



NSW GOVERNMENT  
Department of Planning

**MAJOR PROJECT ASSESSMENT:  
REDEVELOPMENT OF THE TWIN TOWNS  
SERVICES CLUB AT LOT 1 DP 777183  
WHARF STREET, TWEED HEADS**

***Proposed by TWIN TOWNS SERVICES CLUB  
LIMITED***

Director-General's  
Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*

August 2009



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## EXECUTIVE SUMMARY

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This is a report on a project application by Twin Towns Services Club Limited to carry out the redevelopment of part of the Twin Towns Services Club at Wharf Street, Tweed Heads (Lot 1 DP 777183) ("the proposal").

The proponent seeks project approval for redevelopment of part of the Twin Towns Services Club in three stages as follows:

### Stage 1

- Demolition of existing two storey members' building;
- Internal refurbishment of existing building in stages;
- Rationalisation of existing car park and pedestrian circulation;
- New atrium at ground level, including new internal lift and stairs; and,
- New 2 storey building (Level 1) (maximum height RL 6.825m AHD) comprising entertainment, light food and balcony/beer garden and outdoor smoking area comprising a total GFA of 2,096sqm.

### Stage 2

- An additional 2 storeys (Level 2) (maximum height RL 12.825m AHD) comprising construction of cinema and conference facilities, meeting room, offices, entertainment and outdoor smoking area comprising a total GFA of 1,972sqm.

### Stage 3

- An additional 2 storeys (Level 3) (maximum height RL 20.025m AHD) comprising construction of conference and entertainment facilities, back of house amenities, bar, foyer, balcony and outdoor smoking area comprising a total GFA of 1,910sqm.

The estimated project cost of the development is \$33 million. The proposal will create 200 full time equivalent construction jobs and 30 full time equivalent operational jobs. The redevelopment does not involve the introduction of any additional gaming or poker machines.

During the exhibition period, the Department received 5 submissions from public authorities, 3 submissions from each of the Design Integrity Panel members, and no submissions from the public. Key issues considered in the Department's assessment included:

- Urban design and architecture;
- Height and overshadowing;
- Traffic, car parking and access;
- Acid sulphate soils;
- Contamination;
- Noise management;
- Stormwater;
- Aboriginal Heritage; and,
- Section 94 contributions.

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed via the Proponent's Statement of Commitments and the Department's recommended conditions of approval, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide social and economic benefits to the region. All statutory requirements have been met.

The proposed development will provide a new large scale conference facility within Tweed Heads, employment during construction and operation, improved access arrangements from the Jack Evans Boat Harbour foreshore, and will be appropriately integrated with the proposed upgrade and landscaping of the adjacent Jack Evans Boat Harbour foreshore.

The Department recommends that the project be **approved** subject to conditions.

## CONTENTS

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|                                                                                   |           |
|-----------------------------------------------------------------------------------|-----------|
| <b>EXECUTIVE SUMMARY .....</b>                                                    | <b>3</b>  |
| <b>1 BACKGROUND .....</b>                                                         | <b>5</b>  |
| 1.1 THE SITE .....                                                                | 5         |
| 1.2 SITE HISTORY .....                                                            | 10        |
| <b>2 THE PROPOSED DEVELOPMENT .....</b>                                           | <b>11</b> |
| 2.1 PROJECT DESCRIPTION .....                                                     | 11        |
| 2.2 PROJECT CHRONOLOGY .....                                                      | 13        |
| 2.3 PROJECT AMENDMENTS .....                                                      | 13        |
| <b>3 STATUTORY CONTEXT .....</b>                                                  | <b>16</b> |
| 3.1 PART 3A DECLARATION .....                                                     | 16        |
| 3.2 PERMISSIBILITY .....                                                          | 16        |
| 3.3 EXHIBITION AND NOTIFICATION .....                                             | 16        |
| 3.4 MINISTER'S POWER TO APPROVE .....                                             | 16        |
| 3.5 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS) .....                               | 17        |
| 3.6 OTHER PLANS AND POLICIES .....                                                | 18        |
| 3.7 ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD) PRINCIPLES .....                   | 18        |
| 3.8 OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 .....           | 19        |
| <b>4 CONSULTATION AND ISSUES RAISED .....</b>                                     | <b>19</b> |
| 4.1 PUBLIC EXHIBITION DETAILS .....                                               | 19        |
| 4.2 SUBMISSIONS FROM THE DESIGN INTEGRITY PANEL .....                             | 20        |
| 4.3 SUBMISSIONS FROM PUBLIC AUTHORITIES .....                                     | 20        |
| <b>5 ASSESSMENT OF ENVIRONMENTAL IMPACTS .....</b>                                | <b>22</b> |
| 5.1 URBAN DESIGN and ARCHITECTURE .....                                           | 22        |
| 5.2 OVERSHADOWING OF JACK EVANS BOAT HARBOUR FORESHORE .....                      | 27        |
| 5.3 TRAFFIC, CAR PARKING AND ACCESS .....                                         | 29        |
| 5.4 SECTION 94 AND OTHER CONTRIBUTIONS .....                                      | 33        |
| <b>6 CONCLUSION .....</b>                                                         | <b>34</b> |
| <b>7 RECOMMENDATION .....</b>                                                     | <b>34</b> |
| <b>APPENDIX A. INSTRUMENT OF APPROVAL .....</b>                                   | <b>35</b> |
| <b>APPENDIX B. DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS .....</b> | <b>36</b> |
| <b>APPENDIX C. COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS .....</b>       | <b>49</b> |
| <b>APPENDIX D. COMPLIANCE WITH OTHER PLANS AND POLICIES .....</b>                 | <b>51</b> |
| <b>APPENDIX E. PREFERRED PROJECT REPORT .....</b>                                 | <b>53</b> |
| <b>APPENDIX F. ENVIRONMENTAL ASSESSMENT .....</b>                                 | <b>54</b> |

# 1 BACKGROUND

## 1.1 THE SITE

### 1.1.1 Site Context And Location

The site, at Wharf Street, Tweed Heads, (Lot 1 DP 777183), is located within the local government area of Tweed Shire Council and is owned by Twin Towns Services Club Limited, who are also the proponent.

The site is located on the New South Wales and Queensland Border with frontage to Wharf Street to the west and Boundary Street to the north (refer **Figure 1**). Adjoining the site to the east is the Jack Evans Boat Harbour (JEBH) foreshore. The Old Border Caravan Park sits to the north east of the Club on Boundary Street. Chris Cunningham Park adjoins the site to the south.



Figure 1: Site location

### 1.1.2 Existing site features

The site is approximately 1.028 hectares in area and contains the existing Twin Towns Services Club. The existing Club building has been developed in a piecemeal fashion over a period of 40 years since the opening of the Club in 1968. The existing building comprises four components.

- The 2 storey original 1968 members building fronting the JEBH;
- A 6 storey building fronting Wharf Street and the JEBH constructed in 1978 to house an auditorium, restaurant, lounge and recreation rooms;
- A 2 storey building fronting Wharf Street containing a restaurant, lounge and RSL hall, constructed in 1987; and,
- The 6 storey Millennium building fronting the JEBH constructed in 2001, housing lobbies, restaurants, recreational rooms and break out areas.

**Figure 2** illustrates the key building components. The Club is connected to the Twin Towns Resort complex on the western side of Wharf Street by an enclosed pedestrian overpass. Site levels range from approximately RL 2.0m AHD to RL 1.3m AHD towards the Jack Evans Boat Harbour. There is minimal vegetation on the site as the subject site is mostly taken up by the Club building footprint and car parking.

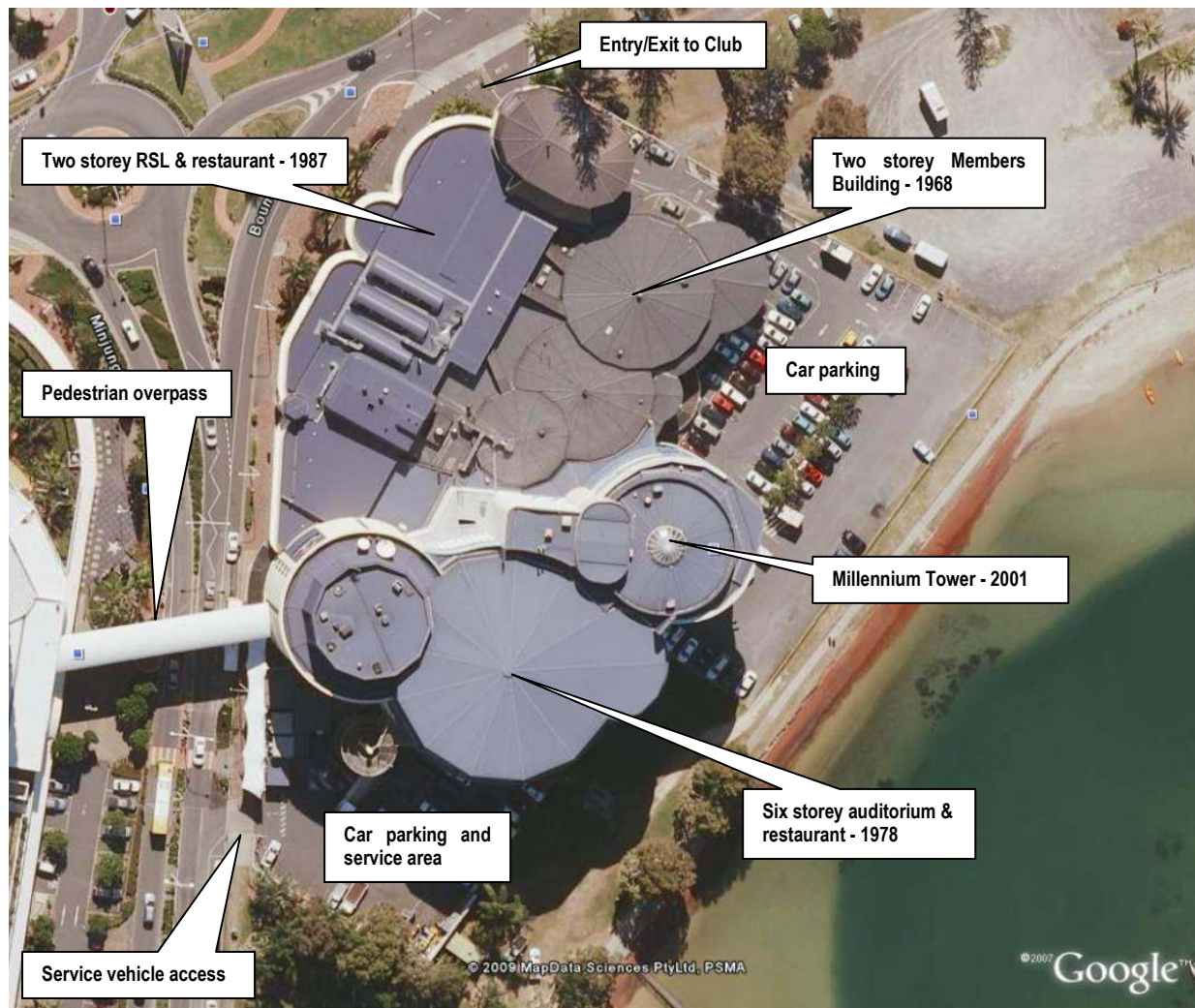


Figure 2: Aerial View of Club Showing Footprint of Building and Extent of Car Parking

Vehicular access to the site is via Wharf Street at the north-western corner of the site near the intersection of Wharf and Boundary Streets. This access point allows both entry and exit of vehicles from the site. A secondary access exists from Wharf Street in the south western corner of the site. This allows vehicles to exit the site, but is primarily used by service vehicles to access the Club (refer **Figure 2**).

The main pedestrian access to the Club is via an entry located on the ground level on Wharf Street, however, a significant number of people also use a staircase located under the building in the undercroft car park area. The enclosed pedestrian overpass also allows pedestrians to access the Club directly from the Twin Towns Resort.

The subject of this application is the 2 storey members building constructed in 1968 (refer **Figure 3**). The new building will be consistent with the design and scale of the Millennium building to the south (**Figure 4**).



Figure 3: Two storey members building to be demolished as part of this application



Figure 4: Millennium Building adjoining the proposed new building

### 1.1.3 Surrounding development

The western side of Wharf Street is completely lined with built form ranging from 2 to 19 storeys in height. The most significant of these are the 19 storey Twin Towns Resort towers, directly west of the Club (**Figure 5**). Further redevelopment of the Wharf Street west precinct is ongoing, including the 12 to 15 storey high rise Tweed Ultima development on the corner of Wharf Street and Bay Street (**Figure 6**). The other buildings along the western side of Wharf Street comprise two to three storey buildings consisting of a variety of shopfront developments.



Figure 5: Twin Towns Resort Towers (Source: Environmental Assessment)



Figure 6: Tweed Ultima (Source: Environmental Assessment)

The only other structure on the eastern side of Wharf Street is the Wright on the Water Restaurant which is a single storey structure near the intersection of Wharf and Bay Streets. Most of the eastern side of Wharf Street fronts on to the Chris Cunningham Park and Anzac Memorial (**Figure 7**).



Figure 7: Chris Cunningham Park and Jack Evans Boat Harbour foreshore (Source: Environmental Assessment)

On the northern side of Boundary Street (in the state of Queensland) there are a number of high rise residential buildings and mixed use residential/commercial properties.

The southern side of Boundary Street is made up primarily of vegetation that leads into the Old Border Caravan Park which opens out to the JEBH (**Figure 8 & 9**).



Figure 8: Jack Evans Boat Harbour foreshore



Figure 9: View of Old Border Caravan Park from Level 6 of Twin Towns Services Club

### 1.1.4 Zoning

The site is zoned 6(b) Recreation under the *Tweed Local Environmental Plan (LEP) 2000*. The primary objective of the 6(b) zone is to designate land, whether in public or private ownership, which is or may be used primarily for recreational purposes (see **Figure 10**). The secondary objective is to allow for other development that is compatible with the primary function of the zone. Development for the purposes of a "Club" is permissible with consent. It is considered that the proposal is consistent with the objectives of the zone.

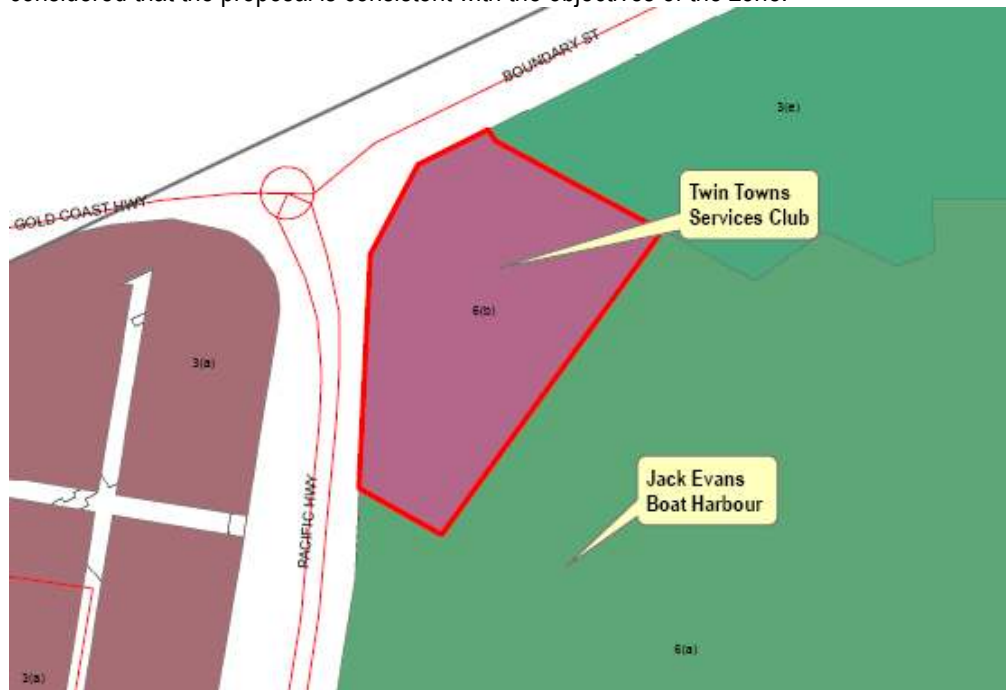


Figure 10: Tweed Local Environmental Plan 2000 Zoning Plan – red denotes boundary of site

## 1.2 SITE HISTORY

### 1.2.1 Design Integrity Panel

On 13 November 2007, the Minister asked the Department to create a Design Integrity Panel (DIP) to consider the design of the extensions to the Club. Panel members appointed by the Director-General included:

1. Nick Turner, Principal, Turner and Associates Architects, Sydney;
2. Philip Follent, City Architect, Office of City Architect & Heritage, Gold Coast City Council; and,
3. Margaret Petrykowski, Senior Urban Designer, Department of Planning.

The DIP met on four (4) occasions, twice in Tweed Heads and twice in Sydney, to consider the proposal and provide urban design and architectural advice to the proponent and their architect.

On 30 November 2007, the proponent presented the proposed design to the Panel for their consideration. The Panel members did not support the design of the Twin Towns Club extension and recommended the building's redesign.

On 7 December 2007, the DIP issued a set of Design Principles to the Club to consider in the redesign of the building. These principles are summarised as follows:

1. The overall long term master plan/concept plan for the site needs to be considered and presented with this application.
2. The legibility of public access to the Club from both Wharf Street and the JEBH Park needs to be simplified and strengthened.
3. The car parking under the building is to be redesigned to allow for safer and more attractive pedestrian access to the Club from JEBH.
4. The façade design and geometry of the building – the current design does not provide a coherent overall image for the Club's building. All facades of the building are important and need to be designed with care and finesse.
5. The environmental and sustainability issues – consideration of heat load on facades, energy and water use.

On 18 March 2008 the proponent presented a revised design to the Panel. On 22 April 2008 the Department advised the proponent that the Panel did not support the amended design. Key issues related to:

- Resolution of façade design and geometry of the building;
- Spatially compromised car parking arrangement & vehicular movement under building;
- Conflict between vehicle and pedestrian movement at the public entry off JEBH foreshore;
- Vistas through the building from Wharf Street to JEBH foreshore had not been achieved; and,
- Poor interface between the Club and foreshore – a lack of visual and physical permeability.

On 24 June 2008 the proponent advised the Department that the Twin Towns Services Club Board of Directors resolved to defer further action in relation to the project application due to significant increases in building costs since the inception of the project in 2005. The Board further resolved to pursue two separate development applications with Tweed Shire Council for internal refurbishment of part of the existing Club building and demolition of the existing two (2) storey component of the Club and the erection of a new two (2) storey building.

As the revised proposal was only 2 storeys, it was less than 13 metres in height. As such, it would have been no longer caught by the provisions of Schedule 2, Clause 1(1)(g)(i) *State Environmental Planning Policy (Major Projects) 2005* (as in force at the time). Tweed Shire Council could be the consent authority.

On 21 August 2008 the Department met with Tweed Shire Council and the proponent in Tweed Heads to discuss the key issues raised by the Panel; and, whether the proponent should withdraw the project application or lodge new development applications with Council.

At the meeting it was resolved that the proponent would pursue the major project application with the Department and the Minister would remain as the approval authority. A revised proposal was lodged with the Department on 18 December 2008. This is the proposal that was publicly exhibited.

## 2 THE PROPOSED DEVELOPMENT

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### 2.1 PROJECT DESCRIPTION

This is an application for project approval for the demolition and redevelopment of part of the Twin Towns Services Club. The proposal is for the demolition of the existing two (2) storey members Club building adjacent to the JEBH foreshore and erection of a six (6) storey building, with car parking, gaming / entertainment area, cinema, meeting room and conference facilities over three levels. The redevelopment involves an additional 5,978sqm Gross Floor Area (GFA). The proponent proposes to construct the building in three stages as follows:

#### Stage 1

- Demolition of existing two storey members' building;
- Internal refurbishment of existing building in stages;
- Rationalisation of existing car park and pedestrian circulation;
- New atrium at ground level, including new internal lift and stairs; and,
- New 2 storey building (Level 1) (maximum height RL 6.825m AHD) comprising entertainment, light food and balcony/beer garden and outdoor smoking area comprising a total GFA of 2,096sqm (refer **Figure 11**).

#### Stage 2

- An additional 2 storeys (Level 2) (maximum height RL 12.825m AHD) comprising construction of cinema and conference facilities, meeting room, offices, entertainment and outdoor smoking area comprising a total GFA of 1,972sqm (refer **Figure 12**).

#### Stage 3

- An additional 2 storeys (Level 3) (maximum height RL 20.025m AHD) comprising construction of conference and entertainment facilities, back of house amenities, bar, foyer, balcony and outdoor smoking area comprising a total GFA of 1,910sqm (refer **Figure 13**).

The maximum building height will be RL 28.3m AHD to the top of the roof, which is no higher than the existing Millennium building. The estimated project cost of the development is \$33 million. The proposal will create 200 full time equivalent construction jobs and 30 full time equivalent operational jobs.



Figure 11: Stage 1 – Perspective from Jack Evans Boat Harbour



Figure 12: Stage 2 – Perspective from Jack Evans Boat Harbour



Figure 13: Stage 3 – Perspective from Jack Evans Boat Harbour

## 2.2 PROJECT CHRONOLOGY

- On 18 September 2006, the Director-General, as delegate for the Minister for Planning, declared the proposal as a Project to which Part 3A of the Act applies.
- On 10 January 2007, the Director-General's Environmental Assessment Requirements were issued to the proponent.
- On 13 November 2007, the Minister requested that the Director-General appoint a Design Integrity Panel to consider the design of the proposed redevelopment.
- On 16 November 2007, the Director-General appointed the Design Integrity Panel.
- During 2007/2008 the DIP met on four (4) occasions, twice in Tweed Heads and twice in Sydney, to consider the proposal and provide architectural and urban design advice to the proponent and their architect.
- On 18 December 2008, the Environmental Assessment (EA) was lodged with the Department.
- On 9 January 2009, the EA was deemed to be adequate subject to a few minor amendments.
- On 3 March 2009 until 1 April 2009, the EA was placed on public exhibition.
- On 9 April 2009, a summary of submissions and issues from the Department was provided to the proponent.
- On 28 May 2009, the proponent lodged a Preferred Project Report (PPR) with the Department.
- On 10 June 2009, the PPR was accepted.

## 2.3 PROJECT AMENDMENTS

The project application has been amended on a number of occasions as a result of advice from the Design Integrity Panel and submissions during the public exhibition period. These changes are outlined below.

### 2.3.1 November 2007

In November 2007, the proponent presented the original proposal for consideration by the Department (refer **Figure 14 & 15**). The Minister was briefed on the proposal. In response, the Minister called a Design Integrity Panel to review the proposal and provide urban design and architectural advice to the proponent's architect.



Figure 14: Waterfront perspective as at November 2007

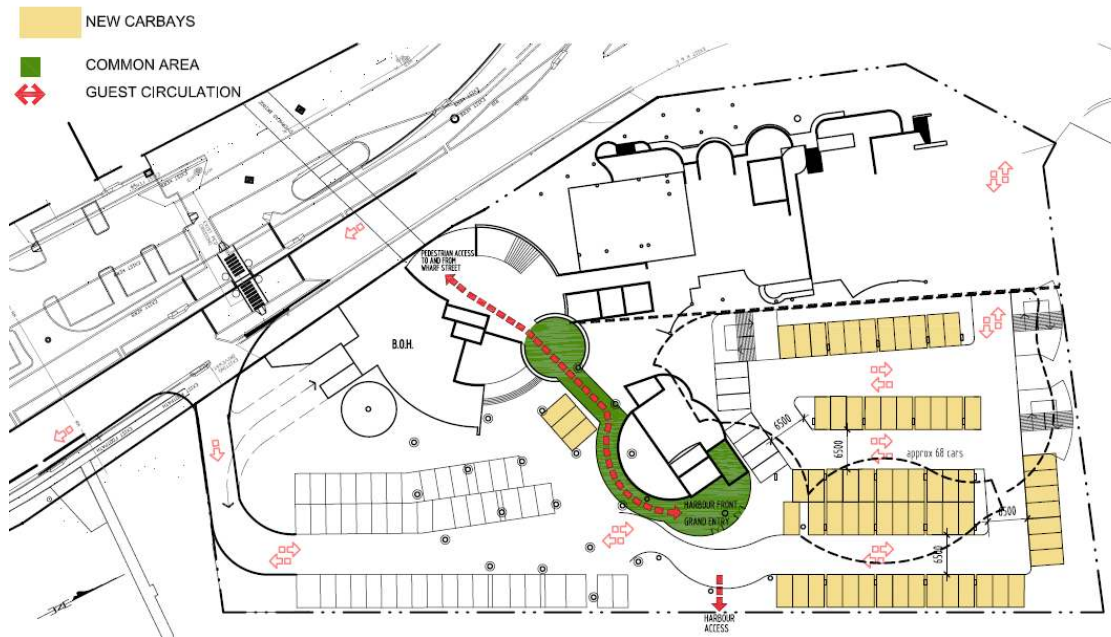


Figure 15: Ground floor arrangement as at November 2007

### 2.3.2 March 2008

On 18 March 2008 the proponent presented a revised proposal preliminary draft proposal for discussion with the Design Integrity Panel that incorporated a revised, three stage, long-term masterplan for the site. The first stage included:

- demolition of the existing 2 storey members building,
- a grand foyer entry at the eastern side of the Club facing the JEBH,
- a vehicle drop-off area in-front of the grand foyer entry which extended over Crown land (to be acquired), in exchange for two parcels of land to be given to the Crown,
- construction of a 6 storey building, and
- a commercial precinct in front of the Club on the JEBH foreshore Crown land (refer **Figures 16 & 17**).

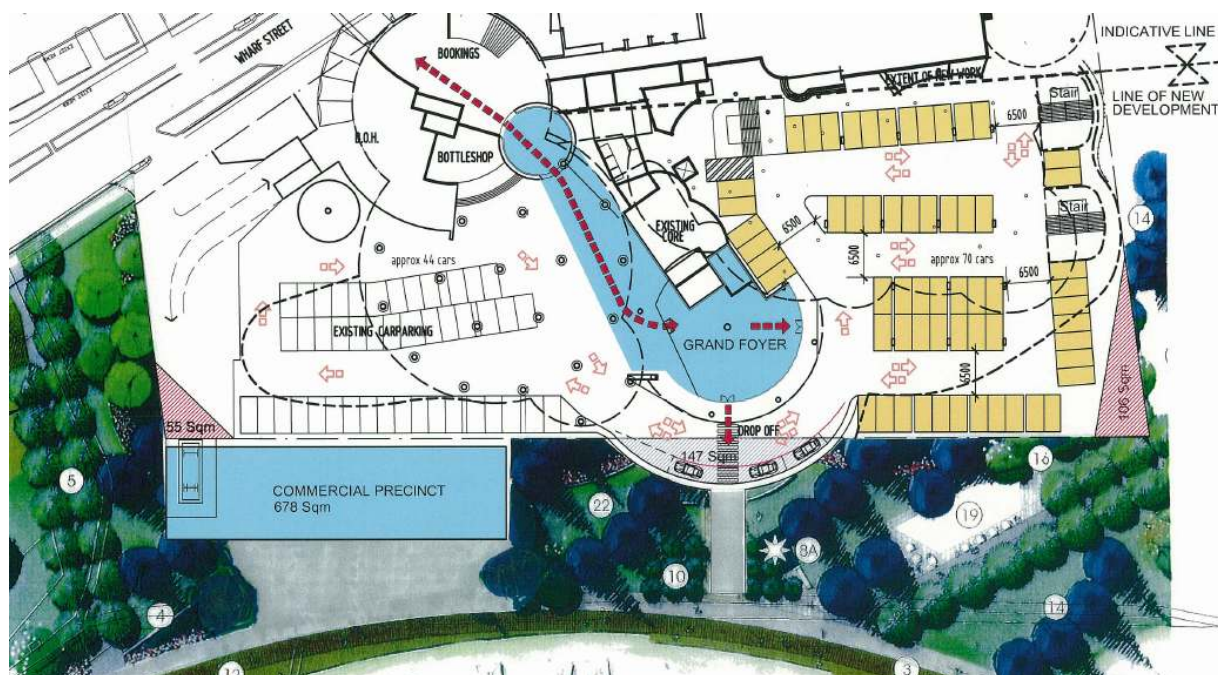


Figure 16: Ground floor arrangement as at March 2008



Figure 17: Waterfront perspective as at March 2008 (Stage 1)

The second stage involved construction of a 10 storey residential/tourist tower above the southern portion of the existing Club. The proposed final stage involved the construction of second 10 storey residential/tourist tower above the new northern 6 storey Club building (refer **Figure 18**).



Figure 18: Long term Master Plan for Club as at March 2008 (Stage 3)

The Panel reviewed the architecture and urban design of the March 2008 proposal and advised that it could not support the proposal. The Panel acknowledged that the plans presented on 18 March 2008 were an exploration of the potential redevelopment of the whole site. However, the presented options did not address the fundamental issues raised in the Design Principles, dated 7 December 2007. The Panel was concerned that the proposal specifically focused on the future development potential of the site but offered minimal improvements to the ground level of the Club and did not show any significant improvements to the interfaces with the JEBH foreshore and Wharf Street.

The DIP subsequently requested that the proponent focus only on Stage 1 of the proposal, focusing on the following key design changes:

- major reorganisation of the undercroft car park, including the removal of car parking in the south-eastern corner of the site;
- better pedestrian access to the Club not compromised by the vehicular movement, particularly between the Club entry and the JEBH foreshore; and,
- incorporation of the commercial precinct into the geometry of the building on the waterfront and not located as an "add on" to the building on the adjacent Crown land.

A revised proposal was subsequently submitted for just the 6 storey component of the redevelopment. This is the proposal that was publicly exhibited and is described in Section 2.1 above.

### 2.3.3 May 2009

A preferred project report was submitted on 28 May 2009 incorporating the following key amendments:

- Additional 4.2m wide raised access path south of the Millenium building from JEBH to Club entry;
- Widening of raised access path from 2.0m to 3.5m north of the Millenium building;
- 4 car spaces removed to improve visibility of pedestrian pathway;
- 4 disabled car spaces indicated;
- New fire stair to Millenium building core to improve pedestrian access and visibility;
- Illuminated Club signage features added to pedestrian pathways; and,

- New building glazing colour revised to "grey tint" instead of blue glass.

The revised ground floor arrangement is illustrated in **Figure 19**.

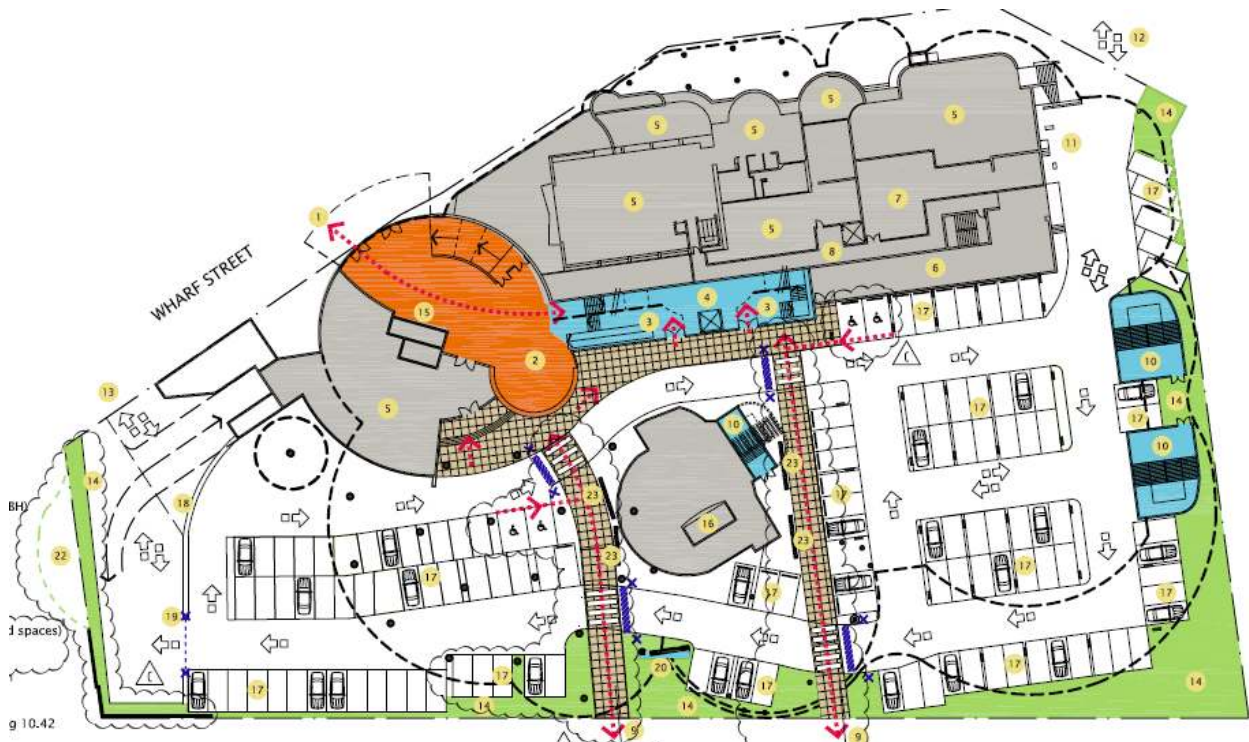


Figure 19: Revised ground floor arrangement

### 3 STATUTORY CONTEXT

#### 3.1 PART 3A DECLARATION

The project is a Major Project under *State Environmental Planning Policy (Major Projects) 2005* (as in force at the time) being a building greater than 13 metres in height in a sensitive coastal location in the NSW Coastal Zone. The opinion was formed by the Director-General as delegate for the Minister on 18 September 2006.

#### 3.2 PERMISSIBILITY

Under the Tweed LEP 2000, the site is zoned 6(b) Recreation. The Proposal is consistent with the objectives of the 6(b) zone and is listed as a permissible use with consent and is therefore permissible subject to the Minister's approval.

#### 3.3 EXHIBITION AND NOTIFICATION

The Department has exhibited the EA in accordance with section 75H (3) of the Act. The EA was placed on public exhibition from 3 March 2009 until 1 April 2009 and submissions were invited in accordance with section 75(H) of the Act. As the changes were not significant, the Preferred Project Report was not advertised but was placed on the Department's web site.

#### 3.4 MINISTER'S POWER TO APPROVE

The purpose of this submission is for the Director-General to provide a report on the project to the Minister for the purposes of deciding whether or not to grant approval to the project pursuant to Section 75J of the Act. Section 75I(2) and Clause 8B of the Regulation set out the scope of the Director-General's report to the Minister. Each of the criteria set out therein have been addressed in **Table 1** below, as follows:

Table 1 – Compliance with Section 75I(2) and Clause 8B Criteria

| Section 75I(2) Criteria                                                                                                                                                                                                                                                              | Response                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A copy of the proponent's environmental assessment and any preferred project report                                                                                                                                                                                                  | The proponent's EA is included at <b>Appendix F</b> whilst the preferred project report is set out for the Ministers consideration at <b>Appendix E</b> .                                                                                                                                                                                                           |
| Any advice provided by public authorities on the project; and                                                                                                                                                                                                                        | All advice provided by public authorities on the project for the Minister's consideration is discussed in detail in <b>Section 4.3</b> below.                                                                                                                                                                                                                       |
| A copy of any report of the Planning Assessment Commission in respect of the project, and                                                                                                                                                                                            | The Planning Assessment Commission was not involved in the assessment of this project.                                                                                                                                                                                                                                                                              |
| A copy of or reference to the provisions of any State Environmental Planning Policy (SEPP) that substantially govern the carrying out of the project                                                                                                                                 | An assessment of each relevant State Environmental Planning Policies that substantially govern the carrying out of the project is set in <b>Appendix C</b> .                                                                                                                                                                                                        |
| A copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division | An assessment of the development relative to the prevailing EPI's is provided in <b>Appendix C</b> .                                                                                                                                                                                                                                                                |
| Any environmental assessment undertaken by the Director-General or other matter the Director-General considers appropriate.                                                                                                                                                          | The environmental assessment of the project is this report in its entirety.                                                                                                                                                                                                                                                                                         |
| A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.                                                                                                                                                   | The environmental assessment requirements under this Division, issued on 10 January 2007 are in <b>Appendix B</b> . The Department is satisfied that the EA submitted in support of the project application complies with these requirements. A detailed assessment of how the proponent has addressed these issues is provided in <b>Section 5</b> of this report. |
| Clause 8B Criteria                                                                                                                                                                                                                                                                   | Response                                                                                                                                                                                                                                                                                                                                                            |
| An assessment of the environmental impact of the project.                                                                                                                                                                                                                            | All environmental impacts associated with the development are discussed in <b>Section 5</b> of this Report. ESD is discussed in <b>Section 3.7</b> of this Report.                                                                                                                                                                                                  |
| Any aspect of the public interest that the Director-General considers relevant to the project.                                                                                                                                                                                       | The public interest is discussed in <b>Section 5</b> of this Report.                                                                                                                                                                                                                                                                                                |
| The suitability of the site for the project.                                                                                                                                                                                                                                         | The site is considered suitable for the project as it is the redevelopment of only part of an existing Club on the site.                                                                                                                                                                                                                                            |
| Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.                                                                                                              | All submissions provided by agencies are summarised at <b>Section 4.3</b> . No public submissions were received.                                                                                                                                                                                                                                                    |

The Department has met its legal obligations and the Minister has the power to determine this project.

### 3.5 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

#### 3.5.1 Application of EPIs to Part 3A of the Act

To satisfy the requirements of section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that substantially govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project. EPIs that are relevant to the project are as follows:

- State Environmental Planning Policy (Major Projects) 2005 (as in force at the time);

- State Environmental Planning Policy No.55 – Contaminated Land;
- State Environmental Planning Policy No.64 – Advertising and Signage;
- State Environmental Planning Policy No.71 – Coastal Protection;
- State Environmental Planning Policy (Infrastructure) 2007;
- North Coast Regional Environmental Plan; and,
- Tweed Local Environmental Plan 2000.

A detailed assessment of compliance with the relevant EPIs is in **Appendix C**.

### 3.6 OTHER PLANS AND POLICIES

The proposal has been considered against the following non-statutory documents:

- 1) Tweed Development Control Plan 2007;
- 2) Far North Coast Regional Strategy;
- 3) NSW Coastal Policy 1997; and,
- 4) NSW Coastal Design Guidelines.

A detailed assessment against these controls can be found in **Appendix D**. The proposal is generally consistent with the objectives of these controls.

### 3.7 ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD) PRINCIPLES

There are five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

With respect to ESD, the Act adopts the definition in the *Protection of the Environment Administration Act 1991* including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms. The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

#### 3.7.1 Integration Principle

The proposal is consistent with the strategic intentions for Tweed Heads as identified in Council's Tweed Heads Town Centre Masterplan. The development is unlikely to result in short or long term negative economic and social impacts. The proposal will be conditioned to ensure protection of the environment in the short term (particularly during construction) and continued protection during operation.

#### 3.7.2 Precautionary Principle

The site is currently highly disturbed with existing urban development, as such the development poses limited threats to flora and fauna. Measures are proposed to protect the environment, particularly with regard to sediment and erosion during building construction. The proponent has demonstrated that the building design and appropriate mitigation measures will be implemented to prevent any potential environmental impacts. Mitigation measures are outlined in the proponent's Statement of Commitments and/or the recommended conditions of approval.

#### 3.7.3 Inter-Generational Principle

Measures are proposed to ensure the environment is protected during the life of the proposal through adequate stormwater, erosion and sediment control, treatment and collection of waste. The design includes ESD principles such as high performance glazing. The orientation and façade elements of the building maximise opportunities for controlled solar access, reducing demand for energy intensive air conditioning systems. External masonry walls

reduce the heat loads in summer and heat loss in the winter. Access to adjoining foreshore and open space areas are protected for existing and future generations.

### 3.7.4 Biodiversity Principle

As above, given the limited flora and fauna values currently present on the site, the proposal does not reduce the diversity of the environment. Conditions are imposed to ensure that the landscape plan is amended to include only local endemic plant species or species which are not likely to spread as weeds.

### 3.7.5 Valuation Principle

Given the nature of the proposal, the valuation principle is not relevant.

The proponent is committed to ESD principles and has reinforced this through the Statement of Commitments and the Environmental Assessment which explores key ESD opportunities, including architectural designs to ensure high environmental performance is delivered.

## 3.8 OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The objects of any statute provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a project application under Part 3A must be informed by the relevant provisions of the Act, consistent with the backdrops of the objects of the Act.

The objects of the Act in section 5 are as follows:

- (a) to encourage:
  - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
  - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
  - (iii) the protection, provision and co-ordination of communication and utility services,
  - (iv) the provision of land for public purposes,
  - (v) the provision and co-ordination of community services and facilities, and
  - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
  - (vii) ecologically sustainable development, and
  - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

Of particular relevance to the assessment of the subject application is consideration of the Objects under section 5(a). Relevantly, the Objects stipulated under section 5(a) (i), (ii), (v) and (vii) are significant factors informing the determination of the application. The project does not raise significant issues with regards to (iii), (iv), (vi) and (viii).

The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the project application.

## 4 CONSULTATION AND ISSUES RAISED

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### 4.1 PUBLIC EXHIBITION DETAILS

The EA was exhibited for 30 days from 3 March 2009 to 1 April 2009. Notification of the exhibition was given in the following local papers:

- Tweed Daily News;
- Tweed Sun; and,
- Tweed Link.

Exhibition locations were at:

- Department of Planning Head Office, Bridge Street, Sydney;
- Department of Planning North Coast Office, Grafton;
- Nature Conservation Council, Kent Street, Sydney;
- Tweed Shire Council, Murwillumbah; and,
- Tweed Shire Council, Branch Office, Tweed Heads.

The EA was also provided for download on the Department's website.

Letters were sent to adjoining landowners and relevant government agencies, including Council, notifying of the exhibition and inviting a submission. A total of 8 submissions were received, comprising 3 submissions from the Design Integrity Panel members and 5 submissions from public authorities being:

1. Tweed Shire Council;
2. Department of Water and Energy;
3. Department of Environment and Conservation (now Department of Environment and Climate Change);
4. Roads and Traffic Authority; and,
5. Department of Lands.

Of the public authority submissions, Tweed Shire Council, the RTA and Department of Lands raised objections. DWE and DECC provided recommended draft conditions of approval.

A PPR was lodged on 28 May 2009. However, as a number of issues were not adequately addressed the Department requested additional information. The final PPR was accepted on 10 June 2009. As the changes to the nature of the project were not significant, it was not re-exhibited but was placed on the Department's website.

## **4.2 SUBMISSIONS FROM THE DESIGN INTEGRITY PANEL**

### **4.2.1 Summary of issues raised by the DIP**

The following issues were raised by the Design Integrity Panel:

- Legibility, location and safety of proposed public access to the Club from the JEBH foreshore;
- Conflict between pedestrians and vehicles;
- Need for an improved public interface and activation of public domain edges;
- The visual impact of the loading area on the quality of the public domain;
- Lack of detail in proposed landscaping – a Statement of Landscape Intent is required; and,
- Quality of building design and architectural expression.

An assessment of the key issues from the above list can be found in **Section 6** of this report.

The proponent responded to these submissions on 28 May 2009 and the proponent's response to submissions is in **Appendix E**.

## **4.3 SUBMISSIONS FROM PUBLIC AUTHORITIES**

The following submissions were received from public authorities:

### **4.3.1 Tweed Shire Council**

Tweed Shire Council raised the following concerns:

- The compatibility and long term development potential of the site given its strategic setting within the Tweed City CBD, the buildings civic role as a significant landmark building and its important interface to JEBH;
- 'Ad hoc' visual appearance of the overall building lacking in cohesion of form, colour and materiality, therefore having a cumulative impact on the visual appearance of this part of the Tweed CBD;
- Ability of the redevelopment proposal to integrate with the JEBH foreshore embellishment site works;
- Customer vehicle and pedestrian access to the service loading dock is not supported;
- The proposed development fails to fully comply with Council's Development Control Plan - Section A2 – Site Access and Parking Code;
- The planting schedule offers little in the way of using endemic or local native species throughout the design;

- The proposal has the potential to impact on Goorimahbah, "places of stores" (an Aboriginal and Torres Strait Islander Botanic and Artwork Garden and contemporary meeting place on the northern section of the former Border Caravan Park), which is situated adjacent to the subject site.

#### **4.3.2 Department of Lands**

The DoL raised the following concerns:

- All works and activities must be contained wholly within the Club property boundary;
- Safety management plans and environmental plans should include provisions to ensure the safety of reserve users at all times during demolition and construction;
- Overshadowing of the JEBH foreshore reserve beyond what is permissible under Clause 32B of the North Coast REP 1988;
- Landscaping should incorporate local endemic species and be maintained from within the Club's property. Landscaping should provide a visual screen of the ground level car park to reserve users;
- It is unclear from the documentation whether the Club proposes to continue to make use of the area of 1,415sqm of Crown land within the JEBH foreshore for car parking. If this area is to be relinquished, restoration of the land should be undertaken by the Club and included as a component of the current redevelopment plans;
- Demolition work should be contained wholly within the property boundary; and,
- Social and economic impact should consider the potential for impacts to general public use and enjoyment of the adjoining Crown reserve during demolition and construction of the Club.

#### **4.3.3 Roads and Traffic Authority**

The RTA raised the following concerns:

- The parking rates assessed for the existing development should be similarly applied for the proposed additional development;
- There is very little latent parking capacity to cater for future growth in the area;
- On-street parking should not be included;
- There are no provisions for tourist coaches identified;
- There are unprotected piers location in trafficable areas of the car park;
- An traffic facility such as a marked pedestrian crossing in a road related area requires approval in accordance with current standards;
- The existing loading dock adjacent to the Boundary Road driveway will conflict with patron traffic. It needs to be demonstrated how this facility will operate safely; and,
- Provision needs to be made for bicycle parking.

#### **4.3.4 Department of Water and Energy**

The DWE made comments on the following matters:

- Acid sulphate soils – if major excavation of material below 2m is proposed, some spot checks on material acidity should be included in the general monitoring of construction impacts, in accordance with ASSMAC procedures;
- Dewatering – if dewatering is required, the proponent should be made aware that dewatering is a licensable activity under water legislation and DWE should be contacted;
- DWE emphasises the importance of the proposed monitoring program for erosion and sediment control procedures and stormwater management.

#### **4.3.5 Department of Environment and Climate Change**

The DECC requested three additional Statement of Commitments relating to noise and Aboriginal heritage. These have been included as SoC / conditions of approval.

Key issues raised by the agencies and the DIP are discussed in detail in the following section, **Section 5**.

## 5 ASSESSMENT OF ENVIRONMENTAL IMPACTS

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Key issues considered in the Department's assessment of the Environmental Assessment and the Preferred Project Report and consideration of the proponent's draft Statement of Commitments include the following:

- Urban design and architecture;
- Height and overshadowing;
- Traffic, car parking and access;
- Acid sulphate soils;
- Contamination;
- Noise management;
- Stormwater;
- Aboriginal Heritage; and,
- Section 94 contributions.

Many of these issues were resolved following consultation with the Proponent, or were directly addressed via the proponent's Statement of Commitments or the Department's recommended conditions of approval. Significant issues are discussed in detail below.

### 5.1 URBAN DESIGN and ARCHITECTURE

The Department's assessment of the urban design and architectural aspects of the proposal focussed primarily on the five Design Principles issued by the Design Integrity Panel (DIP) on 7 December 2007. These principles are discussed in Section 5.1.1 below. However, the impacts of the proposed building on the public domain interface and visual amenity are also considered in Sections 5.1.2 and 5.1.3 following.

#### 5.1.1 Design Integrity Panel – Design Principles

The overall long term master plan/concept plan for the site needs to be considered and presented with this application.

An overall long term master plan for the site was presented to the Panel in March 2008 for their consideration and preliminary feedback. While it was acknowledged that the plans presented were an exploration of the potential redevelopment of the whole site, it was considered that the proponent failed to achieve the objectives and fundamental issues raised in the Panel's other Design Principles for the redevelopment of the Club. The Panel was concerned that the proposal specifically focused on the future development potential of the site but offered minimal improvements to the ground level of the Club and did not show any significant improvements to the interfaces with the Jack Evans Boat Harbour (JEBH) foreshore and Wharf Street. It was suggested that further discussions be held on an overall concept plan for the site once the initial redevelopment has been resolved.

As such, the current application does not include an overall concept or masterplan for the site. Consideration of further redevelopment of the Club will be undertaken in subsequent project/development applications, having regard for the architectural design of the Millennium building and the new building, the subject of this application.

The legibility of public access to the Club from both Wharf Street and the JEBH Park needs to be simplified and strengthened.

The Wharf Street public access is proposed to be refurbished as part of the project application. The entrance will link through from Wharf Street to the new atrium on the eastern side of the building. It is unfortunate that the proposed redevelopment does not include the redevelopment of this area to provide sight lines through the building from Wharf Street to the boat harbour. However, the new entry lobby and atrium area will provide patrons with a more aesthetically pleasing, modern and direct route to the new stairs and glass lift to the Level 2 Club reception. This is an improvement on the existing arrangement whereby patrons access the Club from Wharf Street to a non-descript reception area on the ground floor or via a staircase located under the building in the undercroft car park area. **Figure 20** illustrates a section through the proposed new atrium and ground floor lobby. **Figure 21** and **Figure 22** provide an indication of the design intent.

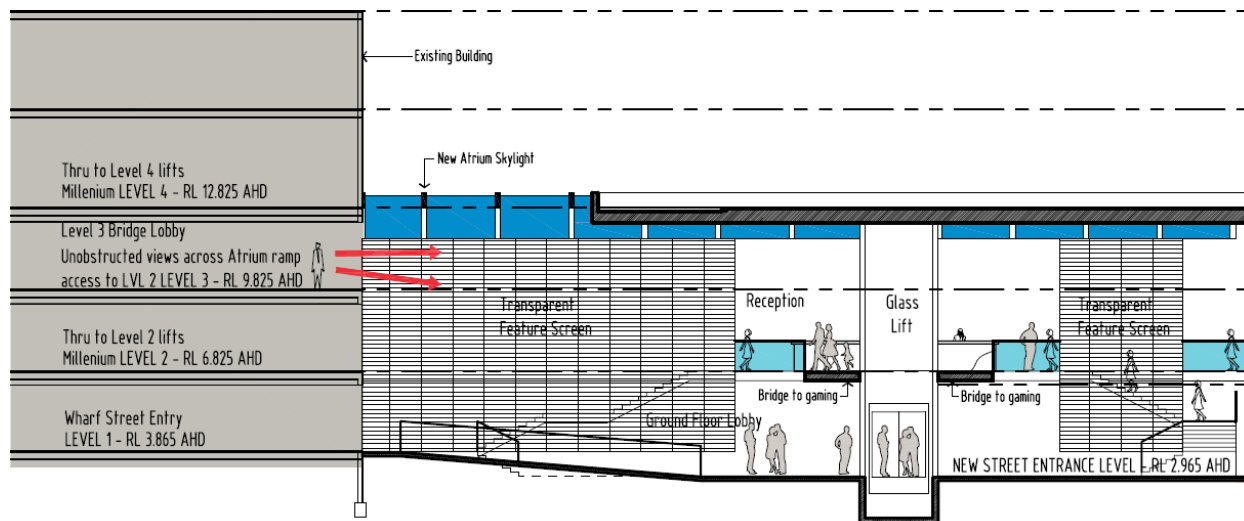


Figure 20: Atrium Detail Section



Figure 21: Intent Image: Landscaping in Atrium



Figure 22: Intent Image: Transparent Feature Screen

One of the key requirements of Council for the pedestrian access from the Jack Evans Boat Harbour was that the proposed Club redevelopment provide for a clear pedestrian access from the foreshore area to the Club. Council's proposed landscaping plan for the foreshore area in front of the Club allows for two connections to the Club.

In response to Council's request and the recommendations of the Design Integrity Panel, the Club's proposal provides two significant, well defined pedestrian pathways from the foreshore to the new Club entry facing the boat harbour. **Figure 23** illustrates the proposed access arrangements.



Figure 23: Proposed pedestrian access arrangements from JEBH foreshore to Club ground floor entry

It is considered that the width, design and treatment of the proposed pathways provide a legible access from the JEBH foreshore to the Club. The paths are appropriately integrated with the proposed landscaping of the adjacent foreshore area and will provide adequate legible access arrangements to the new Club entry. An illustration of the northern entry path is provided in **Figure 24** below.

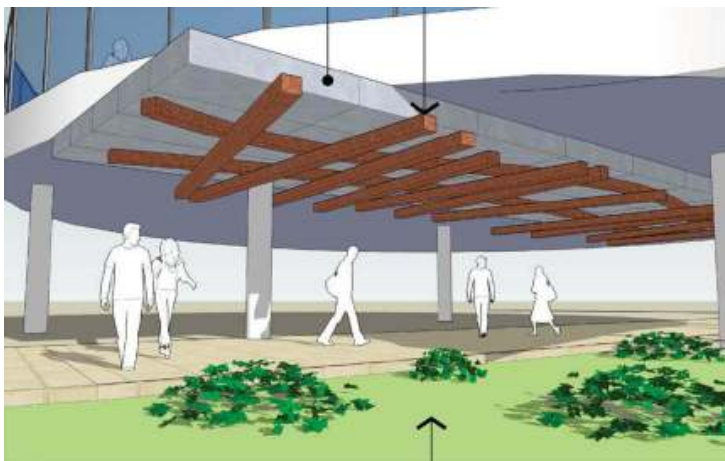


Figure 24: Northern pedestrian entry from JEBH foreshore

The car parking under the building is to be redesigned to allow for safer and more attractive pedestrian access to the Club from JEBH.

While the proposed design results in vehicles crossing over the pedestrian pathways from the JEBH foreshore to the Club, it is considered that the proposed traffic calming measures will ensure that the access arrangements are safe for patrons of the Club. Both pedestrian access paths will be raised and treated with paving to distinguish it from the driveways within the carpark. Marked speed humps and signage will be placed before each pedestrian access crossing to ensure vehicles are travelling at a safe speed before crossing over the walkway. Sight distances are

adequate to provide for sufficient sight lines for approaching traffic and also for pedestrians to see approaching cars from the walkway. The proposed traffic control devices will ensure that pedestrians will be given the right of way.

Furthermore, to ensure pedestrian safety where the pathway runs adjacent to car spaces, wheel stops are proposed to be installed at the end of each car space in the undercroft car parking area to ensure cars cannot drive onto the pathway. As such, it is considered that the proposed car parking arrangement under the building allows for safe pedestrian access to the Club from the JEBH.

The quality of the building undercroft space was also raised as a concern. Although essentially a car park, this area will effectively become the Clubs 'internalised' front door. As such it is important that the undercroft soffit finishes are treated as 'front of house' which includes the concealment of the existing cacophony of services, a high quality soffit finish and some form of architectural lighting. The pedestrian access corridor through this space should similarly be strengthened through use of materials, varying soffit height, lighting and landscaping.

The proposed design provides two raised paved feature walkways with a feature ceiling statement comprised of a bulkhead with aluminium composite cladding and a feature suspended pergola frame with a powdercoat of aluminium. Sections of illuminated signage graphics adjacent to the walkways will provide additional lighting to the walkways.

It is considered that the proposed landscaping along the eastern boundary, of the Club, the proposed feature ceiling bulkhead and pergola frame above the pedestrian walkways, lighting and illuminated signage, and the removal of car parking either side of the access paths in this area, provide an attractive pedestrian access to the Club from the JEBH.

The façade design and geometry of the building – the current design does not provide a coherent overall image for the Club's building. All facades of the building are important and need to be designed with care and finesse.

The screening of the northern end of the building is a unifying element of the design and provides a memorable feature of the architecture. The screening is to be constructed from aluminium battens as these provide a cost-effective low maintenance architectural finish. The selected colour also maintains continuity between other feature elements throughout the building. While the use of blue glazing on the windows (as originally proposed) may achieve some integration with the existing Millennium building, it was considered that this would be best restricted to small feature areas to achieve such a goal. Instead, the proposal incorporates the use of grey glazing. The use of marginally tinted grey glazing is important in providing a natural visual connection with the outside environment particularly for staff and also for visitors.

The design builds upon the Club's existing circular and curvilinear forms as the driving external aesthetic for the new building. The stepped, curving balcony forms have been designed to greatly decrease the buildings vertical edge to the JEBH. The proposed design enhances the existing horizontal elements of the Club design through the proposed balconies, soffits and pergolas. The soffit design includes a mid-level feature aluminium pergola system to address its visual prominence from JEBH and to also offer a high quality finish to the patrons of the club to the extensive balconies and from within. The new 6 storey building is obviously also complementary in scale to the existing 6 storey club. The expectation for the club is that the architectural style would continue through to the redevelopment of older portions of the Club in the future.

While it would have been ideal to provide some interim façade treatments of the older portions of the Club to provide a more coherent overall image for the Club, it was agreed that, in the current economic climate, the Club should invest those costs towards the future redevelopment of the 2 storey portion to Wharf Street and 6 storey portion to Anzac Park, as they occur.

The material palette of the façade treatment has also been developed to complement the existing buildings concrete, masonry, aluminium & glazed facades and as further portions of the club are redeveloped this would form the dominant architectural palette.

Overall, it is considered that the proposed design is in keeping with the existing Club's image. The proposed new building integrates successfully with the existing 6 storey Millennium building and provides a suitable basis for the architectural style for future redevelopment of the older portions of the Club building.

#### Environmental and sustainability issues – consideration of heat load on facades, energy and water use.

The use of high performance glazing is proposed and is recessed from the articulated balcony designs edges to reduce heat load and improve energy use to the building. The orientation and façade elements of the building maximise opportunities for controlled solar access, reducing demand for energy intensive air conditioning systems. The external masonry walls reduce the heat loads in summer and the heat loss in winter. The roof is to be insulated to improve the heat gain and loss to these areas.

It is therefore considered that the proposed façade design and geometry of the proposed new building appropriately addresses environmental and sustainability issues.

#### **5.1.2 Public Domain Interface**

The loading dock is highly visible and intrusive on approach from the south along Wharf Street and with the proposed growth of the Club it is anticipated that there will be a bigger use of the loading zone / service area. Despite this, the visual impact of the loading area on the quality of public domain in such an important location had not been addressed in the exhibited proposal. As such, the proponent was asked to advise what was planned for this area of the Club and how the interface with the street and the park will be addressed and improved.

It is considered that the containment of the loading and service area by fencing, walls and other landscape treatments should be of a very high standard to ensure that the Back of House areas do not read as such and that they add to the quality of the streetscape. The proponent proposes that the loading and service area will be screened via an existing site wall and proposed landscaping. An existing landscaped mound to the Anzac Park (southern) boundary also provides some screening to the loading area.

The proponent's proposed screening is not adequate to screen the loading dock area from the public domain along Wharf Street and it would be in the Club's interest to achieve better screening in this area. As such, conditions of approval require a decorative screen/fence designed to the street frontage and park and a new gate provided to screen the garbage bins and service area, such that they will not be visible from the public domain. The fence is to be carefully scaled so the loading zone and garbage bins are not visible from the street.

With the proposed design amendments required by the conditions of approval, the visual impact of the loading/service area and the public domain interface in this area will be satisfactorily addressed.

#### **5.1.3 Visual Impact**

Two large advertising signs are proposed on the northern (parkland elevation) and western sides (Wharf Street elevation) of the building. The submitted plans indicate that the signs are to be increased in size at every stage of the proposed development to a maximum of 13.5 x 12m (parkland elevation) and 20 x 7m (Wharf St elevation). The proponent confirmed that these are 'static' signs and not animated or flashing, as could be interpreted from the submitted plans.

The proposed advertising sign on the northern elevation is incongruous to the passive recreation uses currently being pursued by Council within the design of the JEBH Masterplan. Furthermore, having regard for *State Environmental Planning Policy No.64 – Advertising and Signage* (SEPP64), the size of the billboard signs is considered to be excessive and detracts from the visual amenity and quality of the adjacent park users. The scale, proportion and form are not appropriate for the visual setting and do not contribute towards the visual interest of the location. Therefore, in support of Council's position, it is agreed that the advertising sign on the northern elevation is not necessary as an 'important promotional tool' for the Club and is incompatible with the passive recreational uses in the adjacent foreshore park area. In addition, it does not appear that SEPP64 requirements have been met. As such a condition of approval requires the deletion of this sign from the design of the proposed new building.

The advertising sign on the Wharf Street elevation is also considered to be excessive in size and detracts somewhat from the visual quality of the public domain on Wharf Street and the approach from Griffith Street in Queensland. However, a smaller sign in this location is considered to be appropriate in terms of the visual setting of the location

being a more urban setting. As such, a condition of approval requires this sign to be limited to a size of 9 x 5 metres at Stages 2 and 3. There is to be no additional signage to Wharf Street as part of Stage 1. Furthermore, conditions of approval restrict the illumination of the signage to between 9:00am and midnight and the design ensures that the signage is fitted with all necessary devices capable of permitting a change in illumination intensity to regulate glare or other impacts.

With the deletion of the northern advertising sign, the reduction in size of the sign on the Wharf Street elevation and the associated illumination controls, the visual impact of the proposed advertising sign is considered to be acceptable and consistent with the aims and objectives of SEPP 64.

## 5.2 OVERSHADOWING OF JACK EVANS BOAT HARBOUR FORESHORE

### 5.2.1 Overshadowing

The proposal will extend the building envelope of the overall building towards both the northern and eastern boundary of the site which directly interfaces with the public lands surrounding JEBH. The increase in the building envelope and overall height will significantly increase the overshadowing impact on the public land surrounding JEBH. Of particular concern is that the amount of winter afternoon shadow which will fall over an adjoining area of JEBH designated as the kiosk site. It is envisaged that this kiosk area will be a key pedestrian nodal point along the JEBH linear promenade (refer **Figure 25** and **Figure 26**). To substantially compromise winter afternoon sun over this site may significantly affect the commercial viability and use of the kiosk during these times.

The Department of Lands advised that they object to additional overshadowing of the JEBH Reserve beyond what is permissible under Clause 32B of the North Coast Regional Environmental Plan 1988 (North Coast REP).

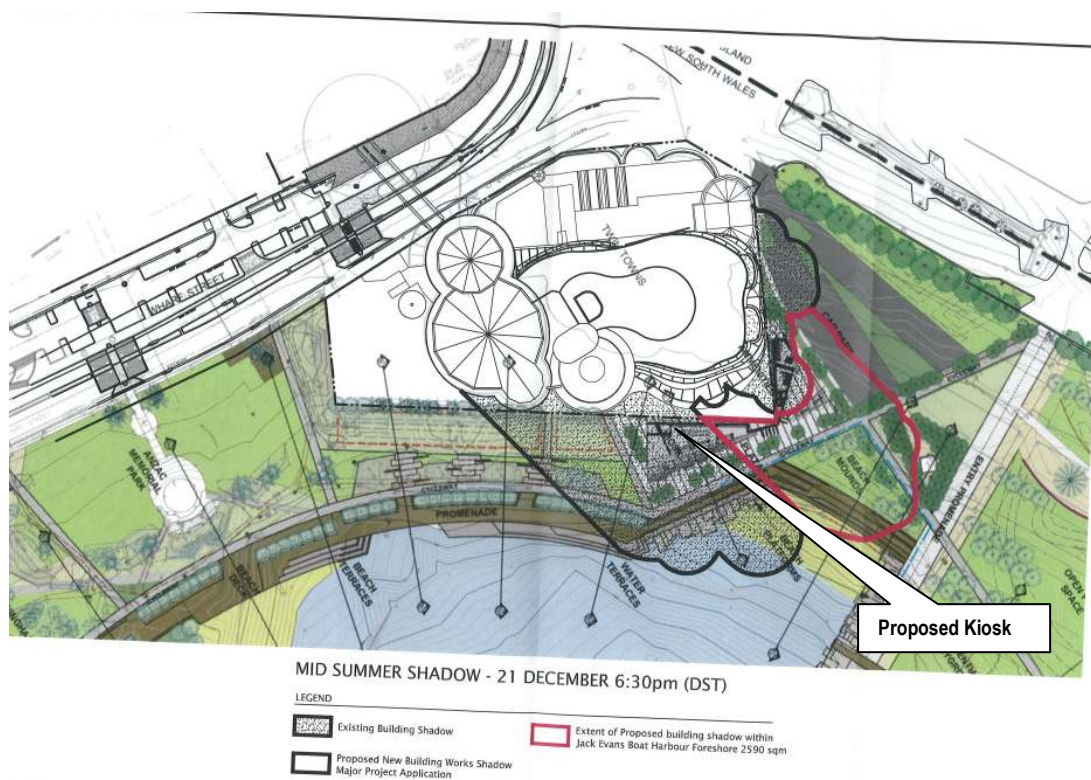


Figure 25: Mid-summer overshadowing at 6:30pm (red denotes extent of additional overshadowing)

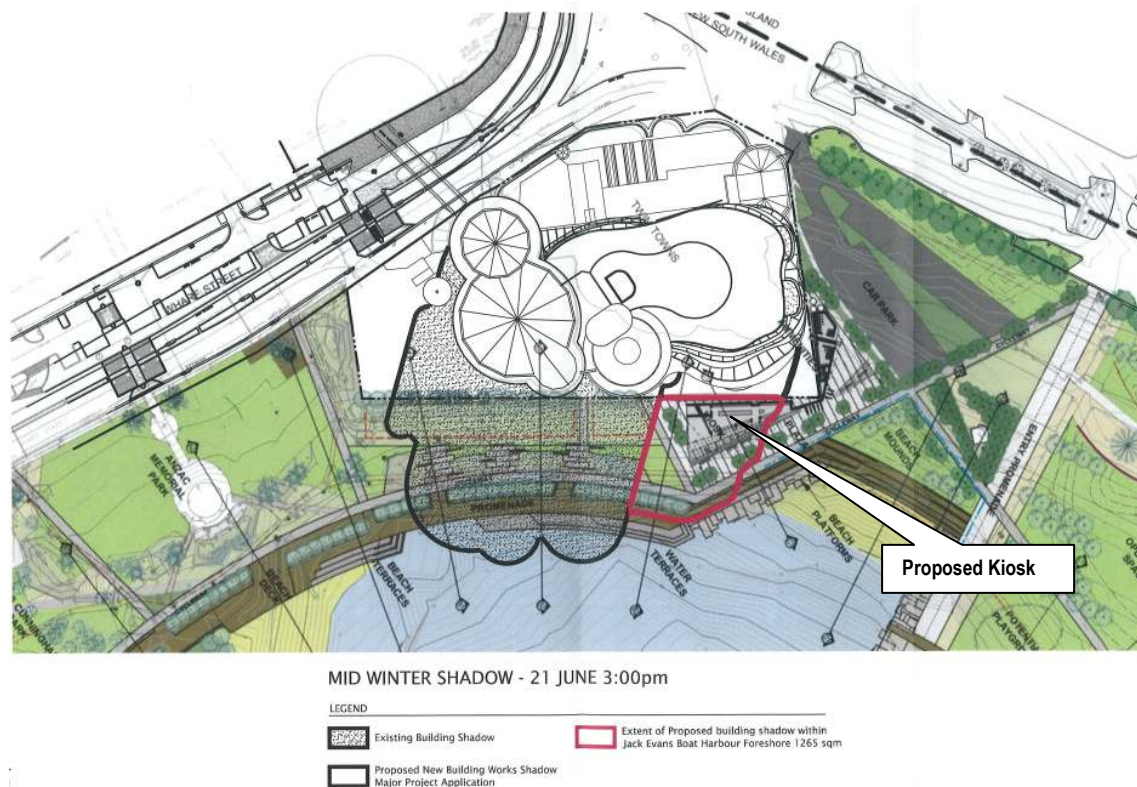


Figure 26: Mid-winter overshadowing at 3:00pm (red denotes extent of additional overshadowing)

The North Coast REP 1988 states that development should not overshadow the foreshore before the specified times of 3:00pm mid-winter and 6:30pm mid-summer. The largest increase in overshadowing as a result of the proposed new building occurs with Stage 3 at 3.00pm midwinter and 6.30pm midsummer. Increases also occur with Stages 1 and 2 however Stage 3 is the worst case scenario. The Stage 3 scenario has been assessed below.

During mid-winter there is currently approximately 3,545sqm overshadowing of the adjacent foreshore as a result of the existing building. With a new 6 storey building, there is no increase during the day at 9am or midday, but an increase of up to 1,265sqm occurs by 3pm. Similarly, in mid-summer, there is currently approximately 4,155sqm of overshadowing of the adjacent foreshore as a result of the existing building. With a new 6 storey building, there is no additional overshadowing until 3pm (32sqm) with more significant overshadowing occurring by 6:30pm (an additional 2,590sqm).

In the context of the total area of foreshore open space surrounding the JEBH and given the current statutory planning controls applicable to the Twin Towns site (which permit buildings up to RL 50m AHD or approximately 18 storeys), it is considered that the increase in overshadowing is reasonable in the circumstances. This is particularly the case because the more significant increases do not occur until relatively late in the afternoon. Furthermore, having regard to the highly urbanised nature of Tweed Heads, it is inevitable that any development of the site is likely to cause some overshadowing. In addition, the proposed building is modest in scale being limited to six storeys in height as a means of mitigating shadow impacts and in the circumstances it is therefore considered that the cumulative impact is reasonable and consistent with the outcomes resulting from existing planning controls.

If the Department was to require no increase in overshadowing to this and other sites on and adjacent to the Jack Evans Boat Harbour, no further development would be able to occur. This is clearly an unreasonable outcome having regard to relevant statutory planning controls in Tweed LEP 2000 and the *Tweed Development Control Plan 2007, Part B2 – Tweed Heads*.

## 5.3 TRAFFIC, CAR PARKING AND ACCESS

### 5.3.1 Pedestrian Access

The location of the new fire stairs in the exhibited proposal created a blind spot and made the pedestrian route potentially very dangerous for public trying to negotiate it, and the overly curved vehicular driveway at the entry to the Club diminished the access for pedestrians. Furthermore, the proposed medium screen trees may block views of pedestrians approaching the site from the JEBH foreshore pathway. The proponent was advised that landscaping in this area should ensure visibility of pedestrians/cars is not obstructed.

It was also considered that the proposed entry from the JEBH foreshore was very narrow (2.0m). The proponent was advised that a more distinctive entry should be provided. The Department suggested two options for the Club to consider:

#### Option 1

To reduce the bulk of the existing stair and lift area to improve visibility of pedestrians and to relocate proposed stairs to the east of the existing structure. Widening of the footpath along the enlarged public entry. In addition removing 4 carparking bays to improve visibility of pedestrians along the JEBH boundary. This would also allow having a better articulation of the entry from the park (refer **Figure 27**).

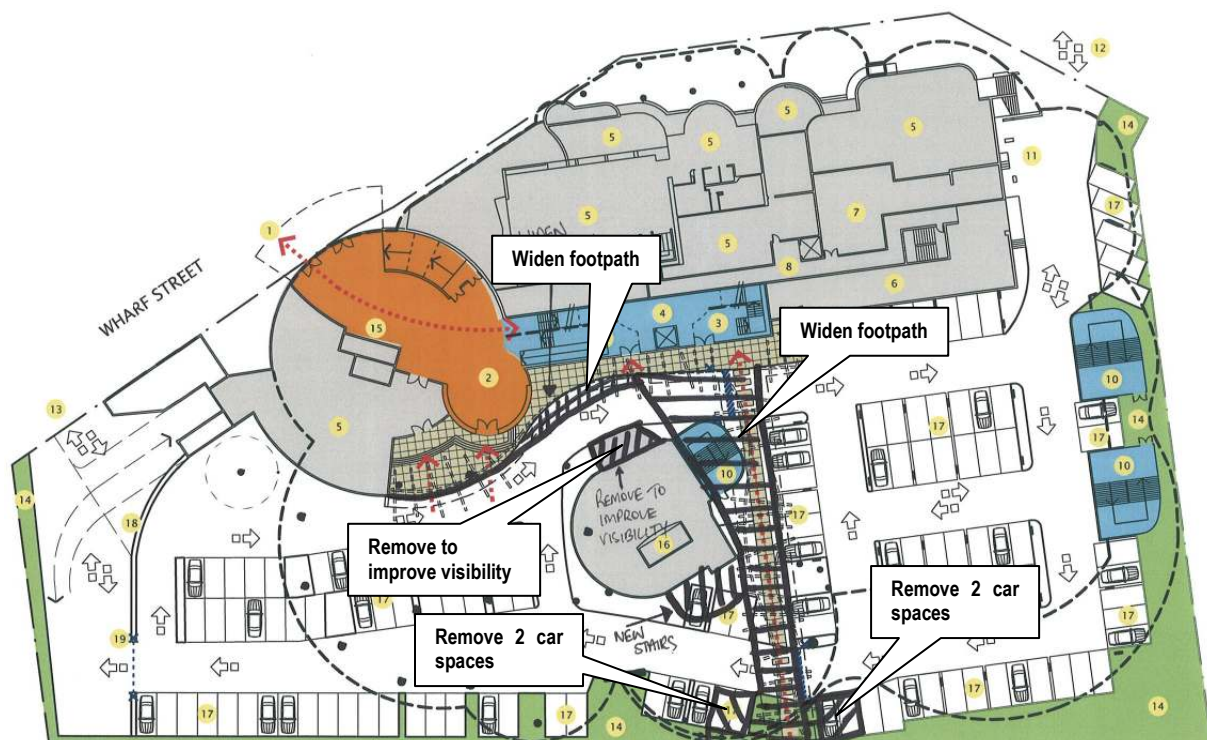


Figure 27: Jack Evans Boat Harbour pedestrian access – Option 1

#### Option 2

To create a second pedestrian entry to the south of the existing stairs and lift structure and remove one additional car cross circulation route. This would become the main entry point and would be in addition to the proposed pedestrian pathway in the northern end of the car park. Incorporating the new stair into the existing stair/lift structure to reduce visual chaos and clutter and to improve legibility. Widening of the footpath along the enlarged public entry (refer **Figure 28**). This was the Department's preferred option and would be compatible with the proposed locations of the pedestrian footpaths in the JEBH Masterplan.



Figure 28: Jack Evans Boat Harbour pedestrian access – Option 2 (Department's preferred option)

Council, in co-operation with the Department of Planning and Aspect Studios, are currently in the process of finalising a Master Plan for JEBH as the city centre's and Region's premier open space attraction. As such the public land fronting the development site will be a significant pedestrian orientated realm. The development will combine boardwalks, landscaped areas, an embellished 'beach', waters edge revetments, kiosk area, interpretative paths, landscaping as well as an indigenous public place making project. As such, it is envisaged that the public lands surrounding JEBH will become a significant urban park for passive recreation and water based activities. The interface of adjoining buildings and land uses will therefore be vital in the promoting an accessible, attractive and interactive and public place. In this regard the treatment of the Twin Towns ground plane public domain edge is an important interface for the activation of this area.

It is considered that the proposed landscaping along the eastern site boundary and the dual public access arrangements from the JEBH to the new Club entry on the ground floor of the eastern elevation of the Club provide an appropriate public domain interface and pedestrian access arrangement between the foreshore area and the Club (refer **Figure 23**). The beginning of the route from the Park is now prominent and the associated landscape treatments and lighting of the journey routes into the "New Atrium" are considered to be of high legibility and pedestrian priority and safety.

### 5.3.2 Vehicular Access

The DIP and Council considered that the two way access from the northern corner of the site should be the only public entry and exit point as potential conflicts exist between private motor vehicles exiting the site (westwards) through the service and loading dock area. Additionally, the proposed servicing arrangements for the loading dock near Boundary Street were considered to be inadequate to manage adjacent public parking and entering/exiting two way traffic. The use of both the service areas by rigid and articulated vehicles at Wharf and Boundary Street will create problems for entering/exiting traffic.

Following consultation with the RTA, the proponent proposed to implement the following changes necessary to ensure the safe and effective movement of all vehicle class users within and surrounding the development:

- Signage to be installed at the Wharf Street entry to the service area advising that the left turn entry is for service vehicles only.
- During servicing periods the service vehicle area shall be closed off to patrons. During these non peak periods patrons shall exit via Boundary Street.

- The installation of a closable gate which staff would control is proposed to prevent patronage access to the area when a delivery is occurring. When no servicing is taking place, club visitor traffic will be able to exit via the loading dock area which will relieve operations at the other access location.
- Pavement guidance markings have been incorporated in order to give exiting patron vehicles a clearly identifiable travel path onto Wharf Street.
- All future cellar servicing operations will be a two part operation, whereby all heavy vehicles shall unload at the south western service vehicle area via Wharf Street. No service vehicles will access the development to/from Boundary Street. All products shall be transferred to the eastern cellar loading dock from the servicing area by a van/utility (or forklift) type vehicle.
- Unloading/loading operations at the eastern cellar loading dock shall involve a suitably qualified traffic controller to ensure that the area is cordoned off during servicing periods. It should be noted that the cellar will be not be serviced concurrently with the Wharf Street loading bay to ensure that both access locations are not closed off to patrons.
- Key staff members are to undertake a traffic control course to gain accreditation as traffic controllers to ensure they are legally permitted to assist during servicing periods.

The RTA has advised that they are satisfied with the proposed changes. However, Council and the DIP and the Department are of the opinion that the use of the south western access point by both service vehicles and patrons is unacceptable and not supported. Management by Club staff of the gate closures to prevent patron entry/exit is not a reliable means of ensuring patron safety and creates the risk of vehicle conflicts. Furthermore, the use of this area throughout the day conflicts with the concerns regarding the public domain interface at this location (as discussed in Section 5.1.2 above).

As such, conditions of approval require that signage be installed restricting the use of the south western service entry to service vehicles only and a gate be installed at the entry which is to remain closed at all times except to allow the entry/exit of service vehicles. In addition, a condition requires an additional gate to be installed between the patron car parking area and the service vehicle area in the south eastern portion of the site to prevent patron vehicles from entering the service area. This gate is to remain closed at all times except to allow the entry/exit of service van/utility (or forklift) type vehicle to access the eastern cellar loading dock. Conditions of approval also ensure that the proposed operational measures are implemented following the issue of an Occupation Certificate. With the implementation of the above measures, the management of service vehicles on the site is considered to be appropriately addressed.

### **5.3.3 Parking Demand and Traffic Generation Surveys**

The Department engaged a specialist traffic consultant, Halcrow MWT, to review the proposed traffic, car parking and access arrangements. Two of the key matters of concern related to the lack of an existing parking demand survey and the lack of a traffic generation survey of the car park. The proponent used Club patron surveys to estimate parking demand and traffic generation of the proposed development.

While the use of Club patron surveys is supported to determine existing behavioural aspects for future planning (mode of travel and car occupancy), it provides only a sample (~10%) and may not accurately reflect actual behaviour. When trying to determine the existing parking demand of the Club, a utilisation survey of existing Club parking is the more accurate and the simplest method of assessment. Furthermore, where such information can be obtained, the RTA guidelines recommend it.

The proponent advised that undertaking surveys of car parking demand at Twin Towns would be unlikely to provide a comprehensive understanding of the Club parking generation. The principal issue with the current car parking and circulation arrangements relate to driver behaviour and awareness of the car parking facilities. That is, the majority of patrons travelling by private car attempt to park in the ground floor car park off Boundary Street which only caters for 122 vehicles (15% of total parking supply). If the ground floor car park is at capacity, patrons have a tendency to utilise on-street car parking instead of the basement in the Twin Towns Resort building, which provides 616 car parks off Stuart Street. This is largely because they are unaware of this additional car park facility which is not being utilized to its full potential.

Therefore the Club patron survey is considered equally if not more accurate than undertaking car parking utilisation surveys which would not capture the actual demand of patrons and contain significant potential for error associated with determining the purpose of parked vehicles within the Club car park and on street in the vicinity of the Twins Towns Club. Therefore undertaking the exercise of further surveys was considered unwarranted and unjustified.

It is recognised that the methodology adopted is an estimate based on the survey results and as result incorporates some degree of error. However, very conservative assumptions were adopted in order to establish a "worst case scenario" to ensure that the likelihood of overflow occurring on street as a result of insufficient parking is extremely low. For example, the patron survey identified approximately 36.4% of patrons were arriving by private vehicle. In the parking assessment, a figure of 45% was used, which is considered to be conservative. Undertaking further car parking utilisation surveys would not capture those currently parking on-street whereas the patron surveys undertaken for the assessment does.

It is therefore considered that the patron surveys provide a reasonable method of predicting peak demands for the existing and proposed redevelopment. The same reasoning has been applied to the traffic volumes likely to be generated by the site. A condition of approval requires additional parking signage is to be implemented to ensure that patrons are fully aware of additional car parking allocated to patrons within the basement of the Twin Towns Resort apartment tower accessed via Stuart Street.

#### **5.3.4 Provision of Carparking**

Significant discounting rates were used to justify the amount of off-street parking being supplied by the Club. It was considered that existing parking rates during a major event for the Club should be utilised as the availability of off-street parking was a premium during peak periods without any special events being scheduled.

Following consultation with the RTA, the proposed ground floor car parking layout has been amended to ensure that the provision of car parking is sufficient. The modifications include the following key improvements:

- Additional parking signage is to be implemented to ensure that patrons are fully aware of additional car parking allocated to patrons within the basement of the Twin Towns Resort apartment tower accessed via Stuart Street. Additionally, discussions with Council and surrounding land owners shall be undertaken over time to identify appropriate locations for off-street car park directional signage.
- Removal of formalised pedestrian zebra footpaths across ground floor aisles. The raised footpaths are clearly identifiable with a contrasting pavement finish to that of the circulation aisles. The footpath is already considered to be within a shared zone with pedestrians having right of way.
- Placement of bollard directly in front of the previously unprotected pier adjacent to the vehicle travel aisle. Additional line marking and delineation shall also be provided to clearly distinguish the piers and travel aisle.
- Parking at the ground level should be mainly utilised by short-term visitors. All staff and long-term parking should utilise the basement car parking provided. At this stage it is envisaged that appropriate time restriction signage and patron awareness (by the distribution of flyers) should be implemented to highlight the revised parking arrangements. Staff could identify re-occurring offenders by placing notices on their windshields. If this self enforcement strategy is not effective further regulation could potentially be undertaken with a lease type arrangement with Council to permit rangers to issue parking fines.
- A designated bicycle parking area has been identified.

With above described amendments, it is considered that the amount of off-street parking proposed to be provided is adequate for the proposed development. Conditions of approval require the recommended mitigation measures to be implemented as part of Stage 1 of the project.

#### **5.3.5 Crown Land**

An area of 1,415sqm of Crown Land is currently being used by the Club for car parking along the eastern site boundary. This area is to be relinquished back to the Department of Lands as part of the proposal, however, the project does not include any rehabilitation of this area following relinquishment as required by the Department of Lands.

This area forms part of the JEBH Masterplan currently being finalised by Tweed Shire Council and Aspect Studios Landscape Architects. It is therefore critical that this part of the foreshore area be rehabilitated such that it integrates

with the proposed landscaping and redevelopment of this area. Therefore, a condition of approval requires the proponent to rehabilitate this area to the satisfaction of Council as part of Stage 1 of the proposal. This will ensure that the interface between the Club and the foreshore area is appropriate in this location.

#### 5.4 SECTION 94 AND OTHER CONTRIBUTIONS

Prior to the endorsement of a Construction Certificate for each stage of the project, the Proponent must pay, in proportion to the additional GFA created by that stage, the following contributions to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act (1979)* (refer **Table 2**).

The relevant plans are the Tweed Road Contribution Plan and Tweed Shire Administration Building and Depots.

Table 2: Section 94 Contributions

| Section 94 Plan No.4 Version 5.0 – Tweed Road Contribution Plan        |              |                      |             |
|------------------------------------------------------------------------|--------------|----------------------|-------------|
|                                                                        | No. of trips | \$ per trip          | Sub-Total   |
| Stage 1                                                                | 586.8        | \$656                | \$384,941   |
| Stage 2                                                                | 1707         | \$656                | \$1,119,792 |
| Stage 3                                                                | 1565.4       | \$656                | \$1,026,902 |
| Section 94 Plan No.18 – Tweed Shire Administration Building and Depots |              |                      |             |
|                                                                        | GFA          | \$ per 300sqm of GFA | Sub-Total   |
| Stage 1                                                                | 378sqm       | \$277                | \$349.02    |
| Stage 2                                                                | 2,284sqm     | \$277                | \$2,108.89  |
| Stage 3                                                                | 2,103sqm     | \$277                | \$1,941.77  |
| TOTAL CONTRIBUTIONS PAYABLE                                            |              |                      |             |
| Stage 1                                                                |              | \$385,290.02         |             |
| Stage 2                                                                |              | \$1,121,900.80       |             |
| Stage 3                                                                |              | \$1,028,843.70       |             |
| TOTAL                                                                  |              | \$2,536,034.52       |             |

A Development Servicing Plan (DSP) enables Council, under Section 64 of the *Local Government Act 1993*, to levy contributions where the anticipated development will or is likely to increase the demand for water supply services. Contributions plans relevant include:

- Development Servicing Plan for Water Supply Services
- Development Servicing Plan for Sewerage Services

Prior to the endorsement of a Construction Certificate for each stage of the project, the Proponent must pay, in proportion to the additional lots created by that stage, the following contributions to Council pursuant to Section 64 of the *Local Government Act 1993* (refer **Table 3**).

Table 3: Section 64 Contributions

| STAGES  | Water Supply Services |              | Sewerage Services  |             |
|---------|-----------------------|--------------|--------------------|-------------|
|         | Calculation           | Total        | Calculation        | Total       |
| Stage 1 | \$10,709 x 1.2 ET     | \$12,850.80  | \$5,146 x 1.92/ET  | \$9,880.32  |
| Stage 2 | \$10,709 x 4.8 ET     | \$51,403.20  | \$5,146 x 7.2 ET   | \$37,051.20 |
| Stage 3 | \$10,709 x 5.26 ET    | \$56,329.34  | \$5,146 x 8.016 ET | \$41,250.34 |
| TOTALS  |                       | \$120,583.34 |                    | \$88,181.86 |

## 6 CONCLUSION

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The Department has assessed the EA and PPR and considered the submissions in response to the proposal. The key issues raised in submissions related to urban design and architecture, overshadowing, car parking and access and the management and mitigation of construction impacts. The Department has considered these issues and a number of conditions are recommended in conjunction with the proponent's Statement of Commitments to ensure these issues are satisfactorily addressed of these issues and the proposal has minimal impacts.

The proposed development will allow for additional conference facilities within Tweed Heads, employment during construction and operation, and will be appropriately integrated with the proposed upgrade and landscaping of the adjacent Jack Evans Boat Harbour Foreshore. Furthermore, proposal has largely demonstrated compliance with the existing environmental planning instruments.

On these grounds, the Department considers the site to be suitable for the proposed project and that it is in the public interest. Consequently, the Department recommends that the project be approved, subject to the conditions of approval and the proponent's Statement of Commitments.

## 7 RECOMMENDATION

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It is recommended that the Director-General, as delegate for the Minister:

- (A) consider the findings and recommendations of this Report; and
- (B) approve the carrying out of the project, under Section 75J *Environmental Planning and Assessment Act, 1979*; subject to conditions and sign the Determination of the Major Project; and,
- (C) sign the Instrument of Approval at **Appendix A**.

## **APPENDIX A. INSTRUMENT OF APPROVAL**

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## APPENDIX B. DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS



NSW GOVERNMENT  
Department of Planning

Contact: Sally Laing  
Phone: (02) 9228 6498  
Fax: (02) 9228 6540  
Email: [sally.laing@planning.nsw.gov.au](mailto:sally.laing@planning.nsw.gov.au)

Our ref: 06\_0237  
File: S06/00363

Mr Darryl Anderson  
Darryl Anderson Consulting Pty Ltd  
Suite 7, 8 Corporation Circuit  
TWEED HEADS NSW 2486

Dear Mr Anderson,

**Director-General's Requirements for the Environmental Assessment of the Twin Towns Services Club Redevelopment, Wharf Street, Tweed Heads (MP06\_0237)**

The Department has received your application for the above Major Project (MP 06\_0237) and has reviewed the supporting Preliminary Assessment.

The Director-General's Environmental Assessment Requirements (DGR's) for the Environmental Assessment (EA) of the Major Project are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with all relevant government agencies, including Tweed Shire Council.

**Attachment 2** lists the relevant plans and documents which are likely to be required upon submission of your proposal, however, this should be confirmed with the Department before lodgement.

It should be noted that the DGRs have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit the EA for the project to determine:

- the fees applicable to the application;
- relevant land owner notification requirements;
- number and format (hard-copy or CD-ROM) of the EAs that will be required.

A list of relevant technical and policy guidelines which may assist in the preparation of the EA are enclosed at **Attachment 3**.

Prior to exhibiting the EA, the Department will review the document to determine if it adequately addresses the DGR's. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the EA does not adequately address the DGR's, the Director-General may require the proponent to revise the EA to address these matters.

Following this review period the EA will be made publicly available for a minimum period of 30 days. The DGRs will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. As a

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001  
Telephone (02) 9228 6111 Facsimile (02) 9228 6191 Website [planning.nsw.gov.au](http://planning.nsw.gov.au)

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result, the Department would appreciate it if all documents that are subsequently submitted to the Department are in a suitable format for the web, and if requested, you would arrange for an electronic version of the EA to be hosted on a suitable website with a link to the Department's website.

Finally, if your proposal includes any actions that could have a significant impact on matters of National Environmental Significance, it will require an approval under the *Commonwealth Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of Environment and Heritage in Canberra (02 6274 1111 or [www.deh.gov.au](http://www.deh.gov.au)).

Copies of responses from government agencies to the Department's request for key issues and assessment requirements are enclosed at **Attachment 4**. Please note that these responses have been provided to you for information only and do not form part of the DGRs for the EA.

If you have any enquiries about these requirements, please contact Sally Laing, Environmental Planner, Coastal Assessments, on (02) 9228 6498 or via e-mail at [sally.laing@planning.nsw.gov.au](mailto:sally.laing@planning.nsw.gov.au).

Yours sincerely

## Attachment 1 Director-General's Environmental Assessment Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application number   | 06_0237                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Project              | Project Application for the Redevelopment of the Twin Towns Services Club                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Location             | Wharf Street, Tweed Heads<br>Lot 1 DP 777183                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Proponent            | Twin Towns Services Club Limited                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Date issued          | 10 January 2007                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Expiry date          | Two (2) Years from the date of issue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| General requirements | <p>The Environmental Assessment (EA) for the <b>Project Application</b> must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary;</li> <li>2. A description of the proposal including: <ul style="list-style-type: none"> <li>- description of the site and surrounds;</li> <li>- suitability of the site for the proposed development;</li> <li>- likely environmental, social and economic impacts;</li> <li>- justification for undertaking the project; and</li> <li>- alternatives considered.</li> </ul> </li> <li>3. A thorough site analysis and description of the existing environment;</li> <li>4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft environmental planning instruments and Regional Strategies) and Development Control Plans. The assessment is to include the nature, extent, and justification for any non compliance, particularly where non compliance results in environmental impacts;</li> <li>5. Consideration of impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>;</li> <li>6. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise potential impacts of the project;</li> <li>7. The plans and documents outlined in <b>Attachment 2</b>;</li> <li>8. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and,</li> <li>9. A detailed assessment of the key issues specified below and a table outlining how and where in the EA document these key issues and the above general requirements have been addressed.</li> </ol> |

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| Key Issues | <p>The Environmental Assessment must address the following key issues:</p> <ol style="list-style-type: none"> <li><b>1. Design &amp; Visual Amenity</b> <ol style="list-style-type: none"> <li>1.1 The design quality with specific consideration of the façade, floor space ratio, setbacks, proportions to openings, building articulation, and amenity (including amenity impacts for adjoining and surrounding development). Include an architectural statement addressing the development context and outlining how the proposed building design would establish a high quality streetscape and architectural standard so desired for such a prominent street corner.</li> <li>1.2 Visual impact in the context of adjoining and surrounding development in relation to its setting, density, built form, aesthetics and building mass as viewed from the public domain and any relevant mitigation measures.</li> <li>1.3 Address the relevant provisions of the Tweed Heads Town Centre Masterplan, Council's Tweed Heads Streetscape Guidelines, Tweed Heads Streetscape Final Masterplan, and the forthcoming design strategy for Wharf Street.</li> <li>1.4 Address impacts in relation to privacy, views and overshadowing of adjoining and surrounding development, the Jack Evans Boat Harbour and the adjacent foreshore open space. Relevant mitigation measures should be discussed.</li> </ol> </li> <li><b>2. Environment and Community Health</b> <ol style="list-style-type: none"> <li>2.1 Demonstrate compliance with the Building Code of Australia and the Disability Discrimination Act, and Australian Standard 1428 with regards to access for the disabled.</li> <li>2.2 Identify measures on site for storage and collection of waste. Identify measures for mechanical ventilation to the basement area.<br/><i>Note: The proponent is advised to consult with a qualified mechanical engineer on this matter.</i></li> </ol> </li> <li><b>3. Natural Hazards</b> <ol style="list-style-type: none"> <li>3.1 Identify the presence and extent of acid sulfate soils on the site and include appropriate mitigation measures in an Acid Sulfate Soils Management Plan where required.</li> <li>3.2 Identify any areas of any contamination on site and prepare an appropriate Contamination Investigation Report.</li> <li>3.3 Identify the extent of dewatering required, if any. Provide a Dewatering Management Plan, if necessary.<br/><i>Note: The plan shall outline water quality parameters to be measured and achieved, threshold values, frequency of sampling, proposed treatment of water outside the threshold values, and protocols for reporting to Council as well as who will be responsible for monitoring and what the monitoring regime will be.</i></li> <li>3.4 An assessment of the proposal's impacts on groundwater is required in order that DNR may issue a licence under Part 5 of the Water Act 1912, for the purpose of temporary dewatering for construction purposes.</li> <li>3.5 Identify and mitigate any other site-specific natural hazards where relevant.</li> </ol> </li> </ol> |
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|  | <p><b>4. Water Cycle Management</b></p> <p>4.1 Provide an Integrated Water Cycle Management (IWCM) Plan (including a stormwater concept plan) based upon Water Sensitive Urban Design principles in accordance with Council's "Tweed Urban Stormwater Quality Management Plan" and Development Design Specification D7 – Stormwater Quality.<br/><i>Note: No stormwater or drainage should be discharged into Jack Evans Boat Harbour.</i></p> <p>4.2 Address any potential impacts during construction and operation on the quality of surface water and groundwater.</p> <p><b>5. Infrastructure Provision</b></p> <p>5.1 Address existing capacity and requirements of the development for sewerage, water and electricity in consultation with relevant agencies.</p> <p>5.2 Address provision of public services and infrastructure having regard to the Council's Section 94 Contribution Plans and Section 64 charges.</p> <p><b>6. Traffic and Vehicular Access</b></p> <p>6.1 Provide a traffic impact study in accordance with the relevant provisions of Table 2.1 of the RTA's <i>Guide to Traffic Generating Developments</i> which assesses potential construction and operational impacts on existing intersections and the capacity of road network to safely and efficiently cater for the additional vehicular traffic generated. In particular, the following issues need to be addressed:</p> <ul style="list-style-type: none"> <li>- consideration of access arrangements for service, delivery and emergency services vehicles from Wharf Street;</li> <li>- locations of loading bays</li> </ul> <p>6.2 Demonstrate compliance with relevant Council and RTA traffic and car parking codes, including justification for any reductions sought in the number of car parking spaces provided.</p> <p>6.3 Demonstrate compliance with Council's <i>Driveway Access to Property Guidelines</i>.</p> <p>6.4 Address issues relating to access and car parking on and/or across Crown Land in consultation with the Department of Lands.</p> <p><b>7. Pedestrian Access and Amenity</b></p> <p>7.1 Demonstrate continuity and integration of pedestrian movement routes through and within the site.</p> <p>7.2 Demonstrate compliance with access requirements from the Club premises to the reserve as set out by the Jack Evans Boat Harbour Reserve Trust and the Department of Lands.</p> <p>7.3 Address issues relating to pedestrian safety at the Wharf Street pedestrian crossing.</p> <p><b>8. Heritage</b></p> <p>8.1 Identify whether the site has significance in relation to European or Aboriginal cultural heritage and identify appropriate measures to preserve any significance.</p> <p><b>9. Planning Agreements and/or Developer Contributions</b></p> <p>9.1 Address and provide the likely scope of any planning agreement and/or developer contributions with Council/ Government agencies.</p> |
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| <b>Consultation</b>          | <p>You should undertake an appropriate and justified level of consultation with relevant following parties during preparation of the environmental assessment:</p> <p>Agencies and other authorities</p> <ul style="list-style-type: none"> <li>• Tweed Shire Council;</li> <li>• Department of Natural Resources;</li> <li>• Department of Planning;</li> <li>• Department of Environment and Conservation</li> <li>• Department of Lands;</li> <li>• NSW Roads and Traffic Authority.</li> <li>• Jack Evans Boat Harbour Reserve Trust;</li> <li>• Tweed Heads Masterplan Project Facilitation Team;</li> <li>• NSW Rural Fire Service; and,</li> <li>• Local Aboriginal Land Council/s.</li> </ul> <p>Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.</p> <p>The consultation process and the issues raised should be described in the Environmental Assessment</p> |
| <b>Deemed refusal period</b> | <b>60 days</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

## Attachment 2

### Plans and Documents to accompany the Application

#### Plans and Documents of the development

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your application:

1. The **existing site survey plan** is to be drawn to 1:500 scale (or other appropriate scale) and show:
  - the location of the land, the measurements of the boundaries of the land, the size of the land and north point;
  - the existing levels of the land in relation to buildings and roads;
  - location and height of existing structures on the site; and
  - location and height of adjacent buildings and private open space.
2. A **Site Analysis Plan** must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways etc).
3. A **locality/context plan** drawn to 1:500 scale (or other appropriate scale) should be submitted indicating:
  - significant local features such as parks, community facilities and open space, water courses and heritage items;
  - the location and uses of existing buildings, shopping and employment areas;
  - traffic and road patterns, pedestrian routes and public transport nodes
  - The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation.
4. The **Environmental Assessment** in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.
5. The **Architectural drawings** (where relevant) are to be drawn to scale and illustrate the following:
  - the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land;
  - the floor plans of the proposed buildings indicating internal layout, size and orientation;
  - the location and size of vertical and horizontal circulation of lifts, stairs and corridors;
  - section plans illustrating detailed sections of the proposed facades;
  - fenestrations, balconies and other features;
  - communal facilities and servicing points;
  - the height of the proposed development in relation to the land;
  - any changes that will be made to the level of the land by excavation, filling or otherwise;
  - the level of the lowest floor, the level of any yard or unbuilt area and the level of the ground;
  - parking arrangements, where vehicles will enter and leave the site, and how vehicles will move about the site;
  - pedestrian access to, through and within the site.

|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                                  | <p>6. The <b>shadow diagrams</b> for developments comprising two or more storeys are to show solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.</p> <p>7. The <b>Other plans</b> including (where relevant):</p> <ul style="list-style-type: none"> <li>• <b>Stormwater Concept Plan</b> - illustrating the concept for stormwater management from the site to the Council drainage system and include a detailed site survey. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided and the must include details of all major overland flow paths;</li> <li>• <b>Erosion and Sediment Control Plan</b> – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site;</li> <li>• <b>View analysis</b> - artists impression, photomontages, etc of the proposed development in the context of the surrounding development;</li> <li>• <b>Coloured elevations</b> - of the proposed buildings drawn to the same scale as the architectural drawings. The elevations are to indicate height and key datum lines, building length and articulation, the composition of the façade and roof design, existing buildings on the site, building entries (pedestrian, vehicular and service), and profile of buildings on adjacent properties;</li> <li>• <b>Landscape Concept Plan</b> – plan or drawing that shows the basic detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc);</li> <li>• <b>Demolition &amp; Waste Management Plan</b> – where demolition is proposed, a plan which addresses demolition and construction wastes that may be generated including likely quantities, proposed disposal destinations and best practices for safe handling and disposal in accordance with WorkCover's Occupational Health and Safety requirements must be provided; and,</li> <li>• <b>Construction Management Plan</b> – a plan which outlines traffic and pedestrian management during construction.</li> </ul> |
| <b>Specialist advice</b>         | <p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Traffic;</li> <li>• Landscaping;</li> <li>• Geotechnical and/or hydrogeological (groundwater);</li> <li>• Stormwater/drainage;</li> <li>• Urban Design/Architectural;</li> <li>• Contamination in accordance with the requirements of SEPP 55;</li> <li>• Acid Sulphate Soil Management Plan;</li> <li>• BCA compliance.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Documents to be submitted</b> | <ul style="list-style-type: none"> <li>• 1 hard copy of the Environmental Assessment;</li> <li>• 1 set of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and</li> <li>• 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below).</li> </ul> <p>Note: 10 to 15 additional hard copies of the Environmental Assessment and associated plans may be requested for distribution to agencies and exhibition purposes once the document is deemed to be adequate.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

**Electronic Documents**

Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-

- Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files.
- File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files.
- Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order.
- Graphic images will need to be provided as [.gif] files.
- Photographic images should be provided as [.jpg] files.
- Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each.
- Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order.

Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.

### Attachment 3 Technical and Policy Guidelines

The following list provides relevant technical and Policy Guidelines which may assist in the preparation of the Environmental Assessment. It should be noted, however, that this list is not exhaustive as other documents and policies may need to be reviewed. It is also important to note that not of all of these guidelines may be relevant to your proposal.

The majority of these documents can be found on the relevant Departmental Websites, on the NSW Government's on-line bookshop at <http://www.bookshop.nsw.gov.au> or on the Commonwealth Government's publications website at <http://www.publications.gov.au>.

| Aspect                                     | Policy /Methodology                                                                                                                                                                                      |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Coastal Planning &amp; Water Bodies</b> |                                                                                                                                                                                                          |
|                                            | NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast (Department of Urban Affairs & Planning, 1997)                                                                              |
|                                            | Integrated Water cycle Management Guidelines for NSW Local Utilities, Oct 2004                                                                                                                           |
|                                            | Coastal Design Guidelines for NSW, Coastal Council, March 2003                                                                                                                                           |
|                                            | NSW Estuary Management Manual (DLWC, 1992)                                                                                                                                                               |
| <b>Community Consultation</b>              |                                                                                                                                                                                                          |
|                                            | Community Involvement Practice Notes and Resource Manual (RTA, 1998)                                                                                                                                     |
|                                            | Best Practice Community Consultation and Involvement (Commonwealth Department of Environment and Heritage, 1995)                                                                                         |
| <b>Heritage</b>                            |                                                                                                                                                                                                          |
|                                            | Draft guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, July 2005)                                                                                          |
|                                            | NSW Heritage Manual and Assessing Heritage Significance (NSW Heritage Office, July 2001)                                                                                                                 |
|                                            | NSW Heritage Manual (NSW Heritage Office and Department of Urban Affairs & Planning, 1996)                                                                                                               |
|                                            | Aboriginal cultural heritage: standards and guidelines (DEC 2005)                                                                                                                                        |
|                                            | Protecting Aboriginal Objects and Places - Interim Guidelines for Community Consultation (DEC 2005)                                                                                                      |
|                                            | The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter). Guidelines to the Burra Charter (Australia International Council on Monuments and Sites, 1987) |
|                                            | Guidelines for Photographic Recording of Heritage Items (NSW Heritage Office, 1994)                                                                                                                      |
|                                            | How to Prepare Archival Records of Heritage Items (NSW Heritage Office, 1994)                                                                                                                            |
| <b>Noise &amp; Vibration</b>               |                                                                                                                                                                                                          |
|                                            | Environmental Criteria for Road Traffic Noise (DEC, June, 1999)                                                                                                                                          |
|                                            | Noise Guide for Local Government (DEC, 2004)                                                                                                                                                             |
|                                            | NSW Industrial Noise Policy (EPA, January 2000)                                                                                                                                                          |
|                                            | Environmental Noise Control Manual (EPA, January 2000)                                                                                                                                                   |
|                                            | Assessing Vibration: A Technical Guideline (DEC, February 2006)                                                                                                                                          |

| Aspect                                                              | Policy /Methodology                                                                                                                                                           |
|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                     | Interim Guidelines for Applicants: Consideration of Rail Noise and Vibration in the Planning Process (Rail Infrastructure Corporation & State Rail Authority, November 2003). |
| <b>Safety, Security &amp; Risk Assessment</b>                       |                                                                                                                                                                               |
|                                                                     | Crime Prevention and the Assessment of Development Applications (PlanningNSW, April 2001)                                                                                     |
|                                                                     | The Demolition of Structures (Standards Australia, 2001, AS 260)                                                                                                              |
|                                                                     | Multi-Level Risk Assessment Guidelines (Department of Urban Affairs & Planning, 1999)                                                                                         |
|                                                                     | Best Practice in Environmental Risk Management (Commonwealth Department of Environment & Heritage, 1999)                                                                      |
|                                                                     | Guideline for Application for Subsidence Management Approvals (DPI)                                                                                                           |
| <b>Soils &amp; Contamination</b>                                    |                                                                                                                                                                               |
|                                                                     | Acid Sulfate Soil Manual (Acid Sulfate Soils Management & Advisory Committee [ASSMAC], 1998; published by DUAP)                                                               |
|                                                                     | Guidelines for the Management of Acid Sulphate Materials: ASS, Acid Sulphate Rock and Monosulfidic Black Ooze (RTA, 2005)                                                     |
|                                                                     | Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)                                                                                               |
|                                                                     | Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (NHMRC, 1992)                                                                   |
|                                                                     | Contaminated Sites: Sampling Design Guidelines (EPA, 1999)                                                                                                                    |
|                                                                     | Contaminated Sites: Guidelines for the NSW Auditor Scheme (EPA, 1999)                                                                                                         |
|                                                                     | Contaminated Sites: Guidelines on Significant Risk of Harm from Contaminated Land and Duty to Report (EPA, 1999)                                                              |
|                                                                     | Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land, Department of Urban Affairs & Planning and the Environment Protection Authority 1998.         |
|                                                                     | Contaminated Land: Planning Guidelines for Contaminated Land, Department of Urban Affairs and Planning and the NSW EPA, October 1995.                                         |
|                                                                     | Soil and Landscape Issues in Environmental Impact Assessment (DLWC Technical Report #34, 2000)                                                                                |
|                                                                     | Taking on the Challenge: NSW Salinity Strategy (DLWC, August 2000)                                                                                                            |
| <b>Sustainability</b>                                               |                                                                                                                                                                               |
|                                                                     | BASIX – <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>                                                                                                        |
| <b>Traffic, Transport &amp; Pedestrian &amp; Cyclist Facilities</b> |                                                                                                                                                                               |
|                                                                     | Guide to Traffic Generating Developments (RTA, 1993)                                                                                                                          |
|                                                                     | RTA Road Design Guide (RTA, 1996)                                                                                                                                             |
|                                                                     | Planning Guidelines for Walking and Cycling (DIPNR & RTA, December 2004)                                                                                                      |
|                                                                     | Traffic Control at Worksites Guidelines (RTA, September 2003)                                                                                                                 |
|                                                                     | Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Ausroads, 2003)                                                                                    |

| Aspect                               | Policy /Methodology                                                                                                                                       |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Urban Design</b>                  |                                                                                                                                                           |
|                                      | Neighbourhood Character: An Urban Design Approach for Identifying Neighbourhood Character (PlanningNSW, 1998)                                             |
|                                      | Residential Densities: A Handbook Illustrating the Urban Design Characteristics of Different Densities (PlanningNSW, 1998)                                |
|                                      | Mixed Use in Urban Centres, Guidelines for Mixed Use Development, (PlanningNSW, 2001)                                                                     |
|                                      | Better Urban Living: Guidelines for Urban Housing in NSW, (Urban Design Advisory Service & Department of Urban Affairs and Planning, 1998)                |
|                                      | Urban Form: An Urban Design Approach for Understanding the Urban Form of Regional Centres (PlanningNSW, 1998)                                             |
|                                      | Residential Flat Design Code (Urban Design Advisory Service, 2002)                                                                                        |
|                                      | Residential Flat Design Pattern Book (Urban Design Advisory Service, 2001)                                                                                |
| <b>Waste</b>                         |                                                                                                                                                           |
|                                      | Environmental Guidelines: Assessment and Classification and Management of Liquid and non-Liquid Wastes (DEC, July 1999)                                   |
|                                      | Environmental Guidelines: Use of Effluent by irrigation (DEC, October 2004)                                                                               |
| <b>Water</b>                         |                                                                                                                                                           |
|                                      | Water Sensitive Planning Guide - for Sydney Region, WSUD, 2003                                                                                            |
| <b>Water Quality</b>                 | Australian & New Zealand Guidelines for Fresh & Marine Water Quality (Australian & New Zealand Environment & Conservation Council (ANZECC), October 2000) |
|                                      | Coastal Lakes: Independent Inquiry into Coastal Lakes (Healthy Rivers Commission, April 2002)                                                             |
|                                      | Various inquiries and Statements of Intent for Coastal Lakes (Healthy Rivers Commission, 200- 2002)                                                       |
|                                      | Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"                                                               |
|                                      | Marine Water Quality Objectives for NSW Ocean Waters (DEC, 1999)                                                                                          |
|                                      | Water Quality and River flow Objectives (DEC, 2000)                                                                                                       |
|                                      | Licensing Guidelines for Sewerage Treatment Systems (EPA, July 2003)                                                                                      |
|                                      | Water Quality Guidelines for the protection of Aquatic Ecosystems for Upland Rivers (ANZECC, 2000)                                                        |
| <b>Flooding &amp; the Floodplain</b> | NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)                                                          |
|                                      | Restoring the Balance: Guidelines for Managing Floodgates and Drainage Systems on Coastal Floodplains (DPI, 2003)                                         |
| <b>Groundwater</b>                   | NSW Groundwater Policy Framework Document – General (DLWC, 1997)                                                                                          |
|                                      | NSW State Groundwater Quality Protection Policy (DLWC, 1998)                                                                                              |
|                                      | NSW State Groundwater Dependent Ecosystems Policy (DLWC, 2002)                                                                                            |
| <b>Stormwater</b>                    | Managing Urban Stormwater: Construction Activities (EPA, 1988)                                                                                            |
|                                      | Stockpile Site Management Procedures (RTA, 2001)                                                                                                          |
|                                      | Managing Urban Stormwater: Source Control (DEC, 1998)                                                                                                     |

| Aspect                  | Policy /Methodology                                                                           |
|-------------------------|-----------------------------------------------------------------------------------------------|
|                         | Managing Urban Stormwater: Treatment Techniques (DEC, 1998)                                   |
|                         | Australian Rainfall and Runoff (Institution of Engineers, revised edition 1997)               |
|                         | Draft Australian Runoff Quality (Institution of Engineers, 2003)                              |
|                         | Better Drainage: Guidelines for the Multiple Use of Drainage System (PlanningNSW, 1993)       |
| <b>Water Management</b> | National Water Initiative (Council of Australian Governments, June 2004)                      |
|                         | Best Practice in Water Management (Commonwealth Department of Environment and Heritage, 1999) |

## APPENDIX C. COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS

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### **State Environmental Planning Policy (Major Projects) 2005**

The project is a Major Project under *State Environmental Planning Policy (Major Projects) 2005* (as in force at the time) being a building greater than 13 metres in height in a sensitive coastal location in the NSW Coastal Zone. The opinion was formed by the Director-General as delegate on 18 September 2006.

### **State Environmental Planning Policy No. 55 – Remediation of Land**

A Stage 1 Preliminary Site Investigation was undertaken in accordance with SEPP 55 to determine the presence of contamination at the site. No indications of contamination were identified during the site inspection, however, the site has been subjected to minor filling. The fill is likely to have been dredged from the adjacent boat harbour, and the road base gravel and clay sourced from a local quarry. It is possible that soil underlying the existing building slabs has been treated with organochlorine pesticides as a termite control measure. Therefore, if any of the existing building slabs are breached, preliminary sampling and analysis must be undertaken to confirm the potential contamination status of the underlying material. Notwithstanding, the site is considered to be suitable for the proposed use.

### **State Environmental Planning Policy No. 64 – Advertising and Signage**

The proposal includes two advertising signs, one on the northern (parkland) elevation and the other on the western (Wharf Street) elevation. The proposed advertising sign on the northern elevation is considered to be inconsistent with the aims and objectives of SEPP64 and is incompatible with the proposed passive recreation uses for the foreshore parkland currently being pursued by Council and the Department of Lands. A condition of approval requires the deletion of this sign from the design plans. The advertising sign on the Wharf Street elevation is proposed to be 20 x 7m in area. This is considered to be incompatible with the scale, proportion and other characteristics of the building on which the proposed signage is to be located. However, a smaller sign in this location is considered to be appropriate in terms of the visual setting, being a more urban setting facing Wharf and Griffith Streets. A condition of approval limits this size to 9 x 5 metres at Stages 2 and 3. There is to be no additional signage to Wharf Street as part of Stage 1.

### **State Environmental Planning Policy No. 71 – Coastal Protection**

SEPP 71 applies generally to land within the Coastal Zone. The site is located within 100 metres of the JEBH, which connects to the Tweed River. The site is therefore located within a sensitive coastal location within the NSW Coastal Zone. Clause 8 of the policy sets out matters for consideration by a consent authority when determining an application to which the policy applies. Those matters generally reflect the key elements of the Coastal Policy of which the proposal generally accords. The proposal provides for the following, in accordance with SEPP71:

- the development is suitable given its type, location and design;
- the development protects and retains important wildlife corridors and habitats;
- there are no significant impacts on any threatened species;
- the impacts of the development on flooding from the Tweed River have been assessed and are considered acceptable;
- the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards, including the effects of climate change, has been assessed and is considered acceptable;
- the development does not impact on any cultural places, values, customs, beliefs and traditional knowledge of Aboriginals;
- the development protects the water quality of the JEBH and the Tweed River; and,
- the cumulative impact of the development has been assessed and is considered acceptable.

### **State Environmental Planning Policy (Infrastructure) 2007**

The proposal falls within Column 2 of Schedule 3 of *State Environmental Planning Policy (Infrastructure) 2007*, being the extension of a commercial premise greater than 2,500sqm in an area with access to a classified road

(Wharf Street). The Environmental Assessment was referred to the Roads and Traffic Authority (RTA) on 24 February 2009. The RTA raised the following concerns:

- The parking rates assessed for the existing development should be similarly applied for the proposed additional development;
- There is very little latent parking capacity to cater for future growth in the area;
- On-street parking should not be included;
- There are no provisions for tourist coaches identified;
- There are unprotected piers location in trafficable areas of the car park;
- An traffic facility such as a marked pedestrian crossing in a road related area requires approval in accordance with current standards;
- The existing loading dock adjacent to the Boundary Road driveway will conflict with patron traffic. It needs to be demonstrated how this facility will operate safely; and,
- Provisions need to be made for bicycle parking.

### **North Coast Regional Environmental Plan**

The North Coast Regional Environmental Plan (REP) provides a basis for policy development to protect the natural environment on a regional basis. Relevant clauses are as follows:

#### **Clause 15 – wetlands or fishery habitats**

The proposal complies with the intent of this clause, specifically in relation to the protection of fishery habitats, the need to maintain the quality of stormwater flowing to the JEBH, and the protection of water quality in the Tweed River.

#### **Clause 32B – coastal lands**

The proposal complies with the intent of this clause, specifically in relation to the consideration of the *NSW Coastal Policy 1997*, the *Coastline Management Manual*, and the *North Coast: Design Guidelines*. The development is located adjacent to the JEBH foreshore and does not impede public access to the foreshore. The proposal does result in some overshadowing of public foreshore open space between 3:00pm and 6:30pm mid-summer and between 12pm and 3pm mid-winter.

The proponent provided an assessment of the proposed overshadowing with the proposed uses within the JEBH Masterplan. The overshadowing in mid-winter is considered acceptable as it primarily falls over the proposed kiosk building and paved landscaped areas, and not the primary recreation areas of the proposed beach, playgrounds or grassy landscaped areas. Similarly, in mid-summer, the additional shadow falls over the proposed kiosk, amenities building and beach mounds, and only a small area of the actual proposed beach and beach promenade. Considering the extent of the JEBH foreshore available for public use, it is considered that the additional overshadowing caused by the new building is acceptable. Furthermore, considering the orientation of the building, some additional overshadowing over the foreshore is unavoidable for any redevelopment of the site greater than 2 storeys.

### **Tweed Local Environmental Plan 2000**

The site is zoned 6(b) Recreation under the *Tweed Local Environmental Plan (LEP) 2000*. The primary objective of the 6(b) zone is to designate land, whether in public or private ownership, which is or may be used primarily for recreational purposes (see **Figure 9**). The secondary objective is to allow for other development that is compatible with the primary function of the zone. Development for the purposes of a "Club" is permissible with consent. It is considered that the proposal is consistent with the objectives of the zone.

## APPENDIX D. COMPLIANCE WITH OTHER PLANS AND POLICIES

### **Tweed Development Control Plan 2007**

Section A2 – Car Parking and Access of the Tweed DCP 2007 requires certain car parking and access requirements for the proposal. These are discussed in more detail in **Section 6** of this report.

Under the Tweed DCP the site is located in the Central Precinct. Section B2 – Tweed Heads identifies objectives for the Central Precinct. The proposal addresses each of these objectives as set out in Table 2 below:

*Table 4: Central Precinct Objectives*

| <b>Objective</b>                                                                                                                                                                                                                  | <b>Comment</b>                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Develop the core business area's role as a sub-regional business centre                                                                                                                                                           | Redevelopment of the Club will assist in reinforcing the subregional business centre of Tweed Heads                                                                                                |
| Provide development incentives that result in a high standard of mixed use commercial and residential development                                                                                                                 | N/A                                                                                                                                                                                                |
| Strengthen the town centre by creating an environment for a niche tourism and retail market                                                                                                                                       | The Club is a significant contributor to the tourism economy                                                                                                                                       |
| Encourage tourism and residential uses to reinforce the local economy and provide life and vitality to the town centre                                                                                                            | The proposal includes large conference facilities, which are not currently available within Tweed Heads.                                                                                           |
| Cater for the retail business, welfare and social needs of the community                                                                                                                                                          | The proposed Club upgrade, in particular the conference centre, will improve the tourism infrastructure available within Tweed Heads                                                               |
| Provide a safe and attractive pedestrian environment by creating active building frontages at street level, awnings for sun and rain protection, the appropriate provision of street furniture, and improved linkages to the JEBH | The proposed redevelopment does not involve the redevelopment of the part of the building facing Wharf Street.                                                                                     |
| Encourage a local building aesthetic that responds favourably to the subtropical climate, retains important view corridors and reflects the maritime location and history of the locality.                                        | The proposal does not block any important view corridors. The design of the building complements the existing Millennium building and is compatible with the desired future character of the area. |

Section A13 of the DCP requires a Socio-Economic Impact Assessment for development for the purposes of a Club. A SEIA has been included in the EA and concludes that the key social and economic impacts arising from the proposal are considered to be positive, including 200 fulltime equivalent construction jobs, 30 fulltime equivalent operational jobs and a contribution of \$28 million into the local economy each year. The redevelopment does not involve the introduction of any additional gaming or poker machines.

### **Far North Coast Regional Strategy**

Tweed Heads is identified as a "Major Regional Centre" in the Far North Coast Regional Strategy. The Strategy states that revitalisation of the Tweed Heads CBD will become the focus for the Tweed urban area enabling it to provide a high level of services, employment and housing to complement those provided in the adjoining South East Queensland Region. Tweed Heads is also noted to develop as a major regional centre for tourism and the provision of retail services and community facilities. The project site falls within the "existing urban footprint" identified in the Strategy and will provide restaurants and entertainment facilities and much needed conference facilities.

### **NSW Coastal Policy 1997**

Table 2 of the Coastal Policy identifies a number of strategic actions relevant to development control, including stormwater quality, coastal hazards, acid sulphate soils and design and locational principles. It is considered that the proposal adequately addresses each of these actions satisfactorily.

### **NSW Coastal Design Guidelines**

Tweed Heads is identified as a Coastal City in the Coastal Design Guidelines. The proposal is consistent with the desired future character of a coastal city as set out below:

- 4(e) - The foreshore boundary of the site is defined by landscaping and pedestrian pathways;
- 6(a) & 6(c) – the building is located close to the foreshore and the JEBH foreshore. It is therefore limited to 6 storeys (22.5mAHD), which is significantly less than the permissible height of 50mAHD (18 storeys) in the Tweed LEP 2000.
- 6(e) – the proposal is setback approximately 20 metres from the edge of the JEBH. The existing building is 6 storeys and the new building is consistent with this height.
- 6(f) – the proposed building will overshadow parts of the JEBH foreshore prior to the times specified in the Guidelines (3pm mid-winter and 6:30pm mid-summer).

To justify the non-compliance in relation to overshadowing, the proponent provided an assessment of the proposed overshadowing with the proposed uses within the JEBH Masterplan. The overshadowing in mid-winter is considered acceptable as it primarily falls over the proposed kiosk building and paved landscaped areas, and not the primary recreation areas of the proposed beach, playgrounds or grassy landscaped areas. Similarly, in mid-summer, the additional shadow falls over the proposed kiosk, amenities building and beach mounds, and only a small area of the actual proposed beach and beach promenade. Considering the extent of the JEBH foreshore available for public use, it is considered that the additional overshadowing caused by the new building is acceptable. Furthermore, considering the orientation of the building, some additional overshadowing over the foreshore is unavoidable for any redevelopment of the site greater than 2 storeys.

## **APPENDIX E. PREFERRED PROJECT REPORT**

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To be provided on disk.

## **APPENDIX F. ENVIRONMENTAL ASSESSMENT**

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To be provided on disk.