

Preliminary Environmental Assessment



**PROPOSED APARTMENT BUILDING
INC. AN OBJECTION PURSUANT TO STATE ENVIRONMENTAL PLANNING POLICY NO.1**

at

**LOTS A & B IN DEPOSITED PLAN 407809,
3-5 TWEED TERRACE, TWEED HEADS**

Prepared for

CONSOLIDATED PROPERTIES PTY LTD

by

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Review and Amendments Schedule – PLANIT CONSULTING PTY LTD

		Date
Author	LN	March 2007
Reviewer	AS	March 2007

Amendments

The content of this report was prepared for the exclusive use of the proponent for the purposes of seeking the consent of the Minister for the construction of an Apartment Building and is not to be used for any other purpose or any other person or corporation.

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PLANIT CONSULTING PTY LTD[®]
March 2007

Preliminary Introduction

1.1 Brief

Planit Consulting has been commissioned by Consolidated Properties Pty Ltd to prepare and submit a preliminary environmental assessment in satisfaction of Clause 6 of the State Environmental Planning Policy – Major Projects.

The proposal relates to the construction of a multi level Apartment Building comprising twelve (12) units.

1.2 Approvals Sought

This application seeks Approval pursuant to Part III of the Environmental Planning & Assessment Act, 1979. Approvals relating to erection of the structures (Construction Certificate) and other matters relevant to both S.68 of the Local Government Act and S.138 of the Roads Act will be addressed at a later date.

The Minister is identified as the consent authority as the proposal is affected by the provisions of State Environmental Planning Policy – Major Projects. In particular, the following excerpt from the SEPP is relevant:-

Schedule 2 Part 3A projects—specified sites

1 Coastal areas

- (1) Development within the coastal zone for any of the following purposes:
- (a) extractive industries,
 - (b) landfill facilities,
 - (c) mining that is designated development and that is wholly or partly in a sensitive coastal location,
 - (d) marinas that are designated development and that are wholly or partly in a sensitive coastal location,
 - (e) the following types of industries (other than mining or extractive industries) but only if they are:
 - (i) designated development, and
 - (ii) in the case of the metropolitan coastal zone—wholly or partly in a sensitive coastal location:
agricultural produce industries, bitumen pre-mix industries, breweries or distilleries, cement works, ceramic or glass industries, chemical industries or works, chemical storage facilities, composting facilities or works, contaminated soil treatment works, crushing, grinding or separating works, drum or container reconditioning works, electricity generating stations, livestock intensive industries, livestock processing industries, mineral processing or metallurgical works, paper, pulp or pulp products industries, petroleum works, wood or timber milling or processing works, or wood preservation works,
 - (f) recreational or tourist facilities (other than internal refits of, or minor alterations or minor additions to, existing facilities):

- (i) in the case of facilities wholly or partly in a sensitive coastal location outside the metropolitan coastal zone—that provide accommodation (or additional accommodation) for any number of persons, or
- (ii) in the case of facilities wholly or partly in a sensitive coastal location in the metropolitan coastal zone—that provide accommodation (or additional accommodation) for 100 persons or more, or
- (iii) in the case of facilities outside a sensitive coastal location that are not connected to an approved sewerage treatment work or system—that provide accommodation (or additional accommodation) for 25 persons or more,
- (g) buildings or structures (other than minor alterations or minor additions to existing buildings or structures) that are:**
- (i) greater than 13 metres in height, in the case of buildings or structures wholly or partly within a sensitive coastal location, or
- (ii) **greater than 13 metres in height, in the case of buildings in other locations outside the metropolitan coastal zone, *(the site is located outside of the Metropolitan Coastal Zone and exceeds 13m in height – as such it would appear that it is caught)***
- (h) subdivision of land where the future development created by the subdivision will not be connected to an approved sewage treatment work or system:
- (i) into more than 2 lots, if wholly or partly in a sensitive coastal location, or
- (ii) into more than 5 lots if in other locations (or into a lesser number of lots if the land proposed to be subdivided and any adjoining or neighbouring land in the same ownership in other locations could be subdivided into more than 5 lots),
- (iii) subdivision of land in a residential zone into more than 25 lots or in a rural/residential zone into more than 5 lots, but in the case of the metropolitan coastal zone only if the land is wholly or partly within a sensitive coastal location.
- (2) This clause does not apply to:**
- (a) **development in relation to which, under another environmental planning instrument, development consent cannot be granted without the concurrence of the Minister or the Director-General, or *(the proposal is affected by the North Coast Regional Environmental Plan which has a 14m height restriction. However as the area possesses a 50m AHD requirement under the LEP, the 14m requirement can be varied with the concurrence of the Director General – accordingly, it would appear as though the proposal is not caught by the SEPP due to this exclusionary provision)***
- (b) development in relation to which, under another environmental planning instrument, the Minister or the Director-General is the consent authority.
- However, this clause continues to apply to development in relation to which, under:**
- (a) ***State Environmental Planning Policy No 1—Development Standards, or (as we are seeking a SEPP 1 variation to the Building Height requirement and this requires the assumed concurrence of the Council, the proposal is once again caught by the requirements of the SEPP).***
- (b) ***State Environmental Planning Policy No 14—Coastal Wetlands,*** or
- (c) ***State Environmental Planning Policy No 26—Littoral Rainforests,***

Step 1

Step 2

Step 3

The purpose of this correspondence is to seek to satisfy the provisions of Clause 6 of the SEPP, whilst also seeking the Department's agreeance to delegating powers of determination to the Tweed Shire Council, who would normally deal with proposals of this nature and scale. As we understand it, the Department has the ability to delegate these powers back to Council at any stage within the process relative to Part 3A of the Act.

The proposal is not considered to be overly controversial, nor does it seek to unnecessarily push the limits of legislation and / or policies applying to the land.

1.3 The Site & its Surrounds

The subject site is legally described as Lots A and B in DP 407809. Please refer to the following aerial photo for identification of the subject site:



The site is irregular in shape, ensuring a very long frontage to Tweed Terrace.

The site incorporates an area of 1100m²

Development Proposal

2.1 Demolition

Existing structures will need to be demolished in order to facilitate construction of the proposed development. In this regard a separate development application for the complete and lawful demolition of all existing structures on site will be lodged with Tweed Shire Council at the appropriate time.

Structures to be removed are two (2) existing two (2) storey dwelling houses and associated structures. The demolition application will detail the method, timing and scale of demolition proposed, whilst also addressing relevant matters pertaining to the removal and disposal of asbestos related materials and other like toxic / dangerous goods.

The applicant would be amiable to a condition of consent requiring a separate consent for demolition, inclusive of submission of a detailed demolition management plan.

2.2 Proposed Development – General Summary

This application proposes the erection of a six storey Apartment Building comprising a total of twelve 12 units. The proposal comprises the following elements:

Design Element	Details
Number of Units	Twelve (12) three (3) bedroom units
Storeys	Six (6), plus basement car parking
Site area	1100 m ²
Site Coverage	44%
Gross Floor Area	2673.5 m ²
Floor Space Ratio	2.43 : 1
Landscape/Open Space (Ground/Podium)	359 m ² (private & communal)
Car Parking (Resident/Visitor)	26 spaces

The proposal represents a contemporary and streamlined addition to an existing residential area currently in a state of transition. The proposal incorporates a number of design features so as to assist in breaking up and articulating development on the site. In this regard the building also possesses its own architectural character and appeal which responds well to other buildings in the surrounding area while setting a new bench mark for architectural design and finish in the area.

The proposed development incorporates seven storeys with a maximum height of 54 metres, thereby requiring variation to the 50m AHD development standard by way of SEPP 1 objection.

The proposed development is generally consistent with Council's relevant requirements. These elements are discussed in greater detail under the heading of 'Statutory Framework'. Following is a detailed break down of the proposal elements for Councils consideration.

2.3 Access, Parking & Manoeuvrability

Car parking will be within a basement arrangement, with vehicular access provided from the Boundary Lane frontage. Access to the basement car park will be via ramp with security gate access.

A total of twenty six (26) car parking spaces inclusive of visitor parking and carwash bay are to be provided. Broken down, twenty four (24) spaces are provided for residents, with a further one (1) space for visitor parking and one (1) carwash bay. Spaces 13 and 13T as indicated within the design plans attached under appendix B are arranged in a tandem fashion.

All parking spaces will be easily accessible with internal circulation areas complying with all relevant Council and Australian Standards. Further comment in this regard is provided under the heading of DCP 2 within section 4.0 'Statutory Framework' below.

2.4 Landscaping / Open Space Provision

A detailed Statement of Landscape Intent has been prepared and will be included in the final application for approval.

It is noted that Council do not possess any defined landscape or open space controls or criteria. Notwithstanding, the proposal attempts to maximise landscaping opportunities within both the public and private realm. The development will include a series of landscaping bays and planter areas to all boundaries.

The podium area facilitates significant private open space consisting of pool and terrace areas for apartments 1 and 2. Deep soil planting areas within the road reserve are proposed to be incorporated into the podium level soft and hard landscaping to facilitate a seamless integration between the private and public realms.

Given the sites prominent coastal locality appropriate and complementary coastal plant species will be used throughout the development. Plant selection is complemented through extensive sculptural and scape shaping feature elements inclusive of an entry water feature.

Roof terrace communal open space is also proposed. The roof terrace will comprise approximately 174.47m² and will include pool, shaded terrace and barbeque area. Access to communal open space is via both elevator and stairs.

Significant effort has been made to ensure that the proposal's green scaping follows not just the path of the rear open space area, but to an integrated also extends down side boundaries. The latter softens the interface between the proposal and adjacent residents, whilst also providing visual relief and appeal for passer-by's, residents of the proposal and neighbours alike.

Key elements of the proposed landscape treatment include as follows:-

- Provision of integrated passive and active recreation / landscape facilities.
- Integration of sculptural elements within the upper level landscape area. Such elements are aimed at facilitating appropriate visual appeal, structural and level variation and links between components of the landscape area;
- Provision of water features and landscape bays; and
- Provision of perimeter deep / dense planting pockets aimed at providing elements of visual relief, privacy buffering, shading and micro environment promotion.

The Site & its Surrounds

3.1 Property Description

The following table identifies the allotments the subject to this application and the total site area:-

Legal Property Description		
Lot	Deposit Plan	Area
A	407809	m ²
B	407809	m ²
Total Area		1100m²

The site comprises one (1) regular shape lot and one (1) truncated allotment. Detailed survey of the site is provided within appendix C to this report. Little existing vegetation is evident on site with existing vegetation consisting of scattered ornamental plantings.

In terms of existing improvements, the site possesses a total of two (2) residential dwelling houses, a pool and rendered concrete boundary fencing. A separate application will be submitted for their demolition.

3.2 Surrounding Area

The site possesses frontage to Tweed Terrace of approximately 65 metres and a further frontage of approximately 24 metres to Boundary Lane.

The immediately adjoining allotments are currently being redeveloped for medium density residential purposes as pursued under the TLEP 2000. This redevelopment incorporates varying size and scale ranging between four (4) and six (6) storeys with differing unit types and sizes.

In terms of the greater surrounding area, a mixture of residential development of varying density and form is present, ranging from detached dwellings to medium rise unit development. The areas character is clearly in a state of transition from the existing low density to the desired future medium density.

Land opposite the site to the north, east and south is utilised for open space and recreational purposes and includes the Tweed River, Point Danger and Duranbah Beach.

3.3 Surrounding land use zonings

The subject site is zoned 2(b) Medium Density pursuant to the Tweed Local Environmental Plan 2000. The properties to the immediate north west and south west of this site are similarly zoned. Land to the north, east and south is zoned 6(a) Open Space.

3.4 Services

3.4.1 Water

Existing water services are in Tweed Terrace. No capacity constraints are evident in this regard.

3.4.2 Stormwater

Stormwater services are currently available. Appropriate facilities will be constructed in accord with the requirements of Tweed Shire Council – Construction Specification D7. A Stormwater Management Plan has been prepared in accordance with Council's requirements (See appendix D for detail).

3.4.3 Sewer

The site is adequately serviced by sewer. In this regard a sewer main is located in Boundary Lane servicing No.3 Tweed Terrace with an additional sewer main terminating on the boundary between 3 Hill Street and 5 Tweed Terrace.

Statutory Framework

4.1 Tweed Heads Taskforce

The Tweed Heads Taskforce was established by the then Minister for Planning NSW, the Hon. Andrew Refshauge MP in August 2002. The intent of the taskforce was to establish a vehicle to provide the State Government with advice, guidance, recommendations and leadership in relation to the revitalisation of the Tweed Central Business District.

One of the key taskforce tasks is the promotion, facilitation and ultimate preparation of a Tweed Heads Town Centre Master plan and an Economic Strategy aimed at providing guidance and recommendations in relation to the brief of the taskforce.

4.2 Tweed Heads Economic Development Strategy & Masterplan

The Tweed Heads Ministerial Taskforce commissioned an **Economic Development Strategy** for the Tweed Heads Town Centre in early 2003. The aim and intent of the strategy is to provide guidance and objectives relating to the ultimate Masterplan for the area.

The strategy identifies a number of objectives and provides recommendations relating to their attainment.

Principally, the Strategy provides for a founding objective seeking to promote the creation of a vibrant town centre incorporating a blend of commercial, retail, educational and cultural activities. The Masterplan also seeks to promote the utilisation and continued growth of key facilities such as the hospital, Southern Cross University and existing clubs and retail facilities. Other objectives relate to the promotion of urban consolidation to assist with the continued growth and expansion of the CBD to ensure the viability of the Town Centre.

The subject site however is outside of the Masterplan Study area, but it is considered the development, with its focus on satisfying the principles of urban consolidation and effectively utilizing urban land in close proximity to the town centre, is nonetheless consistent with the Strategy and the Masterplan.

4.3 Environmental Planning and Assessment Act, 1979 (as amended)

This application seeks Approval pursuant to Part III of the Environmental Planning & Assessment Act, 1979. Accordingly, the matters under Part IV and V do not apply.

The Minister is identified as the consent authority as the proposal is affected by the provisions of State Environmental Planning Policy – Major Projects. In particular, the following excerpt from the SEPP is relevant:-

Schedule 2 Part 3A projects—specified sites

1 Coastal areas

- (1) Development within the coastal zone for any of the following purposes:
- (a) extractive industries,
 - (b) landfill facilities,
 - (c) mining that is designated development and that is wholly or partly in a sensitive coastal location,
 - (d) marinas that are designated development and that are wholly or partly in a sensitive coastal location,
 - (e) the following types of industries (other than mining or extractive industries) but only if they are:
 - (i) designated development, and
 - (ii) in the case of the metropolitan coastal zone—wholly or partly in a sensitive coastal location:

agricultural produce industries, bitumen pre-mix industries, breweries or distilleries, cement works, ceramic or glass industries, chemical industries or works, chemical storage facilities, composting facilities or works, contaminated soil treatment works, crushing, grinding or separating works, drum or container reconditioning works, electricity generating stations, livestock intensive industries, livestock processing industries, mineral processing or metallurgical works, paper, pulp or pulp products industries, petroleum works, wood or timber milling or processing works, or wood preservation works,
 - (f) recreational or tourist facilities (other than internal refits of, or minor alterations or minor additions to, existing facilities):
 - (i) in the case of facilities wholly or partly in a sensitive coastal location outside the metropolitan coastal zone—that provide accommodation (or additional accommodation) for any number of persons, or
 - (ii) in the case of facilities wholly or partly in a sensitive coastal location in the metropolitan coastal zone—that provide accommodation (or additional accommodation) for 100 persons or more, or
 - (iii) in the case of facilities outside a sensitive coastal location that are not connected to an approved sewerage treatment work or system—that provide accommodation (or additional accommodation) for 25 persons or more,
 - (g) buildings or structures (other than minor alterations or minor additions to existing buildings or structures) that are:**
 - (i) greater than 13 metres in height, in the case of buildings or structures wholly or partly within a sensitive coastal location, or
 - (ii) greater than 13 metres in height, in the case of buildings in other locations outside the metropolitan coastal zone, *(the site is located outside of the Metropolitan Coastal Zone and exceeds 13m in height – as such it would appear that it is caught)***
 - (h) subdivision of land where the future development created by the subdivision will not be connected to an approved sewage treatment work or system:
 - (i) into more than 2 lots, if wholly or partly in a sensitive coastal location, or
 - (ii) into more than 5 lots if in other locations (or into a lesser number of lots if the land proposed to be subdivided and any adjoining or neighbouring land in the same ownership in other locations could be subdivided into more than 5 lots),
 - (iii) subdivision of land in a residential zone into more than 25 lots or in a rural/residential zone into more than 5 lots, but in the case of the metropolitan coastal zone only if the land is wholly or partly within a sensitive coastal location.

Step 1

(2) This clause does not apply to:

- (a) Development in relation to which, under another environmental planning instrument, development consent cannot be granted without the concurrence of the Minister or the Director-General, or *(the proposal is affected by the North Coast Regional Environmental Plan which has a 14m height restriction. However as the area possesses a 50m AHD requirement under the LEP, the 14m requirement can be varied with the concurrence of the Director General – accordingly, it would appear as though the proposal is not caught by the SEPP due to this exclusionary provision)*
- (b) Development in relation to which, under another environmental planning instrument, the Minister or the Director-General is the consent authority.

Step 2

However, this clause continues to apply to development in relation to which, under:

- (a) State Environmental Planning Policy No 1—Development Standards, or *(as we are seeking a SEPP 1 variation to the Building Height requirement and this requires the assumed concurrence of the Council, the proposal is once again caught by the requirements of the SEPP).*
- (b) State Environmental Planning Policy No 14—Coastal Wetlands, or
- (c) State Environmental Planning Policy No 26—Littoral Rainforests.

Step 3

The purpose of this correspondence is to seek to satisfy the provisions of Clause 6 of the SEPP, whilst also seeking the Department's agreeance to delegating powers of determination to the Tweed Shire Council, who would normally deal with proposals of this nature and scale. As we understand it, the Department has the ability to delegate these powers back to Council at any stage within the process relative to Part 3A of the Act.

4.4 Integrated Development – Division 5 of the EP&A Act, 1979

This development application will not result in a need to gain approvals from other authorities pursuant to Section 91(1) of the Act. As such the proposal is not classified as integrated development.

4.5 State Environmental Planning Policies

Following is an assessment against the provision of the relevant State Environmental Planning policies

4.5.1 State Environmental Planning Policy No.1 – Development Standards

The proposed development will incorporate an objection pursuant to State Environmental Planning Policy No.1 – Development Standards. This objection relates to the 50m AHD requirement stipulated under Clause 16 of the Tweed LEP 2000.

4.5.2 State Environmental Planning Policy No.11 – Traffic Generating Developments

The proposed development is not identified under the provisions of Schedule 1 or Schedule 2 of State Environmental Planning Policy No.11 – Traffic Generating Developments.

4.5.3 State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development

The proposed development has been designed in a manner consistent with the provisions of SEPP 65.

4.5.4 State Environmental Planning Policy No.71 – Coastal Protection

The subject site is within the coastal zone (as per the NSW Government Coastal Policy 1997) and as a result is subject to the provisions of State Environmental Planning Policy No.71. The proposal however is sited more than 100 metres from a sensitive coastal location.

4.6 North Coast Regional Environmental Plan, 1988

The relevant clauses of the North Coast Regional Environmental Plan are described as follows:-

Clause 32B of the NCREP 1988

Clause 32B – Coastal Lands

Clause 32B of the NCREP 1988 states, inter alia:

- (1) *This clause applies to land within the region to which the NSW Coastal Policy 1997 applies.*
- (2) *In determining an application for consent to carry out development on such land, the council must take into account:*
 - (a) *the NSW Coastal Policy 1997,*
 - (b) *the Coastline Management Manual, and*
 - (c) *the North Coast: Design Guidelines.*
- (3) *The council must not consent to the carrying out of development which would impede public access to the foreshore.*
- (4) *The council must not consent to the carrying out of development:*
 - (a) *on urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out the development would result in beaches or adjacent open space being overshadowed before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time), or*
 - (b) *elsewhere in the region, if carrying out the development would result in beaches or waterfront open space being overshadowed before 3pm midwinter (standard time) or 7pm midsummer (daylight saving time).*

The proposal will result in the overshadowing of adjacent open space after 6.30pm midsummer. Accordingly, an objection pursuant to State Environmental Planning Policy No.1 will accompany the proposal upon submission.

NSW Coastal Policy, 1997

Relevant matters for consideration in this policy are addressed at Section 4.7 of this preliminary assessment.

Coastline Management Manual, 1990

Whilst Council has prepared a Coastline Hazard Definition Study it is noted that the preparation of a Coastline Management Plan has yet to be completed.

Notwithstanding, the subject site is not identified as being affected by coastal processes under Draft Development Control Plan No.8 or the recently completed Coastline Hazard Definition Study.

North Coast Design Guidelines

The provisions of these guidelines have been incorporated into the design and form of the proposed structure, with particular reference to the articulation, variation, selected materials and sustainability principles contained within the attached design plans.

In this regard, the attached shadow diagrams clearly show that the proposed building will in no way result in any overshadowing of the coastal foreshore reserve.

Please refer to the attached shadow diagrams (within Design Plans attached under appendix B) for greater detail in this regard.

Clause 33 – Coastal Lands

Clause 33 refers to development on coastal lands and requires the Consent Authority to take into account the provisions of the Coastline Management Manual, whilst also requiring that disturbed foreshore areas be rehabilitated and that access points across foredune areas are confined to specific points.

The proposal has no direct implications or relevance in this regard.

Clause 51 – Tall Buildings

Clause 51 of the NCREP 1988 refers to tall buildings and provides that Council shall not, without the concurrence of the Director of Planning NSW, grant consent to a development application for the erection of a building over 14m in height.

As clearly indicated within the attached plans, several components of the proposed development exceed 14m (from natural ground level to the highest part of the building). Pursuant to the provisions of the NCREP 1988, the Director's concurrence is therefore required.

Clause 81 – Development Adjacent to the Ocean or a Waterway

Clause 81 refers to development within close proximity to waterways and requires Council to take into account any existing waterway within 100m of the development site and any related need to dedicate foreshore open space. This clause also requires the consent authority to consider the provisions of any foreshore management plan applicable to the area. The proposed development in no way compromises this clause.

4.7 NSW Coastal Policy, 1997

Council's Coastal Policy maps (within Council's offices) identify the site as being within that area to which the Policy applies.

Of most relevance to the proposed development are the provisions of Table 2 of the Policy.

This table incorporates a number of strategic actions relevant to 'development control' and hence the proposed development.

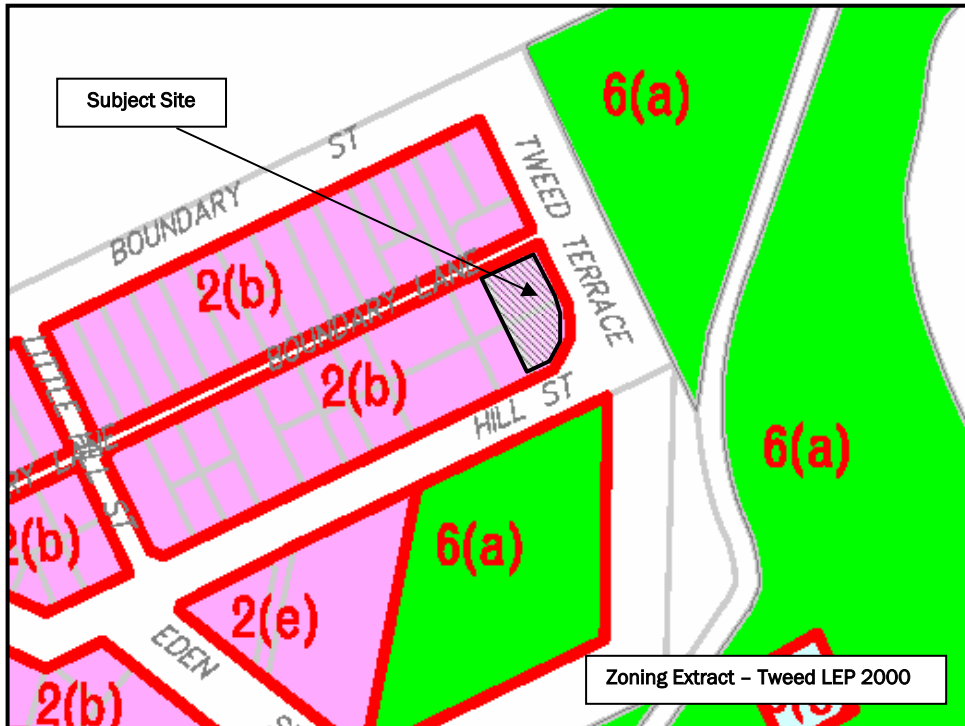
Strategic Action No.	Strategic Action	Comment
1.3.2 & 1.3.8	Stormwater Quality	This issue is addressed within the Stormwater Management Plan accompanying this application.
1.4.5	Coastal Hazards	The subject site is landward of the defined Coastal Erosion Zones.
2.1.4	Acid Sulphate Soils	This issue is addressed under that section titled Clause 35 of the Tweed Local Environmental Plan 2000.
3.2.1	North Coast Design Guidelines	Addressed within the attached Design Plans.
3.2.4	Design and Location Principles	Refer to comments under SEPP No.65 principles for further detail in this regard.
7.1.5	Public Foreshore Access	Public access to nearby foreshore areas will not be affected by the proposal.
7.2.3	Surf Life Saving Facilities	Council has adopted a Section 94 Contribution Plan for Surf Lifesaving facilities. Suitable payments will be forthcoming in this regard.

4.8 Tweed Local Environmental Plan 2000 (TLEP 2000)

2(b) Medium Density Zone

The subject site is located within the 2(b) Medium Density zone (refer following figure).

Continues next page.....



The objectives of the 2(b) Medium Density zone are identified as follows:

Primary objective

- To provide for and encourage development for the purpose of medium density housing (and high density housing in proximity to the Tweed Heads sub-regional centre) that achieves good urban design outcomes.

Secondary objectives

- To allow for non-residential development which supports the residential use of the locality.
- To allow for tourist accommodation that is compatible with the character of the surrounding locality.
- To discourage the under-utilisation of land for residential purposes, particularly close to the Tweed Heads sub-regional centre.

The proposal falls within the definition of multi dwelling housing under Tweed Local Environmental Plan 2000 and is permissible with consent in the subject zone. The proposed development is one that clearly complies with the objectives and underlying intent of the 2(b) zone.

The following Clauses (of the Tweed Local Environmental Plan 2000) are also relevant to this application:

Clause 15 – Availability of Essential Services

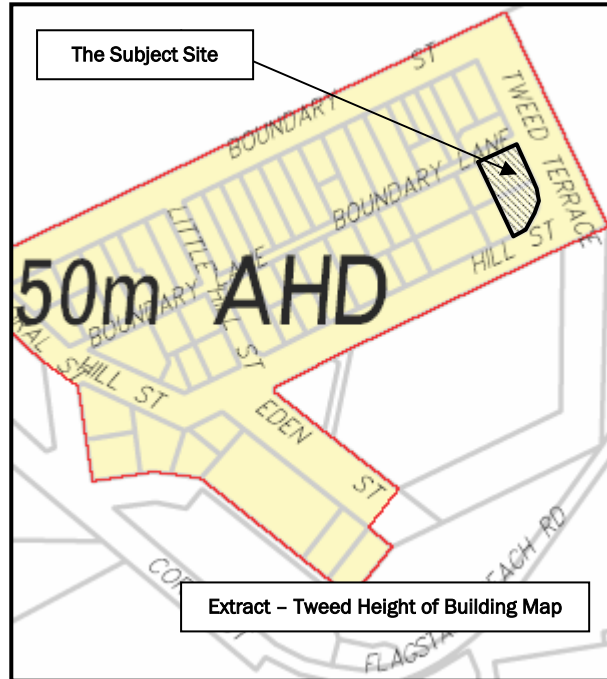
All relevant services are available to the site and possess neither capacity nor siting constraints that would preclude the proposed development.

The subject land has access to water, sewer, electricity and telephone services. The proposed development is able to be serviced by the existing connections to the subject land.

Clause 16 – Height of Building

Council's statutory heights map indicates that a maximum building height of 50 metres AHD applies to this site. For ease of reference an extract of this heights map is reproduced to the right.

The proposed development comprises seven storeys and a maximum height of 54 metres AHD. The proposal is not consistent with the 50 metres AHD height limitation imposed under Tweed Local Environmental Plan 2000. As such an objection pursuant to State Environmental Planning Policy No.1 will accompany the proposal.



Clauses 22 and 23 – Designated Roads

Tweed Terrace and Hill Street are not identified as a designated road and therefore this clause is not strictly relevant to the proposed development.

Clause 33 – Obstacles to Aircrafts

This Clause requires that Council takes into account any current obstacle limitation surface plan or procedures for aircraft navigation services – aircraft operations plans prepared by the airport operator which has been notified to Council.

It is understood that Council may refer the proposed development to Gold Coast Airports Limited for comment, however it is submitted that the proposed development does not present an obstacle to aircraft.

Clause 35 – Acid Sulphate Soils

Council's Acid Sulphate Soil Planning maps indicate that the site is located in an area identified as Class 5. It is considered given the significant elevation of the site and the relatively small excavations associated with the proposals basement car park, that the issue of Acid Sulfate Soils is not relevant to the proposal. Accordingly, no acid sulfate soil investigation has been carried out as part of this submission.

4.9 Development Control Plans

Following is an assessment of the proposal against the relevant Development Control Plans as adopted by Council.

4.9.1 Development Control Plan No.2 – Car Parking Code

The proposed development incorporates a total of 26 car parking spaces. This number is consistent with the minimum requirement (pursuant to DCP 2). As per the requirements of DCP No.2 car parking for Residential Units is required to be provided at 1.5 spaces per dwelling. Following break down of the proposed is a table of requirements pursuant to DCP 2:

Parking Table		
Required	12 Units @ 1.5 spaces per dwelling	18 spaces (total)
Proposed	4 Visitors + 1 Combined visitor / car wash Bay + 22 Residents	26 spaces (total)

The proposal incorporates a single car wash space only, which is considered more than sufficient in the context of a residential apartment building and commercial car washing facilities in the Tweed Area.

It is considered the proposal is consistent with the provisions of DCP No.2.

4.9.2 Development Control Plan No. 18 – Tweed Heads

Under the provisions of this plan, the site is located within the Flagstaff Hill Precinct of the High Density Residential area.

The objectives of the Flagstaff Hill Precinct include as follows:

- Develop the Precincts primarily as high density residential areas which respect existing residential amenity;
- Provide additional choice in housing accommodation to cater for an increase in variety of household types;
- Facilitate an increased residential population in proximity of the sub-regional centre of Tweed Heads to maximise economic and social benefits;
- Promote the efficient use of residential land; and
- Develop a streetscape that reflects the climate, topography and lifestyle of the locality.

Other relevant provisions contained within DCP 18 are addressed as follows:

Building Envelopes

Development Control Plan No. 18 provides a building envelope of 72° from the property boundary. The proposed development has been designed with regard to a site analysis and in undertaking the site analysis certain areas were specifically designed with greater setbacks to reduce identified impacts. The proposed development includes only minor encroachments into the building envelope; a

detailed setback analysis has been carried out and is attached to this proposal. The proposal demonstrates the following:-

- Minor encroachment of roof and shading structures on north west elevation
- Minor encroachment of roof and shading structures on north east elevation
- Minor encroachment of roof and shading structures on south east elevation
- Minor encroachment of roof and shading structures on south west elevation

The building envelope provisions of DCP 18 are accompanied with the following objectives:

- *Ensure that building setbacks to property boundaries increase relative to any increase in building height;*
- *Minimise the visual and physical impact and apparent bulk of tall buildings on adjoining developments and public streets and spaces;*
- *Facilitate adequate sunlight access to and minimise shadow impact on adjoining properties and public streets and spaces;*
- *Reduce ground level wind effects caused by tall buildings;*
- *Facilitate the development of taller, narrow buildings which produce visual diversity and can preserve important view corridors.*

Encroachments primarily occur as a consequence of the narrow width of the site. The building has been designed to minimise the visual and physical impacts. The six storey building is well proportioned and avoids bulk by being more articulated with varying setbacks and through the use of different materials, colours and building elements. Features such as generous balconies and roof terrace further enhance the visual appearance of the building.

The encroachment into the building envelope does not contribute to unreasonable overshadowing of the surrounding properties. Shadow plans submitted with the application indicate that the shadow impacts primarily fall upon Tweed Terrace/Hill Street frontage and Boundary Lane and do not adversely affect residents during mid winter.

The proposed development is not inconsistent with the desired medium density character of the area which Council has proposed through its planning controls and the minor encroachments exhibited do not establish an undesirable precedent in terms of similar scale development recently approved in Tweed Heads. It is submitted the proposal is consistent with the applicable objectives and a variation is warranted in this particular instance.

Building Mass

The design has achieved the requirements of building mass under DCP 18, has no walls continuous or unbroken in length of more than 15 metres. The articulation in the façade is particularly important in relation to the building and its impact on the public realm, there are variations within the building setback. The design includes the use of metal screens and louvers and alternate textures to provide interest to the building. It is contended that the proposed design achieves the building mass requirements.

Energy Efficiency

The proposed units have been designed with large openings to the north east capture north-easterly breezes as well as sunlight. Units generally have opposing south east, south west and north west facing windows and incorporate sufficiently sized internal openings to achieve cross ventilation. A typical cross ventilation plan has been attached for review in this regard.

The proposal has been accompanied by a NatHERS Energy Rating Assessment and BASIX certification which achieves the Council's requirements in terms of energy and water efficiency.

Daylight Access

The proposed design incorporates substantial glazed areas into each of the units thereby achieving access to natural light.

Wind Mitigation and Overshadowing

DCP 18 requires that down draft be avoided in tall buildings and for this to be achieved that podiums be provided. The proposal includes a podium at street level. The proposal also includes deep balconies areas and roof terrace to reduce down draft. The effects of overshadowing have been assessed with a number of shadow diagrams submitted for the application attached within appendix B. The proposed development doesn't result in any unreasonable overshadowing of adjoining property.

Roof Lines

The proposed design has achieved various roof lines whilst also providing for a community open space roof terrace. The use of parapets and various roof lines provides a visual crown to the building as a design feature.

Privacy

The proposed development is afforded private terrace areas from the individual living areas of each unit. Importantly no two living areas are situated on the same level and elevation ensuring that there is a degree of spatial separation between these main outdoor areas.

Security and Surveillance

The proposed development has been designed so as to present a safe and secure environment for residents and passer bys alike. In this regard, the proposal addresses the street and provides significant passive overlooking opportunities.

Materials and Colours

The applicant has submitted a colour scheme and attention is drawn to the photomontage and elevations. The building will essentially be constructed of concrete and block work with a range of external finishes including:

- Rendered masonry finishes to varying colours;
- Glass;
- Stone Cladding
- Aluminium windows and louvers; and
- Timber louvers

4.9.3 Development Control Plan No.39 – Energy Smart Homes Policy

A NatHERS Report and BASIX certification is attached at Appendix E to this submission.

4.9.4 Development Control Plan No.45 – Socio-Economic Impact Assessment

The development is considered unlikely to have a significant social or economic impact and accordingly a Social Impact Statement is not required. Council's standard checklist is included as an attachment under appendix F to this report.

4.10 Tweed 2000 + Strategic Plan

In December 1996 council adopted this Plan, the purpose of which is to “provide a broad overview of Council's intentions and directions for the future in relation to development, the environment and infrastructure provision. In particular, Shire Wide Strategic Principle No.6 provides for an increased emphasis on economic, employment generation and retention in the Tweed, whilst Strategic Principle No.4 requires ecological sustainable development principles to be included in the decision making process.

It is submitted the proposed development will generate significant short and long term employment opportunities associated with increased user base for surrounding services and initial construction activities. No environmental impacts are evident in relation to the proposed development, whilst the proposal will also assist in adding further vitality to the regeneration of Tweed Heads and the surrounding business district.

It is concluded the proposal is consistent with the principles and relevant policies and actions contained within the Strategic Plan.

4.11 Rural Fires Act 1997 and the EP&A Act, 1979 - Bush Fire Risk

The site is not within 100 m of an area defined as high or medium hazard or within 30 m of low hazard areas on Council's Bush Fire Hazard Maps. None of the uses proposed are nominated as a 'special fire protection purpose' as defined in Section 100B of the Rural Fires Act.

4.12 Tweed Urban Stormwater Quality Management Plan

In accord with the provisions of the above stated plan, a detailed Stormwater Management Plan has been prepared and is attached at Appendix D to this submission.

The Stormwater Management Plan provides for appropriate measures to manage and mitigate potential adverse impacts arising from stormwater runoff both during the construction phase and the occupational phase such that impacts on downstream water quality are reduced.

4.13 Ecologically Sustainable Development

Ecologically sustainable development is included in the objects of the Environmental Planning and Assessment Act.

In summary, ecologically sustainable development relates to managing development and the consumption of resources to a level which is sustainable in the long term. Schedule 2 of the Environmental Planning and Assessment Regulations, 2000 includes the following principles of ecologically sustainable development:

- a. 'The precautionary principle, namely, that 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'.

In the application of the precautionary principle, public and private decisions should be guided by:

- i) Careful evaluation to avoid, where practicable, serious or irreversible damage to the environment, and
 - ii) An assessment of the risk-weighted consequences of various options,
- b. Inter-generational equity, namely, that the present generation should ensure that the health diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.
 - c. Conservation of biological diversity and ecological integrity, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration.
 - d. Improved valuation, pricing and incentive mechanisms, namely, that environmental factor should be included in the valuation of assets and services such as:
 - i. Polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
 - ii. The users of goods and services should pay prices based on the full life cycle of cost of providing goods and services, including the use of natural resources and the ultimate disposal of waste
 - iii. Environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms that enable those best placed to maximise benefits or

minimise costs to develop their own solutions and responses to environmental problems.”

The application plans and specialist reports accompanying this development application demonstrate the proponents' commitment to ecologically sustainable development principles. In particular, the planning, design and construction of the development is based on the following approach:

- Completion of detailed site surveys, geotechnical and contamination investigations and data capture to ensure that the ecological values and physical characteristics of the site are quantified and documented as base line data;
- Identification of potential adverse impacts and establishing appropriate measures in the planning, design and construction phase to mitigate those impacts;
- Achieving urban design outcomes consistent with contemporary practice and based on sustainable outcomes, particularly in relation to:
 - Managing potential degradation of downstream water bodies and wetlands;
 - Creating a building which is compatible with energy efficiency objectives;
 - Creating a development which is consistent with sustainability principles;
 - Enhancing the public domain;
 - Maintaining access to the beach and foreshore areas.

The application plans achieves a balance between the commercial objective of producing a viable development and the environmental constraints and opportunities of the site.

Environmental Assessment

5.1 Section 5A – Environmental Planning & Assessment Act 1979

Clauses 1(d) & 1(e) to part 1 of schedule 1 of the Environmental Planning & Assessment Regulations (2000) provide that a development application must include an indication as to whether the land is, or is part of, critical habitat and an indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities or their habitat.

The land to which this application relates is not identified as 'critical habitat'. No significant vegetation remains on the site and as such it is concluded that the proposal will in no way have a significant or any effect on threatened species, population or ecological communities or their habitats and therefore, a Species Impact Statement is not required.

5.2 Development Application Requirements – Environmental Assessment

Clause 50(1)(a) of the Environmental Planning and Assessment Regulations, 2000 provides that a Development Application must contain the information and be accompanied by the documents specified in part 1 of schedule 1 of the Regulations. Clause 2(4) of part 1 of schedule 1 provides that a Development Application must be accompanied by a Statement of Environmental Effects which must indicate the following matters:

- *The environmental impacts of the development;*
- *How the environmental impacts of the development have been identified;*
- *The steps to be taken to protect the environment or to lesson the expected harm to the environment;*
- *Identification of Potential Environmental Impacts;*
- *Potential adverse impacts arising from the proposed development are summarised as follows;*
- *Loss of employment opportunities;*
- *Loss of low cost rental accommodation;*
- *Disturbance of contaminated land;*
- *Alienation of public access to the beach and foreshore areas;*
- *Disturbance of acid sulphate soils;*

- *Environmental wind effects;*
- *Land, soil and water degradation;*
- *Diminution in downstream water quality;*
- *Adverse visual impacts;*
- *Adverse impacts on the landscape; and*
- *Overshadowing of beach and foreshore areas.*

A range of measures have been used to identify potential adverse impacts and these include:

- Completion of a detailed land survey to identify key topographic features;
- Completion of geotechnical investigations to determine mass movement potential, land stability and contamination;
- Completion of a preliminary visual assessment (contained within Design Plans under appendix A) of the landscape values of the development site;
- Completion of investigations into the capacity of existing infrastructure and services;
- Preparation of shadow diagrams;

5.3 Proposed Measures to Mitigate Potential Adverse Impacts

Mitigation and management of potential adverse impacts arising from the proposed development are identified in relevant sections of this preliminary assessment and the various annexures.

In summary, those measures include:

- Design of the buildings to reflect contemporary standards and guidelines including the Coastal Design Guidelines for NSW – (Coastal Council of NSW, 2003) and SEPP 65;
- Preparation of appropriate management plans to ensure that the proposed development during both the construction phase and occupation phase is appropriately managed and monitored to achieve desired commercial and environmental outcomes;
- Substantial compliance with Council's codes, Development Control Plans and relevant environmental planning instruments;
- Provision of on site car parking in accordance with Development Control Plan No.2;
- Inclusion in the design of key elements to achieve sustainability principles;
- Provision of all normal urban infrastructure;
- Limiting the height and bulk of the buildings to reduce visual impacts and minimise potential overshadowing of public areas;

- Provision of additional residential accommodation within a short walking distance to the Tweed Heads CBD and Coolangatta commercial areas, local parks and other recreational and dining opportunities
- Limiting work hours during the construction phase in accordance with normal Tweed Council standards.

Section

6

Conclusion

As reflected in this preliminary environmental assessment, the proposal is unlikely to result in any significant adverse impacts on the environment. The proposed development is generally consistent with all relevant statutory planning requirements and is permissible with the consent of the Consent Authority.

In particular, the development satisfies the objectives of Tweed LEP 2000, and Development Control Plan No.18 – Tweed Heads. It is considered that this balance has been met, thereby only improving the ability of the proposed development to assist in the long term rejuvenation and revitalisation of the Tweed CBD area.

This preliminary environmental assessment identifies potential adverse impacts (of which there are few), assesses their magnitude and significance and proposes measures to mitigate and manage those impacts such that the development remains sustainable and commercially viable.

Significant public benefits are likely to result from redevelopment of what is an underutilised residential site, inclusive of the reinvigoration of the adjoining town centre and its peripheral areas. The latter can be achieved through the implementation of contemporary buildings incorporating sustainable employment opportunities and an improved urban aesthetic.

Having regard to the above considerations and others within this submission, it is submitted that the grant of Development Consent in relation to the proposed development is warranted.

Appendix

A

Design Plans