

Development details

Application Number	SSD-83069459
Project	Kingscliff Mixed Use Development
Location	Lot 169 DP 1075495 within Tweed Shire
Proponent	MICHAEL GRASSI
Date of Issue	5 June 2025

Rezoning

Content and guidance

The concurrent rezoning should be clearly described in a Rezoning Report which includes the following information.

Item	Supporting Information
1. Rezoning proposal • Site description • Local context • Proposed development	This section shall include: - the legal description of the site - relevant maps or diagrams - full description of the proposed development.
2. Proposed Amendments • Address all relevant legislation, environmental planning instruments (EPIs) (including drafts), plans, policies, guidelines and planning circulars. • Identify compliance with applicable development standards and provide an explanation of proposed amendments. • Land application • Land use zoning • Height of buildings • Floor space ratio • Minimum allotment sizes (if applicable) • Provision of affordable housing	An explanation of the provisions that are to be included in the proposed legislative changes. This section should be clearly stated and contain enough information on the proposal including but not limited to: proposed zones and/or development standards if known at this stage.

Item	Supporting Information
• Site specific provisions • State Environmental Planning Policies (SEPPs) • Contributions - State contributions - Local contributions (including Affordable Rental Housing contributions)	
3. Strategic and Site-Specific Merit • Regional Plans and strategies • Local strategic documents (e.g. LSPS, Housing Strategy)	- The proposals demonstrated alignment with the NSW strategic planning framework or current government priority. - A proposal's demonstrated environmental, social and economic impact on the site and surrounds and ability to be accommodated within the capacity of the current and/or future infrastructure and services.
4. Relevant Issues Including, but not limited to the following: • Connecting with Country • Environmental - Flooding - Bushfire - Biodiversity - Contamination - Heritage • Social and Economic - Urban Design - Affordable housing - Public benefit • Infrastructure funding and delivery - Transport	The section shall cover off all relevant issues relating to the subject site and proposed changes.

Item	Supporting Information
- Utilities	
5. Consultation Address comments raised by Tweed Shire Council at Appendix A. Outline the zoning options considered and demonstrate that rezoning to MU1 Mixed Use is the best option to achieve the intended outcomes.	Details of consultation undertaken with Government agencies, council or other authorities, and community consultation that is to be undertaken in relation to the proposal.
6. Annexures Proposed statutory maps.	Include details of the existing and proposed maps, where relevant, to identify the effect of the proposed changes and the area to which it applies.

Environmental Impact Assessment Requirements

Content and guidance

The Environmental Impact Statement (EIS) must meet the minimum form and content requirements as prescribed by Part 8 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and the State Significant Development Guidelines. The EIS must also address the issues set out below. Relevant policies, guidelines and planning circulars can be found at <https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines>

Item	Supporting Information
1. Statutory Context - Address all relevant legislation, environmental planning instruments (EPIs) (including drafts), plans, policies, guidelines and planning circulars. - Identify compliance with applicable development standards and provide a detailed justification for any non-compliances. - Provide an explanation of how the development as described in the EIS is consistent with the development as was described in the request for SEARs (including any components that were not SSD) and provide a justification for any differences. - Address the requirements of any approvals applying to the site, including any concept approval, any endorsed or draft master plan, precinct plan or any recommendation from Gateway determination. - Provide an accurate summary of the detailed assessment of the impacts of the project and integrate the findings and recommendations of technical reports into the justification and evaluation of the project as a whole.	<u>If required:</u> Clause 4.6 Variation Request (for any non-compliances with applicable development standards)

Item	Supporting Information
If affordable housing is being proposed, provide the name and ABN of the registered community housing provider that will be responsible for managing the affordable housing component, along with documentation confirming the provider's agreement to this responsibility.	
2. Estimated Development Cost and Employment Provide the estimated development cost (EDC) of the development prepared in accordance with the relevant planning circular using the Standard Form of EDC Report.	EDC Report
3. Contributions and Public Benefit - Address the requirements of any relevant contribution plan(s), planning agreement or EPI requiring a monetary contribution, dedication of land and/or works-in-kind agreement. and include details of any proposal for further material public benefit. - Where a voluntary planning agreement is proposed, prepare a draft planning agreement in accordance with the <i>Planning agreements – Practice note - February 2021</i>. - Consider comments from Tweed Shire Council at Appendix A.	Address in EIS <u>If required:</u> Draft planning agreement
4. Engagement - Demonstrate that engagement and consultation activities have been undertaken in accordance with the <i>Undertaking Engagement Guidelines for State Significant Projects</i> and identify how issues raised, and feedback received have been considered in the design of the project. - If the development would have required an approval or authorisation under another Act but for the application of s 4.41 of the EP&A Act or requires an approval or authorisation under another Act to be applied consistently by s 4.42 of the EP&A Act, the agency relevant to that approval or authorisation must be consulted.	Engagement Report
5. Design Quality - Demonstrate how the development will achieve: - design excellence in accordance with any applicable EPI provisions. - good design in accordance with the seven objectives for good design in Better Placed. - Demonstrate that the development: - where required by an EPI or concept approval, or where proposed, has been subject to a competitive design	Design Excellence Strategy (where design excellence is required by an EPI) Competition Report (where a competitive design process has been held)

Item	Supporting Information
process, carried out in accordance with an endorsed brief and Design Excellence Strategy; or in all other instances, has been reviewed by the State Design Review Panel (SDRP) where required under the NSW SDRP: Guidelines for Project Teams. Recommendations of the jury and Design Integrity Panel (where a competitive design process has been held) or the SDRP are to be addressed prior to lodgement.	Design Review Report (where the project has been reviewed by the SDRP)
6. Built Form and Urban Design - Demonstrate how the proposed built form (layout, height, bulk, scale, separation, setbacks, interface and articulation) addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality. Where relevant explain and illustrate the application of any bonuses under an EPI. - Provide an assessment of the development against: - the design principles for residential apartment development set out in Schedule 9 of the Housing SEPP and the <i>Apartment Design Guide</i> (ADG). This should include a table which demonstrates how each dwelling (including affordable dwellings) performs against the ADG design criteria. - If affordable housing is proposed, provide a floorplan outlining the gross floor area and dwellings that are provided as affordable housing. - Consider comments from Tweed Shire Council at Appendix A.	Architectural Drawings Design Report Survey Plan Schedule of Colours, Materials and Finishes Design Verification Statement CPTED Report
7. Environmental Amenity - Assess amenity impacts on the surrounding locality, including solar access, visual privacy, view loss and view sharing, as well as wind, lighting and reflectivity impacts. A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated. - Provide a solar access analysis of the overshadowing impacts of the development within the site, on surrounding properties and public spaces (during winter solstice) at hourly intervals between 9am and 3pm, comparing the proposed development, existing situation and where applicable, a development with no bonuses applied.	Shadow Diagrams Chapter 4 Housing SEPP Assessment (ADG) <u>If required:</u> View Impact Analysis
8. Visual Impact	

Item	Supporting Information
- Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development. - If the proposal would result in significant visual impact not anticipated by the planning controls, provide a visual impact assessment that addresses the visual impacts of the development on the existing catchment.	Visual Impact Analysis <u>If required:</u> Visual Impact Assessment
9. Transport - Provide a Transport Impact Assessment (TIA) in accordance with the processes and methodology recommended in the <i>Guide to Transport Impact Assessment (GITA)</i> published by TfNSW. - If the construction of the development would cause interruptions to regular pedestrian and transport routes (including public transport, active transport or general traffic), a preliminary Construction Traffic (or Transport) Management Plan (CTMP) should be prepared as part of the TIA to mitigate any such impacts. - Address comments raised by Tweed Shire Council at Appendix A in relation to the requirement for 27 car parking spaces as per the conditions of the easement.	Transport Impact Assessment <u>If required:</u> Preliminary Construction Traffic (or Transport) Management Plan
10. Noise and Vibration Provide a noise and vibration impact assessment prepared in accordance with the relevant NSW Environment Protection Authority (EPA) guidelines. The assessment must detail construction and operational noise, and vibration impacts on nearby sensitive receivers and structures and outline the proposed management and mitigation measures that would be implemented.	Noise and Vibration Impact Assessment
11. Water Management - Detail the proposed drainage design and servicing infrastructure to be incorporated as part of the development (stormwater and wastewater). - Demonstrate how the development complies with council's drainage requirements and identify proposed stormwater treatment and water quality management measures to minimise adverse environmental impacts.	Integrated Water Management Plan
12. Ground and Groundwater Conditions	

Item	Supporting Information
- Assess potential impacts on soil resources and related infrastructure and riparian lands on and near the site and including soil erosion. - Where required provide a Groundwater Impact Assessment in accordance with relevant Groundwater Guidelines. If the proposed development is on land identified as having high salinity or acid sulfate soil potential in an EPI provide a Salinity Management Plan or Acid Sulfate Soil Management Plan that includes appropriate management measures and strategies.	Geotechnical Assessment <u>If required:</u> Groundwater Impact Assessment Salinity Management Plan Acid Sulfate Soils Management Plan
13. Contamination and Remediation In accordance with Chapter 4 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>, assess and quantify any soil and groundwater contamination and demonstrate that the site is suitable (or will be suitable, after remediation) for the development.	Preliminary Site Investigation Report <u>If required:</u> Detailed Site Investigation Remedial Action Plan Preliminary Long-term Environmental Management Plan
14. Trees and Landscaping - Provide a landscape plan, that: - details the proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage (as a percentage of the site area). - provides evidence that opportunities to retain significant trees have been explored and/or inform the plan. - If the proposal involves impacts to trees, provide an Arboricultural Impact assessment that assesses the number, location, condition and significance of trees to be removed and retained including: - any existing canopy coverage to be retained on-site. - tree root mapping. if the proposal involves significant impacts to tree-protection zones of retained trees identified as being significant	Landscape Plan <u>If required:</u> Arboricultural Impact Assessment
15. Ecologically Sustainable Development (ESD) Identify how ESD principles (as defined in section 193 of the EP&A Regulation) are incorporated in the design and ongoing operation of the development.	ESD Report BASIX Certificate

Item	Supporting Information
Where relevant, provide an assessment of the development against the standards for non-residential development set out in Chapter 3 of <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>.	
16. Biodiversity - Unless a waiver has been granted, provide a Biodiversity Development Assessment Report (BDAR) that assesses any biodiversity impacts associated with the development in accordance with the <i>Biodiversity Conservation Act 2016</i> and the <i>Biodiversity Assessment Method 2020</i>. OR - If the development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the proposed development is consistent with the relevant biodiversity measure conferred by the biodiversity certification.	Biodiversity Development Assessment Report or BDAR Waiver
17. Waste Management - Provide the measures to be implemented to manage, reuse, recycle and safely dispose of waste, including in accordance with any council waste management requirements. - Identify appropriately sited waste storage areas, collection access paths/roads, and appropriate servicing arrangements for the site. - Address comments raised by Tweed Shire Council at Appendix A.	Waste Management Plan
18. Social Impact The EIS must consider social impacts and, should any significant social impacts be identified, a Social Impact Assessment must be prepared in accordance with the <i>Social Impact Assessment Guideline for State Significant Projects</i>.	Address in EIS <u>If required:</u> Social Impact Assessment in accordance with the guidelines
19. Flood Risk - Identify the flood planning area and level as set out in the relevant EPI and other supporting documents to determine; - The flood extent and velocity up to the Probable Maximum Flood and risk on-site having regard to adopted flood studies and, floodplain risk management studies and plans	<u>If required:</u>

Item	Supporting Information
○ The site access and egress routes ○ the potential effects of climate change, ○ any relevant provisions of the <i>NSW Flood Risk Management Manual</i>, and any other relevant guidelines • Where the development is occurring on flood prone land a flood impact and risk assessment (FIRA) must be prepared having regard to the <i>Flood Impact and Risk Assessment – Flood Risk Management Guide LU01</i>. When determining the scope and category of the FIRA the requirements outlined in the FIRA guide must be considered. • Detail any flood risk management measures that are to be incorporated as part of the development having regard to relevant guidelines (including any design solutions, flood modification measures, property modification measures, operational procedures or Flood Emergency Response Plan).	Flood Impact and Risk Assessment (FIRA)
20. Bush Fire Risk • If the development is on mapped bush fire prone land, or a bush/grass fire threat is identified on or adjoining the site, provide a bush fire assessment that details proposed bush fire protection measures and demonstrates compliance with <i>Planning for Bush Fire Protection</i>.	<u>If required:</u> Bush Fire Assessment
21. Aboriginal Cultural Heritage • Where there is known, or reasonably likely, to be Aboriginal cultural heritage on or near the site demonstrate that impacts have been adequately investigated and assessed by: ○ Identifying that an appropriate prior planning process has already considered these impacts, e.g. a rezoning or development application, or ○ Providing an initial assessment of the potential impacts. • If potential impacts are significant, provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) which: ○ Identifies, describes and assesses any impacts to Aboriginal cultural heritage sites or values associated with the site. ○ Is prepared in accordance with relevant guidelines.	<u>If required:</u> Aboriginal Cultural Heritage Assessment Report
22. Environmental Heritage • Where there is potential for direct or indirect impacts on environmental heritage, provide a Statement of Heritage	<u>If required:</u>

Item	Supporting Information
Impact and Archaeological Assessment (where required), in accordance with the relevant guidelines.	Statement of Heritage Impact Archaeological Assessment
23. Public Space • If public space is proposed as part of the development, demonstrate how the development: ○ maximises the amount, access to and quality of public spaces (including open space, public facilities and streets/plazas within and surrounding the site), reflecting relevant design guidelines and advice from the local council and the Department. ○ provides accessible public space. ○ maximises permeability and connectivity. ○ maximises the amenity of public spaces in line with their intended use, such as through adequate facilities, solar access, shade and wind protection. ○ maximises street activation. ○ minimises potential vehicle, bicycle and pedestrian conflicts.	<u>If required:</u> Public Space Plan
24. Hazards and Risks • If the development is affected by above ground dangerous goods storages from the surrounding developments and/or underground high-pressure dangerous goods pipelines in the vicinity of proposal location: ○ Report on any consultation outcomes with operators. ○ Consider whether the development would cause these storages non-compliance with <i>Australian Standards</i>. • Where applicable, provide a Hazard Analysis in line with relevant guidelines and planning circular.	<u>If required:</u> Hazard Analysis

ATTACHMENT A
Government Authority Responses to Request for Key Issues
For Information Only

29 May 2025



Attention: Fiona Dowler
Senior Planner, Regional Assessments
NSW Dept. of Planning, Housing & Infrastructure
E: fiona.dowler@dpie.nsw.gov.au

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tsa@tweed.nsw.gov.au
tweed.nsw.gov.au
P.O. Box 816
Murrumbidgee NSW 2494

Dear Fiona,

SSD-83069459 – Request for SEARs – 4-8 Bells Boulevard, Kingscliff

Thank you for the opportunity to provide comment on the SEARs Request at 4-8 Bells Boulevard, Kingscliff. (**SSD-83069459**).

Applicable Legislation/Controls to be assessed:

- Biodiversity Conservation Act 2016
- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Housing) 2021
- Tweed Local Environmental Plan 2014
- Tweed Shire Council Development Control Plans (DCP) 2008
 - Section A1 – Residential and tourist development
 - Section A2 – Site access and parking
 - Section A4 – Advertising signs code
 - Section A13 – Socio-economic impact assessment
 - Section A15 – Waste minimisation and management
 - Section A16 – Preservation of trees or vegetation
 - Section B4 – West Kingscliff
 - Section B9 – Tweed Coast Strategy
 - Section B26 – Kingscliff

Development Details (provided by the Applicant)





The Proposal under this SSD application, is a mixed-use development comprising approx. 75 residential apartments (mix of one, two, and three-bedrooms & including two dedicated affordable housing apartments), approx. 1,500m² of ground-floor retail space (supermarket & specialty shops), and a two-level basement with parking for approx. 200 cars. The project vision is to deliver a community focused precinct, offering a variety of housing types together with retail amenity

The Tweed LEP 2014 prohibits residential use on SP3 Tourism-zoned land, but the Kingscliff Locality Plan (KLP) identifies the site at 4-8 Bells Blvd as suitable for rezoning to Mixed-use. The KLP supports increased housing near activity centres like Salt and encourages a broader range of uses while retaining tourism functions. The proposed mixed-use development achieves this by creating a vibrant ground plane (as illustrated below) mixed with permanent accommodation. Council is supportive.

1. Change SP3 Tourism Zoning to MUI Mixed Use zoning, with RFB as an additional permitted land use under Schedule 1 of the Tweed Local Environmental Plan 2014. The proposed zoning change strategically aligns with the Kingscliff Locality Plan adopted by Tweed Shire Council; and
2. Increase the height control on the Stage 3 North / Northeast / Northwest boundaries from 13.8m to approx. 18m, with a maximum of 5 storeys. Importantly the existing Floor Space Ratio of 2:1 is to remain unchanged.

Based on the information provided, Council makes the following preliminary comments

Car Parking

The Applicant makes mention to seek approval for 75 units, however the concept plans only illustrate 63 units.

The carparking provided for the proposed 63 units as shown on the plans is and undersupply of carparking under Council's DCP Section A2. It is further expressed that the Applicant has not demonstrated or acknowledged the s88B easement over the site for the provision of car parking (see comment below).

It is noted that Council will not support a variation to car parking provisions under DCP Section A2 as numerous complaints are regularly received in regard to shortfall of car parking across the Shire.

Further, the calculations for the commercial floor have been undertaken on the assumption of a 'shopping centre', this land use category applies to leasehold developments whereby the tenure of the shopping centre is under one ownership/management. If the commercial development was split into separate tenures, different car parking rates would apply according to the land tenure and further information on the proposed land uses would be required for Council to determine the car parking rates applicable.

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking Rate (min class)	Delivery/ Service Vehicle parking	Resident/ Visitor Parking	Staff parking	Customer car parking

A17	Shop top housing	in addition to commercial requirements		Residents: 1/unit (1). Visitors: 1/8units (3)		1 per each 1 bedroom unit, 1.5 per 2 bedroom unit, and 2 spaces for 3 or more bedroom units. Plus 1 space per 4 units for visitor parking.		
C32	Shopping Centres	a) 0-20000m ² b) 20000-30000m ² c) >30000m ² : GLFA: Gross Leasable Floor Area (see RMS definition)	1/100m ² GLFA, shopping centres over 5,000m ² GFA	Employees: 1/300m ² GLFA (1) Shoppers: 1/500m ² over 1000m ² (3)	Assess on merits		Incl in customer car parking	a) 4.5/100m ² GLFA b) 4.3/100m ² GLFA c) 4.1/100m ² GLFA

TABLE 1 COUNCIL CAR PARKING PRELIMINARY CALCULATIONS

Ground Floor – Commercial		
Retail North	700m ²	
Retail East	485m ²	
Retail Pavilion	150m ²	
Retail West	590m ²	
Total	1925m²	
Shopping Centre	4.5/100m² GLFA	87 Spaces required
Individual Retail (example)	3.5/100m² GLFA	68 spaces plus staff
Level 1 – Residential		
Bedrooms	Quantity	Car Parking Required
1 Bed	2	1 x 2 = 2
2 Bed	11	1.5 x 11 = 17.25
3 Bed	4	2 x 4 = 8
Level 2 – Residential		
Bedrooms	Quantity	Car Parking Required
1 Bed	2	1 x 2 = 2
2 Bed	11	1.5 x 11 = 17.25
3 Bed	4	2 x 4 = 8
Level 3		
Bedrooms	Quantity	Car Parking Required
1 Bed	2	1 x 2 = 2
2 Bed	11	1.5 x 11 = 17.25
3 Bed	4	2 x 4 = 8
Level 4		
Bedrooms	Quantity	Car Parking Required
1 Bed	2	1 x 2 = 2
2 Bed	7	1.5 x 7 = 10.5
3 Bed	3	2 x 3 = 6
Residential Total		101 Spaces Required
Visitor Total	63/4 = 15.75	16 Spaces Required

Section 88b – DP1092351

There is an easement on DP1092351 was requiring 27 car parking spaces to benefit the nearby Salt Village commercial precinct.

On 7/2/2006 Council granted consent to DA05/0876 for a 2-stage mixed use commercial and residential development on Lot 169 DP1075495 and Lot 930 DP1079118 (Bells Boulevard). This development needed to cater for a shortfall of 27 car parking spaces in the SALT commercial.

The shortfall of 27 parking spaces for the SALT village were needed immediately and therefore consent was granted for DA05/1154 for a temporary at grade car parking over the northern part of Lot 169 (Easement A) until such time as the car parking facility associated with DA05/0876 (mixed use development) was established.

The provision of an additional 27 car parking space is therefore to be catered within the State Significant Development proposal.

Access

Proposed Access to the dock entry needs to demonstrate it is of sufficient size to cater to the required services vehicles.

Comments to Department / Request for Further Information

- Traffic assessment/management report including consideration to effective pedestrian flow.
- Turning templates to demonstrate access and egress.
- Detail on the expected Heavy vehicle user class i.e. Articulated vehicle.
- Detail of the change in grade from the basement car park access to the dock.
- Detail of the height of first floor above the dock is to be provided (min building height is 4.5m for a medium rigid vehicle).
- Details on the management of the turntable
- Sight triangles for egress from the basement car park are to be demonstrated.

Garbage collection

Commercial Waste Collection

Regarding commercial operations, Council cannot mandate servicing by the kerbside and collection is via a contractor. Commercial operators are entitled to make their own arrangements for waste management.

Residential Waste Collection

The proposed dock and turntable arrangement may rely on manual handling of residential use bins to permit emptying and return to a temporary bin storage area. Manual handling of residential bins is not considered appropriate under Council's current kerbside waste collection contract.

The reliability of a turntable arrangement is unknown. Any application is to demonstrate kerbside collection from a public road. Alternatively, where bins cannot be collected from a kerbside location for valid and justified reasons, demonstrate that:



- the site is configured so as to allow collection vehicles used by Council's kerbside collection contractor to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site; and
- manual handling of residential bins is not required; and
- the above is not reliant on mechanical systems such as a turntable.

Comments to Department / Request for Further Information

The application is to include a Waste Management Plan that addresses Tweed DCP – Section A15 Waste Minimisation and Management.

With regards to waste and recyclables generated by residential uses, a dock and turntable arrangement is not considered appropriate. A dock and turntable arrangement may rely on manual handling of residential use bins by waste collection to contractors to permit emptying and return to a temporary bin storage area. Manual handling of residential bins by waste collection contractors is not considered appropriate under Council's current kerbside waste collection contract.

The reliability of a turntable arrangement is unknown. Any application is to demonstrate kerbside collection from a public road. Alternatively, where bins cannot be collected from a kerbside location for valid and justified reasons, demonstrate that:

- the site is configured so as to allow collection vehicles used by Council's kerbside collection contractor to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site; and
- manual handling of residential bins is not required; and
- the above is not reliant on mechanical systems such as a turntable.

The residential component of developments of this nature are generally serviced by bulk bins for general waste, and 360 litre bins for comingled recyclables. Through the Waste Management Plan, the application shall demonstrate waste collection, storage and procedure for kerbside placement. The application shall address internal design and access issues for manual movement of bins to kerbside. The proposal should minimise any impact on retail/commercial areas and should not require manual handling of bins by Council's collection vehicle driver.

Ecological

Records of the threatened fauna species Bush Stone-curlew (*Burhinus grallarius*) listed as Endangered under the Biodiversity Conservation Act 2016 (BC Act) exist within close proximity of the site. It is considered that the Bush Stone-curlew has a moderate to high likelihood of occurrence on the subject site given previous sightings, existing site conditions and known habitat preference.

Comments to Department / Request for Further Information

A construction phase Bush Stone-curlew Management Plan is required to be prepared by a suitably qualified ecologist. The plan should detail suitable best practice construction phase avoidance and mitigation measures having regard for the Recovery Plan for the Bush Stone-curlew (*Burhinus grallarius*) dated February 2006 prepared by NSW DEC to include (but may not be limited to):



- a. Pre-construction works survey undertaken by a suitably qualified ecologist.
- b. Site personnel awareness induction.
- c. Fencing and signage details.
- d. Site monitoring by a suitably qualified ecologist during the construction period.
- e. Protocol that specifies where roosting or nesting of Bush Stone-curlew is observed onsite immediately prior to or during construction, a construction exclusion zone of at least 30 metres radius is to be established around the nest or roost site. In the case of nesting birds all works are to cease in the exclusion area until chicks have fledged. In the case of roosting bird/s, all works must cease in the exclusion area until the roosting bird/s move offsite at their own volition.
- f. Other contingency protocols (unintentional harm), contacts and details of any necessary animal ethics and/or handling licences or permits that may be required/obtained in the event of unintentional Bush Stone-curlew harm/injury or intervention actions.

Urban Design

The Applicant has stated the following in the SEARS submission:

Zoning changes proposed to support The Proposal are:

1. Change SP3 Tourism Zoning to MUI Mixed Use zoning, with RFB as an additional permitted land use under Schedule 1 of the Tweed Local Environmental Plan 2014. The proposed zoning change strategically aligns with the Kingscliff Locality Plan adopted by Tweed Shire Council; and
2. Increase the height control on the Stage 3 North / Northeast / Northwest boundaries from 13.8m to approx. 18m, with a maximum of 5 storeys. Importantly the existing Floor Space Ratio of 2:1 is to remain unchanged

Council supports the land use change to MUI however, oppose to the construction of a residential flat building rather than the proposed shop-top housing.

The proposed development is to incorporate active street frontages through the delivery of Shop top housing.

Previous concerns with the lodgement of the Planning Proposals include:

1. *The LEP Making Guideline (August 2023) requires Council to determine the site specific merit of the proposal including whether it gives regard and assesses impacts to 'existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates' (p.73). The multi-stage approach to the application process means Council cannot determine with certainty how the planning proposal relates to or impacts the likely future use of the northern extent of the site.*
2. *From a Strategic Planning perspective, the key issue is that the North Coast Regional Plan 2041, Local Strategic Planning Statement, principles emerging from the Growth Management & Housing Strategy process underway, and most importantly the Kingscliff Locality Plan & DCP, all set clear expectations that an infill development on this site should meet*



the prevailing development standards (13.6m HOB and 2:1 FSR) to facilitate a higher order/higher density housing outcome across this well located site.

The lodgement of an application of this site would be expected to address the above.

This proposed Stage 3 of the site development appears to be consistent with the aspiration of the Kingscliff Locality Plan to develop a mixed-use precinct complementing the SALT village retail centre.

Comments to Department / Request for Further Information

1. Light industrial land as part of Mixed Use Zone is not appropriate in the hotel / gateway precinct –
2. The Outlook and Character / Urban Design of the proposed Architectural Design as depicted cannot be controlled without a control / policy instrument. The design aesthetic as lodged is considered appropriate and it would be ideal to ensure that the developer creates a high-level design excellence- due to the prominent nature of the site being a gateway development surrounded by hotel uses and Salt precinct / park. Council would like to preserve this in some manner.

Community Consultation

Council encourages thorough community consultation with regard to vary the prescribed maximum height limit to 18m.

Landscaping and Deep Soil Planting Requirements

The Applicant is not to rely on road reserve for compliance for the provision of landscape area. No area within Council's Road reserve is supported for landscaping/deep soil planting for the purposes of the proposed development.

Comments to Department / Request for Further Information

The submission of a detailed landscape plan is required.

Amenity

Comments to Department / Request for Further Information

1. The submission of a Noise Impact Assessment that covers pre-construction and post construction.
 - a. The reports are to consider the proposed mixed-use component of the site.
 - b. If the proposal is to include a rooftop swimming pool, the acoustic report needs to address noise management of this.
2. Further detail on the proposed commercial components of the proposal is required. It is encouraged that the Applicant install vertical mechanical ventilation to ensure the effective operation of food and drink premises through the lifetime of the development.

Contamination



The subject site is mapped as with potential Class 4 Acid Sulfate Soils (ASS)

Comments to Department / Request for Further Information

1. Clause 7.1 of the *Tweed Local Environmental Plan 2014* is required to be satisfied
 - a. Submission of a Preliminary Acid Sulfate Plan (including assessment of ASSMAC guidelines).

BCA / NCC

Comments to Department / Request for Further Information

1. The development would need to provide a BASIX certificate.
2. The Development would need to comply with the Building Code of Australia.

Developer Contributions

Normal Section 7.11 and Section 64 Contributions would apply.

Applicable plans can be viewed at <https://www.tweed.nsw.gov.au/environment-control-plans#contributions>

A detailed quoted can be provided for a fee of \$227 (2024–2025) to determine the applicable development contributions.

Referrals

The subject site is located within proximity to an approved substation and referral to Essential Energy would be required.

For more information, please contact Ashleigh McLean on 02 6670 2255.

Yours sincerely or Yours faithfully,

A handwritten signature in grey ink, appearing to be "AM", written over a light grey circular stamp.

Ashleigh McLean
Town Planner