inconsistency between this Section and any other Sections, the provision of this Section shall prevail.

This Section contains development objectives and other provisions in respect of "Murwillumbah West" and relates to Tweed Local Environmental Plan 2000.

This Section should be read in conjunction with:

Section A1 - Residential and Tourist Development Code

Section A2 - Parking Code;

Section A3 - Development of Flood Liable Land;

Section A5 - Subdivisions Manual;

Landscape Manual

West Murwillumbah Planning Report.

B6.1.4 Application of this Section

Council's overall objective for the development of the Release Area is to create a safe, pleasant and efficient urban environment in a practical and financially effective manner.

In order to achieve this, the development control plan aims to ensure that due consideration is given to all relevant physical, social and economic factors affecting the land. This Section defines developers' obligation regarding the design of development. While the responsibility for detailed site evaluation and

design remains with developers, any proposal for development within the Release Area must fulfil the objectives and design requirements of this Section.

Intended developers are recommended at an early stage to discuss their proposal with officers of Council's Planning and Development Division in the first instance at least prior to lodging a formal development application.

Compliance with the provisions of this Section does not necessarily imply that Council will grant consent to an application. Council must, in relation to development applications, also take into consideration those matters listed under Section 90(1) of the Environmental Planning and Assessment Act, 1979.

Council may approve variations of the provisions of this Section without amending it, where Council is satisfied that such variation will have only a minor impact and is consistent with the aims and objectives of this Section. Where a developer wishes to seek such a variation, a detailed justification shall be lodged for the consideration of Council. For variations which Council considers are major, an amendment to this Section will be required.

B6.1.5 How to use this Section

In preparing an application for development there are a number of specific steps that should be followed:

- Step 1:** Check the zoning of the site under Tweed LEP 2000 to ensure that the proposed development is permissible and to determine what related provisions apply.
- Step 2:** Establish what other Sections or Policies apply to the site (Clause B6.1.3).
- Step 3:** Familiarise yourself with the Development Principles and Objectives for the future of Murwillumbah West (Clause B6.2 - B6.3).
- Step 4:** Follow the applicable design guidelines and development controls (Clauses B6.4 - B6.10), and refer to other applicable Sections and Policies to prepare your application.

It is these components that will be used by Council to assess the merits of any development proposal for land to which this Section applies.

B6.1.6 Conditions of Development Consent

a. Section 94 Contributions

In assessment and determining a development application under Section 90 and 91 of the Environmental Planning and Assessment Act, 1979, Council may impose conditions requiring the undertaking of certain works or improvements by developers, the dedication or transfer of land to Council, or the payment of monetary contributions towards public amenities and services, which are needed as a result of the development. The methods for determining these S94 Contributions are detailed in the following sections.

b. Roadworks and Road Dedication

As a condition of development consent, an applicant may be required to dedicate any part of a site affected by proposed roads, road widening and pedestrian pathways at no cost to Council.

Applicants may be required to provide full width road construction to the appropriate standard including sealed road pavements, drainage and footways along the frontage of both new and existing roads to the land being developed, at no cost to Council.

Council may also require the upgrading of or monetary contribution towards the upgrading of roads not immediately fronting the development to provide suitable access to the development. Each case will be considered on its individual merits.

c. Contributions, Land Dedication or Works

Nothing in this Section shall limit Council's ability to -

- i. impose contributions;
- ii. require dedication or transfer of land to Council; or
- iii. require construction of works,

as a condition of consent to a development based on Council's assessment of the application under Section 90 of the Environmental Planning and Assessment Act, 1979.

B6.2 DESIGN PHILOSOPHY AND DEVELOPMENT PRINCIPLES

The Murwillumbah West project is essentially a residential development with associated recreational and community/educational facilities with residual areas with remain in agricultural uses. The proposed design of the area has taken into account the following four (4) broad considerations:

- i. The need to retain the current identity of Murwillumbah and the landscape value of the surrounding countryside -
- ii. The need to integrate the development of the area whilst providing neighbourhoods of residential development and by buffering possible incompatible land uses within and beyond the release;
- iii. The need to ensure that development is in harmony with the natural environment;
- iv. To ensure that urban subdivision design has regard to slope, drainage patterns, geological hazards, landscape features, road hierarchy, open space networks and the provision of public facilities and services.

B6.3 AIMS AND OBJECTIVES

B6.3.1 General

1. To implement the Tweed Shire Residential Strategy 1991.
2. To ensure the orderly and economic development of land taking into account all relevant physical, social and economic considerations.
3. To encourage a range of housing opportunities within a relatively low density, high quality residential environment.
4. To encourage the efficient use of land to facilitate an economic arrangement of buildings, circulation systems and utilities.
5. To integrate the release area with the existing urban areas of Murwillumbah.

B6.3.2 Transport And Access

1. To provide an efficient and effective road network which integrates into the existing network.
2. To establish a road and pedestrian network which meets safety objectives and high environmental standards, and which seeks to separate through traffic from local traffic and pedestrians from vehicles.
3. To ensure roads, cycleways, pedestrian routes and open space are located and designed to achieve maximum accessibility and to ensure all major community facilities are linked into this network.
4. To ensure the road system can accommodate an effective and efficient bus service which links all development areas and community facilities.

B6.3.3 Flood And Water Quality Management

1. To ensure the provision of an efficient and environmentally safe drainage system.
2. To ensure adequate water quality control measures are taken to protect the Tweed River.
3. To ensure that flood affected areas are recognised as being inappropriate for development but that the use of these areas for open space and other appropriate activities is maximised, compatible with a high standard of recreation facilities.
4. To ensure that as a result of development, any flood impact is within acceptable limits.

B6.3.4 Environmental Protection And Landscape

1. To ensure the recognition and protection of significant natural landscape features and systems, primarily those relating to topography, water courses and vegetation.
2. To ensure opportunities to utilise the positive features of the natural landscape are maximised to create a high quality environment.
3. To encourage regeneration of natural vegetation and to ensure a comprehensive landscaping and environmental enhancement program forms part of any development plan.

4. To ensure that development strategies consider the landscape impact of development, both from external and internal viewpoints.
5. To provide buffers around existing land uses incompatible with future uses.

B6.3.5 *Retail, Community Facilities and Services*

1. To ensure appropriate retail and community facilities and services are provided for the demands of the subject land, and that the timing of their provision corresponds with need.
2. To ensure appropriate sites are identified and set aside for the provision of community facilities, including recreation.
3. To integrate government agencies in the provision and on-going funding of community facilities and services.
4. To provide adequate local shopping facilities for the release area, in terms of accessibility, residential amenity and traffic circulation.

B6.3.6 *Infrastructure*

1. To ensure that development does not take place unless adequate provision is made for utility services.
2. To establish parameters for the efficient and orderly provision and utilisation of public facilities and infrastructural services and an equitable contribution system for cost sharing the delivery of such services for both service provider and developer alike.

B6.3.7 *Open Space*

1. To ensure adequate provision of public open space to all parts of the residential area.
2. To ensure that the public open space provided meets the Council's 'useability', 'access' and 'maintenance' criteria.
3. To ensure that the public open space provided maximises the range of recreation settings available for public use.

B6.4 GENERAL

The Murwillumbah West release area is indicated in B6 - Map 2. The Retirement Village, has been completed, and therefore cannot be included in any calculations for Section 94 Contributions arising from the Release Area. However, for completeness that development has been included in this Section. The zonings for the Release Area are indicated by B6 - Map 2.

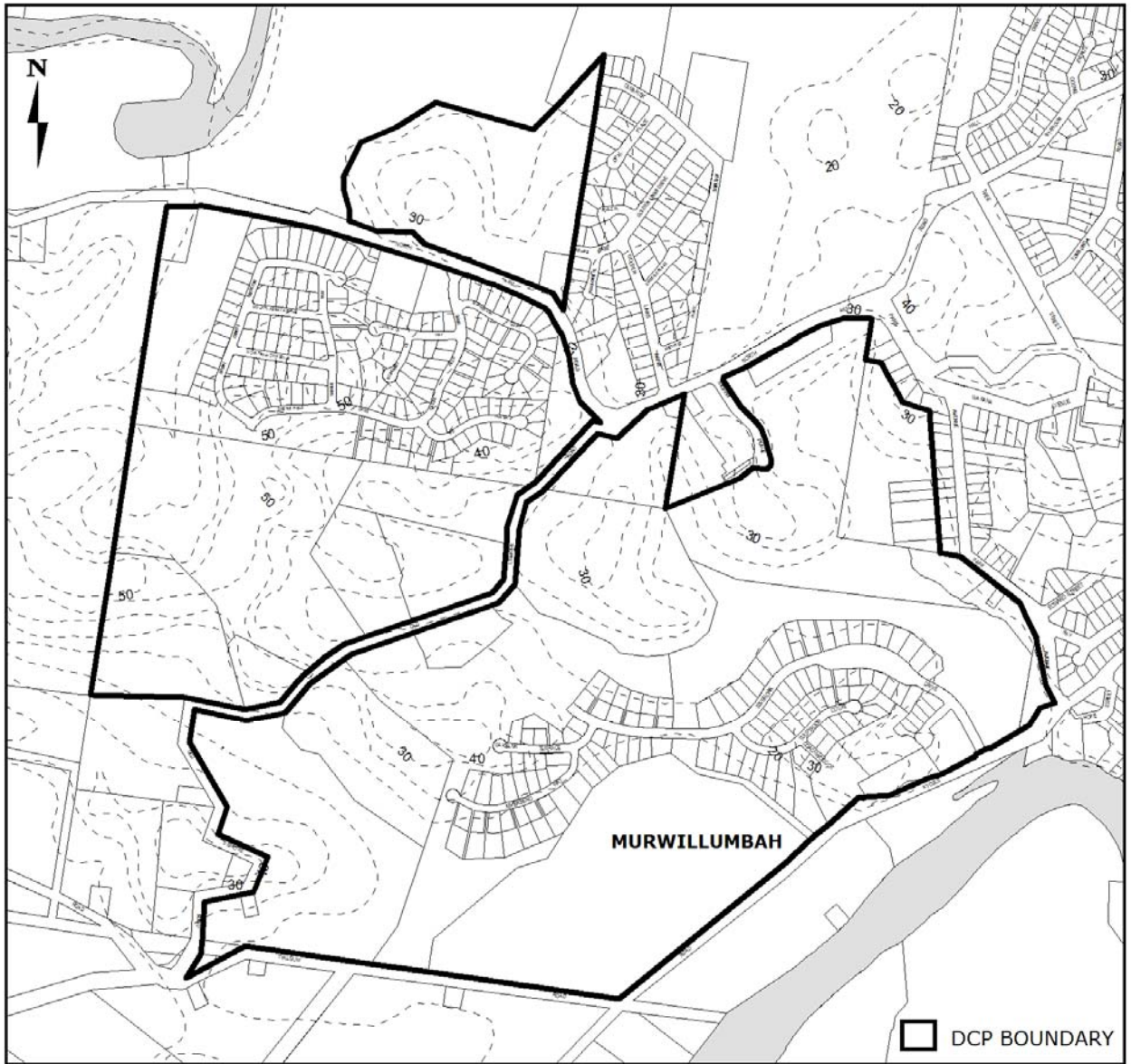
The Release Area is zoned for residential purposes which provides for both detached dwellings and residential flat buildings. It is anticipated that the majority of development will constitute detached dwelling, although in order to make the maximum use of the Release Area some medium density development shall be encouraged. Because of the nature of the Release Area and the need not to inhibit development no areas have been specifically set aside for this style development.

It is therefore difficult to assess how much development will eventually occur with precision although there is a need to make a judgement for the purposes of funding and provision of services. The total area rezoned for residential purposes is 72.2 ha plus a residual area of about 5 ha following the development of a school on that part of the Release Area north of North Arm Road as discussed in Clause B6.11.6.

The population of the Release Area will depend on the eventual mix of standard dwellings and residential flat units. It is considered that the most likely structure of the Release Area, based on past experiences would be mainly standard dwellings with limited duplex units and residential flat units, with a resultant population of about 2840 as follows:

Standard Dwellings	Units	Persons
Single Dwelling	400	1150
Duplex	200	520
Total	600	
Residential Flat Units	250	470
Total	850	2140
Rural Residential	30	100
Aged Persons		600
Total	880	2840

B6 - Map 1



B6.5 TRAFFIC AND TRANSPORTATION

B6.5.1 West Murwillumbah Traffic Study

The West Murwillumbah Traffic Study has examined the need for road improvements arising from the Release Area, and identified the following as being directly attributable to any development there:

	\$
Upgrade North Arm Road from Golden Links Drive to Tree Street	85,000
Upgrade North Arm Road/Old Lismore Road junction	150,000
Road junction Byangum Road - Department of Housing land	100,000
Roundabout North Arm Road	150,000
	485,000

The cost of those improvements shall be recovered by Council by way of Section 94 contributions at a rate of \$550 per unit. This figure shall be reviewed annually by Council and shall be paid to Council prior to the release of the linen plan, or building application in the case of development other than standard detached dwelling lots.

B6.5.2 Local Roads

Because of the topography of the Release Area and the need to minimise major earthworks, whilst ensuring maximum accessibility the local road network shall be based on the network indicated by B6 - Map 2.

The long term intention is to enable the worst sections of Old Lismore Road to be closed to vehicular traffic.

These portions which have been so indicated, shall only be carried out as part of the development of those blocks of land having sole frontage to the section to be closed.

That portion of Old Lismore Road to be retained as a public road shall be sealed to the satisfaction of Council and the cost of such works shall be borne by those developments having access to that road. No development shall be approved for any part of the Release Area until all necessary Traffic requirements from the site to a distributor road have been provided, including sealed road link. Where Council is not able to provide for those requirements from contributions held in trust, development must either wait until Council has the appropriate contributions, or proceed at as own cost.

B6.5.3 Landscaping

Details of landscaping should generally be in accordance with the Landscape Manual and the following requirements:

- i. Earthmounding/battering is encouraged within the landscaped area;
- ii. Trees to be planted should have a minimum height of one (1) metre at the time of planting.

- iii. Landscaping is to be massed and be in the form of ground cover, shrubs and trees;
- iv. Proposed vegetation should be native species due to their low maintenance characteristics, relative fast growth, aesthetic appeal and suitability to natural habitat, and also in order to achieve continuity in streetscape.

B6.5.4 Construction

For proposed roads the developer will be responsible for the construction of the roads to Council's standards. These roads are to be dedicated to Council as public roads in any subdivision or other development. After the roads have been dedicated and the on-maintenance period completed, Council will be responsible for the maintenance of these roads.

For existing roads, the developers will be responsible for upgrading and associated traffic management measures provided the development creates a need for the upgrading or traffic management measure. A pro rata cash contribution may be substituted for actual construction.

B6.5.5 Distributor Roads

The distributor roads (Uki Road/Kyogle Road/North Arm Road), are expected to carry large volumes of traffic in the future. To increase traffic safety and to avoid the need for wide road reservations, vehicular access to a distributor road may only be made by way of another road. Thus, direct access from individual private properties to a distributor road is prohibited.

Subdividers creating allotments adjoining distributor roads are required to prepare restrictions as to user under Section 88B of the Conveyancing Act to effectively prevent direct vehicular access to and from allotments across the distributor road.

B6.5.6 Co-ordination

B6 - Map 2 indicates that the local road network for the Release Area requires access through adjoining properties at specific points. Council may consent to relocate these connection points where two adjoining owners are both in agreement about the change. In the case where a proposed subdivision requires access through an adjoining property which is not yet subdivided, Council may grant temporary access via the development site's existing legal road frontage. Approval for such temporary access shall cease once the adjoining site is developed, and the temporary access shall be restored to residential use or landscaping.

Where Council grants consent, the temporary access shall be constructed to Council's standards and Council will impose a condition and/or restriction as to user requiring that access to a distributor road by a temporary access shall cease future use of temporary access only for reasonable period alternative access becomes available.

Where properties currently gain access to a distributor road, they may continue to do so. When an application is lodged to develop or redevelop such a property, Council will generally require that direct access from the property to the distributor road cease.

Where temporary roads are proposed it shall be a requirement that a restriction as to user under Section 88B of the Conveyancing Act, 1919 prohibiting sale,

lease or any other matter be imposed on the lot or lots comprised in the temporary road.

B6.5.7 Traffic Study

There shall be no need for the submission of a traffic study with a development application for land with the Release Area which is in accord with the traffic requirements of this Section. Should a developer wish to depart from such requirements a traffic study may be required to substantiate the variation. The need for such a study shall be discussed with Council officers prior to the commencement of any detailed work.

B6.6 FLOOD AND WATER QUALITY MANAGEMENT

B6.6.1 Flood Levels

The adopted design flood level for that part of the subject and draining to the Tweed River, shall be 10.00 metres AHD. The adopted design flood level for the area draining to the Rous River shall be 7.00 metres AHD. Where justified by a flood study these flood levels may be varied by Council.

Having regard to the adopted design flood levels all development shall accord with the requirements of Section A3 – Development of Flood Liable Land of this DCP.

Any allotment created within the Release Area shall have generally a minimum area of 450m² above the design flood level.

B6.6.2 Hydrological Report

A hydrological report shall be submitted to and approved by Council before any land is filled on land identified by Council as flood prone prior to subdivision or development except in respect of minor filling of land. The hydrological report shall provide sufficient information for Council to evaluate the potential and predicated impacts of the proposed activity on waterways and surrounding land and the effectiveness and acceptability of any proposed measures for reducing any adverse impacts.

B6.6.3 Use Of Flood Prone Land

The use of flood affected land may be maximised by the creation of passive and active open space areas, or the establishment of other appropriate activities.

B6.6.4 Water Quality Management

A major part of the Release Area drains into the Tweed River within the Bray Park weir storage area River. It is therefore essential that the water quality of the river at that point is maintained. All appropriate measures shall be taken to ensure water quality (as measured in terms of sediment load, BOD, nutrient levels etc) does not deteriorate as a result of development taking place.

Details of water quality measures, generally in accordance with the "Pollution Control Manual for Urban Stormwater" published by the State Pollution Control Commission shall be submitted with any development proposal.

The existing area of freshwater wetland indicated on B6 - Map 2 shall be retained and used as a natural water quality control measure for any development draining to the Tweed River. To ensure the maximum effectiveness of these wetlands any development draining to the Tweed shall:

- drain to the wetland in identified and approved water courses;
- include an inlet of each watercourse to the wetland which incorporates appropriate sediment and trash controls, with appropriate access for ease of maintenance;
- control flows into the wetland as close as practical to pre-development levels (for example weirs);
- include a structure at the base of the wetland to allow manipulation of water levels, to enable control of macrophytic and insect populations and facilitate dredging;

- maintain outflow from the wetland at existing levels;
- include a 20m buffer around the wetland free from development to act as a infiltration area for surface runoff, and secondary assimilation of pollutants;
- the wetland within any development application shall be dedicated to Council when all works have been completed.

B6.6.5 *Soil Erosion And Sediment Control Plans*

Concept Soil Erosion and Sediment Control Plans, in accordance with Soil Conservation Service Guidelines shall be prepared and lodged with any development application for subdivision or other proposal involving significant earthworks. Detailed Soil Erosion and Sediment Control "Working Plans" shall be lodged at Part XII Subdivision Application stage or with the Building Application (where a proposal does not involve subdivision). These plans shall include details of development phasing and all temporary controls required during construction.

B6.6.6 *Stability*

A geotechnical analysis shall be submitted for any development application which proposes any development of land with a slope in excess of 33%, or where it appears to Council there is a need for such an analysis. The analysis shall indicate the long term suitability of that land for development, and any measures required to be undertaken particularly after areas have been disturbed. Any trees within those areas shall be retained in order to minimise the exposure of slopes to long term potential instability.

B6.6.7 *Erosion And Sediment Controls During House Construction*

Controls are important at the house construction stage and developers shall be encouraged to:

- Restrict vehicle access to one stabilised entrance, and do not park or store materials on nature strip;
- Preserve as much grassed area as possible on site and along footpath frontage;
- Confine cut and fill operations to the smallest possible area and do not disturb site until ready to begin building;
- Reinststate tranches for water and sewer connections as soon as possible after pipes are laid after inspections;
- Remove excess soil from the site during excavations;
- Confine stockpile to small area;
- Use silt fences (eg. geofabric) and haybale filters as appropriate.

B6.6.8 *Minimise Impervious Surfaces And Cut And Fill*

Subdivision design shall keep impervious surfaces to a minimum and minimise the need for cut and fill at both road and house construction stages.

Any proposal requiring the filling of land shall indicate the source of the fill material. If that source is within the release area, in accordance with Clause B6.6.5 details shall be included in any development proposal of water quality controls. Details shall also be included of the revegetation of all newly created

surfaces to a timetable to be agreed with Council prior to the grant of any development approval.

B6.6.9 *Development Requiring Septic Tank*

In order to maintain water quality standards all development within the release area shall be connected to the sewer. In the rural residential area where it can be demonstrated to the satisfaction of Council that the soil structure can accommodate infiltration without causing pollution, septic tank (or envirocycle) may be accepted.

B6.6.10 *Acid Soils*

Any proposal requiring the excavation of materials shall consult with Council to ascertain what requirements, if any, are required in respect of acid soils.

B6.7 ENVIRONMENTAL PROTECTION AND LANDSCAPE

B6.7.1 *Cattle Dip Yard*

Any proposal for the development of Lot 6 DP 748578, Old Lismore Road shall include details for the treatment of containment of contaminant of the cattle yard dip at Old Lismore Road. Those details shall include a soil analysis of the site. Council shall consult with the Cattle Tick Dip Site Management Committee chaired by the Regional Director of Agriculture to identify what measures are required. The removal of any materials shall be in accordance with any requirements of Council. All measures shall be undertaken prior to the release of the linen plan or at some other stage of development as may be determined by Council.

B6.7.2 *Landscape Analysis*

B6 - Map 2 presents a Landscape analysis of the subject area identifying not only the physical characteristics of the area, but also constraints and opportunities with the landscape.

B6.7.3 *Remnant Vegetation*

B6 - Map 2 indicates areas of remnant vegetation which shall be reserved and developed as part of the open space network for the release area. Council shall prepare detailed management plan for these areas.

B6.7.4 *Ridgelines*

Development shall maintain views outwards from ridges over the surrounding landscape and shall protect the prominence of ridge lines within the landscape.

For example roads may run along ridgelines or end to end cul-de-sac routes where the land becomes too steep for a through road.

B6.7.5 *Preservation Of Existing Vegetation*

Areas of scattered woodland occur throughout the release area, and as many as possible of those areas should be retained. Mature trees ameliorate the rawness of new subdivisions, improving the character and value of the area.

Subdivisions shall be designed such as to minimise the number of trees required to be removed, and shall maximise positive use of significant trees. A comprehensive and accurate tree survey indicating the size, species and condition of all trees shall accompany any proposed development.

B6.7.6 Protection Of Trees During Construction

Development proposals shall include measures to be taken during construction phases to protect trees to be retained. Such measures will need to take account of changes to soil moisture regimes, and to surrounding ground levels as well as direct protection of the trees and its root zone.

B6.8 SERVICES**B6.8.1 General**

The Murwillumbah West Release Area shall be a fully serviced development (except for the rural residential land) the costs, of which, where appropriate shall be borne by developers and Tweed Shire Council. In general terms, contributions will be levied on a pro rata basis for services external to the site whilst all services within the site will be provided by the developer.

The total release area cannot be serviced without additional infrastructure funded out of headworks charges. Some initial development can be absorbed with capacity from the existing system, the extent of that capacity dependent on the form, location and sequencing of development within the Release Area. Servicing of lots by normal headworks payment is very dependent upon the orderly release of lots to suit Council's strategies for the provision of utility services. In some area, the extension of services may require any early contribution of headworks charges. Prospective developers should consult with Council at a very early stage and familiarise themselves with Council's strategies for the provision of utility services. Some allotments will not be serviced and therefore released until additional headworks are in place.

Where possible the provision of services by Council shall be staged to suit the varying rates of development by each developer. This should be discussed with Council prior to the preparation of any development proposal.

B6.8.2 Water Supply

All internal reticulation and distribution mains shall be funded by the developer. Headworks contributions shall be required to augment the existing water supply system, in accordance with Council's headworks charges nominated in the annually revised "Fees and Charges".

All lots shall be connected to an approved reticulated domestic water supply in accordance with Council's Section A5 - Subdivision Manual of this DCP.

The layout of any subdivision shall include provision for trunk mains as may be required by Council.

B6.8.3 Sewerage

All of the development shall be connected to the Murwillumbah Sewage Treatment Plant. The augmentation of the treatment works and provision of conveyance shall be funded through Council's headworks charges.

As no reserve capacity exists in the existing system the augmentation shall be completed prior to any subdivision being released.

An exception to this is an area located between Old Lismore Road and Kyogle Road where a temporary connection to Catchment No 14 (Park Avenue) is possible provided -

- i. Pump Station No 14 is upgraded;
- ii. Pump Station No 21 is constructed in its permanent form; and
- iii. A temporary rising main is construction from Pump Station No 21 to Park Avenue.

This temporary arrangement (\$220,000 at 1989 prices) would permit approximately 200 connections (850 ep) for the next 2 to 5 years after which time Council will have completed the augmentation works for the Release Area, as infill development in Bray Park would require the capacity taken up by the temporary connection. The cost of the temporary arrangement must be met by proponents, and no connection to Council's sewer shall be permitted until it has been completed to Council's satisfaction (the provision of temporary works will not relieve developers of the obligation for sewerage headworks covering the ultimate scheme).

B6.8.4 Electricity

B6 - Map 2 indicates an electricity transmission line corridor to accommodate the service provision requirements of the Release Area. The Council shall not consent to the carrying out of development within this corridor without having regard to any representations made by the relevant electricity supply authority.

Headworks charges may be levied by the relevant electricity supply authority as part of the Sub-transmission System Augmentation Cash Contribution (SSACC) System. This is applied on the basis of a charge per lot or per dwelling until or per estimated power demand for other developments such as retail, commercial, resort or educational activities.

Arrangements shall be made by the developer with the relevant electricity supply authority for the provision of underground reticulation of electricity throughout the area covered by this Section.

B6.8.5 Telephone

Arrangements shall be made by the developer with the relevant telecommunications supply authority for the provision of an underground telecommunications supply throughout the area covered by this Section.

B6.9 COMMUNITY FACILITIES

B6.9.1 Open Space Provision

Open space shall be provided at the rate of 2.83 hectares per 1000 population (plus reasonable embellishment costs) in the following proportions:

- i. 60% (1.7 hectares) 'active' open space;
- ii. 40% (1.13 hectares) 'passive' open space.

Section 4 sets out the anticipated population of the Release Area as 2840 persons. The retirement village has now been completed and therefore the anticipated population of the remaining residential land is 2240. On this basis a total of 6.3ha of open space would be required, 3.8ha being active open space and 2.5ha being passive open space.

The open space framework has already been laid down in the West Murwillumbah Planning study. This resulted in an extensive area of land being zoned for recreational uses, as indicated by B6 - Map 2, largely because of the

flood prone nature of the land. This land is more than is required to meet the open space requirements specified in the previous paragraph. Council does not wish to extend its maintenance commitments beyond what is estimated to service this release area. However, it is prepared to consider accepting additional dedication of open space when it can be demonstrated that it would be beneficial to the longterm interests of the community; and the land has been prepared such as to minimise that maintenance, and is useable.

Open Space shall be provided in accordance with the following:

Residential Type	Assumed Occupancy Per Dwelling	Active Open Space	Passive Open Space
Standard Residential	2.95 persons	50m ²	34m ²
Medium Flat Density	1.9 persons	33m ²	21m ²

B6.9.2 Passive Open Space

Passive open space in the main shall be provided within each development parcel in accordance with Clause B6.9.1. Any open space proposal shall indicate how the area can be used effectively for recreational purposes. It must not be regarded as the 'left over pieces of land' unsuitable for other land uses.

Therefore, where Council considers that it cannot be provided or where a proposal is unacceptable topographically or it does not fit into Council's overall networking scheme, a contribution will be required. Where more than the required amount of suitable passive open space is proposed (normally due to topographic constraints) Council may consider its dedication as parkland, although not at the expense of provided active open space, and provided the area is 'developed' to reduce Council's maintenance costs. Land dedicated to Council as wetland will not be counted towards passive open space requirements. Passive open space shall be provided either by means of land dedication or cash contribution.

The contribution shall be payable prior to the release of the linen plan, and shall be indexed annually.

B6.9.3 Active Open Space

The majority of the active open space will be provided via cash contributions to compensate Council in acquiring the land in the preferred locations in accordance with Clause B6.9.1. Contributions for active open space will be levied on the basis of Clause B6.9.1 plus reasonable embellishment costs.

The contribution will be annually reviewed and outlined in Council's adopted fees and charges as a rate per hectare.

Contributions will be required as a condition of development consent at the initial stage of development but subsequent contributions may be required if additional development is carried out, (eg. conversion of an existing dwelling to a dual occupancy building).

Where the initial stage of development is subdivision, contributions will be levied assuming that a dwelling - house or duplex will be erected on each allotment created. For other or subsequent development the contribution will be levied in accordance with the above criteria less any contribution already paid.

The active open space provision shall include:

- Playing fields;
- Playing ground (x2)

as indicated by B6 - Map 2. These facilities shall be linked to an overall cycleway/pedestrian/open space network system throughout the release area.

B6.9.4 Pedestrian/Cycleway Network

A comprehensive pedestrian/cycleway network shall be provided within the Release Area, as indicated by B6 - Map 2, which shall link community facilities and major destination points. The network may run along water courses and transmission lines, and shall be physically separated from major traffic works. The cycleway shall be funded by all developers within the Release Area.

B6.9.5 Design Of Pedestrian Cycleway

Pedestrian/cycleways shall be designed along reasonably gentle gradients, shall link, into existing developed areas and shall take the most scenic route. Pedestrian/cycleways shall generally be 2.4 metres in width and wider as appropriate at corners and pathway intersections. Footpaths with no cycleway components shall be 1.2 metres in width. These shall be provided along bus routes where there is not pedestrian/cycleway or where the residential road system can accommodate cyclists.

Suitable treatment shall be given to points at which the pedestrian/cycleway network intersects with roads.

B6.9.6 Community Buildings

Access to Wollumbin High School shall be via North Arm Road only; and a pedestrian access only shall be provided via Sapphire Place.

Any school playing fields shall be available for other community use.

B6.9.7 Retail Facilities

Within the subject area provision shall be made for one neighbourhood shop, which shall be located within precinct 2 as indicated in the West Murwillumbah Study. Proposals for that precinct shall included details of the shop which shall be located having regard to the convenience of the needs of the immediate local residents.

B6.10 CONCEPT PLAN

B6 - Map 2 summarises the relevant features of the plan in an overall concept plan.

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