

THIS DOCUMENT CONTAINS BOTH THE REFUSAL NOTICE AND THE COURT APPROVAL

T4/2470

IN THE LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES

10229 of 1984

DANIS PTY. LIMITED

Applicant
THE COUNCIL OF THE SHIRE OF TWEED

Respondent

Order

THE COURT ORDERS THAT:

1. The appeal be upheld.
2. Development Application No. T4/2470 submitted to Tweed Shire Council on 23rd March 1983 and as represented to the Court on plans prepared by Allan W. Green, Architect, be approved subject to the conditions annexed hereto.
3. There be no order as to costs.
4. The exhibits may be returned upon completion of the written decision, except for exhibits 1, C, D, and E.

ORDERED: 10th December, 1984.

By the Council,



16 JAN 1985

ANNEXURE

DANIS PTY. LIMITED

-v-

TWEED SHIRE COUNCIL

1. Provision of adequate vehicular access to the site. The internal private roads to be sealed, kerbed and guttered and drained to the satisfaction of Council.
2. The sealing and drainage of Seaview Road and Fairway Drive, from the end of the existing seal to the proposed internal roads to the satisfaction of council.
3. The provision of a minimum of 48 off-street carparking spaces in accordance with Council's Car Parking Code.
4. The provision of a 30metre foreshore reserve to be dedicated at no cost to Council in conjunction with lodgment and registration of the Strata Plan or prior to occupation of units.
5. The site, including the proposed dedicated reserve, be landscaped to the satisfaction of Council with as much of the existing vegetation retained as possible. A plan of proposed landscaping is to be submitted with the Building Application for approval prior to commencement of construction.

Appeal No. 10229 of 1984

6. Submission of engineering details of all proposed roads, drainage and retaining walls to Council and no construction to commence until approved by Council.
7. The payment of headworks charges of \$600 per dwelling unit for water and \$504 per dwelling unit for sewerage subject to review after 12 months from the date of consent.
8. Any blasting requires specific Council approval and details of method and blast size to be submitted for Council approval.
9. Submission of a building application complying with the Health and Building Department's requirements.
10. This approval is for the proposal submitted and does not imply that any multiple unit development is acceptable.
11. All building materials are to be of a type and colouring to blend into the natural vegetation of the area and details to be submitted for approval prior to construction.

Signed.....

ASSESSOR G. Andrews

10th December, 1984.

REFUSAL NOTICE

NOTICE NO. T4/2470

THE COUNCIL OF THE SHIRE OF TWEED
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
NOTICE TO APPLICANT OF REFUSAL OF A DEVELOPMENT APPLICATION

To: Danis Pty. Ltd.,
8 Cresta Court, Rio Vista,
SURFERS PARADISE QLD. 4217

Pursuant to Section 92 of the Act, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. T4/2470 relating to land described as:-

Portions 189 and 190, Parish of Terranora,
Cnr. Seaview Road and Fairway Drive,
BANORA POINT N.S.W. 2486

to be developed in accordance with plans and details submitted, for the purpose of:-

Erection of Forty (40) Town Houses.

The Development Application has been determined by the refusal of consent.


The reasons for refusal are on the basis of public submissions received as follows:-

1. The proposal does not overcome the reasons for the previous refusal of development on this site.
2. Approval would create a precedent for further town house development in the area.
3. The increased traffic generation in surrounding streets and using the only access to Pacific Highway.
4. The proposal will add to traffic congestion and noise in the area affecting the large number of elderly and retired people.
5. Excavation and blasting will affect adjoining properties.
6. Density will be double normal suburban subdivision.
7. Loss of quality of view caused by town house group development rather than single family homes.
8. Loss of serenity created by living in a dead end Street e.g. Fairway Drive.
9. Loss of water pressure caused by additional dwellings.
10. Concern at loss of environmental quality by removal of natural vegetation.
11. Excessive wear and tear on road system will downgrade road quality.
12. Increased traffic will cause danger to children in the area.
13. Concern that town houses will be slums of the future.
14. Concern that town houses will be occupied by non-permanent residents.

Dated18th.....day of.....May..... 1983

(N.B. Refer to Notes on Reverse of Notice)

J. S. Nixon
.....
J. S. NIXON
SHIRE CLERK

per. 

74/2470

JG:SR PF4960/130

Mr. J. Glazebrook.

720425

17 November, 1987.

Mr. Peter Hollamby,
Architect,
10 Dandaloo Drive,
CURRUMBIN. 4223.

Dear Sir,

**Application under Section 102 of Environmental Planning & Assessment Act,
1979 - Portions 189/190, Seaview Road/Fairway Drive, Banora Point.**

I wish to advise that Council at its meeting of 4 November, 1987, considered your application, and resolved that it be approved subject to -

- a. The development referred to in the consent is as amended by the letter from Peter Hollamby, Architects, dated 2 September, 1987, together with accompanying plans numbered 8722 SK1, 8722 SK2, 8722 SK3 and 8722 SK4, each dated September, 1987.
- b. The payment of applicable water and sewerage headworks charges. The charges are fixed in Council's 1987 list of Fees and Charges as follows -

Water -	\$850 per unit (excl. the first) x 39	\$33,150.00
Sewer -	\$685 per unit (excl. the first) x 39	\$26,715.00
Total Payable -		\$59,865.00

These charges are subject to alteration in Council's annual review of its adopted Fees and Charges and the rates payable are those applicable at the time of payment.

Yours faithfully,

P. BORDER
CHIEF TOWN PLANNER.

