



NSW GOVERNMENT
Department of Planning



MAJOR PROJECT ASSESSMENT:
6 Storey Residential Flat Building (12 x 3
bedroom units) plus basement car parking
Lot A & B on DP407809
3 – 5 Tweed Terrace, Tweed Heads
Proposed by Duranbah Project P/L

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

May 2008



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1 EXECUTIVE SUMMARY

Planit Consulting, on behalf of Duranbah Project P/L (the Proponent), is seeking project approval from the Minister for a 6 storey residential flat building (comprised of 12 units) at 3 – 5 Tweed Terrace, Tweed Heads (Lot A & B DP 407809), in the Tweed Local Government Area (“the proposal”).

The estimated project cost of the development is \$8 million. The proposal will create 8 full time equivalent construction jobs and 2 full time equivalent operational jobs.

During the exhibition period, a total of three (3) submissions from the public were received objecting to the project and one (1) submission from a public authority. Key issues considered in Council's assessment included:

- Strategic Planning
- Urban Design, Visual Impact and Sustainability
- Infrastructure Provision
- Traffic and Access
- Hazard Management and Mitigation
- Water Cycle Management
- Heritage and Archaeology
- Flora and Fauna
- Noise
- Waste Management
- Consultation

On 7 May 2007 the Director-General agreed that Tweed Shire Council be delegated all assessment powers and functions in relation to the assessment of the project application. The Minister remains the approval authority.

Council 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 Council's recommended conditions of approval, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. On these grounds, Council is satisfied that the site is suitable for the proposed development. All statutory requirements have been met.

The Council recommends that the project be approved, subject to the effective implementation of the Proponent's Statement of Commitments and the recommended Instrument of Approval.

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2 BACKGROUND

2.1 THE SITE

2.1.1 Site context and location

The proposed residential flat building is located in Tweed Heads on the north coast of New South Wales. Tweed Heads is located on the border of New South Wales and Queensland within close proximity to the Gold Coast, Queensland. The Gold Coast and South-East Queensland have experienced substantial development pressure and population growth in recent years. Due to its close proximity to South-East Queensland, Tweed Heads is also experiencing increased development and is currently undergoing character and building form transition.

The site, at 3 – 5 Tweed Terrace, Tweed Heads, (Lot A & B in DP 407809), is located within the local government area of Tweed Shire Council and is owned by Mr J. Hayden and Mrs M. Hayden (Lot A) and Mr J. M. McDonald and Mrs S. D McDonald (Lot B). Refer **Figure 1** for site context.

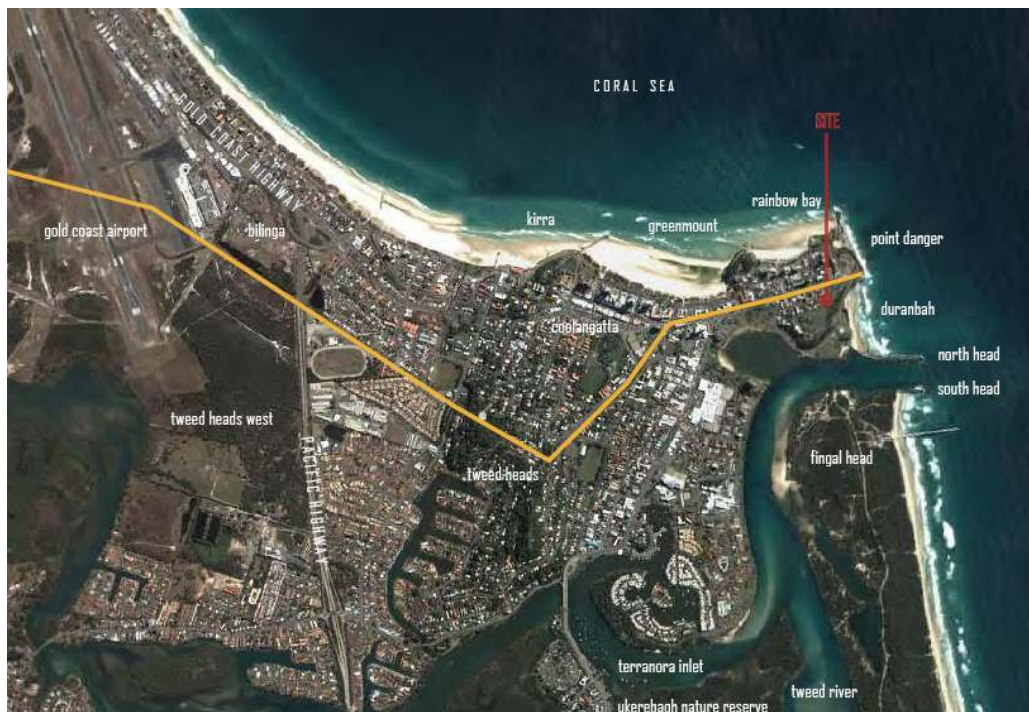


Figure 1 – Site context

The site is on the western side of Tweed Terrace on Flagstaff Hill, approximately 77 metres southeast of the New South Wales and Queensland border. It is bounded by Hill Street to the south, Tweed Terrace to the east and Boundary Lane to the north. The site is located adjacent to open space areas overlooking Duranbah Beach and Point Danger (refer **Figure 2**).



Figure 2 – Site location

The Tweed Heads Business Centre is located approximately 750 metres to the southwest of the site.

The site is located approximately 3 km east of the Pacific Highway and approximately 3.7km east of the Gold Coast airport.

2.1.2 Existing site features

The subject site is currently improved with a two storey brick dwelling on Lot A and a two storey concrete rendered dwelling on Lot B, including associated pool, driveways and fences (refer **Figure 3** and **Figure 4**). On-site vegetation is comprised of common garden species associated with the dwellings.

The topography slopes up from approximately 29 metres AHD from the corner of Tweed Terrace and Hill Street to approximately 31.5 metres AHD at the western boundary.



Figure 3 – Existing 2 storey brick dwelling



Figure 4 – Existing 2 storey concrete rendered dwelling on the site

2.1.3 Surrounding development

The area to the north and west of the site is comprised mostly of residential dwellings ranging from single storey detached dwellings to multi-dwelling mid-rise apartments. Housing stock is comprised of a variety of character, material and age.

The site is bounded by Hill Street to the south, Tweed Terrace to the east and Boundary Lane to the north. A two storey dwelling adjoins the rear boundary (to the south-west) and gains access from Boundary Lane. This dwelling is soon to be demolished to accommodate a new 6 storey residential flat building. A newly constructed, 5 storey residential flat building is also located adjacent to the rear boundary gaining access from Hill Street (refer **Figure 5**).



Figure 5 – Adjoining 5 storey residential flat building located on the corner of Hill Street and Tweed Terrace. This development shares the rear boundary with the subject site.

Open space areas and associated car parking is located to the east of the site, providing access to significant views across Point Danger, Duranbah Beach, Fingal and the Pacific Ocean (refer **Figure 6**). Land on the eastern side of Tweed Terrace is owned by the Department of Lands and zoned 6 (a) Open Space, the reserve is identified as 'Flagstaff Beach Road'.



Figure 6 – Views from adjoining park facing southeast.

2.1.4 Zoning

The subject site is within the 2 (b) Medium Residential Zone pursuant to the Tweed Local Environment Plan (LEP) 2000 (refer **Figure 7**).

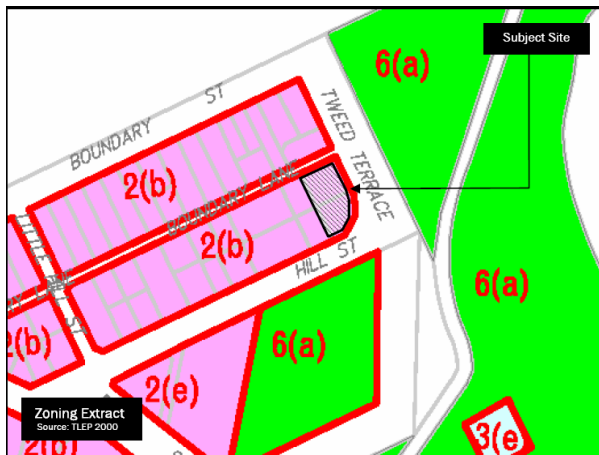


Figure 7 – Existing zoning under Tweed Shire Council LEP 2000

The primary objective of this zone is 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.”

The proposed development is described as multi-dwelling housing which is identified as Item 2 (allowed only with consent) within the 2 (b) Medium Residential Zone.

3 THE PROPOSED DEVELOPMENT

This is an application for approval to carry out a project. The project is for a 6 storey residential flat building comprised of 12 (3 bedroom) units and a single level basement car park comprising 29 car parking spaces (including visitor and car wash bays) (refer **Figure 8** and **Figure 9**). Access to the basement car park is proposed from Boundary Lane at the northern site boundary. The access ramp will contain a security gate.



Figure 8 – Photomontage of proposed residential flat building



Figure 9 – Perspective of proposed residential flat building

The project also includes two swimming pools and landscaping on the ground floor. Lift well and air-conditioning plant and equipment are proposed for the rooftop. Key development data for the exhibited and preferred project proposals are outlined in **Table 1** overleaf.

Table 1 – Development data

	Existing	Proposed (Exhibited)	Preferred Project	Relevant Development Standard (SEPP, REP, LEP, DCP)	Compliance
Lot size	The title area is 1100.30m ² . The proponent has identified the survey area to be 1103m ² . Calculations below are based on survey area of 1103m ² .				
Height	2 storey	6 storeys / 50.95mAHD	6 storeys / 49.8m AHD	LEP – 50mAHD	Yes
GFA	Unknown	2820m ²	2741m ²	N/A	N/A
FSR	Unknown	2.55	2.48	N/A	N/A
Site coverage	Unknown	53.2%	48%	N/A	N/A
Setback to corner of Hill St & Tweed Terrace	3.5m	2.0 – 3.0m	2.0 – 3.0m	Tweed DCP - No specific setback requirements. Varied setback in building line encouraged to provide visual variety.	Yes
Setback to Tweed Terrace	6.0 – 7.0m	3m	3 m (open structures approximately 2m)	Tweed DCP - No specific setback requirements. Varied setback in building line encouraged to provide visual variety.	Yes
Setback to Boundary Lane	6.0m	4.0m	4.0m	Tweed DCP - No specific setback requirements. Varied setback in building line encouraged to provide visual variety.	Yes
Setback from rear boundary	1.5 – 5.5m	3.0m	4.0 – 7.0m	DCP – Section B2 has no rear setback requirements. Building envelope requirements require increased setbacks as height increases.	Complies with Performance Criteria (refer Section 6)
Landscaping	Unknown	451.37m (including ramps and private pool areas)	Area at ground level of 510m ² (including ramps and private pool areas). Minimum dimension 1.5m ²	Tweed DCP – 300m ² landscaped open space. Minimum dimension 4m ²	Complies with Performance Criteria (refer Section 6)
Private Open Space Balconies	Unknown	30m ²	22m ² to 32m ² . Minimum dimension 3.7m ² .	Above-ground private open space area of 8m ² . Minimum dimension 2m ² .	Yes
Building Envelope	Unknown	Non-compliant on all boundaries.	Protrudes to eastern (front) and western (rear) boundaries.	Line over the property from the boundary at an angle of 72 degrees.	Complies with Performance Criteria (refer Section 6)
Carparking	Unknown	3 x visitors 24 x residents	3 x visitor 25 x resident spaces (4 tandem)	3 visitors 24 resident spaces	Yes
Car wash bay	Unknown	1 car wash	1 car wash	1 / 10 dwellings	Yes

The floor plan for the proposed units provide for generous living, dining and terrace spaces. A private pool is proposed adjacent to the terrace areas of each of the two units on ground level. The design features balconies and deck areas facing north, northeast and southeast, allowing for maximum views and favourable solar access.

Two units are proposed on each level. Floor plans allow for a central lift shaft, refuse area and stair case. Access to the entry and foyer of each unit is provided either side of the central lift and stair core.

Proposed materials are both heavy and lightweight and include a variety of textures, colours and finishes including natural stone cladding, rendered concrete, plywood cladding and copper recycled hardwood. The design features a timber screen on the rear façade to maintain privacy and minimise solar heat gain. This screen has also been installed on the front façade to provide for similar filtering qualities and a sense of address.

3.1 PROJECT CHRONOLOGY

- On 10 April 2007 the proponent requested a clause 6 opinion from the Minister and lodged a Preliminary Assessment with the Department.
- On 7 May 2007 the Director-General, as delegate for the Minister, formed the opinion that the proposal is a Project described in Schedule 2 of MP SEPP and is therefore a project to which Part 3A of the Act applies. The Director-General also agreed that Tweed Shire Council be delegated all assessment powers and functions in relation to the assessment of the project application.
- On 7 May 2007 the Preliminary Assessment was accepted.
- On 27 June 2007, Director-General's Environmental Assessment Requirements (DGRs) were issued to the proponent.
- On 27 September 2007 an Environmental Assessment was lodged with Tweed Shire Council. The Environmental Assessment was deemed inadequate.
- On 22 October 2007 the proponent lodged a revised Environmental Assessment with Tweed Shire Council.
- On 24 October 2007 the Environmental Assessment was deemed adequate.
- The Environmental Assessment was placed on public exhibition from 31 October 2007 to 30 November 2007.
- On 4 December 2007 a summary of submissions was provided to the proponent, including issues raised by Tweed Shire Council.
- On 23 January 2008 a preferred project report was submitted to Council.
- During January through to March 2008, various email and telephone discussions were held with the proponent.
- On 13 March 2008 the preferred project report was accepted.

3.2 PROJECT AMENDMENTS

The preferred project report incorporated the following amendments:

- Modified roof forms and floor to ceiling heights to reduce building height and improve compliance with building envelope.
- Inclusion of greater detail in shadow diagrams.
- Inclusion of a landscaping plan.
- Further information from the waste service provider.
- Revised Soil and Water Management Plan addressing stormwater management during construction.
- Further details on the location of adjoining windows and private open space balconies on adjoining dwellings.
- Revised perspectives.
- Revised Statement of Commitments.
- Amended materials (glass insets in roof form as opposed to solid material).
- Amended floor plan for levels 1 to 5 to with increase setbacks to the rear and some encroachment of open elements within 3 metres of the front setback.
- Replacement of masonry support columns with glass framing in the front elevation where within the 3 metre front setback.
- Amendment to the rear privacy screen to provide for lightweight aluminium batten forms of varying thickness and length.

4 STATUTORY CONTEXT

4.1 PART 3A DECLARATION

The project is a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies as it meets the criteria listed in *State Environmental Planning Policy (Major Projects) 2005* (MP SEPP) being a building or structure greater than 13 metres in height that did not comply with development standards relating to the height of such a building set by a local environmental plan (Schedule 2, 1(1)(g)(ii) - Coastal Areas). The opinion was formed by the Director-General, as delegate for the Minister, on 7 May 2007.

4.2 PERMISSIBILITY

Under the Tweed Local Environmental Plan (LEP), the site is zoned 2 (b) Medium Residential, permitting medium density housing that achieves good urban design outcomes. The proposal is consistent with the objectives of Zone 2 (b) and is listed in Item 2 in clause 11 and is therefore permissible subject to the Minister's approval.

4.3 MINISTER'S POWER TO APPROVE

Council has exhibited the Environmental Assessment (EA) in accordance with section 75H(3) of the Act. The project is permissible and meets the requirements of the MP SEPP. Therefore, the Council has met its legal obligations and the Minister has the power to determine this project.

4.4 DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

The DGRs issued on 27 June 2007 required the following key issues to be addressed:

- Strategic Planning
- Urban Design, Visual Impact and Sustainability
- Infrastructure Provision
- Traffic and Access
- Hazard Management and Mitigation
- Water Cycle Management
- Heritage and Archaeology
- Flora and Fauna
- Noise
- Waste Management
- Consultation

The DGRs are in **Appendix A**

The EA lodged by the proponent on 27 September 2007 was considered to be inadequate as it did not address all the relevant matters required in the DGRs. The proponent subsequently lodged a revised EA on 22 October 2007 which satisfactorily addressed the DGRs and was subsequently deemed adequate on 24 October 2007.

4.5 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

4.5.1 Application of EPIs to Part 3A projects

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 (EPIs) that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project. A summary of compliance with the relevant EPIs is in **Appendix B**.

The provisions, including development standards of local environmental plans, and development control plans are not required to be strictly applied in the assessment and determination of major projects under Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations as the DGRs require the proponent to address such standards and provisions. Accordingly the objectives of a number of EPIs and the development standards therein and other plans and policies that substantially govern the carrying out of the project are appropriate for consideration in this assessment as follows:

4.5.2 State Environmental Planning Policy (Major Projects) 2005

The MP SEPP applies to the project as discussed in Section 4.1 above.

4.5.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proponent has completed a BASIX certificate for the multi-dwelling building. All water, thermal and energy targets are met.

4.5.4 State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Urban Land)

The purpose of this policy is to allow for orderly and economic development of land for multi-unit housing and related development. The policy seeks to promote the location of housing in areas where existing public infra-structure, transport, facilities, employment opportunities are available.

In determining an application for approval, the Minister should have regard to the effect of the development on the streetscape, privacy of adjoining landowners, availability of sunlight, noise likely to be generated by the development and provision of adequate car parking.

The proposal is generally consistent with the surrounding built form, permissible land uses and height controls. The proposal includes sufficient on-site car parking. Adequate services are available and the site is suitable for redevelopment with regard its proximity to Tweed Heads. Privacy impacts and availability of sunlight to adjoining land owners has been assessed in relation to SEPP 65 below.

The proposal is considered to be a suitable site for redevelopment.

4.5.5 State Environmental Planning Policy No 55 - Remediation of Land

The policy seeks to promote remediation of contaminated land to ensure human and environmental health.

The EA identifies that the land has been utilised for residential purposes for at least 40 years. No other non-residential uses are known of, nor is there any evidence of storage of chemicals on site that would give rise to potential contamination concerns. No agricultural uses have been prevalent. Under-slab assessment has been undertaken in accordance with Council's policy with results clearing the site of potential contamination concern.

4.5.6 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

The proposed development has been assessed in accordance with the provisions of SEPP 65. The original scheme did not satisfactorily address the design principles relating to scale (particularly height) and built form, particularly the boxy appearance of the proposal, its visual presence and bulk due to non-compliance with building envelope and upper level set-back requirements.

The modified design complies with Council's maximum building height control of 50m AHD. Combined with other design modifications, specifically to the roof fascia and timber screen over the middle section of the building, the preferred project minimises the perceived building scale.

Whilst the shape of the building remains relatively unchanged, the modified proposal complies with building envelope requirements to the northern and southern boundaries allowing for preservation of view corridors through the area.

Whilst encroachments to the upper second and third level setbacks remain to the eastern and western boundaries (front and rear) the preferred project reduces impacts on the adjoining properties' amenity, privacy, ventilation and view lines.

The proposal does not comply with building separation distances with the residential flat building currently under construction or the recently approved residential flat building to the rear. However, the proponent has demonstrated that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved for all apartments.

A complete assessment against SEPP 65 is provided in **Section 6** of this report.

4.5.7 State Environmental Planning Policy No. 71 – Coastal Protection (SEPP71)

SEPP 71 applies generally to land within the 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. The proposal is consistent with the matters set out in Clause 8 as follows:

- Retains access to the foreshore and Point Danger;
- The development is suitable given its type, location and design;
- Overshadowing of the foreshore has been minimised;
- The bulk and scale of the design has been reduced with respect of the scenic quality of Flagstaff Hill;
- There are no significant impacts on any threatened species;
- Being located on Flagstaff Hill does not result in increased flood potential;
- Does not impact on cultural or heritage matters;
- Provides for protection of water quality; and
- Complies with BASIX requirements ensuring that water and energy usage by the proposal is efficient.

A complete assessment against SEPP 71 is provided in **Appendix B** to this report.

4.5.8 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. The proposal complies with relevant clauses of the policy. A complete assessment against the North Coast REP is provided in **Appendix B** to this report.

4.5.9 Tweed Local Environmental Plan 2000

The subject site is within the 2 (b) Medium Residential Zone pursuant to the Tweed Local Environment Plan (LEP). The primary objective of this zone is to provide and encourage development for medium density housing that achieves good urban design outcomes. The proposed development is defined as multi-dwelling housing which is identified as Item 2 (allowed only with consent) within the 2 (b) Medium Residential Zone. The Tweed LEP does not trigger additional concurrence provisions for the proposed land use at the site.

The development generally meets the objectives and provisions of the Tweed LEP. Relevant clauses are discussed in greater detail in **Appendix B** to this report.

4.6 OTHER PLANS AND POLICIES

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

4.6.1 Section A2 Of Tweed Shire Consolidated DCP – Site Access and Car Parking Code

The revised plans provides for 29 car parking spaces as follows:

- 24 spaces for residents (4 pairs are tandem);
- 3 visitor spaces; and
- 1 car wash bay.

This amount satisfies Council's car parking requirements (2 spaces / 3 bedroom unit plus 1 space per 4 units for visitors). Tandem car parks are supported subject to a condition which requires each set of tandem car parks be allocated to a single unit.

Hooks are proposed at each parking bay for bicycle storage. Section A2 requires storage for 24 bicycles and the proposal complies in this regard.

4.6.2 Section A9 of Tweed Shire Consolidated DCP – Energy Smart Homes

A BASIX certificate and NATHERS modelling was submitted demonstrating energy targets were met. The proposal is considered to comply with the DCP in this regard.

4.6.3 Section B2 of Tweed Shire Consolidated DCP – Tweed Heads

The subject site is located within the high density residential precinct 'Flagstaff Hill', affected by a 50m AHD building height limit. Many sites on Flagstaff Hill have access to views across the Tweed River and Jack Evans Boat Harbour.

The precinct objectives seek to develop high density areas which respect existing residential amenity and provide additional choice in housing to cater for an increasing variety of household types. It is also intended to promote the efficient use of residential land and develop a streetscape that reflects the climate, topography and lifestyle of the locality.

Development in the high density residential precincts may be supported where it is in accordance with the relevant provisions. The proposal is generally compliant with the provisions of Section B2 of the DCP. Relevant provisions are discussed in detail in **Appendix C** to this report.

4.6.4 Building Line Policy

Tweed Shire Council adopted the Building Line Policy at its meeting on 13 June 2006. The policy seeks to ensure attractive and reasonably landscaped streetscapes, safe and convenient circulation of pedestrians, appropriate parking of vehicles and control the extent to which buildings overlook, overshadow and affect adjoining properties. In the case of corner allotments, the policy requires the minimum building line setbacks not less than six (6) metres to the primary frontage and three (3) metres to the secondary frontage.

The Preferred Project Proposal includes reduced setbacks to the primary frontage (Tweed Terrace) of approximately 3 metres (and less for open structures and awnings). The Building Line Policy allows for lesser setbacks where such are permitted in Council's Development Control Plan (DCP). It is noted that Section B2 of Council's (DCP) Tweed Heads, encourages a variety of setbacks to promote visual variety. The Policy also allows for variation to the building lines where the levels or depths of the allotment, exceptional conditions of the site, or nature of the building make it necessary or expedient to do so.

It is considered that reduced setbacks to Tweed Terrace are acceptable in this instance given the exceptional conditions of the site and the nature of the building. The proposed variations to the frontage have allowed for protected privacy and amenity of dwellings located at the rear. Furthermore, the reduced setbacks to the frontage will not impact on the streetscape given the open character of the streetscape and open space areas located on the opposite side of the street.

The proposed variations do not compromise the intent of the Policy.

4.6.5 NSW Coastal Policy 1997 and NSW Coastal Design Guidelines

The proposal complies with the provisions of the NSW Coastal Policy, particularly in relation to stormwater, contamination, acid sulphate soils, sea level change and flooding. The proposal also complies with the *NSW Coastal Design Guidelines* with respect to the impact of the proposal on views and on adjoining dwellings. These issues have been considered as part of the assessment in Section 6.

The proposed development has been assessed against each of these controls in more detail in **Appendix C** to this report.

4.7 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).

Council has considered the proposed development in relation to the ESD principles and has made the following conclusions:

Integration Principle - The proposal is consistent with residential land use intentions for Tweed Heads as identified in Council's strategic and statutory documents. The relatively minor scale of the development is unlikely to result in short or long term 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.

Precautionary Principle – The site is currently highly disturbed with existing urban development. 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.

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 cross-ventilation and recycled materials to improve environmental performance providing benefits to future generations. Access to adjoining foreshore and open space areas are protected for existing and future generations.

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.

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 mechanical, electrical and hydraulic systems as well as architectural designs to ensure high environmental performance is delivered.

4.8 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), (iii) (iv), (v), (vii), (viii) are significant factors informing the determination of the application. The project does not raise significant issues with regards to (vi) given existing site disturbance.

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.

Council has considered the Objects of the Act, including the encouragement of ESD in the assessment of the project application. The proposal provides for an increase in residential density within close proximity to required community infrastructure at Tweed Heads, in accordance with Council's strategies and policies. Conditions will require that the developer pay charges which will contribute towards provision of public services, facilities and parks. Conditions also provide for the protection of public utilities, sewer and water. The proposal accords with ESD principles as discussed above. Whilst affordable housing is not proposed, the site has limited opportunity for such given its scale and land value reducing economic viability.

5 CONSULTATION AND ISSUES RAISED

5.1 PUBLIC EXHIBITION DETAILS

The Environmental Assessment was exhibited from 31 October 2007 to 30 November 2007 and notice of the exhibition was published in the Tweed Link and the Daily News. The Environmental Assessment was made available to the public in the Department's Information Centre and at Tweed Shire Council's Murwillumbah and Tweed Heads Civic Centres.

A Preferred Project Report was lodged on 23 January 2008 and accepted 13 March 2008. As the changes to the nature of the project were not significant, it was not re-exhibited.

5.2 SUBMISSIONS RECEIVED

Council received a total of 4 submissions comprising 3 submissions from the public and 1 submission from public authority, being the Department of Lands.

The 3 submissions received from the members of the public raised grounds of objection to the proposal. The submission from the Department of Lands did not raise any objection.

5.3 PUBLIC SUBMISSIONS

5.3.1 *Summary of issues raised in public submissions*

The following issues were raised in the public submissions:

- Access to Boundary Lane and traffic impacts given its narrow width;
- Lack of footpath on Boundary Lane and potential risk to pedestrians; and
- Breach of building envelope controls.

Discussion on the key issues which include those raised in submissions is in **Section 6** of this report. A summary of all submissions received can be found in **Appendix D**. The proponent responded to submissions through the Preferred Project re-design.

5.4 SUBMISSIONS FROM PUBLIC AUTHORITIES

The following submissions were received from public authorities:

5.4.1 *Department of Lands*

The Department of Lands indicated that while the proposal does not directly impact on the Crown estate, it was requested that the proponent does not undertake any activity on Crown land or use Crown land for any purpose associated with the project. The proponent may not:

- Encroach upon Crown land,
- Remove any vegetation from Crown land,
- Stockpile materials, equipment or machinery on the Crown land,
- Use the Crown land access,
- Direct stormwater discharges on Crown land, or,
- Use Crown land as asset protection zone.

6 ASSESSMENT OF ENVIRONMENTAL IMPACTS

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

- Strategic Planning
- Urban Design, Visual Impact and Sustainability
- Infrastructure Provision
- Traffic and Access
- Hazard Management and Mitigation
- Water Cycle Management
- Heritage and Archaeology
- Flora and Fauna
- Noise
- Waste Management
- Consultation

6.1 STRATEGIC PLANNING

6.1.1 *Planning Strategies*

The proposal does not conflict with the intent of the Tweed Heads Economic Development Strategy, Tweed Heads Masterplan and Tweed 2000+ Strategic Plan. The proposal is compatible with the zoning and height requirements and has been designed to incorporate good cross-ventilation and is highly articulated. The land use is compatible with the intended zone objectives and suitable for re-development.

The proposal is consistent with the *North Coast Regional Strategy* as addressed in **Section 4**.

6.1.2 *Housing Choice*

The proposal will result in an increase in density from 2 detached dwellings to 12 multi-dwelling units. The sites' unique location on the headland has restricted the economic viability of providing for a more affordable product.

6.2 URBAN DESIGN, VISUAL IMPACT AND SUSTAINABILITY

6.2.1 *Design Quality (façade, building articulation, massing, setbacks)*

Façade / Articulation

Council engaged an independent architect to review the proposed design quality. In terms of the building aesthetics, the architect advised that the proposed suite of materials and treatments demonstrate a "sophisticated and balanced palette".

The building is well articulated through the inclusion of balconies, windows and the use of a variety of materials (including stone cladding, timber screens, copper trim and glass sections). The proposed colours and finishes include raw and finished qualities in response to the natural ocean side setting.

All living areas are aligned with the north eastern façade taking advantage of views and solar aspects. The linear planning of the apartments promotes natural cross-ventilation limiting the requirement for air-conditioning.

The elevation treatment described above assists to break down the massing of the building through the well articulated variety of materials.

The design quality of the building is considered to be of a high standard with regard to the variety of materials used, the colour scheme and layout.

Massing

The Preferred Project addresses Council's concerns with massing and perceived bulk through modifications to the upper level. In particular, the height of the proposal has been reduced to comply with Council's standards, and the horizontal roof fascia has been set back and replaced with glass elements, reducing the boxy nature of the proposal and the perceived bulk. The timber screen on the façade has been reduced in scale and amended in context with the redesigned roof fascia.

The proposed massing is acceptable with regard to the height controls and medium residential intent for the locality.

Building Setbacks

At ground level, the building has varied setbacks (between 3 metres and 6 metres) to Tweed Terrace. Setbacks from Boundary Lane are at approximately 4 metres and setbacks from Hill Street are approximately 5 metres. The building is setback between 4 – 7 metres from the rear boundary. Structures within the 3 metre front setback comprise only of open terraces, awnings and decks.

Generally, the varieties of setbacks provided at the ground level are considered acceptable as they provide for an interesting façade with a variety of sections. The reduced setbacks to Tweed Terrace will not result in any impacts on adjoining land owners given the open nature of the street and the open space situated opposite the site on Tweed Terrace.

Building Envelopes

The exhibited proposal displayed significant protrusions from the building envelope on all sides. This resulted in impacts on its perceived visual dominance.

The Preferred Project proposal reduces the height of the building and modifies the roof form, which in turn reduces protrusions from the building envelope. Most significantly, protrusions to the sides of the building (as viewed from Tweed Terrace) were minimised to approximately 500 - 800mm. These reductions allow for maintenance of prominent views and breezes through the site and reduce the visual impact of the building.

Tweed Terrace Frontage

Whilst the upper levels of the building are not setback from the Tweed Terrace frontage in accordance with the building envelope requirements, it is considered that this will not result in any adverse impacts to adjoining properties. Protrusions to the street frontage are not likely to result in visual impacts given they are not in the path of any major view lines.

Rear Building Envelope

Despite the proposed modifications, Council and an objector did not consider that the first version of the Preferred Project had adequate regard to the adjoining development sharing the rear boundary. The rear of the building (as viewed from the sides - northwest and southeast elevation) continue to protrude from the building envelope by up to approximately 3 metres. The rectangular design of the building does not allow for increased setbacks as the building height increases and all building levels adjoining the rear boundary are on a level vertical plane, setback at 3 metres. There was concern that the reduced setbacks of the upper levels from the rear boundary would potentially impact on a recently approved building at 2-4 Boundary Lane, the design of which includes decks directly adjacent to the rear façade of the proposal.

It was suggested by an objector that in order to protect residential amenity, privacy, views and access to sunlight of adjoining properties, the ensuite indicated on the north-western edge of the floor plans should be deleted and a minimum of a 4 metre setback be provided from the rear boundary. Further, the objector considered that the hardwood screen adjacent to the rear boundary be re-located closer to the boundary and provided with greater variation and void areas.

It is also noted that the Departments Urban Design Specialist provided brief comments on the proposal and suggested that the building be moved closer to the eastern boundary. This would not only improve the separation to the rear, but would also provide for a more active frontage on Tweed Terrace.

Subsequently, the proponent again modified the Preferred Project and provided a minimum 4 metre setback to the rear boundary and partial deletion of the north-western ensuite. The proponent indicated that these amendments would result in a decreased gross floor area and increased landscaped area. Besides the modification to the ensuite (reducing its size), the building was moved 1 metre towards the front boundary.

Whilst this amendment has resulted in greater areas of the building within the 3 metre setback line, these are limited to open elements and are unlikely to result in increased perception of scale and massing. Modifications were also made to the timber screen at the rear of the building. This was amended to provide for a lightweight aluminium batten form of varying thickness and lengths and was shifted further from the rear boundary (as suggested by the submitter).

The amended Preferred Project proposal was subsequently accepted. It continues to demonstrate major compliance with building envelope requirements to the side boundaries which will ensure the views are retained and perceived scale reduced. Further, the amendments allow for compliance to building envelope where the building adjoins the primary balcony of the adjacent building approved to the rear. Submitted diagrams indicate that access to views from the rear properties is substantially maintained.

It is noted that by sliding the building footprint 1 metre towards the frontage, non-compliance with building envelope requirements to Tweed Terrace are greater. Notwithstanding, the proponent has argued that these impacts have been offset by way of pulling the upper roofline back (so it is compliant) whilst also ensuring that the proposed encroachments are overwhelmingly open elements associated with private open space balconies facing the east. The encroachment to the front boundary is limited to the upper level and the central feature spine. The proponent has also confirmed that masonry support columns have been removed from the eastern elevation where encroachment to the 3 metre line is proposed. These elements have been replaced with glass framing, giving a greater lightweight form to the building and providing greater view access and allowing passive surveillance to the street.

The accepted Preferred Project is considered to comply with the building envelope objectives and responds adequately to the submitter's concerns.

6.2.2 Impacts on Privacy views and overshadowing

Privacy

The Preferred Project report has demonstrated that impacts on adjoining privacy of adjoining residents are protected through limited openings to the rear façade, the use of screen elements and orientation of proposed balconies away from adjoining development.

Views

The Preferred Project proposal has regard to the design of adjoining buildings (including recently approved buildings) and increased setbacks to the rear to allow for improved separation and protection of adjoining residential amenity. Part of the ensuite proposed on the north-western corner was removed to ensure maintenance of views from the adjoining property located at 2-6 Boundary Lane. This has adequately addressed concerns raised by objectors.

Shadow

The submitted shadow diagrams for the Preferred Project indicate that the buildings sharing the rear boundary may be partially affected by shadow in mid-winter. Notwithstanding, balconies of the adjoining dwelling at 2-6 Boundary Lane are free from shadow by 12 noon in mid-winter, allowing for sufficient access to sunlight in the afternoon.

The adjoining dwelling at 2 Hill Street has front and rear balconies. The front balcony (facing Hill Street) appears to be free of shadow in the morning between 8am and 10am in mid-winter and then again from 2pm in the afternoon of mid-winter. The rear balcony of this building receives full sun from 2pm in mid-winter.

The Preferred Project results in overshadowing of the open space areas opposite the site (Flagstaff Beach Road reserve) (refer **Figure 10**). The modified shadow diagrams indicate that shadowing on adjoining areas zoned open space, commences after 12 noon and extends approximately 20 metres into the adjoining open space to the south by 1.30pm and extending a further 10 meters by 3pm in mid-winter. The shadow intrusion occurring on adjacent open space after 1.30pm in mid-winter is considered acceptable with regard to the following:

- The length of the shadow (maximum 30 metres) is relatively minor when compared to the distance between the adjacent open space and foreshore (approximately 75 metres at its narrowest point);
- The area of open space between the site and the foreshore is partially unusable due to vegetation and slope;
- The Preferred Project minimises the impact of shadow through reduced height; and,
- The Department of Lands (who are land owners of the adjoining park) have raised no objection to the proposal.

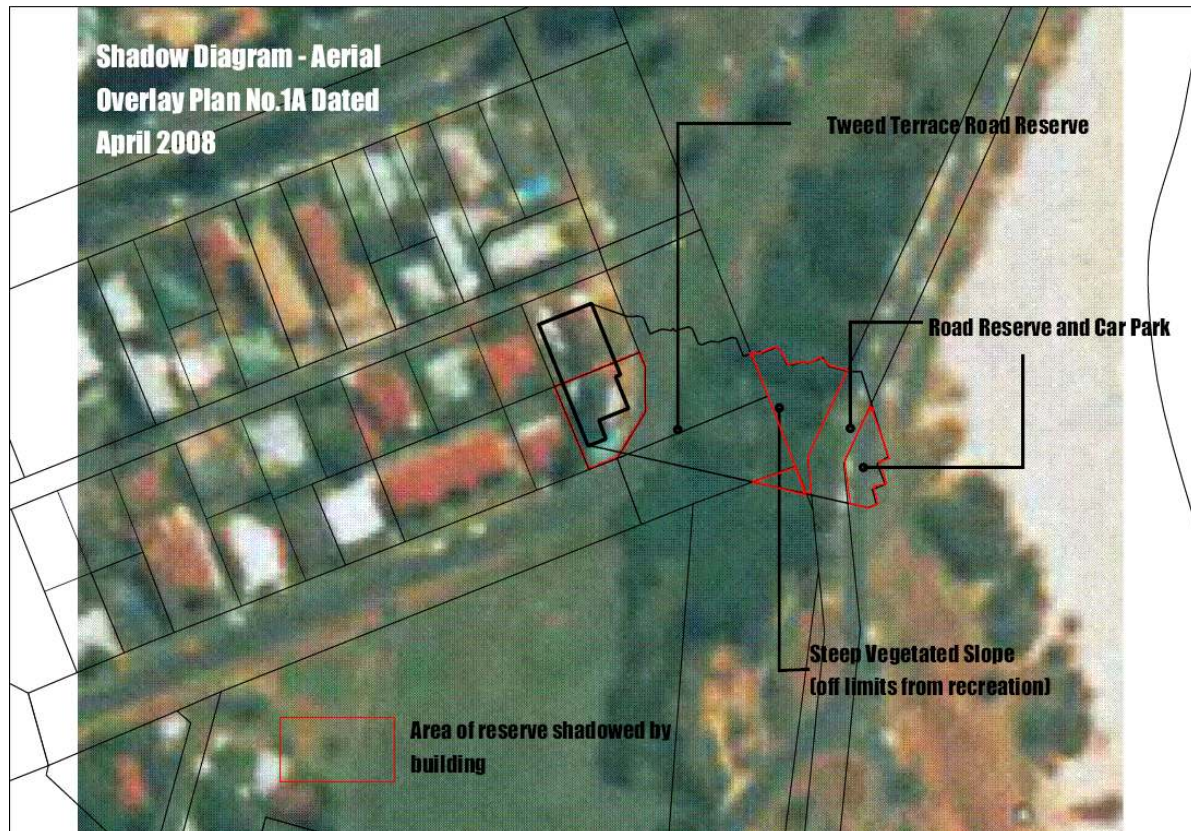


Figure 10 – Overshadowing of Flagstaff Beach road reserve and open space areas in mid-winter (PM)

As discussed above, overshadowing of the adjoining open space areas are considered acceptable with regard to the relative distance of shadow from the foreshore and public access areas.

6.2.3 Building Height and Visual Amenity

The building height control for the site is 50m AHD in accordance with the Tweed LEP 2000. The exhibited proposal originally exceeded the height at 50.9m AHD. The excess height and roof form of the exhibited proposal contributed to an unacceptable scale and bulk.

The Preferred Project is 49.8m AHD (6 storeys), which is generally in accordance with the scale of the local building stock and planning regulations (refer **Figure 11**). The height of the building has been reduced by 1.1 metres, minimising the dominating nature of the scale. The deep roof fascia has been setback and replaced with glazed components. This reduces the horizontal bulkiness of the proposal. The scale of the timber screen proposed on the façade has also been reduced.

The Preferred Project displays a suitable bulk, scale and visual amenity, with regard to the maximum height limit and size of the allotment.



Figure 11 – Photomontage of proposed building

6.2.4 Compliance with SEPP 65 – Design Quality of Residential Flat Development

Independent architectural assessment of the exhibited proposal found it to be potentially conflicting with some of the design merits of SEPP 65. Most of the non-compliances were resolved through the Preferred Project Report, apart from non-compliances relating to building separation distances as specified in the *Residential Flat Design Code* (Department of Planning, 2002). This is discussed in more detail below.

Building Separation

The spatial relationship of buildings is an important determinant of urban form. Building separation relates to urban form because it has to do with the legible scale of an area. Buildings which are too close together also create amenity problems inside the building, for the space between and for neighbouring buildings. These problems include lack of visual and acoustic privacy, loss of daylight access to apartments and to private and shared open spaces.

The Preferred Project, as endorsed by Tweed Shire Council, proposes less than the recommended building separation distances in the *Residential Flat Design Code* for all storeys. The proposal does not comply with building separation distances to the recently constructed (2 Hill Street) and recently approved (2-4 Boundary Lane) residential flat buildings to the rear of the proposed new building. It is also noted that the two buildings to the rear of the subject site (approved by Tweed Shire Council) do not comply with the Design Code separation distances. The non-compliances in the Preferred Project are summarised in **Table 2** below.

Table 2: Building Separation Distances – Preferred Project Report (as endorsed by Tweed Shire Council)

	Preferred Project & 2-4 Boundary Lane	Preferred Project & 2 Hill Street	Residential Flat Design Code	Complies
Levels 1–4 (habitable room to habitable room)	7.5m	7.5 – 10m	12m	No
Levels 1–4 (habitable to non-habitable)	8.75m	8.75m	9m	Yes
Levels 5–6 (habitable to habitable)	7.5m	10m	18m	No
Levels 5–6 (habitable to non-habitable)	9.375m	8.75m	13m	No

The Department does not support Council's assessment of building separation and visual and acoustic privacy. The Preferred Project proposed significant departures from the separation distances required by the *Residential Flat Design Code*. While separation distances in the Design Code are 'Rule of Thumb' distances, developments that propose less than the recommended distances apart must demonstrate that daylight access, urban form and visual and acoustic privacy have been satisfactorily achieved.

Daylight Access

All apartments will achieve significantly greater sunlight access than required by the Design Code (at least 3 hours between 9am & 3pm mid-winter) due to orientation of site and lack of structures to the east and south. Similarly, 100% of units are cross-ventilated, which exceeds the 60% minimum number of units required under the Design Code.

The submitted shadow diagrams for the Preferred Project indicate that the buildings sharing the rear boundary may be partially affected by shadow in mid-winter. Notwithstanding, balconies of the adjoining dwelling at 2-6 Boundary Lane are free from shadow by 12 noon in mid-winter, allowing for sufficient access to sunlight in the afternoon.

The adjoining dwelling at 2 Hill Street has front and rear balconies. The front balcony (facing Hill Street) appears to be free of shadow in the morning between 8am and 10am in mid-winter and then again from 2pm in the afternoon of mid-winter. The rear balcony of this building receives full sun from 2pm in mid-winter.

It is accepted that daylight access is satisfactorily achieved for the proposed new building. Shadows caused by the new building do not present excessive overshadowing on the neighbouring buildings.

Urban Form

As discussed in Section 6.2.1 above, the overall urban form of the building is now considered acceptable.

Visual and Acoustic Privacy

The building design seeks to achieve visual and acoustic privacy between the proposed building and the two residential flat buildings to the rear by incorporation of significant screening on the rear façade, limited openings to the rear façade and orientation of proposed balconies away from adjoining development. The Department was concerned that this may not provide an adequate level of visual or acoustic privacy between the apartment buildings.

The Department met with the proponent to discuss options to redesign the building to improve overall visual and acoustic privacy between the new building and the neighbouring buildings. The Department requested that the proponent investigate increasing the set back to the rear boundary to achieve greater compliance with the *Residential Design Code* separation distances. The proponent's architect considered such a design amendment, but advised it was not achievable without a major re-design of the entire building layout, internally and externally. Issues restricting a greater set back to the rear include:

- Fire egress from the basement at the front and south of the building would no longer work as they would be outside the boundary. The external fire egress route in front of the building is via the external hardscape area in front of the units. This would be lost.
- Disabled access ramp to front foyer could no longer be accommodated;
- Internal areas of units on the ground floor would need to be redesigned as a result of external amendments;
- Internal stairs would lose functionality and may have to be external to building, resulting in a loss of visual amenity and existing urban form;
- External decks, landscaping and pool areas would require redesign;
- Southern fire egress stairs from basement would not work;
- Car spaces would be lost; and
- Proximity of external living areas to Tweed Terrace would result in increased privacy issues and reduced acoustic amenity for areas at the front of the building.

In summary, the building would require a major redesign to demonstrate absolute compliance with the Design Code separation distances.

Given the development is infill development the Department accepts that it is difficult for the new building to achieve absolute compliance with the Design Code. Furthermore, as the Design Code separation distances were not considered by Council in its assessment of 2 Hill Street and 2-4 Boundary Lane, the new building on Tweed Terrace is

effectively responding to the separation distances in isolation. While it would have been reasonable to expect an equitable split of the required distances between each building, this is simply not achievable with 2 Hill Street and 2-4 Boundary Lane already approved.

It is noted that the owners of 2 Hill Street did not object to the development. While the owners of the Boundary Lane development did object to the exhibited development in relation to residential amenity, privacy, views and access to sunlight of the adjoining property, these concerns have been resolved through modifications in the Preferred Project Report (refer Section 6.2.1).

While there is non-compliance with the Design Code, the main living areas of 2-4 Boundary Lane are oriented away from the new building toward the north and similarly, the main terraces of the Hill Street development are oriented toward the south-east, reducing direct sight conflicts.

Given the issues associated with either moving or re-designing the building, the proponent has committed to implementing further measures to improve visual and acoustic privacy, including, incorporating frosting to all glass outside of the screened areas and using awning windows to deflect noise transmission. The proponent states that it will commit to designing the building such that noise from the building will not exceed 5 dB(A) above the background at the site boundary between 7am (8am on weekends) and midnight and that outside these hours, noise will not be audible in any habitable room of a residential premise.

Design Principles

Comments in relation to each design principle outlined in SEPP 65 are summarised below.

Context

The proposal is in character with the local building stock.

Scale

Whilst the exhibited proposal was generally within the scale of the local building stock, the proposed height and 'top heavy' design of the original scheme contributed to a visually dominating scale and boxy built form. The timber screen over the middle section of the building front façade, assisted in reducing the horizontal bulkiness of the building, however the scale of the timber screen itself was considered too large. Further, the original exhibited proposal included a deep roof fascia stretching the entire width of the building which was considered to add to the perceived building bulk and scale.

The Preferred Project limits the height to within that of the controls. The scale of the timber screen has been reduced and the roof fascia setback and modified to include glass. These modifications alleviate initial concerns with regard to scale.

Built Form

Given the rectangular nature of the building and limited compliance with setbacks of upper levels from boundaries, the original exhibited scheme was considered to be boxy. Concerns were raised with the form of the upper part of the building. The built form was considered to contribute to the bulky nature of the proposal and its visual dominance.

As above, the Preferred Project has amended the top fascia element to reduce its bulk impacts. Whilst the design is still in a rectangular shape, the building has been modified to comply with required setbacks from the side boundaries, allowing for increased views. Combined with the reduced height, it is considered that the visual impact has been satisfactorily addressed.

Density

The proposed density is commensurate with the local area.

Resource energy and water efficiency

The Preferred Project is orientated to the north east receiving good solar access. The linear planning of the apartments promotes cross ventilation of sea breezes, limiting the requirement for air-conditioning. The proposed screen on the rear façade minimises solar heat gain.

Timber screens on the front and rear of the building are proposed to be comprised of recycled materials and the use of water storage tanks to capture runoff improves water efficiency.

The exhibited proposal included a BASIX certificate in accordance with relevant policy requirements and therefore meets all required energy and water efficiency targets.

Landscape

Landscaping is comprised mostly of planters due to the basement extending for a large portion of the site. Generally the plant selection proposed is considered to be acceptable. However the following amendments are required:

- *Tabebuia* sp. can be serious environmental weeds. This species should be replaced with a suitable native or at least a non-spreading species.
- *Codeaum*, *Philodendron* and *Rhoeo* species also can be serious environmental weeds. They are suitable if used only in containers, but not as mass plantings within the garden beds.

The proposed area of landscaping meets the requirements of Council's DCP as addressed in section 4 above.

A condition of approval requires an amended, detailed Landscape Plan that incorporates the above modifications.

Amenity

The amenity of future residents is adequate through provision of large north and east facing balconies. Impacts on amenity of the buildings to the rear have been minimised through increased setback to the rear boundary and partial deletion of the ensuite on the southwest corner of the upper levels.

Safety and security

Conditions are imposed to allow for maintenance of a pedestrian footpath adjacent to the site's frontage, to allow for accessibility. The design allows for ample opportunity for passive surveillance.

Social dimension

The proposal does not include affordable housing and has been designed to provide 12 generously proportioned units. Given the unique site location (with elevated views across the ocean), it is unlikely to be commercially viable for provision of affordable housing.

Aesthetics

The proposal provides a suitable and positive aesthetic contribution to the locality.

6.2.5 BASIX

The exhibited proposal included a BASIX certificate in accordance with relevant policy requirements.

6.2.6 Tweed Heads Town Centre Masterplan (2004)

The site is located within the Durambah Beach and Flagstaff Hill precincts of the Tweed Heads Town Centre Masterplan (2004). Relevant objectives include:

- To promote the area as a high density residential zone;
- To establish a quality architectural style responsive to the location and microclimate; and
- To maintain the existing views and vistas to and from the precinct.

Associated Urban Design Principles are summarised in italics and addressed below:

A six storey height limit is identified for the residential zones, responsive to the site topography.

- The proposal complies with this limit.

Articulate key building corners particularly those adjacent to Boundary and Coral Streets.

- The proposal includes balconies on each corner / frontage to provide for articulation.

Encourage overlooking of parkland open space areas from buildings;

- Overlooking over adjoining open space and road reserves is provided through proposed balconies.

Establish a site for a possible public building / or small scale commercial facility on Tweed Terrace to complement the existing commercial facilities in Queensland.

- The proponent has not pursued the option to provide for a commercial facility at the ground floor. There is no statutory framework on which this can be enforced.

The proposal is generally consistent with the Masterplan through provision of a 6 storey multi-dwelling development.

6.3 INFRASTRUCTURE PROVISION

6.3.1 Capacity and requirements

Council's reticulated sewer is available in Boundary Lane, with no capacity constraints evident. Council records indicate there is an existing sewer manhole and pipe infrastructure within Lot B DP407809. The proposed development would result in this infrastructure having to be removed. This has been addressed through a condition of approval which also requires the proponent to lodge a Section 68 application under the *Local Government Act 1993* with Council for the works.

The site is adequately serviced in terms of electricity (Country Energy) and telecommunication services.

6.3.2 Developer contributions

A number of Council's Section 64 and 94 plans are applicable to the proposal and payment of contributions is required through recommended conditions. Contributions payable are outlined in **Table 3** and **Table 4** overleaf. The subject site has a Section 94 Contribution credit based on 2 existing residential dwellings. Contributions for each stage are calculated on the difference.

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of *Tweed Road Contribution Plan No. 4 - Version 4.1* is required prior to the issue of a construction certificate as it is estimated that 3,500 cubic metres of soil will be required to be removed. Final contribution figures for haulage will be determined by Council prior to issue of the construction certificate.

Table 3 – s94 Contributions Payable

Section 94 Contribution Plan No.4 – Tweed Road Contribution					
Trip Rate	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
46.8 trips	\$596	\$27,892.80	13 trips	\$7,748	\$20,144
Section 94 Contribution Plan No.5 (Amendment No.5) – Local Open Space 2002					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$510 (structured)	\$6,120	2.0 x \$780	\$1,560	\$4,560
12	\$109 (casual)	\$1,308	2.0 x \$167	\$334	\$974
Section 94 Contribution Plan No.11- Tweed Shire Library Facilities Amendment No.1 2002					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$450	\$5,400	2.0 x \$688	\$1,376	\$4,024
Section 94 Contribution Plan No.12 – Bus Shelters 2005					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$16	\$192	2.0 x \$26	\$52	\$140
Section 94 Contribution Plan No.13 – Environ Cemetery 2005					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$90	\$1,080	2.0 x \$131	\$262	\$818

Section 94 Contribution Plan No.16 – Emergency Facilities (Surf Lifesaving) 2006					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$131	\$1,572	2.0 x \$200	\$400	\$1,172
Section 94 Contribution Plan No.18 – Council Administration Offices and Technical Support Facilities (Version 2.1) – 24 April 2007					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$1,305.60	\$15,667.20	2.0 x \$1,996.80	\$3,993.60	\$11,673.60
Section 94 Contribution Plan No.22 – Cycleways					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$230	\$2,760	2.0 x \$352	\$704	\$2,056
Section 94 Contribution Plan No.26 – Regional Open Space (Version 3)					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$1,521(structured)	\$18,252	2.0 x \$2,327	\$4,654	\$13,598
12	\$559 (casual)	\$6,708	2.0 x \$855	\$1,710	\$4,998
TOTAL CONTRIBUTIONS					\$64,157.60

Table 4 – s64 Contributions Payable

Development Servicing Plan for Water Supply Services (July 2007)					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$9,997	\$119,964	2.0 x \$9,997	\$19,994	\$99,970
Development Servicing Plan for Sewerage Services (July 2007)					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$4,804	\$57,648	2 x \$4,804	\$9,608	\$48,040
TOTAL CONTRIBUTIONS					\$148,010

6.4 TRAFFIC AND ACCESS

The proposal is consistent with Council's car parking and access requirements, as addressed in Section 4.6 of this report. However, submitters raised concerns with the impact of increased traffic on Boundary Lane. Council's Engineer acknowledges that the proposed increase in density of development on the site will result in some increase in generation of traffic. However, it is considered that the road network has sufficient capacity to cater for the increase and impacts are acceptable with regard to the medium density zone.

As submitters raised concern with pedestrian safety on Boundary Lane and Tweed Terrace, conditions are imposed to ensure that a footpath is installed along both street frontages.

6.5 HAZARD MANAGEMENT AND MITIGATION

6.5.1 Contamination

No cattle dip sites were located within 200 m of the site and a review of previous land uses has been undertaken.

Further, a pre-demolition underslab soil contamination report was submitted. Sampling has been carried out in accordance with Council's Pre-Demolition Testing Guideline. All sampling results are below the limit of reporting. Contamination of the site from pesticide application is not considered a constraint.

Given the above, contamination is unlikely to be a constraint for the site.

6.5.2 Geotechnical

A significant basement excavation is proposed. Council will not permit ground anchors (to retain sacrificial sheet piling for basement excavations) within Council or private property, without prior consent from the property owner being obtained. If the land owner is Council, approval is required from the General Manager or his delegate, and the anchors are required to be removed upon completion of the works unless a compensation amount is negotiated with Council. Conditions are recommended in this regard.

Conditions require that further soil reports and geotechnical assessments be undertaken if required in relation to placement of footings and construction of retaining walls.

6.6 WATER CYCLE MANAGEMENT

6.6.1 Water Quality and Erosion and Sediment Controls

Conditions are imposed to ensure that erosion and sediment is controlled during construction.

6.6.2 Surface Water Quality

The Legal Point of Discharge for the site is the kerb and gutter of either Boundary Lane or Tweed Terrace. The submitted Stormwater Management Plan intends to discharge into the kerb inlet pit in Tweed Terrace which is acceptable. It is also proposed to provide stormwater storage (BASIX) and to have any overflow discharge to the street.

Runoff from the basement car park will be treated in accordance with Council requirements, prior to discharge into the kerbside inlet pit in Tweed Terrace. With a head clearance to the basement of only 2420mm, Council had concerns that appropriate cleaning and maintenance vehicles will not be able to enter the basement car park to service the proposed stormwater treatment device (GPT). However, the Preferred Project proposal states that the proposed treatment device will be able to be serviced by a vacuum truck or equivalent.

Runoff from the nominated car wash is proposed to be treated to remove oil and grit prior to discharge into the sewer network. This has been referenced and sufficiently detailed in the submitted Stormwater Management Plan.

6.6.3 Excavation and Dewatering

The basement will require excavation of approximately 3.7 metres depth across the site. It was identified that the stormwater is likely to collect in this pit during construction. A dewatering management plan was therefore requested to be included in the Preferred Project Report.

The Preferred Project has confirmed that the location of the site on the top of a hill combined with evidence from adjacent subsurface basement excavation, dewatering of the subsurface during excavation of the basement would not be required. However, in the event that groundwater is encountered, then additional information will be required. Conditions are recommended to ensure that an amended Soil and Water Management Plan is submitted which provides details on alternative temporary above ground holding tanks for treatment purposes, particularly during construction.

6.7 HERITAGE AND ARCHAEOLOGY

The proponent has identified that there are no sites relevant to the subject property. Council is satisfied that there will be no impact on any European or Aboriginal cultural heritage or archaeology.

6.8 FLORA AND FAUNA

The site does not provide for any habitat or potential habitat and it is not mapped as identifying any form of threatened species or biodiversity values. A tree protection order does not cover the site and existing vegetation consists entirely of turf and ornamental garden beds. Therefore, there will be no impact on any significant flora or fauna.

6.9 NOISE

The proposal includes swimming pools, lift well and air-conditioning plant and equipment proposed for the rooftop. General conditions are recommended limiting noise during construction and operation. Council is satisfied that that the conditions will ensure that the project will comply with relevant noise restrictions.

6.10 WASTE MANAGEMENT

The proposed refuse provides for chute operated general waste collection and individual 'drop and go' recycle bins within the basement. Council requested confirmation that both general waste (bulk bins) and recycling (240L wheelie bins) could be provided on the site and whether the wheelie bins identified within the bin store on the ground level would be utilised for recycling. Further information was also requested to ensure that the waste service vehicle could adequately service the bulk collection bin area identified within the property boundary.

The Preferred Project indicates that the recycling bins can be accommodated within the street level waste collection area. All bins will be relocated to the street level waste collection area by the body corporate on the day of collection. Written confirmation for Solo Resource Recovery has been provided confirming that the proposed waste collection area is adequate to carry out waste and recycling collections.

7 CONCLUSION

Council has assessed the project application and considered the submissions in response to the proposal. The key issues raised in public submissions related to access and traffic impacts on Boundary Lane, pedestrian access, non compliance with building envelope controls. It is not considered that the proposal traffic impacts are inconsistent with that allowed for by the medium-density zone. Conditions are imposed to ensure that a pedestrian footpath is provided along the frontage of Tweed Terrace and Boundary Lane.

The Preferred Project reduces the height of the proposed building to ensure compliance with the height limitation within the Tweed LEP 2000 and achieves improved compliance with the building envelope controls in the Tweed DCP. Council has considered these issues and a number of conditions are recommended to ensure the satisfactory addressing of these issues and minimal impacts as a result of the proposal. The Department does not support Council's assessment against SEPP 65 and the *Residential Flat Design Code*, and has proposed an additional condition of approval to address non-compliances with building separation distances and visual and acoustic privacy.

The proposed development will allow for a multi-dwelling residential development in accordance with the zone intent. Furthermore, the project application has demonstrated compliance with the existing environmental planning instruments.

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

8 RECOMMENDATION

It is recommended that the Minister:

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

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APPENDIX A. DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

APPENDIX B. COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS

Environmental Planning Instrument	Consideration
State Environmental Planning Policy (Major Projects) 2005	
(Schedule 2, 1(1)(g)(ii)- Coastal Areas).	Identifies the site as an area to which Part 3A of the Act must apply. Being a building or structure greater than 13 metres in height that did not comply with development standards relating to the height of such a building set by a local environmental plan
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	
A BASIX certificate is required with all applications.	The proponent has completed a BASIX certificate for the multi-dwelling building. All water, thermal and energy targets are met.
State Environmental Planning Policy 32 – Urban Consolidation (Development of Urban Land) 2004	
Clause 11 Determining Development Applications (a) the assessment is to consider the effect of the development on: (i) the existing streetscape (i) the privacy of adjoining landowners, and (iii) the availability of sunlight to adjoining owners (b) the noise likely to be generated by the development (c) whether adequate provision can be made for car parking on, access to and servicing of the site	(a) The proposed development is considered to be consistent with the urban form in the surrounding streetscape and will not have a significant impact on the streetscape. (b) Impacts of adjoining landowners' privacy and access to sunlight was assessed and considered to be satisfactory. Privacy screens are installed at the rear of the building, balconies orientate away from adjoining residents and setbacks have been increased from the rear boundary. Balconies on adjoining properties will receive between 2 – 3 hours minimum of sunlight in mid-winter. (c) As the development is for residential use, it is not considered that there will be significant noise generated from the site. (c) The development meets the minimum car parking requirement for residents and visitors. Access to the site is considered satisfactory, subject to conditions.
State Environmental Planning Policy No 55 – Remediation of Land	
Clause 7 Contamination and remediation to be considered in determining development application	The EA provides that no previous uses have been undertaken to raise concern that potential for contamination exists. An under-slab assessment has been undertaken and found to be clear of potential contaminants.
State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings	
Principle 1: Context Principle 2: Scale Principle 3: Built Form Principle 4: Density Principle 5: Resource, energy, and water efficiency Principle 6: Landscape Principle 7: Amenity	1. The proposal is in character with the local building stock which is of substantial variety. 2. The Preferred Project is of a height which is similar to buildings in the surrounding area. It includes amendments to reduce the dominance of the roof form and reduces the size of the timber screen to an acceptable scale. 3. The Preferred Project proposal has a built form

Principle 8: Safety and Security Principle 9: Social Dimensions Principle 10: Aesthetics	which is acceptable as it minimises non-compliance with building envelope objectives and reduced height. 4. Density is compatible with the area. 5. The proposal includes cross ventilation and use of recycled materials. On-site water storage tanks are proposed to allow for reuse of stormwater. 6. Whilst deep soil zones for planting are limited due to the size of the basement, the landscape plan has been assessed and is considered to be adequate. The proposed area of landscaped open space areas at the ground level complies with Council's DCP requirements. 7. Sufficient amenity is proposed for future occupants. 8. The proposal provides for casual surveillance from balconies. 9. Affordable housing has not been provided but given the market value of the site, is unlikely to be viable at this location. 10. The building comprises a variety of materials including timber screening, stone cladding, copper trim and feature colours. The quality of finishes is considered to be high.
Area based controls have been developed on based on the Residential Flat Design Code (Clause 30(2)(c) of SEPP 65) (refer section B2 of Council's DCP).	
State Environmental Planning Policy 71 – Coastal Protection	
Clause 8 provisions	The proposal complies with clause 8 provisions. It does not impede public access to the foreshore. The proposal is suitable for the site given the existing LEP zoning which contemplates medium density residential development. Potential impacts from erosion and sediment control are managed through conditions. Whilst the proposal will overshadow parts of the adjoining open space area, this is a significant distance from the foreshore and will not detract from the amenity of the coast. Impacts are limited to the second half of the day in mid-winter.
North Coast Regional Environmental Plan	
Clause 32B – Costal Lands	The proposal complies with the intent of this clause, specifically in consideration of the <i>NSW Coastal Policy 1997</i>, the <i>Coastline Management Manual</i> and the <i>North Coast: Design Guidelines</i>. The proposal does not impede public access to the foreshore. The proposal results in overshadowing of the open space areas opposite the site (Flagstaff Beach Road reserve). The shadow intrusion occurring on adjacent open space after 1.30pm in mid-winter is considered acceptable with regard to the following: - The length of the shadow protruding into the open space area (maximum 31.9 metres) is relatively minor when compared to the distance between the adjacent open space and foreshore (approximately 75 metres at its narrowest point). - The area of open space between the site and the

	foreshore is partially unusable due to vegetation and slope. - The Preferred Project minimises the impact of shadow through reduced height. - The Department of Lands (who are land owners of the adjoining park) have raised no objection to the proposal.
Clause 43 – Residential Development	The proposal complies with the intent of this clause. The proposal results in an increase in density. Standard conditions are imposed to ensure that impacts on environmental features and management of sediment and erosion are satisfactory.
Clause 66- Adequacy of Community and Welfare Services	The proposal is located within close proximity (740 metres) to the Tweed Heads Business Centre and community and welfare services available in the business centre.
Tweed Shire Local Environmental Plan 2000	
Clause 15 - Availability of Services	This provision requires that adequate sewer, water, telecommunications and power supply are available to service the proposal at the site. Given the established urban context, services including water, sewer, telecommunications and power supply are available. Conditions are recommended to ensure acceptable connection to services.
Clause 16 – Height of Building	The Preferred Project has a reduced height of 49.8m AHD, complying with the height limit identified for the site (50m AHD).
Clause 33 – Obstacles to Aircraft	The objective of this clause is to ensure that development in the vicinity of the Gold Coast Airport does not increase the risk of obstacles to aircraft. The Obstacle Limitation Surface (OLS) limit for the site is 49.5 metres AHD. The proposal was referred to the Gold Coast Airport for comment who advised that the <i>Airports (Protection of Airspace) Regulations 1996</i> require an application to exceed the obstacle limit. This must be made by the proponent to the Queensland Department of Infrastructure, Transport, Regional Development and Local Government. This agency has provided notification (dated 22 February 2008) advising that the proposal is approved subject to conditions which limit the absolute height of the building to 49.8 metres AHD (including any above-roof projections). Conditions also require that a separate approval shall be obtained for any further temporary penetration of the airspace by construction cranes or otherwise. Clause 33 has been adequately addressed.
Clause 35 – Acid Sulfate Soils	The site is identified as being class 5 Acid Sulfate Soil potential, however due to the elevation of the site (located on Flagstaff Hill), acid sulfate soil is not considered to be a constraint for the development.
Clause 39 – Remediation of Contaminated Land	A review of Tweed Heads topographic maps (1974 – 1985) and aerial photography (dated 1962 and 1976) did not reveal any potentially contaminating activities have occurred on the site. No cattle dip sites were located within 200 metres of the sites. Under slab testing has been undertaken and has not revealed any contaminants. Generally, contamination is not considered to be a constraint for the development.

APPENDIX C. COMPLIANCE WITH DCPS AND OTHER PLANS AND POLICIES

Environmental Planning Instruments considered in the assessment of the proposal:

Provisions of Relevant Plan or Policy	Consideration
Tweed Shire Council's DCP	
Section A2 – Site Access and Car Parking	Sufficient provision of car parks and car wash bays are provided. Site access is considered acceptable.
Section A9 – Energy Smart Homes	BASIX and NATHERS modelling were submitted in accordance with Section A9.
Section B2 – Tweed Heads	The Preferred Project proposal has been amended to provide for greater compliance with the building envelope provisions. Despite some variances however, the height and bulk of the building have been reduced to an acceptable level. Setbacks to the rear boundary have been increased to protect solar access and amenity of adjoining properties. The Preferred Project report meets the objectives of the building envelope requirements. The proposal complies with provisions relating to building mass, energy efficiency, overshadowing of adjoining residents, roof lines, privacy, security, materials and colours, access and parking and provision of open space.
Clause B2.2 –The Vision	The proposal is consistent with the NSW Coastal Policy (as discussed further below) and the Tweed Shire 2000+ Strategic Plan. It is an in-fill development which increases density in accordance with the zone intent. It features a highly articulated design with good cross ventilation.
Clause B2.9 – Building Envelope Requirements	The objectives of the building envelope control are to: - 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 and minimise shadow impact on adjoining properties and public streets and spaces; - Reduce ground level wind effects caused by tall buildings; and - Facilitate the development of taller, narrow buildings which produce visual diversity and can preserve important view corridors.

	The envelope in residential zones is established by projecting a line from the boundary over the property, at an angle of 72 degrees. This ensures the building is setback 1m from the property boundary for every 3m of the building height. The original proposal displayed significant protrusions from the building envelope on all sides. This resulted in impacts on its perceived visual dominance. In response to key issues raised by Council and submitters (resulting from limited setbacks to the upper levels or non compliance with the building envelope requirements), the proponent provided a Preferred Project proposal which reduced the height of the building and modified the roof form, which in turn reduced protrusions from the building envelope. Most significantly, protrusions to the sides of the building (as viewed from Tweed Terrace) were minimised to approximately 500 - 800mm. These reductions allowed for maintenance of prominent views and breezes through the site and reduced the proposals visual impact. The accepted Preferred Project is considered to comply with the building envelope objectives and respond adequately to the submitters concerns. This issue is discussed further in Section 6.
Clause B2.11 – Residential Design	
B2.11.1 – Building Mass	The intent of this provision is to limit expanses of large, unbroken walls and reduce the apparent bulk of buildings by breaking the building into smaller components, thereby achieving visual variation. This may be achieved through a combination of varied setbacks in the line of the external building, the inclusion of balconies and window shade elements. Any wall or face of residential buildings should not have an unbroken length of more than 15 metres. The proposed floor plates include a variety of setbacks as well as balconies. These elements, along with the amended roof form reduce the apparent scale and mass of the proposal to an acceptable level.
B2.11.2 – Energy Efficiency	It is preferred that natural ventilation is achieved for energy efficiency and to achieve a high quality living environment. The proposed units extend the full length of the building depth and achieve good cross ventilation, complying with this requirement. It is intended that the design allows for sufficient daylight access to habitable rooms. The maximum depth for adequate penetration is

	approximately 10-14 metres. The majority of each unit is less than 14 metres in depth and balconies at the sides and front of the building provide sufficient solar access. It is noted that the dwellings are mostly north / northeast facing and have favourable aspect in this regard.
B2.11.3 – Wind Mitigation and Overshadowing	Controls relating to wind effects are more relevant to taller buildings. Buildings should be designed to minimise overshadowing of all public reserves, with particular consideration given to mid-winter shadow effects. The modified shadow diagrams in the Preferred Project indicate that shadowing on adjoining areas zoned open space, commences after 12 noon and extends approximately 20 metres into the adjoining open space to the south by 1.30pm and extending a further 10 metres (approximately) by 3pm in mid-winter. It is considered that this impact is acceptable given: - the proposal complies with the height limit for the area, - the distance between the adjoining open space areas and foreshore area is some 75 metres, allowing for significant areas of unaffected land and a significant distance between the shadow and the foreshore, and - adjoining open space zones are constrained by slope and vegetation, limiting access by the public. In summary, despite the shadow occurring on the adjoining open space areas in mid-winter, shadow impacts are likely to result in minimal impact on foreshore amenity.
B2.11.4 – Roof Lines	It is intended that roofs are strong visual elements in the design as they produce a visually interesting skyline while retaining important views from adjoining developments. Lift over-runs and service plants should be concealed within well designed roof structures that are integrated with the overall design of the building. As stated previously, the roof line has been amended to incorporate glass elements and step back from the building edge. The proposed roof design is considered acceptable, plant and lift overruns have been concealed.
B2.11.5 – Privacy	Direct overlooking of main internal living areas of other dwellings is minimised by building layout, location and design of windows and balconies, screening devices and landscaping. Most balconies are proposed at the front of the building, facing the street. Balconies proposed

	on the side of the building (facing north and south east) are framed with awnings to maximise privacy. The proponent has submitted details of adjoining residential flat buildings to the rear. Privacy of balconies on adjoining buildings will be maintained through privacy screens, limited openings and increased setbacks to the rear to allow for sufficient separation. The Preferred Project complies with privacy requirements.
B2.11.6 – Security	Developments should be designed so they are safe and secure for residents and visitors and provide opportunities for casual surveillance. It is considered that the building provides an adequate level of security through the following: - The building entrance is orientated with a visible entry statement; - Whilst individual apartments do not open directly to the street their private recreation areas (deck, terraces and pool) are located adjacent to the frontage providing for activation and casual surveillance; - Outlook is provided over Tweed Terrace through balconies adjoining most bedrooms and living areas; - Basement parking is proposed to have a security gate; and, Conditions are imposed requiring that visitor car parking spaces are accessible at all times.
B2.11.7 - Materials and Colours	It is intended that materials provide visual relief, be energy efficient and not create problems with reflection. Innovative use of materials is encouraged including building products made from renewable resources and recycled materials. The proposed building is finished to a high standard and includes a variety of materials including: recycled timber screens; stone cladding, façade cladding and feature colours to create lighter colours. Lighter colours that are compatible with the colours of the coastal environment are required by the DCP. The proposed colour scheme and choice of materials is acceptable.
B2.11.8 – Access and Parking	The provisions of Section A2 – Site Access and Parking should be complied with (refer assessment above). In addition, access to on-site parking is encouraged via lanes and secondary streets. The proposed access is off Boundary Lane and is not exceptionally wide or dominating. Parking is proposed in the basement level and is not visible from main streets.

	The DCP requires an identifiable car wash area and adequate treatment of surface runoff. Car wash bays should be provided at the rate of 1 / 10 dwelling units (minimum of 1). The proposal includes 1 car wash bay in the basement. This amount is considered acceptable for the number of units proposed. Runoff from the nominated car wash is proposed to be treated to remove oil and grit prior to discharge into the sewer network. This has been referenced and sufficiently detailed in the submitted Stormwater Management Plan.
B2.11.9 – Open Space and Balconies	This provision requires an area of 300m² (at a rate of 25m² per dwelling) of landscaped open space. Where open space is provided at ground level, it should have a minimum dimension of 4 metres and be appropriately landscaped. The proponent has indicated that an area of 510.42m² is provided, however their figures include entry ramps and fire pumps. Whilst the minimum dimension proposed is 1.5 metres, sufficient areas of open space are provided for each unit in the form of balconies and pools at ground level. A statement of landscape intent was provided and requires some modification. A condition of approval recommends that a detailed landscape plan is provided to Council prior to issue of a construction certificate.

APPENDIX D. SUMMARY OF SUBMISSIONS

Summary of all submissions received for application 07_0056

NB. Because of the varying degree of detail provided in public authority submissions from DGRs stage to exhibition stage (ie. some agencies submitted detailed comments at DGRs stage yet did not respond during exhibition), this summary seeks to record all matters raised by agencies as well as provides Council's response.

Date	Stage	Agency Comment	Council's Response
Department of Lands			
26 Oct 2007	EA / Exhibition	The Department of Lands raised no objection to the proposal, subject to restrictions on the proponent, including: - no encroachment on Crown land, - no removal of vegetation from Crown land, - no stockpile of materials etc on Crown land, - no direct stormwater discharges onto Crown land, - no use of Crown Land as asset protection zone.	Where relevant, these requirements have been incorporated into conditions.
(then) Department of Natural Resources			
30 May 2007	DGRs (letter)	The Department indicated that the key issues for DNR would concern the development's potential impacts on surface and groundwater and on acid sulphate soils. Consideration should be made of stormwater and sediment discharges, both during construction and occupation of the site and any de-watering that may be required for the basement car park. If dewatering is required a license will be needed from the Department of Water and Energy and they should be consulted further.	The proponent has indicated that dewatering is not required. Acid sulphate soil and water management issues were addressed in the assessment and conditions are imposed where necessary.
22 Feb 2008	Comments on EA	The Department of Infrastructure, Transport, Regional Development and Local Government provided a licence for intrusion into the Obstacle Limitations Surface for Gold Coast airport.	Conditions of the licence are incorporated here.

ISSUES RAISED IN PUBLIC SUBMISSIONS

Issue	Detail
Vehicular Access	Concern raised with the use of Boundary Lane for access as the lane is narrow, one way and has no on-street parking.
Pedestrian Access	There is concern that given no footpath currently exists for the full length of Boundary Lane, pedestrians will be put at risk by increased traffic.
Building Envelope	There is concern that the non-compliance with building envelope requirements will impact bulk, scale, overshadowing and loss of view, particularly to properties sharing the rear boundary of the site.

APPENDIX E. PREFERRED PROJECT REPORT

APPENDIX F. ENVIRONMENTAL ASSESSMENT

Provided on disk.