



AGENDA

PLANNING COMMITTEE MEETING

Tuesday 13 May 2008

Chairman: Mr Max Boyd AM

**Administrators: Mr Max Boyd AM
Mr Frank Willan**

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ITEMS FOR CONSIDERATION OF THE COMMITTEE:

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REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & REGULATION

MATTERS FOR CONSIDERATION UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The following are the matters Council is required to take into consideration under Section 79(C)(1) of the Environmental Planning and Assessment Act 1979 in assessing a development application.

MATTERS FOR CONSIDERATION

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:
 - (a) the provisions of
 - (i) any environmental planning instrument; and
 - (ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority, and
 - (iii) any development control plan, and
 - (iv) any matters prescribed by the regulations,that apply to the land to which the development application relates,
 - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.

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P1 [PR-PC] Review of Determination of Development Application DA06/1332 for an Animal Establishment for Greyhounds at Lot 3 DP 701833, No. 3808 Kyogle Road, Mount Burrell

ORIGIN:

Development Assessment

FILE NO: DA06/1332 Pt1

SUMMARY OF REPORT:

Council at its meeting of 22 April 2008 resolved to defer this report to allow the applicant adequate time to address the Administrators.

The report is reproduced in full below.

The Development Assessment Panel at a meeting on 26 August 2005 refused a Development Application for greyhound kennels. A request for a S.82A 'Review of Determination' resulted in Council again refusing the proposal on 30 November 2005. At that time, an Appeal was lodged with the Land & Environment Court but was later withdrawn.

The applicant has since engaged an Acoustic Engineer to prepare a more substantial Noise Report and also a Planning Consultant to assist in lodgement of a new application.

Local complaint and concern about noise from the barking dogs remains constant with disturbances being diarised and documented. The neighbours have also engaged an Acoustic Engineer to substantiate their claims.

The Review was reported to Council on 13 November 2007 where Council again resolved to refuse the application.

The applicant then lodged another S.82A 'Review of Determination' application. This is the subject of this report.

In summary, the issue of noise emission remains contentious. The applicants have **not** added any additional information or evidence to support their proposal. They have simply put it back to Council for a review. A different Environmental Health Officer has assessed the noise impacts and made a fresh appraisal. This independent review has again drawn the same conclusion that the use generates unacceptable environmental impacts and should be refused. The same consistent level of community concern was registered through submission of 14 separate written representations all in the negative.

RECOMMENDATION:

That Council reaffirms the determination for refusal of Development Application DA06/1332 for an animal establishment for greyhounds at Lot 3 DP 701833, No. 3808 Kyogle Road, Mount Burrell.

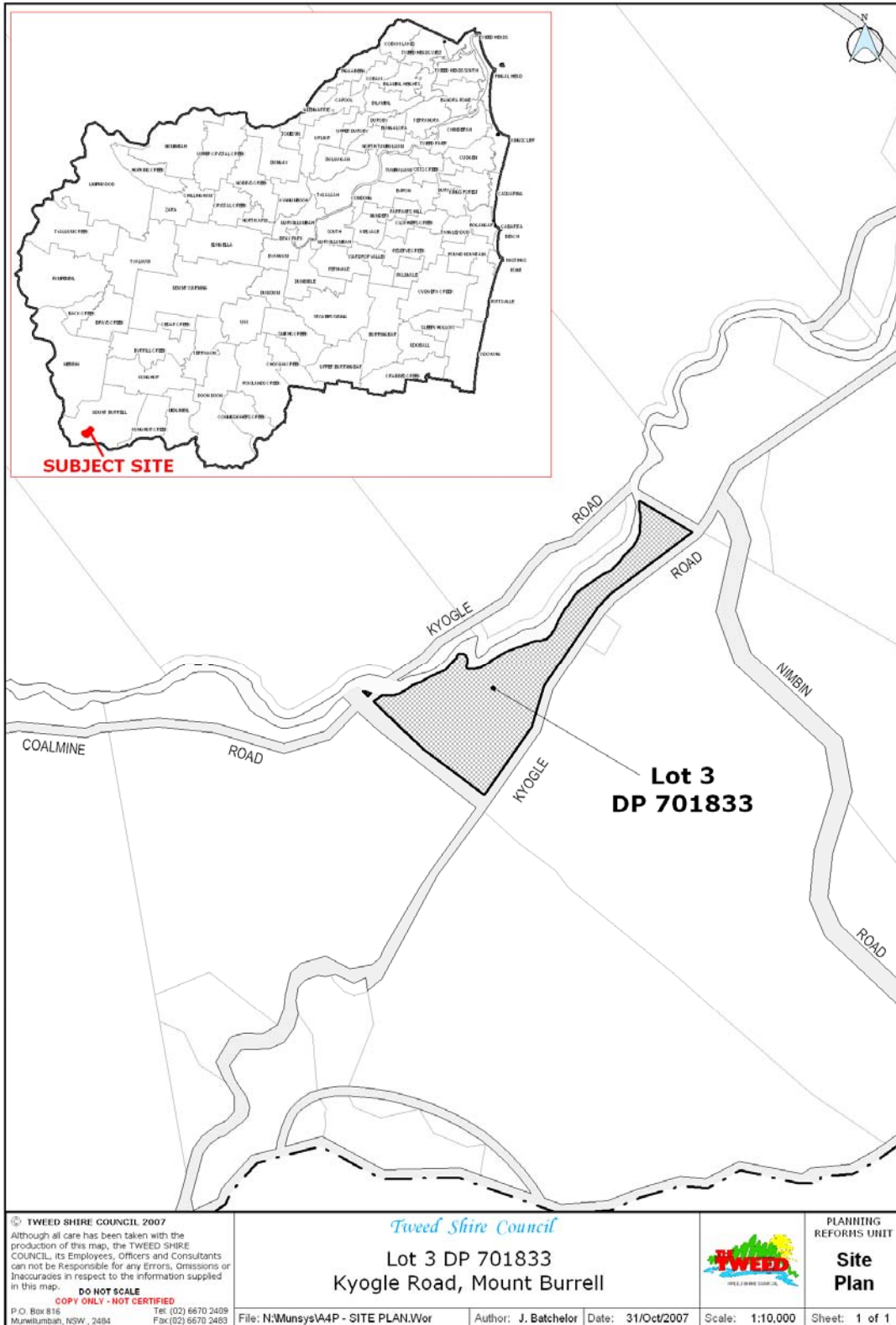
REPORT:

Applicant: Mrs LL Green
Owner: Mr A Sinclair and Mrs LL Green
Location: Lot 3 DP 701833 No. 3808 Kyogle Road, Mount Burrell
Zoning: 1(a) Rural
Cost: \$3,000

BACKGROUND:

As per summary.

SITE DIAGRAM:



OPTIONS:

1. Reaffirm Council's previous refusal of the application.
2. Approve the application subject to conditions.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

In view of no change to the application a consistent conclusion from an independent Environmental Health Officer and a similar comprehensive reaction from the local neighbours, the same report submitted to Council in November 2008 is attached.

UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Council's report on DA06/1332 of 13 November 2007 (DW 1698815)
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P2 [PR-PC] Murwillumbah Locality Plan/Development Control Plan**ORIGIN:****Planning Reforms****FILE NO: GT1/LEP/2000/6 Pt4****SUMMARY OF REPORT:**

The subject item was deferred at the Council meeting of 22 April for further discussion with Murwillumbah resident, Ms Lisa Townsend. Ms Townsend's initial submission was considered, however a particular point within the content of the submission was not extrapolated upon fully within the body of the Council report. A meeting was held between Ms Townsend and Council's Acting Coordinator – Planning Reform and Acting Director Planning and Regulation. Ms Townsend was concerned about the impact of the plan on her property resulting from the introduction of FSR and site coverage requirements, which were perceived as being to the detriment of development capabilities over the site.

At the meeting it was demonstrated by Council staff that the plan does not limit development capabilities over the site and the proposed rezoning of land in the subject precinct from 3(c) – Commerce and Trade to B4 Mixed Use would allow for more diverse development capabilities. Ms Townsend was also concerned that the plan would limit development capabilities made possible by virtue of Seniors Living SEPP, however it was re-affirmed that the DCP does not introduce any such restrictions and that any development put forward for Seniors Living would be assessed in accordance with the SEPP and other relevant controls at that time.

The previous report is reproduced in this item.

RECOMMENDATION:**That Council: -**

- 1. Adopts draft section B22 of the Tweed Shire Development Control Plan – Murwillumbah Locality Development Control Plan as tabled within this report subject to the amendments outlined in the body of the report and publicly notify the adoption of the Plan in the Tweed Link, within 28 days of the resolution.**
- 2. Considers implementing the recommendations of the Murwillumbah Locality Plan/Development Control Plan as part of the Stage 2 review of Council's Local Environmental Plan.**

REPORT:

Background

This part of the report is written with regard to the draft Murwillumbah Locality DCP prepared by Architectus. In 2006, after the submission of a development application for a retail complex comprising a supermarket and seven (7) speciality shops in Murwillumbah, Council resolved to defer consideration of such matters until a Town Centre Strategy had been provided. From this, it was deemed appropriate to undertake a locality plan for the subject study area and as such Council resolved to prepare a Locality DCP on 15th August 2006. After a public tender process, the project consultancy was awarded to Architectus on 17th October 2006.

As part of the work undertaken in preparing the draft Locality DCP, community and key stakeholder consultation workshops were undertaken on 12th and 13th February 2006 and 4th and 5th April 2006. The workshops were attended by a broad spectrum of the community and stakeholders that included:

• Sugar Milling Cooperative	• Knox Park user sports groups (Croquet Club)
• Red Cross	• TEDC & Internal
• Murwillumbah District Business Chamber	• Knox Park user sports groups (Tennis Club)
• Sunnyside Mall Centre Management	• TEDC
• Industry Practitioners group	• Knox Park user sports groups (Netball)
• General Public	• Tweed Tourism
• Murwillumbah Residents Association	• Tafe NSW
• Dept. of State and Regional Development	

The plan has a dual purpose in setting the strategic direction for development in Murwillumbah Town Centre and immediate surroundings, and also provides specific development guidelines in the form of planning controls for use in the assessment of development applications. This report summarises the strategic direction of the document and makes recommendations for some minor changes. It further examines the submissions received after workshops and public consultation and how concerns raised are addressed by the document.

The document forms part of the Local Environmental Scheme (LES) that will inform Stage 2 of draft Tweed Local Environmental Plan 2008 and further, once adopted will be the overriding DCP for development within the locality.

A key component of this DCP and the work that informed its preparation has been a focus on increasing the residential population of Murwillumbah, in and around the town centre. The plan identified a number of key areas and involved the creation of opportunities for medium density residential housing, mixed use residential and non-residential land-use precincts, and potential new core retail site opportunities.

Impact of Recent Developments in Flood Policy

Due to recent information being made available in relation to flooding and climate change and the need to address safety and evacuation issues arising from habitation of the floodplain, a number of areas of the plan are to be deferred at the present time. Options to resolve this issue will be explored in detail as part of Council's current Tweed Valley Floodplain Risk Management Study. These options may include raising local roads to provide flood free evacuation routes and "shelter in place" strategies for flood emergency response. As a result of this, there is a key element of the Plan that cannot be carried forward at the present time.

The report identifies the areas that need to be deferred at the present time and makes recommendations to the effect of requiring some modification to the Plan prior to it becoming operational. Submissions arising out of the public exhibition have been addressed within the report and recommendations for the adoption of the revised Plan have been incorporated should it be resolved that the amendments are satisfactory.

Summary of Plans intent

Murwillumbah DCP serves as both a general locality plan (setting a strategic vision) and a formal DCP (prescribing specific controls) for adoption, it is appropriate at the commencement of this report to note both the vision and key strategies that underpin the document. The vision which outlines the underlying purpose of the DCP aims to:

"Build on Murwillumbah's lively hinterland village qualities to create a walkable, vibrant, mixed use centre with a successful main street and a balance between building scale and landscape character."

To achieve this, a number of key strategies have been developed to provide the framework within which the more detailed DCP policies can be developed, these are:

- 1) *Reinforce the character and vitality of the Murwillumbah Street Precinct;*
- 2) *Create an active, liveable town centre, which provides for residential growth (that cannot be accommodated elsewhere) and which integrates Knox Park;*
- 3) *Create a Framework for revitalising the Prospero Street area;*
- 4) *Create a walkable, connected centre that focuses on the River.*

To achieve this, the Murwillumbah DCP proposes a number of public domain improvements and a vision for 8 precincts in the locality. Delivery of the vision is dependant on both public and private initiative. Part 3 of the document details specifics in relation to desired improvement and precinct character.

Murwillumbah Town Centre / Knox Park Area / South Murwillumbah Medium Density Residential Development (Part 5)

The Plan proposes the facilitation of density increases at various locations within the study area, underpinned by the principles of urban consolidation and sustainability. Figure 5.1 of the Plan demonstrates proposed medium density residential development areas surrounding Knox Park, Church and Queen Street and in South Murwillumbah south of Stafford Street. The principle focus in these areas is residential development (dual occupancies and residential flat buildings), with potential for some mixed uses.

It is envisaged that in the vicinity of Knox Park, the building style would alter significantly with a vision to promote town and row house type development with innovative design solutions to mitigate against constraints imposed by flooding.

The DCP identifies that lower lying areas (Knox Park and South Murwillumbah) experience flooding during extreme events. Specific guidelines in relation to ground level uses are prescribed to encourage innovative and acceptable design solutions around the potential flooding constraint, which came about after much discussion with Council's flood engineers. However, a number of the strategy's recommendations can not be carried forward at the present time because the flood constraint in certain areas has been determined prohibitive at this time.

Mixed Use Precincts (Town Centre and Prospero Street - Part 6 and Part 7.2)

The DCP proposes to regenerate areas included in figure 6.1 for mixed use purposes to encourage active street frontages, a high level of surveillance and diverse residential opportunities. Part 6 of the DCP prescribes general controls for mixed use development, and part 7.2 outlines specific controls in relation to Prospero Street.

The Prospero Street precinct (figure 7.2) is susceptible to 1 in 20 year flooding and is considered to be economically suffering, with little new activity at the present time and with limited opportunities on the horizon. The DCP identifies guidelines for the revitalisation of this area by encouraging site consolidation and by increasing the development opportunities largely through increases in height. Although it was fully intended to require car parking at grade level so as to improve the flood water permeability the two strongest forces denying this opportunity is localised public concern for tall buildings and recent changes in flood policy. As a result of the latter this section of the draft Plan must be deferred pending the recommendations of the Tweed Valley Floodplain Risk Management Study. This may prove in the long-term to be fortuitous either because it will be found that the area simply is not suitable for any further development due the flood constraints or that attitudes to tall buildings will temper and allow room for the much needed change investment in the area.

The proposed controls, which included maximum floor space ratios of 2.5:1 and maximum heights of 6 storeys on consolidated sites, will be held in abeyance for future debate.

Murwillumbah Street Precinct and New Retail Options (Parts 7.1 and 7.3)

The importance of the Murwillumbah Street Precinct (Figure 7.1) and its role as the principal commercial core of the town is reinforced by the DCP. Further investigative work into the historical significance of the area has been undertaken with recommendations to update Tweed Shire's inventory of heritage and contributory buildings as part of the Stage 2 LEP 2008.

Part 7.3 of the DCP scopes and provides general principles to guide the development of further major retail within the Town Centre. The DCP is stringent in its position of maintaining all major retail activity within the Town Centre and excludes options for development on the eastern side of the bridge to ensure that any new major retail contributes to the primary function of the town centre core.

Town Centre Core, Civic Precinct, Riverfront Employment

These precincts are included within the Locality Plan/DCP however it is noted that the existing zonings within these areas provide the appropriate framework for future development. Whilst there is no significant strategic change proposed within the locality plan, a number of civic improvement plans are suggested. Further, the general DCP controls which guide development would positively impact upon these locations.

South Murwillumbah Riverfront

This area is subject to regular flooding and is unsuitable for residential development. The plan proposes the rezoning of this land to Public Open Space as part of a long term vision to reclaim the area to alleviate threat of extreme flooding on residential properties. However, at the present time this element of the project will not be carried forward.

General DCP Controls

Part 4 of the document outlines general DCP controls for the locality including the locality specific FSR, site coverage, building heights and other controls. The Murwillumbah DCP would operate in conjunction with other relevant shirewide DCP's, however the subject document will override a shirewide DCP in the event of inconsistency. Work to produce these controls was done in simultaneously with work being undertaken on DCP A1 – Residential and Tourist Development Code. It is critical that the DCP is adopted accordingly to ensure that locality specific controls are adopted in conjunction with the shirewide development controls contained within A1.

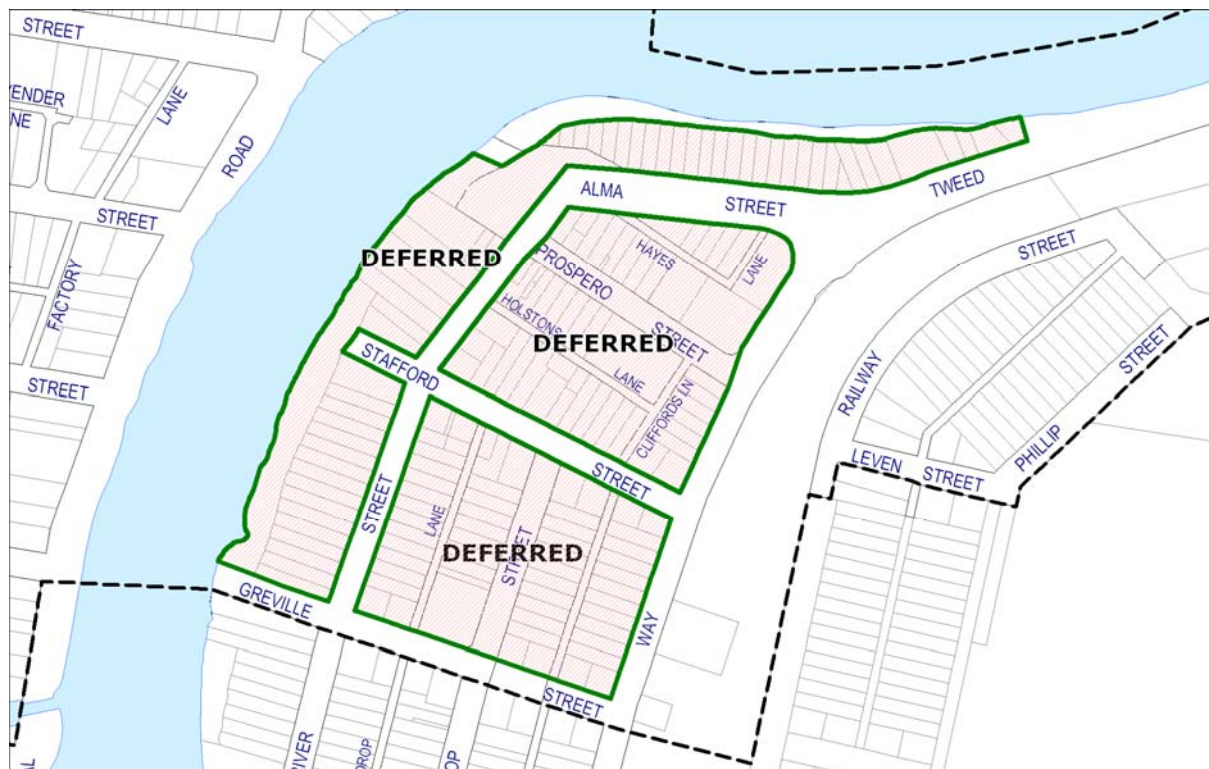
Recommendations to Amend and Defer

Some parts of the Locality DCP require minor amendment and particular sub localities must be deferred for consideration at a future time. The purpose of this section is to provide reasoning for this and justification for elements of the strategy and DCP which are to be carried forward at the present time.

In December 2007, Council adopted a Flood Risk Management Policy, to address safety and evacuation issues arising from habitation of the floodplain. The policy aims to avoid increasing residential densities on "low islands" to avoid putting lives at risk and minimise reliance on emergency services to rescue and relocate trapped occupants. As a result, there is constraint on increasing densities in parts of the study area.

Options to resolve this issue will be explored in detail as part of Council's current Tweed Valley Floodplain Risk Management Study. These options include raising local roads to provide flood free evacuation routes, and "shelter in place" strategies for flood emergency response.

The detailed examination of options to resolve issues relating to increased population and prudent flood plain management densities will also take into account climate change factors. Resolution of these issues is necessary for the planned increases in population proposed principally in the South Murwillumbah precinct. As a result, the works identified in the strategy for the South Murwillumbah residential area, the Prospero Street mixed-use area and the South Murwillumbah riverfront (relating to areas in the plan below) are, as previously discussed, deferred until completion of the Tweed Valley Floodplain Risk Management Study.

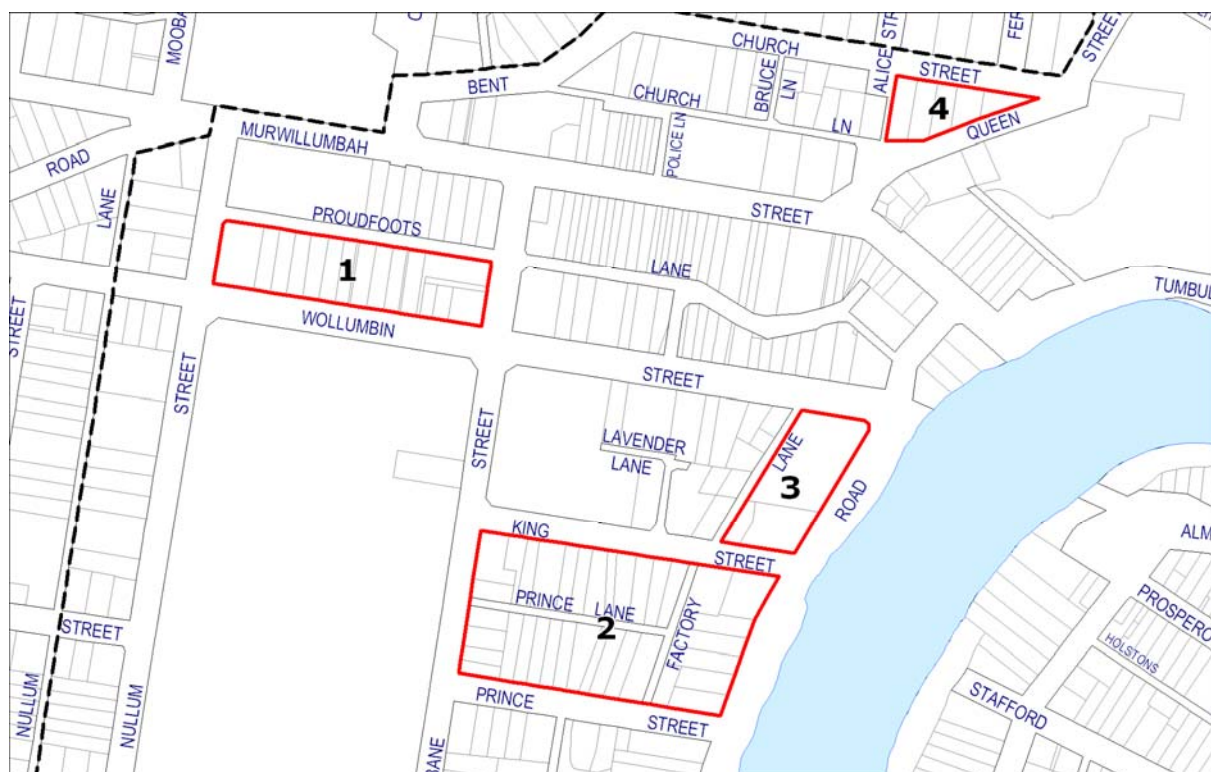


Strategies identified for Murwillumbah town centre and in the vicinity of Knox Park are to be carried forward with exception of some recommendations at the southern end of the study area. It is critical that the entire locality plan and DCP is not deferred in light of constraints in the South Murwillumbah residential and Prospero Street mixed use area. There is a number of beneficial local area strategies proposed to foster improvements in the locality, particularly in respect of the revitalisation of the Knox Park precinct.

It should be noted that, whilst the amended strategy proposes minimal increases in residential densities in the Town Centre and Knox Park area, land to the western side of the Tweed River is protected by a purpose built levee wall to mitigate against potential flood impact. Further, it is demonstrated below that the locality plan intends to revitalise the area, without significant increase to the overall density west of the river. Increases in residential densities south of Knox Park are no longer proposed in full, generally as a result of flooding constraints and in response to community sentiment. For those small areas where rezonings are proposed, it will be demonstrated that the yields expected through suggested building forms are potentially less than that which could be expected under the more traditional configurations promoted by LEP 2000 and DCP A1 at the present time.

Mixed Use areas Murwillumbah Town Centre and Knox Park area

Part 6 of the locality plan identifies three areas within the Town Centre / Knox Park area that are identified for mixed use which are shown in the diagram below. It is recommended that these be adopted in principle. It should be noted that the DCP highlights area 4 for medium density residential, however on review it has been considered that maintaining the commercial use of these properties would be appropriate given their proximity and relationship to the town’s main street. Therefore a mixed-use zone seems more appropriate and it is recommended that the draft Plan be amended accordingly.



The following table demonstrates the general DCP controls that are applicable and how this locality plan influences Stage 2 of the draft LEP specifically in relation to the outlined locations.

Area	DCP Considerations	Potential Future LEP Amendments
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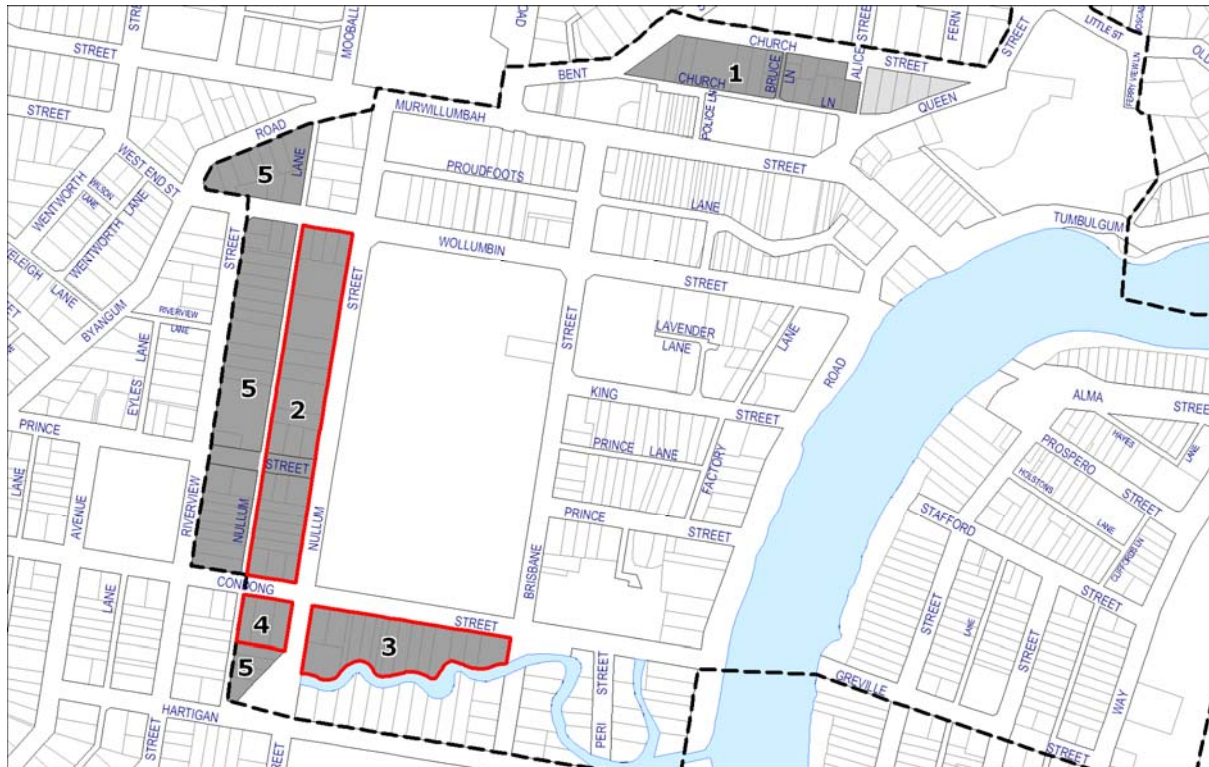
1	-3 Story - Site Coverage 100% - FSR 2:1	Rezone from 3(c) – Commerce and Trade (B5 – Business Development draft LEP 2008 Stage 1) to B4 – Mixed Use
2	- 3 Story - Site Coverage 70% - FSR 1.2:1	Rezone from 3(c) – Commerce and Trade (B5 – Business Development draft LEP 2008 Stage 1) to B4 – Mixed Use.
3	- 3 Storey - 100% Site Coverage - 2:1 FSR	Rezone from 3(b) – General Business (B3 Commercial Core draft LEP 2008 stage 1) to B4 Mixed Use
4	- 1-2 Story - 80% Site Coverage - 1.2:1 FSR	Rezone from 3(c) – Commerce and Trade (B5 Business Development draft LEP 2008 stage 1) to B4 Mixed Use. NOTE: Area 4 was included within the Locality Plan as medium density residential. However given its interface with Queen Street and its current land use, mixed-use is deemed more appropriate.

The strategy actively encourages mixed-use precincts within the study area, prescribing a number of controls to facilitate high quality development that addresses public spaces and respects the role and historical significance of the Town Centre core. The fundamental component of the mixed use precinct is a retail/commercial function at the ground level and residential function over, with entrances to upper floors clearly separate from the commercial/retail component. The mixed-use areas are proposed to address the Northern and Eastern side of Knox Park and the eastern end of Wollumbin Street, as an entrance to the town centre core.

Originally, the strategy recommended medium density residential at the intersection of Queen Street and Church Street, however after further consideration, a mixed-use area is deemed more appropriate given the immediate land-use context and the address to Queen Street. This would also be keeping with the towns historic structure.

For the strategy to eventuate, rezoning of some land would be required, specifically land zoned 3(c) – Commerce and Trade in areas 1, 2, and 4 and land zoned 3(b) – General Business in area 3, as illustrated in the diagram above. In relation to area 3, this is somewhat the status quo as mixed-use development types are possible under LEP 2000.

Medium Density Precincts Murwillumbah Town Centre and Knox Park Area



Area	DCP Considerations	Potential Future LEP Amendments
1	-3 Storey - Site Coverage 80% - 1.2:1	No rezoning required currently 2(b) – Medium Density Residential
2	- 3-4 Storey - Site Coverage 60% - FSR 1.2:1	Rezone from 3(c) – Commerce and Trade (B5 – Business Development draft LEP 2008 Stage 1) to R3 – Medium Density Residential
3	- 3-4 Storey - Site Coverage 60% - 1.2:1 FSR	Rezone from 2(a) – Low Density Residential (R2 LEP 2008 stage 1) to R3 – Medium Density Residential
4	-3-4 Storey -Site Coverage 60% -FSR 1.2:1	No rezoning required currently 2(b) – Medium Density Residential
5	- 3 Storey - Site Coverage 60% - FSR1.2:1	No rezoning required currently 2(b) – Medium Density

The plan above demonstrates proposed medium density areas. Areas 1 and 5 already have the benefit of a medium density zoning. Area 2 is currently zoned 3(c) – Commerce and Trade which is deemed to be somewhat inappropriate in this locality. The objectives of the 3(c) zone encourage the development of land-uses generally not suited to modern business areas. At present the zone would allow for a number of incompatible industry based activities. The use of subject area 2 for the 3(c) function is deemed to be somewhat obsolete given the delivery of such land-uses would be more appropriate in other Business Development and Industrial type zones outside of the town centre.

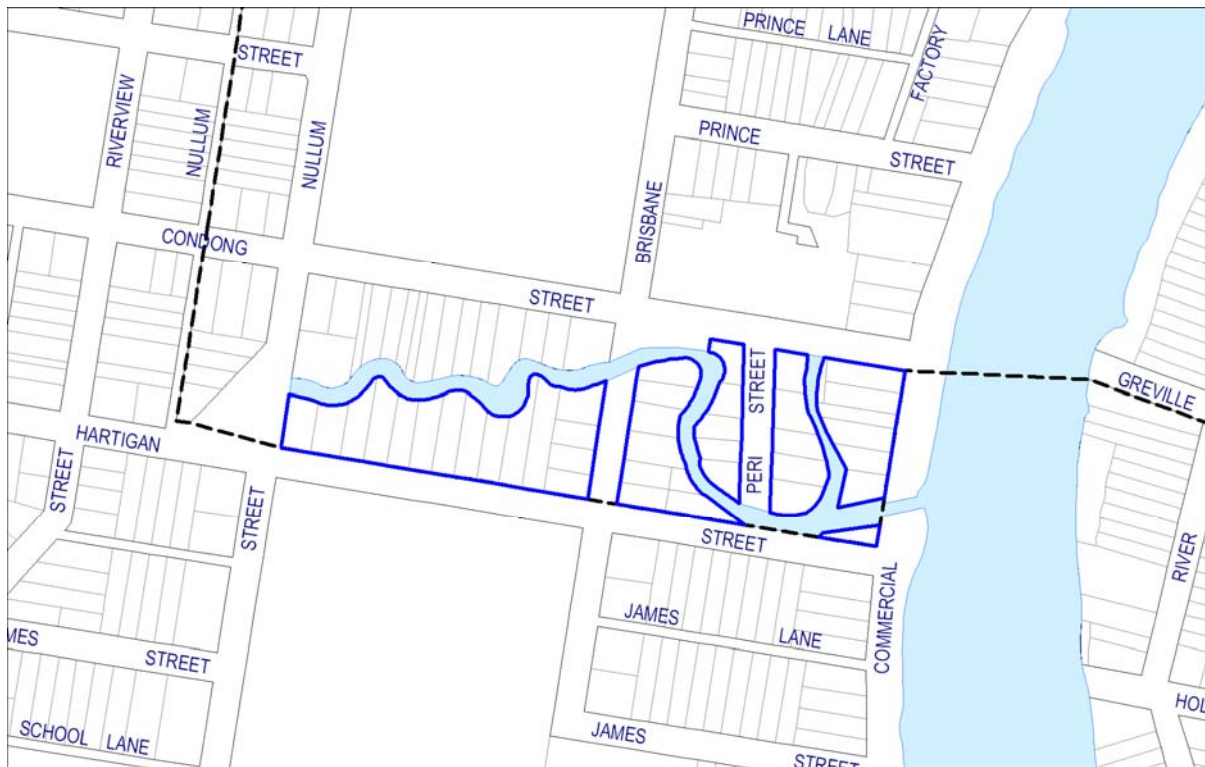
The strategy recommends rezoning of both areas to medium density in conjunction with area 3 which would be rezoned from low to medium density residential. Area 4 already has the benefit of medium density residential zoning. The intent of the strategy and the associated site planning controls specifically over these areas is to encourage the development of residential forms that address the park, in turn improving the interface between buildings and public space, promoting casual surveillance of the area and injecting residential livelihood into the area. This element of the plan would be ineffectual until the rezoning is adopted through Stage 2 of the LEP.

The site planning controls on the south and western edge of Knox Park have been developed to encourage building forms with vertical internal spaces (like a traditional house configuration where dwellings are side by side as opposed to horizontal spaces which are more akin to unit development where the units are one on top of the other), hence discouraging traditional RFB style development which adopts a more horizontal format and generally higher densities. The principle here is not maximise density but to facilitate good urban designed buildings that have sufficient density to make their construction viable and to be capable of providing for adaptable uses and PMF refuge. The proposed height increase over these areas from 3 storey to a (partial 4th storey mandated to be no greater than 60% of the floorplate area), coupled with site coverage, FSR and setback requirements encourages a vertical type arrangement akin to traditional townhouses and rowhouses. It is recommended however that the allowable floorplate area for the uppermost storeys be reduced to 40% to further mitigate against any impact that may result from building form on the locality, as this has been raised in public submissions as an area of concern..

Site planning is to require individual dwelling entries to be located at the street frontage, further discouraging traditional RFB forms which seldom foster the public – private interface of traditional town or row house style development. It is recommended that the draft Plan be amended to include some additional wording to further reinforce the desired character of these buildings.

As mentioned briefly above, areas 2 and 3 will have the ability to provide shelter in place within upper levels of each vertically aligned dwelling.

Other sites within locality study Area



The area outlined above was originally designated for 3-4 storey, medium density residential development. This would have involved rezoning of the land from 2(a) – Low Density Residential to R2 – Medium Density Residential (under the new standard format LEP). Due to constraints in relation to flooding these areas are no longer proposed for rezoning at this time and will be deferred from the Plan.

Summary: Issues arising from Consultation. November 2007

A review of the submission has been undertaken. Those with content wholly or partly relating to the Draft Murwillumbah Town Centre DCP have been analysed.

A total of 55 submissions were received and where possible have been classified as being in support (no objections/concern raised), against (either against in principle or against a single component) or For and Against (generally being in support of the concept in principle, however against certain elements). The breakdown is as follows:

In Support:	5
Against:	28
For and Against	19
Non specific:	3

The following is an outline of the relevant and/or prevalent issues raised.

Character, Heritage Conservation, Setting and Landscape Impact (resulting from zoning, density, height):

Overall, the increased density proposed in the medium density precincts (part 5) provoked the greatest response, with respondents objecting to 'Maximum storeys' prescribed in parts 4.3, 5 and 7.2 of the document.

Concern regarding the loss of existing character (country town, low density, buildings of heritage status, the "Queenslander" architecture), invoked the greatest response, with the maximum height controls being evidenced as the greatest threat. It has been strongly submitted that Murwillumbah has distinct character and historic charm which needs preserving in order for the area to remain distinct from settlements in South East Queensland.

Proposed maximum height controls were also seen as a threat to short and long range views across town, over the river and towards Wollumbin / Mt Warning. The 6 storey height maximum in South Murwillumbah raised some support given its potential to create a distinct town entrance.

It was generally forwarded that the town should retain a maximum 2 and 3 storey limit where appropriate.

Whilst the proposed rezoning of the Prospero Street area to a mixed use precinct (Part 6) received some support, particularly from business/commercial operators of that area, the overall concept for south Murwillumbah was not received favourably.

With the exception of rezoning along River Street to open space (discussed below), there was no dispute of general landuse layout proposed by the zoning, with the exception of one respondent who forwarded that the Knox Park precinct need not be solely residential.

The majority of concern within the submissions related to Prospero Street and South Murwillumbah which have now been deferred from further consideration. Whilst there may be some amendment to the locality plans recommendations, this will be revisited at a later date.

Extensive concern regarding loss of character was received. The intent of the locality DCP is to retain the town centre core as it currently exists, with specific controls to protect the town centre core and civic precinct. The changes proposed in and around the periphery of Knox Park are not considered to be at the detriment of Murwillumbah's heritage significance and character, but it is noted that the present land-use zone could well be. These changes are considered to present significant public realm and neighbourhood improvements without significant impact on the town's character.

Some concern still arose regarding the proposed 4th storey surrounding Knox Park. It should be noted that (as highlighted above) a large element of the proposed medium density residential zoning has been deleted from the locality plan. However, the proposed 4 storey height limited on the immediate periphery of Knox Park has been considered to satisfactory, particularly as the floor plate area of the fourth storey element is recommended to be further reduced.

Urban Consolidation and Sustainability:

Some respondents noted the value of urban consolidation and understood that this principle underpins the Draft DCP. These respondents agreed that higher densities and resulting population increases were appropriate within the town centre, particularly surrounding Knox Park.

This was often counteracted by the notion that larger building forms (such as unit style development) are unsustainable in terms of building and construction process and water/energy consumption.

At the present time, the locality plan and DCP results in minimal zoning changes for increased residential density. Whilst some areas are deferred from consideration, these can be revisited at a future time in light of any documented need at that stage.

Traffic and Parking (Third Party Response)

It was forwarded that the medium density precincts would exacerbate the traffic and parking congestion within the locality. Particularly, near the main street (Church, Queen, Main). Further, it was forwarded that increased traffic along Wollumbin Street (resulting from higher densities around Knox Park) and Bridge access would be problematic. Concern was raised regarding emergency vehicle access and the increase in heavy goods vehicle trips.

The TEDC made reference to the Murwillumbah Transport Strategy, and potential traffic and parking implications arising from current proposed rezonings.

As stated above, there is little by the way of zoning changes that would have a significant impact on traffic volume and flow from that which currently exist. In the future when increased densities are revisited, the proposed rezonings can be assessed in light of a traffic study at that time. In the meantime Council's traffic engineers had advised the project consultant of no issues pertaining to traffic capacity.

Rezoning to Open Space: River Street (Structure Plan Designation)

There was objection to the proposed rezoning of River Street properties to open space due to concerns relating to displacement, compensation and the like.

This element of the plan is deferred.

Major Retail Option

The proposed retail options received diverse comment as follows:

- Respondents questioned the need for an additional supermarket given the existing provision within the town;
- Questioned the theory of ensuring the livelihood of the Main Street, by not permitting major retail in South Mur'bah, when the proposed locations listed could equally impact the Main Street;
- Some respondents were disappointed that South Mur'bah had been excluded for consideration as Major Retail location. It was felt that this could be the required mechanism to regenerate this locality.

The provisions suggested for an additional supermarket are in principle only. The Locality plan's purpose in respect to an additional supermarket is to guide its location (in principle) and ensure it reinforces the Town Centre's core as the principle business and service area for Murwillumbah. However, the purpose of the locality plan was not to research the need for an additional supermarket, but, to illustrate areas in the town that would be appropriate for maintaining the integrity and consolidation of the town's structure

Artists' Impression

Comments about the accuracy of artists impressions were received, with a request that 'more accurate' versions be made available for public consultation.

The artists' impressions are indicative only and can be left off the Plan.

Conclusions

Having taken into account that a major component of the draft Plan has been deferred and that amendments are proposed to the Plan in light of the issues raised by public submission, in particular the area identified for four-storey buildings and the actual area of any fourth-storey component has been reduced, the Plan, in its proposed amended form, is sufficiently aligned between the needs of the locality and the communities expectations for it to be formally adopted.

It is recommended that the Plan be adopted in accordance with recommendations provided within this report, and that any changes required under the LEP to facilitate the Plan be pursued in Stage 2 of the draft LEP 2008.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. Murwillumbah Locality DCP (in final draft form, not with proposed amendments) (DW 1801657)
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P3 [PR-PC] Tweed Shire Community Profile 2008

ORIGIN:

Planning Reforms

FILE NO: GT1/LEP/2006 Pt4

SUMMARY OF REPORT:

Council has engaged the services of The Demographers Workshop to undertake a review and update of the Tweed Shire Community Profile based on Australian Bureau of Statistics data from the 2006 Census. Last undertaken in 2004, the Community Profile is a summary of social, economic and demographic information relevant to the shire and is an opportunity to provide summarised information about the Tweed Shire and its people to a wider public forum.

The purpose of this report is to inform Administrators and make recommendations to allow for public release of the document.

RECOMMENDATION:

That Council:

- 1. Acknowledges the Tweed Shire Community Profile 2008 and publicly exhibits the document for a period of 28 days allowing for public comment to be received.**
- 2. Updates Council's website and provides hard copies of the document for use by the community.**

REPORT:

The Tweed Shire Community Profile 2008 has been prepared by The Demographers Workshop on behalf of Tweed Shire Council. The Community Profile reviews and builds upon the 2004 Community Profile by using the most recent Australian Bureau of Statistics census data and other relevant data to provide a social, economic and demographic snap shot of the whole Shire and down to a smaller level of 7 geographic planning districts.

The Community Profile is separated into 4 parts as follows:

- *Part 1 – Tweed Shire The Place* summarising history and development, economic base and population trends and forecasts;
- *Part 2 – Tweed Shire The People* being a collection of statistics and data the population of the shire under themes such as ancestry, education, employment and families;
- *Part 3 – Tweed Shire – Community Wellbeing* analysing social and economic wellbeing of the community; and
- *Part 4 – Tweed Shire Planning District Profiles* providing more localised data on 7 geographic planning districts, Tweed Heads, Rural North Coast, Rural South Coast, Tumbulgum/Dulguigan, Murwillumbah District, Rural South West, Rural North West.

The 2008 Community Profile has dual purpose. Firstly, it acts as an information tool for members of the public to access and analyse as required. For this reason, it is recommended that the community profile be made as widely accessible as possible, by placing it on Council's website and making hard copies available in all public libraries and relevant community centres. Secondly, the report provides the most up to date baseline of information that can inform Council and its partners on necessary service and infrastructure delivery.

Where necessary, the Community Profile demonstrates changes that have occurred between the Census periods (2001 – 2006) and further makes comparisons between the current socio-economic situation in Tweed Shire to that across the state of NSW.

Largely linked to the economic theme, the Appendix A and B provide extensive data on Agriculture and the Economy in general. This has been included as a wider evidence base on the economic situation of the Shire and may prove beneficial for existing and potential business operators over the short to medium term.

Overall, the Community Profile 2008 evidences that diversity is an increasing characteristic of the Tweed Shire population and economy with evidence of shifts in the population towards older people and more people coming from outside the Shire to make this area their home. There are also small, but identifiable shifts in the mix of people born overseas, those who speak a language other than English and some identifiable shift in religious affiliation.

The report demonstrates that there is pockets of people within the Shire whose economic and social position is disadvantaged compared to comparable NSW data. These indicators should be noted and monitored as further change could affect groups such as older people, single parent families, persons living alone, the younger unemployed and the like. Overall the report indicates that Tweed Shire's data suggests a fairly dynamic and changing scenario in which rapid and numerous socio economic changes require Council's full understanding and attention to the potential impact of the situation on specific elements of the population.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Tweed Shire Community Profile 2008 (DW 1815534)
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P4 [PR-PC] Residential and Tourist Code – Section A1 of Tweed DCP**ORIGIN:****Planning Reforms****FILE NO: GT1/LEP/2006 Pt4****SUMMARY OF REPORT:**

Council at its meeting of 22 April 2008 adopted the amendments to the above Development Control Plan. The Plan came into force on Wednesday 30 April 2008 and applies to all forms of residential development including for the first time single dwelling houses.

Since the coming into force of the Plan Council has received a large number of submissions from persons lodging applications for single dwelling houses who have had plans prepared and/or entered contracts to construct a dwelling prior to the Plans adoption. The plans do not conform with the provisions of the adopted Development Control Plan but are consistent with the controls that applied prior to that date.

Several owners have identified that the implications of the amended Plan mean that it will be necessary for them to redesign a proposal and renegotiate contracts with potential financial implications.

It is considered because of the financial hardship this may place on owners in situations where contracts have already been agreed to that it would be warranted to consider a period whereby applications could be assessed under the pre-existing provisions for a limited period of time. A reasonable period would be approximately 21 days.

RECOMMENDATION:

That the provisions of Tweed Development Control Plan Section A1 in relation to single dwelling houses not be applied to applications received prior to close of business on Friday 6 June 2008 and that this decision be notified in the Tweed Link.

REPORT:

As per summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.



PLANNING COMMITTEE MEETING DATE: TUESDAY 13 MAY 2008
