



Flora and Fauna

Vegetation on the site is limited to the wetland which accommodates mangroves, stands of broad leaved paper bark and she-oaks. Stands of she-oaks and camphor laurel are found along the southern boundary. The site has been previously cleared for agricultural uses and there remains some scattered clumps of small to medium sized trees through out the site. In 2002 Tweed Shire Council granted consent to fill the lower relatively flat portions of site. Civil work of this nature are still being carried out.

Currently the site is vacant and is used for low scale cattle grazing. The site remains one of the last significantly sized portions of land designated for residential land use in the south Tweed area.

The site has been subject to a flora and fauna assessment prepared by James Warren and Associates, December 2002. The key issues identified in this assessment are discussed in the latter sections of this report.

Access

The site's primary access point is off Fraser Drive. Fraser Drive is currently a bitumen sealed two lane road, however, it is possible that the road will be upgraded to four lanes sometime in the future. The site may also be accessed from Hillcrest Avenue, Ocean Avenue and James Drive from the west and Merlot Court from the south. The Pacific Highway is approximately one kilometre to the east, however at this stage there is no direct access to the site. Tweed Shire Council and the Roads and Traffic Authority are currently negotiating a future interchange that will allow direct access from Fraser Drive to the Highway in the future.

Land Use Zone

The site is zoned 2(c) Urban Expansion under the Tweed Local Environmental Plan 2000. Residential development is permissible within the zone. Zones surrounding the site include the following:

- 2(e) Residential Tourist – east of Fraser Drive
- 6(a) Open Space – north of the site
- 2(c) Urban Expansion – north of the site
- 2(c) Urban Expansion – west of the site
- 6(a) Open Space – south of the site and
- 2(c) Urban Expansion – south of the site.

Infrastructure – sewerage, water, telephone, gas, electricity, broadband

The site has access to sewerage, and water infrastructure as well as telephone and electricity.

Adjacent Land Uses

Surrounding land uses include predominately detached residential to the west and south, environmental and special uses to the north, and tourist and new residential to the east.

Residential land uses to the west are well established detached homes constructed approximately late 1970's early 1980's. Structures are predominately brick veneer between one and two storeys with tiled roofs. Residential land uses to the south have been established since the late 1990's while residential uses to the east have been constructed in the last two to three years. Built forms include one-two storey slab on ground brick veneer rendered homes.

Previous uses/Consents

The site has been used previously for banana farming and other agricultural uses. Currently the site is generally vacant, however at times it is used for cattle grazing. In more recent times, Tweed Shire Council issued a consent for filling in October 2002.



Contextual Image



Environmental Planning Instruments

State Environmental Planning Policies

State Environmental Planning Policies articulates the interests of the State with regard to a range of issues. The following State Planning Policies are relevant to the development of this site.

State Environmental Planning Policy No. 14 – Wetland Protection.

The site includes Wetland No. 16, which is identified on the maps supporting State Environmental Planning Policy No.14 – Wetland Protection. The aim of this policy is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of New South Wales. The SEPP identifies important wetlands prescribes that works within a wetland boundary is designated development.

State Environmental Planning Policy No 71 – Coastal Protection.

The site falls within the New South Wales coastal zone. The aim of the policy is to ensure that coastal values are protected and conserved. The plan sets out a range of objectives that coastal development must achieve. In this regard reference to the NSW Coastal Policy 1997 and Coastal Design Guidelines is required.

Regional Environmental Planning Policies

Regional Planning policies are developed to inform local planning instruments and provide a regional context to certain development issues.

North Coast Regional Environmental Plan

The aim of the plan is provide regional policies for the protection and conservation of natural environmental values and to encourage efficient and attractive built environment. The Plan details of principles and policies that guide policy development and development control throughout the region. Relevant policies include protection of wetlands, urban housing, the provision of services and utilities.

Local Environmental Plans

The site, in the majority, is zoned 2(c) Urban Expansion under the Tweed Local Environmental Plan 2000. There exists, however, a road easement on the southern portion of the site that is unzoned. This road reserve connects Fraser Drive on the south eastern corner of the site to the Champagne Court road reserve.

Clause 11 of the Tweed Local Environmental Plan 2000 states that the primary objective of the 2 (c) Urban Expansion zone is:

'to identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential landtake.'

In addition, secondary objectives of the zone include:

- 'to allow associated non-residential development which meets the recreation, shopping, commercial, employment and social needs of future residents.
- to ensure that sensitive environmental areas within and outside the zone are protected from any adverse impacts of development.
- to enable planning flexibility to achieve the other objectives of the zone by providing detailed guidelines through development control plans.'

Residential development is permitted within the zone as consent development. In addition dwelling houses may be constructed with consent only if the lot is at least 450 square metres in size. Industrial and rural activities are generally prohibited.

Specific relevant clauses of the Tweed Local Environmental Plan 2000 that apply to the site and our response to those provisions are detailed in the adjoining table.



Tweed Local Environmental Plan	Response
Clause 15: Availability of essential services (1) Objectives - to ensure that development does not occur without adequate measures to protect the environment and the community's health. - to ensure that development occurs in a coordinated and efficient manner. (2) Consent must not be granted to the carrying out of development on any land unless: (a) a water supply and facilities for the removal or disposal of sewage and drainage are available for that land, or (b) arrangements satisfactory to the consent authority have been made for the provision of that supply and those facilities.	Water and sewerage services are available and located in close proximity to the site. Detailed site investigations will determine if any additional infrastructure upgrades are required.
Clause 16 Height of buildings (1) Objective to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land. (2) Consent must not be granted to the erection of a building which exceeds the maximum height or number of storeys indicated on the Height of Buildings map in respect of the land to which the application relates.	The proposed application is not seeking consent to construct buildings. However, two storey height limit is imposed across the site. We are currently investigating how to maximize vistas and views while complying with current built height restrictions.
Clause 17 Social impact assessment (1) Objective to ensure proper consideration of development that may have a significant social or economic impact. (2) Where the consent authority considers that a proposed development is likely to have a significant social or economic impact in the locality or in the local government area of Tweed, the consent authority may grant consent to the proposed development only if it has considered a socio-economic impact statement in respect of the proposed development.	Previous applications for development of the site included an economic impact assessment. The assessment concluded that development of this site will have a negligible economic impact.



Tweed Local Environmental Plan	Response
Clause 32 Aircraft noise (1) Objectives - to prevent certain noise sensitive developments from locating in proximity to Coolangatta Airport and its flight paths. - to minimise the noise impact from the operation of Coolangatta Airport on development in its vicinity. (2) This clause applies to land within the 20 or higher ANEF contour. (3) Consent must not be granted to development for the purpose of a caravan park, child care centre, hospital or educational establishment or for residential development (including subdivision for residential purposes, but not including the erection or use of a dwelling house) within the 25 or higher ANEF contour. (4) The consent authority must not grant consent to the erection of a dwelling house within the 25 or higher ANEF contour unless it imposes a condition on the consent that the building is to meet the building construction requirements of Australian Standard AS 2021-1994 (<i>Acoustics—Aircraft noise intrusion—Building siting and construction</i>).	The northern portion of the site is traversed by the ANEF 20 contour. Any future development will need to be developed in accordance with the relevant Australian Standard to ensure that noise does not impact on the amenity of future residents.
34 Flooding (1) Objectives - to minimise future potential flood damage by ensuring that only appropriate compatible development occurs on flood liable land. - to minimise the adverse effect of flooding on the community. (2) Where, in the consent authority's opinion, land is likely to be subject to flooding, then it must not grant consent to development on that land unless it has considered: (a) the extent and nature of the flooding hazard affecting the land, and (b) whether or not the development would increase the risk or severity of flooding of other land in the vicinity, and (c) whether the risk or severity of flooding affecting the development could be reasonably mitigated, and (d) the impact of the development on emergency services, and (e) the provisions of <i>Tweed Development Control Plan No 5—Development of Flood Liable Land</i> and any other relevant development control plan.	The northern portion of the site is subject to flooding. Notwithstanding, Council has previously granted a consent to fill the flood prone area. Any future development will not be impacted by flooding.



Tweed Local Environmental Plan	Response
Clause 38 Future road corridors (1) Objective to cater for the alignment of, and development in proximity to, future roads. (2) Development, other than exempt development or agriculture, must not be carried out on land in or adjoining a future road corridor shown on the zone map, except with development consent. (3) The consent authority must not grant consent unless it has considered the effect of that development on the future alignment of the road corridor.	 It is anticipated that Fraser Drive will be upgraded to four lanes in the future. The proposed development concept will make provisions for the future upgrade of the site.
Clause 39A Bushfire protection (1) Objective to minimise bushfire risk to built assets and people and to reduce bushfire threat to ecological assets and environmental assets.	 The site is identified on Council's Bushfire Hazard Maps. A Bushfire Hazard assessment is being undertaken to determine the extent and width of Asset Protection Zones. None the less buffers to the SEPP 14 Wetland have been incorporated and serve a dual function of protecting water quality and providing for bushfire management.



Development Control Plans

A number of Development Control Plans supports the provisions of the Tweed Local Environmental Plan 2000. The following Development Control Plans are relevant to the future development of the site.

Development Control Plan No 2 – Site Access and Parking Code, 16 November 1999

This plan is concerned with the provision of access and vehicle parking to development sites in the post construction or operational phase. It includes access by:

- Direct pedestrian access
- Pedestrian access after initial trip on public transport
- Cycle
- Vehicle
- Wheelchair or other apparatus for the disabled and
- The provision of parking
- Delivery and service vehicle loading/unloading

Parking is the part of the transportation system that provides vehicle storage to enable drivers and passengers to participate in out of vehicle activities. The DCP is relevant to the development of the site.

Development Control Plan No 3 – Banora Point West – South Tweed, August 2003

This Development Control Plan identifies our site as supporting residential A uses. Further the Plan identifies a portion of the site on the western boundary as being subject to a slip hazard. The DCP articulates a design philosophy and a number of general principles that inform development proposals within the DCP area.

Development Control Plan No 5 – Development of Flood Liable Land March 2003

The plan includes provisions and development standards in respect to flood plain management. The Fraser Drive site falls within the Lower Tweed. The Plan states that floor levels of residential dwellings must not be lower than Council's design level that is approximately 3.1m AHD

Development Control Plan No.6 Multi-dwelling Houses, July 2001

The Plan sets out design criteria in order to encourage high quality multi-unit housing in Tweed Shire. Reference will be made to the Plan in the detailed planning and design phase of the application.

Development Control Plan No 16 – Subdivision Manual 26 April 2006

The Plan sets out the design criteria for subdivisions in the tweed. The Plan supports the provisions of the Tweed Local Environmental Plan 2000.

Development Control Plan No 25 – Biting Midge and Mosquito Control November 1993

The Fraser Drive site has been identified as providing habitat for mosquito and biting midge breeding. The Plan sets out a range of general principles that new proposals can follow in order to minimise the potential to increase breeding habitat.

Development Control Plan 39 – Energy Smart Homes Policy October 2003

The Plan shows how energy efficiencies can be achieved in residential subdivisions and development.

Development Control Plan No 42 – Dual Occupancy Controls (Amendment No2) March 2004

It is the intention of the Plan to control the distribution and density of dual occupancy developments in Tweed. The Plan articulates assessment criteria that dual occupancy applications must address.

Development Control Plan No 45 – Socio Economic Impact Assessment June 2002

The purpose of the Plan is to ensure that socio economic impacts of development are properly assessed. An economic impact assessment has already been undertaken.

Development Control Plan No 47 – Cut and fill on Residential Land 26 April 2006

The Plan regulates the dwelling design on steeper slopes and cut and fill requirements for residential development.



► Coastal Views



Strategic Documents & Policies

State

NSW Coastal Policy 1997

The NSW Coastal Policy 1997 applies to land that falls within the coastal zone. This site falls within the coastal zone. The NSW Coastal Policy 1997 articulates the NSW Government's approach to addressing coastal management issues in light of development. Consent authorities will be required to assess any future development proposals against the policy. It should be noted, that the Coastal Policy does not prohibit development on this site. The Coastal Policy is given statutory effect through State Environmental Planning Policy No.71 – 'Coastal Protection.'

Coastal Design Guidelines for NSW

The Coastal Design Guidelines for NSW provides a framework for analysing the relationships between settlements and the local, urban and natural areas and between neighbouring settlements. The Guidelines develop a settlement hierarchy that recognises the difference in size, servicing, infrastructure, employment opportunities and the potential for growth.

Five key objectives are stated:

- To protect and enhance the cultural, ecological and visual characteristics of a locality;
- To limit coastal sprawl by establishing separation and greenbelts between settlements;
- To integrate new development surrounding land uses;
- To integrated land use with transport;
- To protect local character.

Regional

The following documents either inform or will inform the development of future planning instruments for Tweed. The following documents are not statutory instruments.

Draft Far North Coastal Regional Strategy 2006-31

The purpose of the regional strategy is to manage expected growth in a sustainable manner while protecting and conserving unique environmental assets, cultural values and natural resources. The Strategy aims to limit future urban growth and prevent the spread of coastal development by encouraging development in inland centres. The Fraser Drive site is identified as an urban area in the Strategy.

Local

Tweed 4/24 Tweed Strategic Plan 2004-2024

This Plan was developed by Council in 2004 and sets broad directions for the planning and development of Tweed. This Plan updates Council's previous strategic plan prepared in 1996. The overall general principle of the Plan is to achieve sustainability. The Plan seeks to address community concerns and balance economic development with the need to protect environmental assets in order to promote high quality urban life. The Plan does not specifically refer to the Fraser Drive site. However, many of the objectives and directions of the Plan are given effect through the Tweed Local Environmental Plan 2000.

Residential Development Strategy Amendment 1992

This Plan follows the direction of the North Coast Regional Environmental Plan that all council's prepare urban land release residential development strategies. The Fraser Drive falls within that part of the Shire where the release of land is to coincide the provision of adequate infrastructure. In this regard the Fraser Drive site meets those provisions as it is adequately serviced by existing infrastructure for water and sewerage.



Indicative Medium Density Housing