



DARRYL ANDERSON CONSULTING PTY LTD

TOWN PLANNING & DEVELOPMENT CONSULTANTS

MAJOR PROJECT APPLICATION NO 09_0016

REQUEST FOR DIRECTOR GENERAL'S
ENVIRONMENTAL ASSESSMENT REQUIREMENTS
PROPOSED MIXED USE RESIDENTIAL AND TOURIST
ACCOMMODATION DEVELOPMENT,
CNR TWEED COAST ROAD AND CYPRESS CRESCENT,
CABARITA (TWEED SHIRE LGA)

PREPARED FOR:

TWEED COAST HOMES PTY LTD

PREPARED BY:

DARRYL ANDERSON CONSULTING PTY LTD

APRIL 2009

Suite 7, Corporate House
8 Corporation Circuit
Tweed Heads South NSW 2486

Ph: 07 55233611
Fax: 07 55233612
Email: admin@daconsulting.com.au

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A.C.N. 093 157 165
Town Planning & Development Consultants

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CORNER TWEED COAST ROAD & CYPRESS CRESCENT, CABARITA (TWEED SHIRE LGA)

1.0 BRIEF

Tweed Coast Homes Pty Ltd has instructed Darryl Anderson Consulting to prepare this report seeking the Director General's Environmental Assessment Requirements in respect of Major Project Application No. 09_0016).

2.0 BACKGROUND

On 6 February 2009, the Department of Planning advised that on 29 January 2009, the Minister for Planning formed the opinion that this proposal is a project to which Part 3A of the Act applies and therefore, approval from the Minister for Planning will be required.

3.0 SITE DETAILS

The site is legally described as Lots 1, 2 and 3 Section 1 DP 29748 and Lot 4 Section 1 DP 31209 Corner Tweed Coast Road and Cypress Crescent, Cabarita. The site is located within 100m of the Cudgen Nature Reserve and is therefore within a sensitive coastal location (see **Figure 1**).

The site is presently occupied by a caravan park comprising 24 sites and an amenities block which was established in the 1960's. To the north of the land is the Cudgen Nature Reserve, to the east of the land are a number of residential dwellings extending to the Cabarita Beach foreshore, to the south of the land is Cypress Crescent and a number of two and three storey residential buildings and to the west of the land is the Tweed Coast Road and various residential developments.



Figure 1 – Aerial Photograph

The site comprises managed lawns and it is apparent that the site does not provide habitat for rare or threatened species.

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4.0 DEVELOPMENT CONCEPT

The proposed development involves the demolition of the existing permanent structures on the site and the erection of a new three storey, mixed use, multi dwelling housing and tourist accommodation building comprising 23 units and basement parking for 49 vehicles. The maximum height of the building is 10.89m.

Following consultations with Tweed Shire Council's Development Assessment Panel, it is proposed to nominate six units for tourist accommodation (Units 5, 6, 7, 8, 15 and 16) to achieve compliance with the objectives of the 2(e) Residential Tourist zone applicable to the land. The zoning of the land is shown on **Figure 2**.

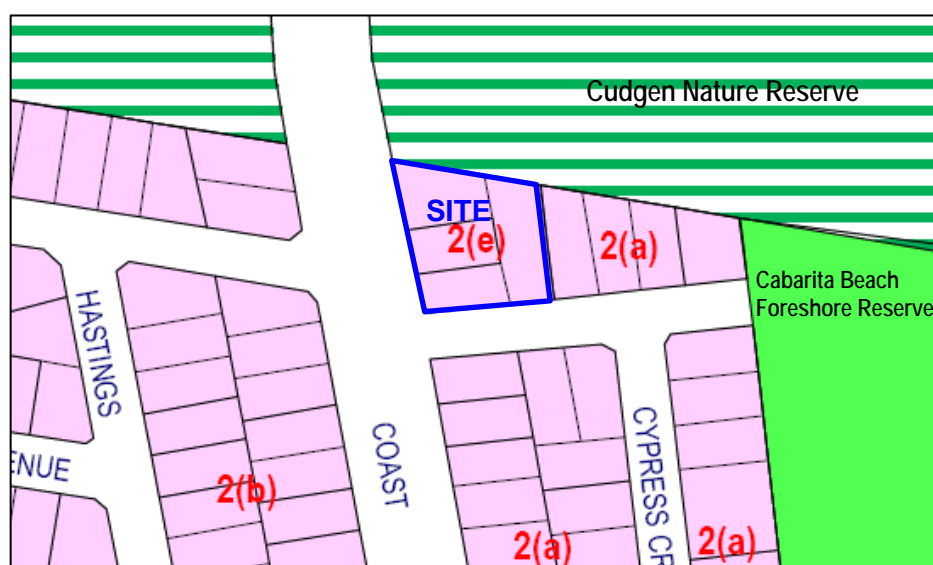


Figure 2 – Zoning Map

A copy of the Architectural Plans is attached at **Annexure A**.

5.0 PLANNING PROVISIONS

5.1 Tweed Local Environmental Plan 2000

Under the provisions of this Plan the subject land is zoned 2(e) Residential Tourist. Development for the purposes of multi dwelling housing and tourist accommodation is permissible, with consent as an Item 2 use in this zone. The objectives of the 2(e) zone include:

“Primary objective

- ♦ *to encourage the provision of family-oriented tourist accommodation and related facilities and services in association with residential development including a variety of forms of low and medium density housing and associated tourist facilities such as hotels, motels, refreshment rooms, holiday cabins, camping grounds, caravan parks and compatible commercial services which will provide short-term accommodation and day tourist facilities.*

Secondary objective

- ♦ *to permit other development which has an association with a residential/tourist environment and is unlikely to adversely affect the residential amenity or place demands on services beyond the level reasonably required for residential use.”*

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Following consultations with Tweed Shire Council's Development Assessment Panel, it is submitted that the proposal is consistent with the zone objectives.

A three storey height limit applies to the subject land and the proposed building complies with the three storey statutory height limit. Other relevant provisions of the Local Environmental Plan can be readily addressed in any Environmental Assessment as the site is located within an established urban area where all normal urban infrastructure is available.

5.2 North Coast Urban Planning Strategy, 1995

The site is identified as a committed urban area under the provisions of this Strategy.

5.3 Tweed Residential Development Strategy, 1991

The site is identified as an existing urban area under the provisions of this Strategy.

5.4 Far North Coast Regional Strategy, 2006 – 2031

The site is identified as being within the existing urban footprint under the provisions of this Strategy. Insofar as Tweed Shire LGA is concerned, the Strategy identifies a demand for an additional 19100 dwellings by the year 2031. The proposed development will contribute towards the provision of those dwellings and is therefore entirely consistent with the Strategy.

5.5 New South Wales Coastal Policy, 1997

The subject land is well removed from the beach foreshore area and the proposed development will not overshadow the foreshore or beach. The proposal is therefore consistent with the Policy. Issues relating to potential acid sulphate soils and stormwater management can be satisfactorily addressed.

5.6 State Environmental Planning Policy No. 71 – Coastal Protection

The subject land is within the coastal zone and therefore the provisions of this Policy apply. The proposal is not inconsistent with any relevant provisions of the Policy.

5.7 State Environmental Planning Policy (Major Projects) 2005

The Minister for Planning has declared that the proposal is a project to which Part 3A applies.

5.8 Draft Tweed Shire Urban Land Release Strategy (February 2008)

The final Strategy was formally adopted by Council on 17 March 2009. Under the provisions of the Strategy the subject land is identified as existing urban.

5.9 Tweed Development Control Plan 2007, Part A1 – Residential and Tourist Development Code

This section of the Development Control Plan provides detailed design standards for multi dwelling housing and tourist accommodation/mixed use type developments. The proposal will substantially comply with the provisions of this Code with the following exceptions:

- ♦ The swimming pool within the deep soil zone fronting the Tweed Coast Road does not comply. Following consultations with Council's Development Assessment Panel it is submitted that justification for this non-compliance can be provided.
- ♦ The impermeable site area complies based on the provisions of a "green roof" as discussed with Council's Development Assessment Panel and as contemplated by the Development Control Plan. It is submitted that this arrangement achieves the requirements of the Development Control Plan.

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5.10 Tweed Development Control Plan 2007, Part A2 – Site Access and Parking Code

This Code provides Council's minimum standards for the number of off-street car parking spaces to be required, access requirements and geometric layout of parking spaces. The proposed development will comply with this provision of the Development Control Plan.

6.0 CONSULTATIONS

Council's Development Assessment Panel has been consulted and a copy of the minutes of that meeting is attached at **Annexure B**. The matters raised by Council will be taken into account in preparing the final application.

On 10 August 2006 an onsite meeting was held with Mr John Housia of the National Parks and Wildlife Service (as it then was) and Mr Scott Sewell of the Rural Fire Service in relation to utilisation of part of the Cudgen Nature Reserve as an asset protection zone. In this regard it should be noted that a strip of the Cudgen Nature Reserve approximately 30m wide immediately adjoining the subject land is maintained as an asset protection zone generally as a managed lawn, in accordance with the Cudgen Nature Reserve Draft Fire Management Strategy, 2006 (NPWS).

7.0 KEY ISSUES

Based on preliminary investigations and consultations with Tweed Shire Council, National Parks and Wildlife Service and the Rural Fire Service, the key issues will include the following:

7.1 Bushfire Hazards

The existing vegetation within Cudgen Nature Reserve to the north of the site constitutes a bushfire hazard. The location of the hazard is shown on the Opportunities and Constraints Map at **Annexure C**.

Based on a preliminary assessment and having regard to the provisions of Planning for Bushfire Protection 2006, the vegetation would be classed as tall heath and the gradient is upslope or flat. Therefore a 15m asset protection zone is required for the residential component of the development and a 45m asset protection zone is required for the tourist accommodation units being Units 5, 6, 7, 8, 15 and 16. These units are located towards the eastern part of the site.

As indicated on the Application Plans, the most northerly residential units will be sited approximately 8m from the northern site boundary (being the common boundary with Cudgen Nature Reserve) which provides for a total asset protection zone width from the vegetation of 38m. This complies with the 15m asset protection zone requirement contained in Planning for Bushfire Protection 2006.

Insofar as the nominated tourist accommodation units are concerned, Unit 15 is located 15m south of the common boundary with Cudgen Nature Reserve. Therefore, a total asset protection zone width of 45m is provided to Unit 15 and this also complies with the provisions of Planning for Bushfire Protection 2006. The preparation of a detailed Bushfire Assessment in accordance with the provisions of Section 100B of the Rural Fires Act and Planning for Bushfire Protection 2006 is a key issue to be addressed in the Environmental Assessment Report.

7.2 Architectural Design of the Building

The height, bulk and scale of the proposed building is generally compatible with the established character and the desired future character of the area as contemplated by the current zoning and the provisions of Tweed Development Control Plan 2007, Part A1. The architectural design of the building generally will be an issue to be addressed in the Environmental Assessment Report.

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7.3 Tweed Development Control Plan 2007, Part A1

The design of the building does not fully comply with this Development Control Plan in that the proposed lap pool is located within the deep soil zone adjacent to the Tweed Coast Road. This is a key issue which will need to be justified and addressed in the Environmental Assessment Report by way of an alternative complying solution.

7.4 Construction Impacts on Adjoining Properties

Immediately adjoining land to the east contains an existing dwelling house. Inevitably there will be some construction impacts including noise, vibration and loss of amenity generally during the construction phase. This is a key issue which will need to be addressed including management of operating hours, Construction Management Plans and the preparation of a Dilapidation Report before and after construction commences.

7.5 Overshadowing and Amenity Impacts on Adjoining Properties

As indicated on the Shadow Diagrams at **Annexure A**, the existing dwelling house at No. 9 Cypress Crescent will be overshadowed by 3.00pm midsummer and 3.00pm midwinter. The dwelling will nevertheless enjoy approximately six hours of sunlight both midwinter and midsummer which is generally consistent with the provisions of Tweed Development Control Plan 2007, Part A1. This issue will need to be addressed in detail in the Environmental Assessment Report.

7.6 Acid Sulphate Soils

The subject land is identified as Class 4 in terms of acid sulphate soils. Clause 35 of Tweed Local Environmental Plan 2000 provides that for works beyond 2m below natural ground level or works by which the water table is likely to be lowered beyond 2m below the natural ground level, the application must be accompanied by an Acid Sulphate Soils/Management Plan. Natural surface levels on the site are approximately RL 8m AHD and the basement car park level is at approximately RL 4.0m AHD. Therefore, an Acid Sulphate Soils Assessment Management Plan will need to accompany any subsequent Environmental Assessment Report and Major Project Application.

7.7 Socio-Economic Impacts

A caravan park comprising 24 sites is currently located on the land. Twelve sites are permanently occupied and twelve sites are available for tourist accommodation. The caravan park was established in 1962 and does not comply with the current requirements for caravan parks contained in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation, 2005. In addition, because of the age of the park it is no longer economically viable and efficient management is not facilitated by the existing layout and available facilities. The park has also reached the end of its economic life and therefore redevelopment of the site is required. The loss of the caravan park and the affordable tourist and permanent accommodation is an issue to be addressed in the Environmental Assessment Report.

7.8 Stormwater Management

The site generally falls from Cudgen Nature Reserve towards Cypress Crescent. Therefore, all stormwater runoff during both the construction and operational phases will discharge to Cypress Crescent. The provision of a Stormwater Management Plan for both the construction and operational phases is an issue to be addressed in the Environmental Assessment Report.

7.9 Traffic Noise

Tweed Coast Road is a distributor road which links the Pacific Highway at Chinderah to the Tweed Valley Way at Wooyung. In this location, it is within a 50kph signposted built up area and road gradients are relatively level.

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Traffic volumes are such that road noise particularly for those units facing Tweed Coast Road will be an issue to be addressed in the Environmental Assessment Report. In this regard it should be noted that Units 1, 9 and 17 are the only units with a direct frontage to the Tweed Coast Road.

7.10 Traffic and Access Arrangements

The Tweed Coast Road is a distributor road and direct vehicular access is not desirable to that road. The Application Plans propose access from Cypress Crescent at the most easterly boundary of the subject land to provide suitable separation and sight distance from the Tweed Coast Road. Based on consultations with Council Officers the proposed access arrangements are considered to be satisfactory however this is an issue which will need to be addressed in detail in the Environmental Assessment Report.

7.11 Groundwater

Natural surface levels on the site range from approximately RL 6m AHD to approximately 8m AHD. The basement level will be located at RL 4m AHD. In view of the above, it is unlikely that the water table will be intercepted however a Geotechnical Investigation will be undertaken to determine foundation conditions and water table depths. If the water table is likely to be intercepted, a Dewatering Management Plan will need to accompany any future Environmental Assessment Report.

8.0 CONCLUSION

In summary, it is submitted that the key issues and all relevant statutory planning provisions can be satisfactorily addressed in the final Environmental Assessment report.

Darryl Anderson Consulting Pty Ltd

A.C.N. 093 157 165
Town Planning & Development Consultants