

Preliminary Environmental Assessment

Mixed Use Development

Lots 184 – 187 & 191 - 194 in DP 259164, and
Lots 20 – 23 in DP 31208, Hastings Road and
Tweed Coast Road, Bogangar/ Cabarita Beach

Prepared for **WA Stockwell Pty Ltd**

By

Planit Consulting Pty Ltd

January 2008



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Review and Amendments Schedule – PLANIT CONSULTING PTY LTD

		Date
Author	CL	November 07
Reviewer	AS	December 2007

Amendments

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December 2007

Section

1

Introduction

1.1 Brief

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

The proposal relates to the construction of a mixed use development consisting of a supermarket, specialty retail shops, twenty three residential units and associated parking and loading bays.

1.2 Approvals Sought

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

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

Schedule 2 Part 3A projects—specified sites

1 Coastal areas

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

- (i) in the case of facilities wholly or partly in a sensitive coastal location outside the metropolitan coastal zone—that provide accommodation (or additional accommodation) for any number of persons, or
- (ii) in the case of facilities wholly or partly in a sensitive coastal location in the metropolitan coastal zone—that provide accommodation (or additional accommodation) for 100 persons or more, or
- (iii) in the case of facilities outside a sensitive coastal location that are not connected to an approved sewerage treatment work or system—that provide accommodation (or additional accommodation) for 25 persons or more,

(g) buildings or structures (other than minor alterations or minor additions to existing buildings or structures) that are:

- (i) **greater than 13 metres in height, in the case of buildings or structures wholly or partly within a sensitive coastal location, or**
- (ii) **greater than 13 metres in height, in the case of buildings in other locations outside the metropolitan coastal zone,**

Comment: The building exceeds 13m in height – as such the provisions apply.

- h) Subdivision of land that is wholly or partly in a sensitive coastal location and that will lead to development that is not connected to an approved sewage treatment work or system:
 - (i) into more than two lots, or
 - (ii) into 2 lots, if the land to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 2 lots,
- i) Subdivision of land that is outside a sensitive coastal location and that will lead to development that is not connected to an approved sewage treatment work or system:
 - (i) into more than five lots, or
 - (ii) into five lots, if the land to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 5 lots,
- j) Subdivision for residential purposes of land that is not in the metropolitan coastal zone (unless it is wholly or partly in a sensitive coastal location):
 - (i) into more than 25 lots, or
 - (ii) into 25 lots, if the land to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 25 lots,
- k) Subdivision for rural-residential purposes of land that is not in the metropolitan coastal zone (unless it is wholly or partly in a sensitive coastal location):
 - (i) into more than 5 lots, or
 - (ii) into 5 or fewer lots, if the land to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 5 lots,

1(A) Subclause (1) (f)–(k) does not apply to development that the Minister determines is of only local environmental planning significance.

The purpose of this correspondence is to satisfy the provisions of Clause 6 of the SEPP in gaining the Director General's Requirements. This request is made in the context of the Department's (Minister) recent determination that the application is not of only local environmental planning significance.

1.3 The Site & its Surrounds

The subject site comprises a total of twelve (12) properties. The properties have the following descriptions use and areas.

Legal Description	Address	Area	Use
Lot 184 DP 259164	96 Hastings Road, Bogangar	365.70 m ²	Vacant

Lot 185 DP 259164	94 Hastings Road, Bogangar	365.70 m ²	Vacant
Lot 186 DP 259164	92 Hastings Road, Bogangar	365.70 m ²	Vacant
Lot 187 DP 259164	90 Hastings Road, Bogangar	365.70 m ²	Vacant
Lot 191 DP 259164	76 Hastings Road, Bogangar	335.40 m ²	Vacant
Lot 192 DP 259164	74 Hastings Road, Bogangar	335.40 m ²	Vacant
Lot 193 DP 259164	72 Hastings Road, Bogangar	335.40 m ²	Vacant
Lot 194 DP 259164	70 Hastings Road, Bogangar	335.40 m ²	Vacant
Lot 20 DP 31208	39 Tweed Coast Road	841 m ²	Motel and Cafe
Lot 21 DP 31208	41 Tweed Coast Road	613.16 m ²	Service Station
Lot 22 DP 31208	43 Tweed Coast Road	613.16 m ²	Service Station
Lot 23 DP 31208	45 Tweed Coast Road	613.16 m ²	News Agency
Total		5484.88 m²	

The property has extensive frontage to both Tweed Coast Road and Hastings Road.

Please refer to the locality plan below for identification of the site within the surrounding environs of Bogangar/ Cabarita Beach.

The subject property is located within the centre of the Bogangar Business District which fronts Tweed Coast Road and Hastings Road. The property is zoned 3(b) General Business and surrounding land to the north, south and east is similarly zoned. The existing built form consists of recently constructed three and four storey mixed use development (including the Beach Resort and the Breakwater Views Apartments and older one and two storey commercial buildings.



The land to the west of the site is zoned for residential purposes and now contains a residential development upon it including detached dwellings and a townhouse villa development on the western side of Hastings Road.

1.4 Supporting Information

The following supporting documents accompany this proposal: -

- Design Plans
- Engineering Detail
- Geotechnical Detail

- Landscape Detail
- Acoustic Detail
- Photo Plates
- SEPP No. 1 Objection

Section

2

Description of the Proposed Development

2.1 Demolition

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

Structures to be removed are the existing newsagency, the service station and associated workshops, and a three storey motel/ café. The demolition application will detail the method, timing and scale of demolition proposed, whilst also addressing relevant matters pertaining to the removal and disposal of asbestos related materials and other like toxic / dangerous goods.

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

2.2 Proposed Development – General Summary

This application proposes the erection of a three/ four storey building comprising a total of a supermarket, kiosk, retail shops, and 23 residential units. The proposal comprises the following key elements as follows:

Design Element	Details
Number of Residential Units	23 x 2 Bedroom Residential Units
Commercial Component	Supermarket – 2403.9 m ² Retail Shops – 1008.4 m ² Kiosk - 71.675 m ²
Storeys	Generally 3 storeys facing Tweed Coast Road and Hastings Road, however four storey element through the centre of the property due to the topography of the site.
Site area	5484.88 m ²
Car Parking	214 spaces - 37 Resident Spaces - 177 Customer Spaces plus Loading Bays and bicycle parking

This integrated proposal incorporates a number of design features so as to assist in breaking up and articulating development on the site. In this regard the building possesses its own architectural character and appeal which responds well to the site having regard to its prominent position on Tweed Coast Road.

The proposed development fronts Tweed Coast Road as a three storey building then steps down with the topography of the land to maintain consistency with the intent of Council's height limits. It is acknowledged that part of the building is four storeys and a variation under State Environmental Planning Policy No.1 accompanies the application. These elements are discussed in greater detail under the heading of 'Statutory Assessment'.

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

The proposed development incorporates a maximum of four storeys with elements of the building including a lift overrun with a maximum height 16.45 metres and 15.98 metres to the roof pitch of the residential units facing Hastings Road. As the proposal requiring variation to the three storey height limit a variation to the development standard by way of SEPP 1 Objection is required.

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

2.3 Access, Parking & Manoeuvrability

Vehicular access will be provided to the car parking areas from Hastings Road. Parking will be provided across the development at two levels, and a total of 216 spaces are to be provided across to service the development. All parking spaces will be easily accessible and no problems are anticipated in respect to vehicle circulation. The car park is also designed to accommodate a loading bay, whilst a secure area is also nominated upon the plans for bike parking.

Further comment in this regard is provided under the heading of DCP 2007 Section A2.

An area has been set aside at the rear of the building for the location of refuse bins on collection day. Confirmation from Solo Waste is currently being sought as to the suitability of the design and will be forwarded to Council accordingly.

2.4 Landscaping / Open Space Provision

A detailed Statement of Landscape Intent is attached for Council's review.

It is noted that Council does not possess any defined landscape or open space controls or criteria. Notwithstanding, the landscaping assists in integrating the development with the established urban environment. Planter boxes are proposed throughout the development, whilst further embellishment to Tweed Coast Road is proposed.

The proposal also improves the amenity of the public domain and seeks consent for awnings, and new paving and streetscaping within the road reserve. It is submitted these elements integrate well with the built form of the proposal and the topography of the site, whilst neither hindering public access past the site, or into the commercial tenancies facing the street. It is noted the proposed kiosk tenancy is carefully sited within the centre of the development to encourage activity within the central forecourt facing Tweed Coast Road. A translucent roof above this forecourt and kiosk area will provide natural light adding further to the ambience of this central forecourt area and encourage its utilisation customers and the public in general as a place to congregate, meet and socialise.

2.5 Residential Units

The residential component comprises 23 x 2 bedroom units. Six styles of housing are proposed including single floor units and two storey apartments. Fifteen units are designed with balconies facing the east to take advantage of the available views of the Pacific Ocean and to capture cooling sea breezes. The remaining eight units are located to take in the vistas of the Tweed Hinterland. The development also incorporates a communal area providing suitable open space for recreational purposes. The units will be well appointed with modern finishes, textures and appliances. The residential component has also been designed to ensure compliance with Council's energy efficiency requirements and incorporate sustainable features such as water efficient tap ware and shower roses, low wattage lighting, roof and wall insulation and energy efficient hot water systems.

Section

3

The Site & its Surrounds

3.1 Property Description

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

Legal Description	Address	Area
Lot 184 DP 259164	96 Hastings Road, Bogangar	365.70 m ²
Lot 185 DP 259164	94 Hastings Road, Bogangar	365.70 m ²
Lot 186 DP 259164	92 Hastings Road, Bogangar	365.70 m ²
Lot 187 DP 259164	90 Hastings Road, Bogangar	365.70 m ²
Lot 191 DP 259164	76 Hastings Road, Bogangar	335.40 m ²
Lot 192 DP 259164	74 Hastings Road, Bogangar	335.40 m ²
Lot 193 DP 259164	72 Hastings Road, Bogangar	335.40 m ²
Lot 194 DP 259164	70 Hastings Road, Bogangar	335.40 m ²
Lot 20 DP 31208	39 Tweed Coast Road	841 m ²
Lot 21 DP 31208	41 Tweed Coast Road	613.16 m ²
Lot 22 DP 31208	43 Tweed Coast Road	613.16 m ²
Lot 23 DP 31208	45 Tweed Coast Road	613.16 m ²
Total		5484.88 m²

Detailed survey of the site is provided within the attached plans (See Appendix A).

The site contains vacant and developed lots alike however little vegetation exists across the site other than grass and scattered trees. The existing motel, service station and newsagency will be demolished accordingly.

The site possesses frontage to Tweed Coast Road of 66.476 metres and a further split frontage to Hastings Road of 80 metres (40 + 40).

3.2 Surrounding Area

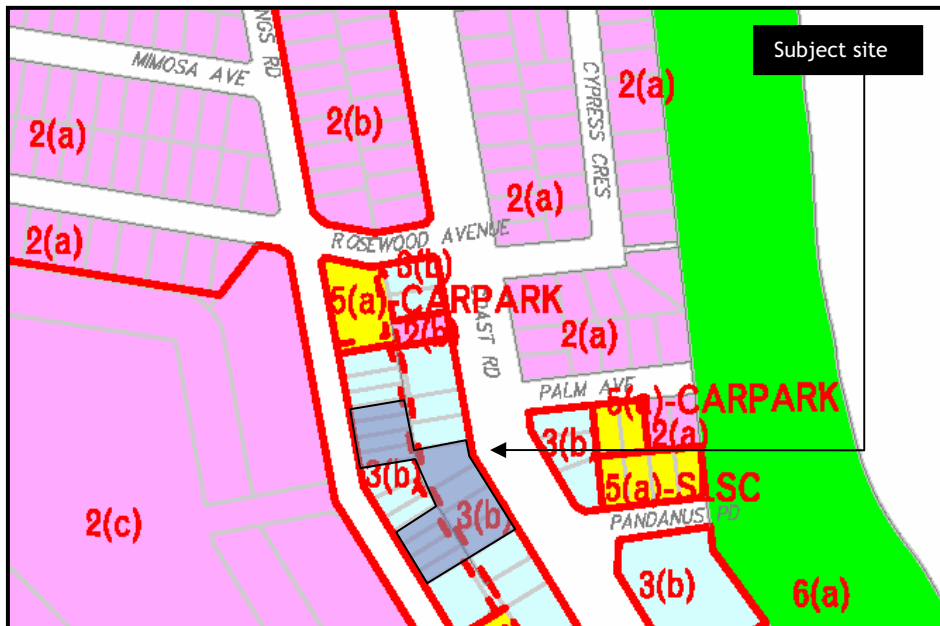
The subject site is within the centre of the Cabarita central business district. The locality is undergoing a gradual transformation with recent developments including, The Beach Hotel and Resort, the Cabarita Surf Life Saving Club and a recently constructed mixed use development to the south of the site comprising retail shops and offices, café and residential units. Approval has also been issued for a mixed use development on the corner of Tweed Coast Road and Rosewood Avenue to the north of the site.

Development within the CBD is characterised by a range of commercial and retail activities including cafés, surf shop, doctors and dental surgeries, bakeries, a credit union chemist, real estate agents, fruit and vegetable shop, butcher and clothing outlets. Adjoining properties in Hastings Road are utilised for a range of activities including a real estate agent, solicitors office, laundrette, computer and TV Repairs, Child Care Centre and security and blind business with upper level residential units.

With the continued interest in the Tweed Coast by the development sector, it is anticipated that the commercial precinct will continue to be redeveloped consistent with Council's requirements.

3.3 Surrounding land use zonings

The subject site is zoned 3(b) General Business pursuant to the Tweed Local Environmental Plan 2000. The properties to the immediate north, south and east are zoned 3(b) General Business.



Land to the west of the site is zoned 2(c) Urban Expansion and has been developed for residential purposes of varying densities.

3.4 Services

Water

Existing water services are within Tweed Coast Road. No capacity constraints are evident in this regard.

Stormwater

Stormwater services are currently available. Appropriate facilities will be constructed in accord with the requirements of Tweed Shire Council – Construction Specification D7.

Sewer

The site is adequately serviced by sewer. In this regard existing lines are located within Hastings Road and Tweed Coast Road. A sewer line traversing the site is also to be relocated in accordance with Council's requirements. A Sewer Diversion Plan has been prepared by Opus Quantec McWilliams and is attached for Council's consideration.

Section

4

Statutory Framework

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

The Environmental Planning and Assessment Act 1979 is the overriding legislation which governs development within NSW. Under the Act various State, Regional and Local Environmental Planning Instruments apply to the site and the development specifically. This includes SEPP No.1 – Development Standards, SEPP 71 – Development on Coastal Lands, SEPP Major Projects, North Coast REP 1988 and Tweed LEP 2000.

The Act and the various planning instruments stipulate who the consent authority is for various types of developments.

This application requires approval pursuant to Part III of the Environmental Planning & Assessment Act, 1979. Accordingly, the matters under Part IV and V do not apply. The Minister is identified as the consent authority as the proposal is affected by the provisions of **State Environmental Planning Policy – Major Projects**. In particular, Clause 6 identifies development that is considered as a major project and references types of development under Schedule 2 of the SEPP which apply in this instance. The following excerpt from the SEPP is relevant and comments are provided as to why the development is caught by the schedule:-

Schedule 2	Part 3A projects—specified sites
1 Coastal areas	
(1) Development within the coastal zone for any of the following purposes:	
(a) extractive industries,	
(b) landfill facilities,	
(c) mining that is designated development and that is wholly or partly in a sensitive coastal location,	
(d) marinas that are designated development and that are wholly or partly in a sensitive coastal location,	
(e) the following types of industries (other than mining or extractive industries) but only if they are:	
(i) designated development, and	
(ii) in the case of the metropolitan coastal zone—wholly or partly in a sensitive coastal location: agricultural produce industries, bitumen pre-mix industries, breweries or distilleries, cement works, ceramic or glass industries, chemical industries or works, chemical storage facilities, composting facilities or works, contaminated soil treatment works, crushing, grinding or separating works, drum or container reconditioning works, electricity generating stations, livestock intensive industries, livestock processing industries, mineral processing or metallurgical works, paper, pulp or pulp products industries, petroleum works, wood or timber milling or processing works, or wood preservation works,	
(f) recreational or tourist facilities (other than internal refits of, or minor alterations or minor additions to, existing facilities):	
(i) in the case of facilities wholly or partly in a sensitive coastal location outside the metropolitan coastal zone—that provide accommodation (or additional accommodation) for any number of persons, or	

- (ii) in the case of facilities wholly or partly in a sensitive coastal location in the metropolitan coastal zone—that provide accommodation (or additional accommodation) for 100 persons or more, or
- (iii) in the case of facilities outside a sensitive coastal location that are not connected to an approved sewerage treatment work or system—that provide accommodation (or additional accommodation) for 25 persons or more,

(g) buildings or structures (other than minor alterations or minor additions to existing buildings or structures) that are:

- (i) greater than 13 metres in height, in the case of buildings or structures wholly or partly within a sensitive coastal location, or
- (ii) greater than 13 metres in height, in the case of buildings in other locations outside the metropolitan coastal zone,

Comment: The building exceeds 13m in height – as such the provisions apply. Council also nominates the western portion of the property to Hastings Road as being within a sensitive coastal location. This relates to a stormwater canal further to the west and surrounded by residential housing within the Friday Island Residential Estate. On review of the definition of a sensitive coastal location under the SEPP, it is submitted the land surrounding this canal is incorrectly identified by Council. The site is also more than 100 metres from the tidal waters of the Pacific Ocean and Cabarita Beach to the east, and that part of the development site which has frontage to Tweed Coast Road is not identified as a sensitive coastal location by Council.

- h) Subdivision of land that is wholly or partly in a sensitive coastal location and that will lead to development that is not connected to an approved sewage treatment work or system:
 - (i) into more than two lots, or
 - (ii) into 2 lots, if the land to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 2 lots,
- (i) Subdivision of land that is outside a sensitive coastal location and that will lead to development that is not connected to an approved sewage treatment work or system:
 - (i) into more than five lots, or
 - (ii) into five lots, if the land to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 5 lots,
- (j) Subdivision for residential purposes of land that is not in the metropolitan coastal zone (unless it is wholly or partly in a sensitive coastal location):
 - (i) into more than 25 lots, or
 - (ii) into 25 lots, if the land to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 25 lots,
- (l) Subdivision for rural-residential purposes of land that is not in the metropolitan coastal zone (unless it is wholly or partly in a sensitive coastal location):
 - (i) into more than 5 lots, or
 - (ii) into 5 or fewer lots, if the land to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 5 lots,

1(A) Subclause (1) (f)–(k) does not apply to development that the Minister determines is of only local environmental planning significance.

The purpose of this report is to satisfy the provisions of Clause 6 of the SEPP in seeking the Director General's requirements.

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

This development proposal will need to seek an approval under the Water Management Act 2000 to dewater the site during the construction phase of the development pursuant to Section 91(1) of the Act. The proposed development is considered to be Integrated Development under Part IV of the Act.

4.3 State Environmental Planning Policies

4.3.1 State Environmental Planning Policy No.1 – Development Standards

The proposed development seeks a variation to the three storey height limit under Tweed LEP 2000. A SEPP No.1 Objection accompanies the development Application and is attached to this report.

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

The proposed development is listed under Schedule 1 of SEPP No.11 as a traffic generating development. The provisions of the SEPP apply in this particular instance and the development will need to be referred to the RTA for comment. A traffic assessment has been prepared by Opus Quantec McWilliams for consideration.

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

The development incorporates twenty three residential units and as such the provisions of the SEPP apply. The proposal is considered to be consistent with the design principles underpinning this policy with the plans prepared by a registered architect as required under the SEPP. The following comments are provided for Council's consideration:

Design Principles 1 - Context

An informal site analysis has been completed with consideration for the opportunities and constraints afforded by environmental features, ie. location of the site, proximity to the Beach and the Tweed coast, lifestyle facilities and amenities in the immediate area. The proposed design responds to a number of key features of the site as follows:

- (a) Situated within the heart of the Cabarita Beach CBD.
- (b) Proximity to services, recreational opportunities, shops, bars and restaurants.
- (c) Promotion of the emerging architectural aesthetic and amenity of a redeveloping area (ie the Tweed Coast);
- (d) Proximity to Cabarita Beach, the surf club and patrolled areas and the site aspect towards the Pacific Ocean in general.
- (e) Site is not affected by natural hazards such as flooding, bushfire, landslip or coastal erosion.
- (f) Potential for view loss from residents to the west is nil due to topography of the land and height of Tweed Coast Road compared to Hastings Road.

The Tweed Coast and in particular Bogangar/ Cabarita Beach is undergoing a period of transition with numerous development approved and constructed in recent years in the general locality. This includes the adjacent three/ four storey mixed use development to the south and the Beach Resort on the opposite side of Tweed Coast Road. In this context the proposal is consistent with the built form and the desired character of the area.

Design Principle 2 - Scale

The proposed development has been designed in accordance with the provisions of the relevant planning controls, with variation only requested, where on merits, it can be justified.

The scale of the proposal, whilst not insignificant, has been articulated and minimised via the provision of a number of differing elements, each of which possess an independent design and scale.

The scale is consistent with future development in the precinct, and the breaking up of the building into independent vertical and horizontal components enable the building to present to both Tweed Coast Road and Hastings Road in a form which does not dominate the streetscape.

Design Principle 3 – Built Form

The proposed built form incorporates significant horizontal and vertical stepping within the proposed structure. The latter facilitates both an interesting and varied aesthetic, whilst also ensuring that residents on the site have the feeling of living within their own individual complex.

The proposed design encourages active street frontages and pedestrian / resident interaction through the extension of specialty shops and the through site “shopfront” at the ground floor, the provision of balconies on all residential units, and the through site pedestrian connectivity between Hastings Road and Tweed Coast Road.

Design Principle 4 – Density

The proposed development encourages and assists in the revitalisation of this area of the Tweed Coast which has been slowly developing over the years. In this regard the density proposed raises no issues in relation to car parking, road or service capacity and having regards to its location in proximity to all necessary services and facilities in no way corresponds to an overdevelopment of the site.

Design Principle 5 – Environmental Issues

The proposal has evolved through a recognition and commitment to sustainability and the need to minimise environmental impacts.

The credentials of the proposal in this regard, are demonstrated within the attached Basix and BURs documentation and the simple design basics (such as orientation) exhibited within the attached plans.

Design Principle 6 – Landscaping

The attached plans feature significant landscape detail in accord with the desired future character of the area.

The landscaping has been designed such that it acts so as to soften the buildings at ground level and integrates the proposal into the adjacent street. The attached plans also demonstrate the level of landscape detail proposed at the podium and terrace levels, with all residents ultimately enjoying the ability to find their own space within the common recreation area.

The selection of plants, materials and colours emphasise the coastal environmental within which it is located. Local species have also been selected to minimize the use of watering requirements.

Design Principle 7 – Amenity

Each of the apartments has been designed so as to maximise available sunlight, space and ventilation. In this regard, each dwelling opens out onto sufficient open space balcony areas consistent with Council’s requirements.

All apartments have been designed and positioned to ensure visual and acoustic privacy for the residents.

Public areas are landscaped and open with access to sunlight and shade as required.

Design Principle 8 – Safety and Security

The building and landscape design will adopt CPTED (Crime Prevention through Environmental Design) principles to provide the following:

- Facilitates passive overlooking of all areas due the orientation of each residential building;
- Removal of crime hot spots, such as narrow alleys, hiding nooks and predator havens;
- All street frontages are active and have been designed such that they are not merely afterthoughts, but a genuine extension of the commercial and residential facilities;
- Ensure unhindered and easy access is available for able body and disabled persons respectively;
- Provide secure parking within the basement area and the provision of appropriate lighting facilities relative to same;
- Provide after hours lighting to public spaces and accessibility to management

The proposed development is considered to be satisfactory in this regard.

Design Principle 9 – Social Dimensions

The proposed development is a significant addition to the Cabarita Beach CBD and will add considerably to the vitality and vigour of the locality. Opportunities to provide significant social benefits within an established business zone exists with residents able to live and access a range of services, facilities and amenities without the need of a motor vehicle. The proposal addresses the public domain and aims to implement a positive addition to the streetscape.

The proposal will also ultimately assist in the provision of significant employment and service opportunities, whilst also providing for a general shift in character that will promote investment within the locality.

In conclusion, the proposed development satisfactorily considers and promotes the social dimensions of the locality and the proposal specifically.

Design Principle 10 – Aesthetics

The proposed building has been designed and sited so as to address the adjacent streetscape, without detracting from the internal aesthetic afforded by the siting of the proposed common recreation area and adjacent buildings.

In this regard, the proposed structure has been designed such that it promotes a high level of visual interest and appeal. The proposed building incorporates differing facade treatments through the use of various materials, textures and colours.

4.3.4 State Environmental Planning Policy No.71 – Coastal Protection

The subject site is within the coastal zone (as per the NSW Government Coastal Policy 1997) and as a result the provisions of State Environmental Planning Policy No.71 apply to the site. The property however is not within a sensitive location to the Tweed Coast and more than 100 metres landward of the Pacific Ocean. Council does however nominate part of the site on Hastings Road as being within 100 metres of Stormwater Canal

fronting the Friday Island residential development to the west of the site. The proposal will have no impact upon this canal or its ability to operate as a means of discharging stormwater into Cabarita Lake to the north of Bogangar. The application will need to be forwarded to the Department of Planning for comment under the SEPP. The Consent Authority must consider the matters listed under Clause 8 of the SEPP for consideration. The following comments are made in this regard.

Clause 8 Matters for consideration

(a) the aims of this Policy set out in clause 2,

The proposed development is considered to be consistent with the aims of the policy as set out in clause 2 of the Policy.

(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,

The proposed development will in no way alter or restrict the public's access to the foreshore reserve areas adjacent to the Pacific Ocean. The proposal will however provide an alternative pedestrian path for the residents of Bogangar who live on the western side of the development, enabling them access through the property during business hours, and onto Pandanus Parade and down to Cabarita Beach.

(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,

Although the site is spatially separated from the beach and foreshore reserve areas, the development will provide opportunities to improve pedestrian access between the residential areas of Bogangar to the west of the site down to Cabarita Beach. The proposal will also provide improved access for the disabled with a lift able to move pedestrians from the lower ground level up to the Tweed Coast Road level. Embellishments are also proposed to the general footpath areas in the immediate vicinity of the site including new paving and streetscaping in front of the development site. It is considered the development will improve public access

(d) the suitability of development given its type, location and design and its relationship with the surrounding area,

The proposed development is sited and designed in general accord with the relevant Council controls and is considered unlikely to create any form of adverse imposition upon the immediate area in terms of size, scale or usage. The design of the development is contemporary in nature incorporating a variety of elements consistent with current design trends for the Tweed Coast Area. For further detail in this regard see the attached architectural design plans. (Appendix A)

(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,

The subject site is spatially separated from the coastal foreshore. The proposal will not result in any significant overshadowing impacts upon adjoining properties of Coastal foreshore areas during the evening hours as stipulated under the North Coast Regional Environmental Plan 1987 or the NSW Coastal Policy 1997. No views of the Coast will be lost from the proposed development, with residential development to the west topographically at a lower level and views restricted by natural landforms and existing buildings.

- (f) **the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,**

The proposal will in no way have any detrimental impact upon the scenic quality of the NSW coast. In this regard the development is spatially separated from the Beach and Ocean and due to the built form to the east of the site it is unlikely the building will be visible from the coast, having regard to the built form of existing development in Pandanus Parade and opposite the site in Tweed Coast Road.

As previously discussed the proposal will implement a distinct architectural form and style, adding further impetus to the renewal of the Cabarita Beach Central Business District and the development of an underutilized commercial site. The building design is articulated and variations in materials and textures will ensure the proposal will have a positive impact upon the public domain when viewed from both Tweed Coast Road and Hastings Road. It is submitted the proposal will have a positive impact upon the scenic qualities of the locality and will make substantial improvement upon the existing built form on the site which is aged and at the end of its economic life.

- (g) **measures to conserve animals (within the meaning of the *Threatened Species Conservation Act 1995*) and plants (within the meaning of that Act), and their habitats,**

The proposal will not have an adverse impact upon threatened species.

- (h) **measures to conserve fish (within the meaning of Part 7A of the *Fisheries Management Act 1994*) and marine vegetation (within the meaning of that Part), and their habitats**

The proposal will not have an adverse impact upon marine environments or habitats. Stormwater is to be appropriately treated in accordance with Councils requirements.

- (i) **existing wildlife corridors and the impact of development on these corridors,**

The proposal will not have an adverse impact upon wildlife corridors or the like.

- (j) **the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,**

The subject site is not located within an area affected by Coastal Erosion (WBM Coastline Hazard Definition Study), and is significantly landward of the defined Coastal Erosion Zones. The development will not have an adverse impact upon Coastal Processes or be affected by Coastal Processes

- (k) **measures to reduce the potential for conflict between land-based and water-based coastal activities,**

Not applicable.

- (l) **measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,**

The subject site is not identified as a cultural place or the like.

- (m) **likely impacts of development on the water quality of coastal waterbodies,**

The proposal will in no way create any adverse impacts upon the water quality of nearby waterways. Appropriate erosion and sediment controls will be put in place to ensure no sediment finds its way to the local waterway to the east – The Tweed River.

- (n) **the conservation and preservation of items of heritage, archaeological or historic significance,**

The subject site is not identified as land containing items of heritage, archaeological or historical significance.

- (o) **only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,**

Not applicable.

- (p) **only in cases in which a development application in relation to proposed development is determined:**

- (i) **the cumulative impacts of the proposed development on the environment, and**

No cumulative impacts are likely as a result of the proposed development.

- (ii) **measures to ensure that water and energy usage by the proposed development is efficient.**

Appropriate measures have been adopted in terms of design to minimise energy usage including the orientation of the building to maximise solar access and allow natural light to filter into the residential units. A Basix Certificate is attached for the development demonstrating compliance with Council's Energy Efficiency requirements.

Clause 14 – Public Access

The proposed development does not impede public access to the Coastal Foreshore. As discussed above the proposal will facilitate public access through the site improving pedestrian access between the residential areas of Bogangar to the west of the site down to Cabarita Beach. The proposal will also provide improved access for the disabled with a lift able to move pedestrians from the lower ground level up to the Tweed Coast Road level. It is submitted the development is consistent with the provisions of this clause.

Clause 15 Effluent Disposal

The proposal will be connected to Council's sewer and no onsite effluent disposal is proposed.

Clause 16 Stormwater

Stormwater will be treated in accordance with Councils requirements and will not discharge untreated into the sea, coastal water body or the like.

Conclusion

It is considered the proposed development does not offend or compromise the intent or specific provisions of State Environmental Planning Policy No.71 – Coastal Protection.

4.4 North Coast Regional Environmental Plan, 1988

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

Overshadowing – Cl.32B of the NCREP 1988

Clause 32B – Coastal Lands

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

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

The following comments are provided in relation to the provisions of this clause

NSW Coastal Policy, 1997

Relevant matters for consideration in this policy are addressed below.

Coastline Management Manual, 1990

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

Notwithstanding, the subject site is not identified as being affected by coastal processes in the recently completed Coastline Hazard Definition Study and is landward of the erosion zones.

North Coast Design Guidelines

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

Overshadowing

The subject site is landward from the foreshore reserve by more than 100 metres and the proposed development will not overshadow the foreshore reserve.

Clause 33 – Coastal Lands

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

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

Clause 51 – Tall Buildings

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

As indicated within the attached plans, the building will have a maximum height of 13.5 the roof pitch for the elevation fronting Tweed Coast Road. This is in effect a design element situated within the centre of the façade to provide vertical relief and articulation to the building. The element is also lightweight in construction and provides a roofed area over the balcony below.

It is also noted that through the centre of the building the proposal will have a height of 15.95 metres when measured to natural ground level and then steps down to a compliant height of 9.5 metres.

Pursuant to the provisions of the NCREP 1988, the Director General's concurrence is therefore required. Pursuant to Council's delegations, Council can assume the concurrence of the Director in this regard.

Clause 81 – Development Adjacent to the Ocean or a Waterway

Clause 81 refers to development within close proximity to waterways and requires Council to take into account any existing waterway within 100m of the development site and any related need to dedicate foreshore open space. This clause also requires the consent authority to consider the provisions of any foreshore management plan applicable to the area.

The proposed development in no way compromises this clause.

4.5. NSW Coastal Policy, 1997

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

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

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

Strategic Action No.	Strategic Action	Comment
1.3.2 & 1.3.8	Stormwater Quality	This issue is addressed by way of a Stormwater Management Plan for the proposal prepared in accordance with Council's requirements.
1.4.5	Coastal Hazards	The subject site is landward of the defined Coastal Erosion Zones
2.1.4	Acid Sulphate Soils	This issue is addressed under that section titled Clause 35 of the Tweed Local Environmental Plan 2000
3.2.1	North Coast Design Guidelines	Addressed within the attached architectural design plans

3.2.4	Design and Location Principles	Refer to the Architects Plans for further detail in this regard
7.1.5	Public Foreshore Access	Public access to nearby foreshore areas will not be affected by the proposal
7.2.3	Surf Life Saving Facilities	Council has adopted a Section 94 Contribution Plan for Surf Lifesaving facilities. Contributions will be levied in accordance with the plan if required.

4.6 Tweed Local Environmental Plan 2000 (TLEP 2000)

Clause 8 – Consent Considerations

The subject site is located within the - **3(b) General Business Zone**.

The objectives of the 3(b) zone are identified as follows:

Primary objective

- to provide business centres in which the community's shopping, business, welfare and social needs can be met.
- to provide business locations within residential areas, and to ensure that the scale and type of development is compatible with the character and amenity of the surrounding residential areas.

Secondary objectives

- to provide for tourist orientated development.
- to encourage upper floor residential or tourist accommodation.

The proposed development includes a mix of residential accommodation on the upper levels, and commercial tenancies on the ground floor facing Tweed Coast Road.

The proposal also seeks consent specifically for a supermarket and a Kiosk area, while the remaining tenancies are to be used for specialty retail stores. Development consent will be sought in the future for the fit-out of these retail units. The proposed development is one that clearly complies with the objectives and underlying intent of the 3(b) zone, whilst the uses proposed are permissible with consent.

Cumulatively, the development will not have an unacceptable impact on the community, locality or area of the Tweed Coast. The development is consistent with the character of the Cabarita Beach CBD and will not have a detrimental impact upon atmosphere of the Bogangar/ Cabarita Beach locality and provide further impetus to the areas renewal.

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

Clause 15 – Availability of Essential Services

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

The subject land has access to water, sewer, electricity and telephone services. The proposed development is able to be serviced by the existing connections to the subject land. It is noted a sewer main is to be diverted around the site. Preliminary Engineering Plans have been prepared by Opus Qantec McWilliam detailing how the sewer is to be diverted.

Clause 16 – Height of Building

Council's statutory heights map indicates that a maximum building height of 3 storeys applies to this site.

The proposed development is in part three storey but also includes four storey elements through the centre of the site. This is primarily a result of the topography of the area and the steep drop off from Tweed Coast Road. The development as such will front Tweed Coast Road as a three Storey building, whilst vertical articulation ensures the building steps down to three storeys on the western elevation facing Hastings Road. A variation is sought to the height limit and an objection pursuant to State Environmental Planning Policy No.1 is attached to this report for Council's consideration. (Please refer to Appendix C for details)

Clause 17 – Social Impact Assessment

In accordance with the provisions of this Clause and Development Control Plan No. 45, an Economics Report and Social Impact Assessment accompany this application. In summary the proposed development is considered to have a positive impact upon the locality with the creation of both short and long term employment opportunities, whilst the provision of additional accommodation units within Cabarita will have positive impacts upon the local economy in terms of the multiplier effect.

Clause 35 – Acid Sulphate Soils

Council's Acid Sulphate Soil Planning maps indicate that the site is located in an area identified as Class 3. An Acid Sulphate Soils Management Plan and Dewatering Management Plan have been prepared in accordance with Councils requirements and the EPA guidelines. A copy of the management plans will be submitted for Council's consideration.

Clause 38 Future Road Corridors

The subject land has a future road corridor across the rear of the properties facing Hastings Road. The road corridor would provide a 3 metre wide service lane along the boundaries of these and the adjoining properties linking with two proposed car parks located in Hastings Road.

The provisions of the clause state

(1) Objective

- to cater for the alignment of, and development in proximity to, future roads.
- (2) Development, other than exempt development or agriculture, must not be carried out on land in or adjoining a future road corridor shown on the zone map, except with development consent.
- (3) The consent authority must not grant consent unless it has considered the effect of that development on the future alignment of the road corridor.

The proposed road corridor is not owned by Council or by any other public authority, but is nominated on title as a right of Carriageway across private allotments under Deposited Plan DP259164. It is submitted the need for this rear laneway as a means of gaining access to the subject site is no longer required as demonstrated in the architectural plans submitted with the application.

Access can still be provided to the rear of Lots 181 to 183 DP 259164 from Lot 180 DP 259164 which is nominated as a car park under Tweed LEP 2000 and is situated on the corner of Rosewood Avenue and Hastings Road. Access to the rear of Lot 3 DP 831562 which is situated to the south of the site, can be provided from Lot 6 DP 872034 which is also nominated as a future car park and is currently provided by way of a concrete driveway.

In terms of access to the rear of Lots 188, Lot 189 and Lot 190 DP 259164, this would be provided from the proposed northern car park into these properties by way of a proposed and existing right of way. This indicated on the attached plans.

It is submitted this development by way of its design and area does away with the need for the construction of this future laneway, whilst surrounding properties are still guaranteed access from the two proposed public car parking areas to the north and south of the site and or through this development as demonstrated on the plans. Letters of support for abandonment of this easement are being obtained and will be submitted to Council accordingly.

Clause 39 Remediation of Contaminated Lands

Appropriate investigations have been carried out across the site in accordance with the requirements of SEPP 55 Remediation of Contaminated Lands. The property contains a service station and the potential for contamination exists. A detailed soil contamination report is attached for consideration. It is submitted that the site can be remediated and developed as proposed.

4.7 Development Control Plan 2007

4.7.1 Section A1 – Multi Dwelling Housing

Various provisions under Section A1 relate to Multi Dwelling Housing within the commercial zones. In this regard the proposal includes twenty three upper level residential units. Following is an analysis of the applicable controls relevant to the proposal.

Provision	Acceptable Solution	Compliance
Streetscape Streetscape, Building Appearance and Front Setbacks	<p>A7 - Tweed Local Environmental Plan 2000 allows multi dwelling housing with consent in commercial zones 3(a), 3(b), 3(d) and 3(e) provided that the housing is located above non-residential ground floor development.</p> <p>There are no setback requirements in the commercial zones for the first 9 metres. Thereafter the setbacks are to comply with the setback requirements for multi dwelling housing within residential zones</p>	<p>Council generally requires no setback to street frontages within Commercial zones for the first 9 metres then the development is to be setback in accordance with the requirements for residential housing.</p> <p>The proposal incorporates two upper levels of residential units and apartments which face Tweed Coast Road. The first level satisfies the setback requirements, however the upper level encroaches into the normal residential setback.</p> <p>The residential units on the Tweed Coast Road Elevation incorporate balconies orientated to the east providing articulation and interest to the building and a sense of depth as opposed to imposing upon the street. It is also noted with the treatment at the street level of the building with an awning across the footpath further reduces the impact of the development on the street.</p> <p>Importantly the building is at the cutting edge of architectural design and will set the benchmark for future projects in the Cabarita Beach CBD for others to follow. The development has been designed to remove the focus away from car parking which dominates the Tweed Coast Road streetscape with other developments constructed over the past twenty years in the CBD.</p> <p>In this regard the proposal seeks to provide an active</p>

		<p>streetscape with an interesting arrangement of awnings and landscaping over the footpath. These features aim to draw the public to the site by way of pedestrian access and remove the inherent dangers associated with entering many of the other commercial sites in Cabarita which contain an ongoing conflict between vehicles and pedestrians.</p> <p>This design feature also provides variation in relation to the articulation of the building with balconies and void areas providing depth, whilst changes in building materials, textures and colours providing further interest to the development.</p> <p>It is submitted the proposal makes a positive contribution to the streetscape and the character of the area whilst the building is of a high architectural standard. The setbacks proposed are consistent with the existing commercial character of the area whilst the development will create an attractive and active streetscape.</p> <p>It is submitted the proposed development is consistent with the objectives and performance criteria underpinning this design element, and it is requested that Council consider the proposal accordingly.</p>
Useable Open Space	A1 – A shaded Balcony with 10 m ² and minimum dimensions of 2 metres	Each residential unit has a balcony area compliant with the minimum area and dimension requirements. The proposal complies.

4.7.2 Section A2 – Car Parking Code

The proposed development incorporates a total of 214 car parking spaces. This number is consistent with the minimum requirement (pursuant to Section A2).

Following is a table of requirements pursuant to Section A2:

Parking Table		
Residential Units	23 Units @ 1.5 space per unit plus 1 Visitor Space/ 4 units	35 spaces 6 spaces
Supermarket 2403.89 m ²	5.4 Spaces/ 100 m ² less 20% as per Cl. A2.4.1	104 spaces
Retail Shops 1008.4 m ²	5.4 Spaces/ 100 m ² less 20% as per Cl. A2.4.1	43.56 Spaces
Kiosk 71.675 m ²	1/ 7 m ² of Dining Area less 20% as per Cl. 4.11	8.19 Spaces
Total Required		196.75 spaces
Total Provided		214 spaces
Compliant		Yes

The development also includes two loading bays consistent with Council's requirements. The residential parking areas will be within a secured area, whilst adequate area is available within the general development for visitor's cars.

It is noted the car park consists of eight tandem spaces which does not strictly comply with the car parking provisions under the DCP. These tandem spaces will be allocated to individual units, minimising issues in relation to manoeuvring of cars onsite with the residents of the individual units to manage. It is also noted that Council is considering a review of the DCP with the intent of allowing stacked parking for residential development. Significantly visitors parking will not conflict with residents parking. The remaining units will also be allocated a designated parking space each with additional spaces provided for residential overflow. As such the car parking arrangements have been designed to ensure that there is no conflict between residents. Having regard to the above, it is considered the proposal provides a satisfactory arrangement for car parking and a variation is respectfully requested in this instance.

No constraints are evident in terms of gradient to the car park and accords with Council's Access to Property requirements and AS 2890.1. The proposal also includes a car wash bay for residents vehicles within the basement area.

It is submitted that the car parking proposed satisfies Section A2 of the DCP.

4.7.3 Section A3 – Development on Flood Liable Land.

Bogangar is identified under Section A3 as containing a design flood level of 3.4 metres AHD with a minimum floor level of 3.7 metres AHD for residential development. The residential and commercial component is set at a height of RL 7.5 m AHD or greater and is not affected by flood waters. Part of the car park however is considered as a basement and is set at a height of RL 1.8m AHD which is below the height of Hastings Road. Survey detail indicates the centreline of the road varies from 2.71 m AHD to 3.18 m AHD. In the event of a major flood event (eg 1:100 year event) the basement area would be inundated. Under Section A3 there is a requirement for basement car parks to be protected from flood waters. The provisions state:

Car Parking in the form of basement parking will not be approved below the design flood level unless it is protected against the inflow of water to a level of 500 mm above the design flood level

It is proposed to protect the residential car park by way of a hydraulic flood door rising up to a height of 3.9 metres AHD and a concrete block wall surrounding the basement car park. Details are included on the attached plans and within the Engineering Report in relation to the flood proofing of this basement area. It is proposed that the remaining basement car parking area in the event of a flood would be emptied of vehicles by centre management prior to Hastings Road being inundated. This will allow customer vehicles to be relocated to higher ground. In the event of a major flood event the inundated basement areas would be emptied of flood waters by pumps. The water can be pumped to Tweed Coast Road and enable it to escape via the Pandanus Parade drainage system.

It is noted Council has accepted similar mechanical solutions for basement car parks in the past including a residential flat building in Powell Street, Tweed Heads. The development as such will not establish a precedent and it is submitted the proposal provides an acceptable solution in terms of protecting resident's car from flood waters.

4.7.4 Section A9 Energy Smart Homes Policy

Basix and BERs Pro Certificates are provided demonstrating the proposal satisfies Council's energy efficient requirements.

4.7.5 Section A13 – Socio-Economic Impact Assessment

The development is considered unlikely to have a significant adverse social or economic impact. An Economics Report and Social Impact Assessment Report are attached for Councils consideration in accordance with the requirements under Section A13. It is submitted the proposal will have a positive impact upon the locality.

4.7.6 Section B18 – Tweed Coast Building Height Policy

Building Height

Under the DCP height limits have been stipulated for the Tweed Coast from Fingal Head to Wooyung. The subject site has a nominated height of 3 storeys with 13 metres to the roof pitch and 11 metres to the building plate.

The building fronts Tweed Coast Road as a three storey building but due to the topography of the land contains a small four storey element through the centre of the site as the land steps down to Hastings Road. The building then steps back down to three storeys and faces Hastings Road with a two storey façade.

In this regard Council's attention is drawn to the performance criteria underpinning this design element. It is submitted the proposal neither offends nor compromises these controls and the following comments are provided for Council's consideration

Performance Criteria

P1. The likely impacts of new buildings on surrounding development, particularly with regard to overshadowing, privacy and the obstruction of views are avoided.

Comment: The proposed development adjoins a commercial property to the south and north on Tweed Coast Road. No adverse impacts are anticipated in terms of overshadowing or view loss on residential properties to the west which have no ocean views due to the height of existing development and the topography of the property in comparison with the land to the west of Hastings Road.

P2. Topographical features of the site and surrounding properties such as slope, existing natural vegetation and opportunities for the creation of views and vistas are identified.

Comment: The proposed development addresses the topography of the site by stepping down the slope of the land and seeks approval for a split level design. Importantly the proposal clearly addresses the Tweed Coast Road making a positive contribution to the streetscape.

P3. The scale of new development is compatible with and sympathetic to the scale and bulk of existing development and/or the desired future character of the locality.

Comment: The proposed development has taken a different tact to other developments which have been constructed in Tweed Coast Road and has removed the focus away from designing around the car park to designing a building which interacts with the street and pedestrian traffic. The merits of surrounding development in Tweed Coast Road with their large car parks and driveways dominating the streetscape is highly questionable and should be avoided at all costs as it does nothing to encourage pedestrians to enter the building or provide for interesting streetscape.

Councils current planning controls now seek to avoid such design problems and the proposal is orientated to Tweed Coast Road with access provided of Hastings Road at the rear makes a positive contribution to the character of the locality.



In terms of recently constructed development including the redeveloped Cabarita Hotel and a four storey building at 45 Tweed Coast Road, it is submitted the proposal is compatible with the bulk, scale and character of the area.

P4. Buildings are designed and constructed to relate to the existing land shape with minimal cut and fill allowed.

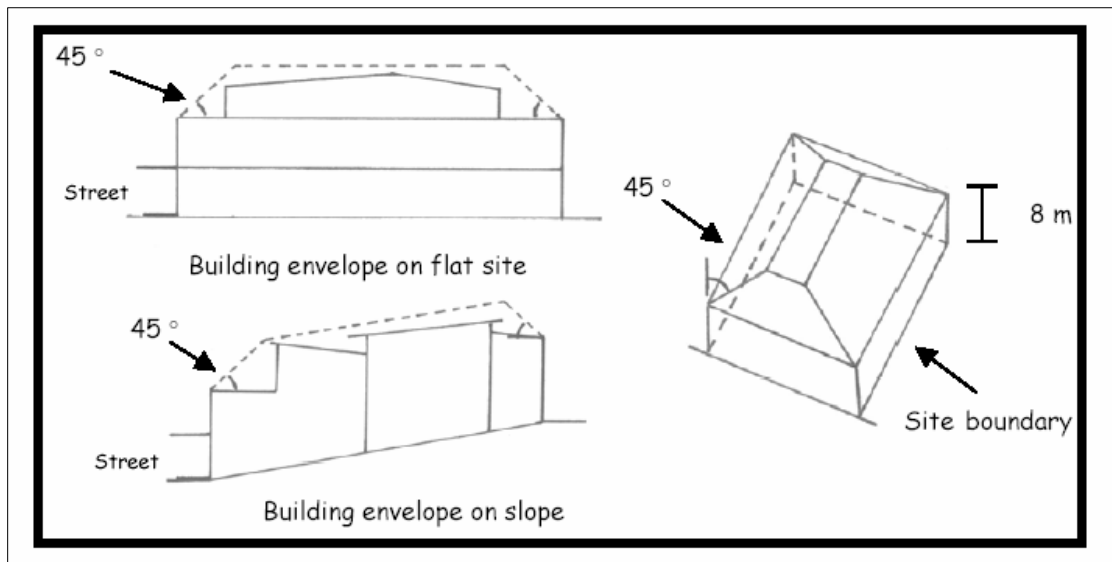
Comment: The proposed development responds well to the existing topography of the property with its split level design, and the four storey element will be difficult to visualise from the public domain including Hastings Road.

P5. Grand vistas and views, including heritage or familiar dominant landmarks That are recognised and valued by the community, are not obscured by new development.

Comment: The proposed development will not obscure any grand vistas or views or dominant landmarks. The property does not contain items or building of European or Aboriginal Heritage, nor *It is submitted the proposal is acceptable in terms of overall height*

Building Setbacks

Under the DCP a building height envelope has been established in accordance with the following drawings.



Minor encroachments through the building are evident and a variation has been respectfully requested. In this regard Council are requested to assess this component against the performance criteria, having regard to the built character of the surrounding environment.

P1. New development is compatible and sympathetic to the scale and bulk of existing development and/or the desired future character of the locality.

Comment: As discussed above under Building Heights, the design is heavily focused at encouraging pedestrian and foot traffic to enter and interact with the development as opposed to being dominated by hard car parking areas and driveways. These design intentions have now been incorporated into the adopted DCP for Cabarita Beach Section B19, with access to development on Tweed Coast Road to be provided from Hastings Road. The proposal has been designed in accordance with these requirements and is sympathetic with the desired character of the area. Council's attention is also drawn to the adjacent mixed use development to the south of the site. This building has been approved and constructed in recent years with little observance to the building height plane requirements. The proposal does however step in from the boundary on the southern elevation, with Units 13 and 20 setback from the boundary providing a degree

of articulation when viewed from Hastings Road and separation to the units on the southern side of the building.

P2. The streetscape reflects the functions and characteristics of the street type and which supports or establishes a sense of place and street identity.

Comment: The proposed development has been designed to provide a focus away from the design trends exhibited by many of the other developments in Tweed Coast Road and supported by Council in the past. In this regard the focus has been on cars and parking areas, with little of the surrounding development actually addressing the street and inadvertently discouraging pedestrian interaction. The proposal provides for significant public open space within the front of the building and as discussed above seeks to draw pedestrians into the development as opposed to providing a car dominated environment which results in conflict between pedestrians and car users.

Council has adopted a new DCP for Cabarita Beach (Section B19) which requires new development on Tweed Coast Road to provide vehicle access from Hastings Road and the development complies with this requirement.

The proposal also provides for opportunities to engage the public at the Tweed Coast Road level with the large central forecourt encouraging customers to enter into the building and the kiosk area whilst the retail development at street level will engage with shoppers and passing foot traffic. It is submitted the development will become a landmark building within the Cabarita CBD and provide a sense of place and identity accordingly.

P3. Building setbacks are related to the height of individual buildings and the width of the street, in such a way to ensure pedestrians do not feel buildings are overbearing.

Comment: The proposed development has been designed to respect the topography of the site and steps down from Tweed Coast Road to Hastings Road. The retail component of the site are set at the Tweed Coast Road level aimed at drawing pedestrians and customers into the central forecourt area and to engage with passing pedestrian traffic. Having regard to the width of the road reserves of Tweed Coast Road and Hastings Road, the development is neither overbearing nor imposing upon the public domain or surrounding properties, and is of a similar bulk and scale to surrounding developments.

P4. Residents feel an adequate sense of visual and acoustic privacy when using rooms fronting the street and/or adjoining properties.

Comment: The proposed development is suitably designed to ensure visual and acoustic privacy from adjacent properties and the like. In particular the balconies of the proposed development are generally orientated to take in the views to the east across Tweed Coast Road. The balconies have sufficient depth to ensure the living areas within the dwelling are private. In relation to the dwellings facing Hastings Road, these units are spatially separated from the street and accordingly the living areas are private.

A preliminary noise impact assessment has been carried out by CRG Consulting in relation to traffic noise from Tweed Coast Road affecting the development and also potential noise sources generated from the development. Recommendations have been made in relation to the treatment of apartments facing Tweed Coast Road through the use of building materials, glazing and the use of air-conditioning to ensure noise levels are acceptable as per AS/NZS 2107:2000 'Acoustics – Recommended Design Sound Level and Reverberation Times for Building Interiors, and AS 3671 1989 Road traffic Noise Intrusion – Building Siting and Construction.

Acoustic treatment is also proposed to the loading bay area, whilst staff parking is to be provided on the western side of the car park at grade to Hastings Road to ensure noise

levels do not impact upon the residential properties to the west. Recommendations are also made to limiting delivery and waste collection times, and for the attenuation of plant within the development site. For further details please see the attached Environmental Preliminary Noise Impact Assessment Report. It is submitted the development satisfies the performance criteria under this design element and visual and acoustic privacy of residents (proposed and adjoining) will not be impacted upon.

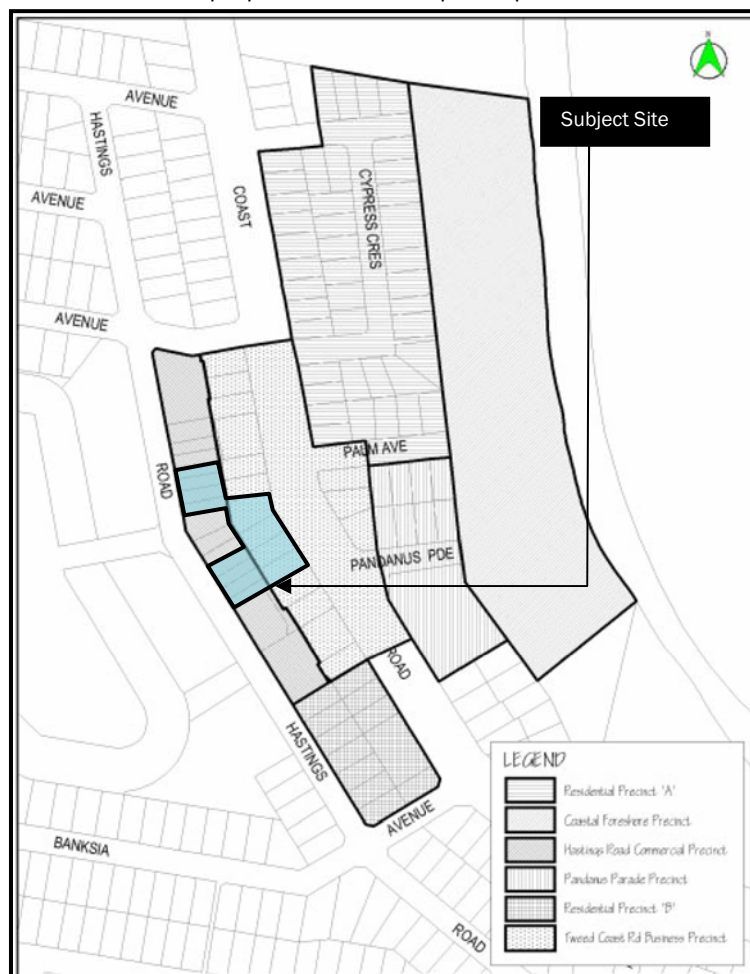
P5. Direct overlooking of main internal living areas and private open space of other dwellings is minimised by building layout, the location and design of windows and balconies or by screening devices and landscaping.

Comment: The proposed development will not directly overlook the main internal living areas and private open space of adjacent dwellings. In this regard the closest residence is to the north of the site on Tweed Coast Road. The adjacent residential unit (Unit 12) is designed to take in the views to the east of the Pacific Ocean and opportunities for overlooking the rear of this property are substantially reduced. In relation to the residential units to the south of the site, again the adjacent residential unit within the development (Unit 1) is focused on obtaining views of the coast and no opportunities arise in terms of overlooking adjacent outdoor living areas and balconies. The residential units orientated to the west (Units 20 - 23) are designed to take in views and vistas afforded by the Tweed Hinterland and again there is no opportunity for overlooking into the units to the south. Its submitted the proposal will not impact upon the residential amenity and privacy of surrounding properties.

It is submitted the proposal satisfies the performance criteria underpinning the building envelope provisions. In conclusion the proposal is consistent with the provisions under the Tweed Coast Building Height Policy.

4.7.7 Section B19 Draft - Bogangar/ Cabarita Beach Locality Plan

The subject site is located within Tweed Coast Road and Hastings Road Precincts under the provisions of the draft DCP. See adjacent Map →



The objectives of the **Tweed Coast Road Precinct** are:

- Provide for a vibrant commercial precinct that allows for a variety of commercial uses that satisfy economic demand and community needs.
- Provide for a high standard integrated mixed-use development enabling commercial activity on the ground floor and residential development or tourist accommodation above.
- Strengthen the village centre through high quality urban design and streetscape improvements.
- Encourage a local building aesthetic that responds to the subtropical climate of the area, preserves important view corridors, and is representative of the local village character,
- Cater for retail, business, welfare and social needs of the community.

Council's strategic directions listed under the Policy for the precinct are to encourage a variety of mixed use development including ground floor commercial activity and upper level residential and tourist development above. Council is also encouraging building design under Section B19 which provides for an interesting and active streetscape which displays high quality urban design. Many of the existing commercial developments along the western side of Tweed Coast Road fail to provide that interaction with the design of the shop frontages restricted to an awning and a new concrete footpath. Furthermore as evidenced in adjacent properties to the north, the main focus has been on the provision of vehicular access and the streetscape is therefore dominated by driveways and substantial car parking areas, which do little to bring vitality and life to the street. Under the Tweed Coast Road Precinct, Council now actively discourages vehicle access from Tweed Coast Road with vehicle access to be provided from Hastings Road. The proposal has been designed accordingly.

The proposed development has been designed with active retail street frontages and a central forecourt area to encourage customers and the public to enter into the development and to provide additional life and renewal to the Cabarita Central Business District.

The DCP also permits mixed-use development with the ground floor commercial/ retail development built to the property boundary and above ground level residential set back approximately 3 metres from the property boundary. Balconies and landscaping are permitted within this setback area. It is submitted the proposal has been designed in accordance with the draft provisions for the Tweed Coast Road Precinct.

The rear of the development is situated in the Hasting Road Precinct, the objectives of the **Hastings Road Precinct** are

- Provide for a vibrant commercial precinct that allows for a variety of commercial uses that satisfy economic demand and community needs.
- Provide for a high standard integrated mixed-use development enabling commercial activity on the ground floor and residential development or tourist accommodation above.
- Provide for high quality urban design that enhances the local village character.
- Cater for secondary retail, business, welfare and social needs of the community that compliments the commercial activities along the Tweed Coast Precinct.

The development has been designed with a supermarket which extends through from the Tweed Coast Road Precinct into the Hastings Road Precinct. The commercial nature of such enterprises is that they require substantial area to be viable and profitable. In particular the supermarket is strategically placed in terms of residential development to

the north and south of Bogangar within Casuarina, Salt, Hastings Point, Pottsville, Seabreeze, Black Rocks and Koala Beach.

The supermarket will also cater to the local community of Bogangar and provide an alternative to driving to Kingscliff and Tweed Heads South to shop at one of the major chain supermarkets. The remainder of the development within the Hastings Road Precinct caters for the car parking requirements as per Section A2 of DCP 2007. It is submitted the development will make a positive contribution to Hasting Road, whilst the shopping opportunities to be provided (eg major supermarket, specialty retail stores etc) will cater for the retail needs of the local Cabarita Beach/ Bogangar community, and the wider population along the Tweed Coast.

In terms of the design controls within the DCP which apply to both Precincts, the following comments are made

<p>Façade</p>	<p>The proposed development has been designed having regard to the draft controls applying to front façades. In this regard the ground floor is aligned at the street boundary, however the upper levels are setback behind balconies which face Tweed Coast Road. In terms of modulation the architectural plans demonstrate that the building comprises differing elements on the vertical and horizontal planes to provide interest and visual appeal. This was of vital importance considering the size of the frontage to Tweed Coast Road, and uniform design would not have satisfied with Council's draft controls. The building also incorporates a main entry opening up onto a concourse area containing a Kiosk and the entry into the supermarket. This provides an important opening in the façade and assists in encouraging activity and people to enter the development. No signage is proposed at this point in time, however such signage would be in accordance with Council's requirements and application made accordingly.</p> <p>The building façade to Hastings Road is to be treated by varying colours and textures with the concrete panelling set at varying heights as opposed to a monotonous wall. This is further offset with a horizontal powder coated aluminium screen above the Pedestrian entrance into the building. These design elements not only add further interest to the overall building, but also limits the actual bulk and scale of the building.</p> <p>It is submitted the proposal complies with the façade requirements under the DCP. .</p>
<p>Residential Design Controls</p> <ul style="list-style-type: none"> • Building Mass • Energy Efficiency • Roof Lines • Privacy • Security 	<p>The proposed development has been designed with a number of design components cross the vertical and horizontal planes to provide interest to the façade of the building and to ensure the bulk and scale of the building in broken up. It is considered the building satisfies these draft controls.</p> <p>The units have good solar access and open up onto internal landscaping areas enabling cross ventilation. It is considered the proposal is consistent with Councils requirements. This is further demonstrated by the Basix and Bers Pro Certification issued for the residential units.</p> <p>The development provides variety in roof lines and pitches, whilst the lift overrun is hidden from view from the street. Roof material will be non reflective colourbond consistent with Council's requirements.</p> <p>The development is within a commercial areas and opportunities to overlooking adjoining residential properties are all but non existent. The upper level balconies are predominantly orientated to the east overlooking Tweed Coast Road and available views of the Ocean. The units which face the west are spatially separated from the residential dwellings to the west and will not impacts upon the privacy and amenity of these residents.</p> <p>The proposal by its design will encourage lively public and semi-public areas and therefore provide opportunities through its use for ongoing surveillance of these areas and discourage anti social behaviour. The balconies of the development also orientated to the street provide for a</p>

<ul style="list-style-type: none"> • Materials/Colours • Access/Parking 	<p>degree of casual surveillance. Residential areas are clearly defined in terms of the commercial areas, whilst a change in building materials including the treatment of the entry concourse from Tweed Coast Road, will provide further delineation between the public and private re-alm. All car parking areas are to be well lit up, while the residential car park will be within a secured area. It is considered the proposal is consistent with Council's design requirements.</p> <p>The building is to be constructed from a range of materials including concrete panels, colourbond, timber louvres, aluminium framed glass doors and panels, powder coated aluminium screens, rendered blockwork and steel elements. The building will be painted in non reflective colours consistent with Council's requirements.</p> <p>Vehicle access into the development is provided from Hastings Road consistent with Council's requirements. The proposal complies with Council's car parking requirements for a mixed development.</p>
<p>Building Heights</p>	<p>The controls permit a maximum building height of 13.6 metres within a general three storey form. The proposal generally complies with these requirements, and although the controls are yet to come in they will supersede the Tweed Coast Building Height Policy Requirement of 13 metres maximum. As the building will have a potential economic life of up to 50 years or more its reasonable for Council to consider the development in light of these new controls. The development does contain a four storey element through the centre of the site and a variation has been sought under SEPP No.1. For details in this regard please refer to Appendix C for details. Importantly the development with its variety of materials, articulation both vertical and horizontal and design addresses the street. The building also does not impact on view lines or corridors, and will not be able to be seen from the beach or the foreshore due to surrounding development situated to the east of the site.</p> <p>Significantly the fourth storey element is a result of the topography of the land, with the levels on the Tweed Coast Road Elevation are established by the height of the footpath. The option of lowering the building further into the site was investigated, however this was discounted as the shop fronts would have then been lower than the footpath. This creates design problems in terms of disabled access and discourages the public interaction that is one of the main objectives underpinning the DCP in terms of streetscape improvements to Tweed Coast Road. It is considered the height of the development is acceptable.</p>

4.8 Miscellaneous Controls and Strategies

4.8.1 Tweed 2000 + Strategic Plan

In December 1996 Council adopted this Plan, the purpose of which is to "provide a broad overview of Council's intentions and directions for the future in relation to development, the environment and infrastructure provision. In particular, Shire Wide Strategic Principle No.6 provides for an increased emphasis on economic, employment generation and retention in the Tweed whilst Strategic Principle No.4 requires ecological sustainable development principles to be included in the decision making process. It is submitted the proposed development will generate significant short and long term employment opportunities, no environmental impacts are evident in relation to the proposed development, whilst the proposal will also assist in adding further vitality to the regeneration of Bogangar and the surrounding business district.

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

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

The site is not within 100 m of an area defines as high or medium hazard or within 30 m of low hazard areas on Council's Bush Fire Hazard Maps. The proposal does not require a permit under Section 100B of the Rural Fires Act.

4.8.3 Tweed Urban Stormwater Quality Management Plan

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

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

4.8.4 Ecologically Sustainable Development

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

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

- a. 'The precautionary principle, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation'.

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

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

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

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

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

4.8.5 Seven Year Plan

An estimated \$133M of projects, programs and services has been included in the 7 Year Plan for the Tweed Shire. To fund this it has been estimated that a rate increase (above CPI) of around 6% per annum for the next 7 years would be required to deliver the program in full. Council have advised that the increase in rate revenue will fund 60% of the total program costs of \$133M. The plans also seeks to change the way rates are calculated for commercial properties with rates likely to increase by as much as \$250 per year in addition to the other increases. This will no doubt place increasing pressure on commercial land owners to seek a greater return on investment, and it is anticipated older commercial properties, and or vacant land within the Bogangar/ Cabarita CBD will be redeveloped more intensively in accordance with Council's planning controls.

4.8.6 Retail Strategy

Council Engaged Core Economics to prepare a Retail Strategy for the Tweed Shire which was finalised in September of 2005.

This strategy is intended to inform Council in terms of making strategic planning decisions in relation to future regional shopping centres and to provide guidance in relation to the availability of commercial purposes to facilitate such a development. The strategy does not specifically provide recommendations in relation to development on land already zoned for retail and commercial purposes and the size of the development is one which can best described as a local shopping centre aimed primarily at servicing the local population of Cabarita Beach and Bogangar.

The strategy notes there is a limited range of retail (with no full-line supermarket) in Cabarita Beach/ Bogangar resulting in the need for local residents to travel in order to shop. The proposal will provide a suitable alternative to this current arrangement and will enable residents to shop locally and avoid the need to drive to Tweed Heads Banora Point, or Kingscliff to access a major supermarket.

The Strategy has identified that Tweed Heads and Tweed Heads South will continue to function as the regional centre for retail and commercial activities. As such and having

regard to the size of the development proposed in terms of commercial floor area and the clear compliance with the objectives of the 3(b) General Business Zone, it is submitted the development will not compromise the Retail Strategy and the recommendations contained within.

Section

5

Environmental Assessment

Section 5A – Environmental Planning & Assessment Act 1979

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

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

Development Application Requirements – Environmental Assessment

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

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

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

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

- Completion of a detailed land survey to identify key topographic features;
- Completion of soil investigations to determine the location of potential acid sulphate soils;
- Completion of a preliminary visual assessment of the landscape values of the development site;
- Completion of investigations into the capacity of existing infrastructure and services;
- Analysis of appropriate car parking requirements, access and manoeuvrability provisions and necessary pedestrian linkages;
- Preparation of shadow diagrams;
- Preparation of a Socio Impact Assessment and Economics report.

Proposed Measures to Mitigate Potential Adverse Impacts

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

In summary, those measures include:

- Design of the buildings to reflect contemporary standards and guidelines including the Coastal Design Guidelines for NSW – (Coastal Council of NSW, 2003);
- Preparation of appropriate management plans to ensure that the proposed development during both the construction phase and subsequently is appropriately managed and monitored to achieve desired commercial and environmental outcomes;
- Substantial compliance with Council's codes, Development Control Plans and relevant environmental planning instruments;
- Provision of on site car parking in accordance with Development Control Plan 2007;
- Inclusion in the design of key elements to achieve sustainability principles;

- Provision of all normal urban infrastructure;
- Limiting the height and bulk of the buildings to reduce visual impacts and minimise potential overshadowing of public areas;
- Limiting work hours during the construction phase in accordance with normal Tweed Council standards.

Garbage Storage and Removal

It is proposed to situate refuse storage within the car park area facing Hastings Road. A cross over from Hastings Road will be provided to enable the waste contractor easy access to the bins for collection. For details in this regard please refer to the attached architectural plans at Appendix A. The matter has been discussed with Council's Waste Officer and the application has been referred to Solo Resource Recovery (Solo Waste) for comment on the proposed waste arrangements.

A copy of their correspondence is to be forwarded to Council accordingly.

Section

6

Conclusion

As reflected in this Statement of Environmental Effects, the proposal is unlikely to result in any significant adverse impacts on the built or natural environment. The proposed development is generally consistent with all relevant statutory planning requirements and is permissible with the consent of the consent authority.

In particular, the development satisfies the objectives of Tweed LEP 2000, Development Control Plan No.2007 including the draft controls under B19 Bogangar Cabarita Beach Locality Plan, and the various state and regional policies and plans applicable to the land. It is considered that this balance has been met, thereby only improving the ability of the proposed development to assist in the long term rejuvenation and revitalisation of the Bogangar Cabarita Beach CBD area.

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

Significant public benefits will result from redevelopment of the site, inclusive of the reinvigoration of the town centre and its peripheral areas. The latter can be achieved through the implementation of contemporary buildings incorporating sustainable employment opportunities and an improved urban aesthetic. Importantly the proposal shows an incentive for the development industry to continue to invest in Bogangar/Cabarita Beach, an area of the Tweed Coast which has been generally ignored to date. With the changing demographics of the Tweed, the proposed development will provide further employment opportunities for locals, whilst multiplier effects are anticipated from increased spending in the village.

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