

## Addendum Report

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### REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- a9 [PR-CM] DA13/0711 for a Staged Redevelopment of the Mount Warning Hotel Incorporating Demolition of Existing Structures and Vegetation, Construction of New Single Storey Hotel, Motel Accommodation and Associated Infrastructure at Lot 20 DP 1139178 No. 1497 Kyogle Road, Uki

**SUBMITTED BY:** Development Assessment

**FILE REFERENCE:** DA13/0711 Pt2



### Civic Leadership

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
  - 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
  - 1.1.1 Establish sustainability as a basis of shire planning and Council's own business operations
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#### SUMMARY OF REPORT:

On 6 December 2013 Council received the subject Development Application seeking approval for the staged redevelopment of the Mount Warning Hotel incorporating demolition of existing structures and vegetation, construction of a new single storey hotel, motel accommodation and associated infrastructure at 1497 Kyogle Road, Uki.

The Development Application has an estimated cost of development of \$2 Million and is being reported to Council for determination at the request of Councillor Milne.

The application was notified and advertised for a period of 30 days and during this period Council received three objections to the proposal and 44 submissions in support of the development. The submissions are dealt with throughout this report.

The proposed development was considered to be Integrated Development and was referred to the NSW Rural Fire Service and the NSW Office of Water. General Terms of Approval have been provided by both agencies.

Having regard to all referral comments, the objections and the statutory and merit assessment of this application the proposed development is recommended for approval subject to the recommended conditions of consent.

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### RECOMMENDATION:

That Development Application DA13/0711 for a staged redevelopment of the Mount Warning Hotel incorporating demolition of existing structures and vegetation, construction of new single storey hotel, motel accommodation and associated infrastructure at Lot 20 DP 1139178 No. 1497 Kyogle Road, Uki be approved subject to the following conditions:

### GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:

- 1 of 10 - Existing Site Layout
- 2 of 10 - Proposed New Site Layout
- 3 of 10 - Hotel Floor Plan
- 4 of 10 - Hotel Elevations
- 5 of 10 - Motel Elevations
- 6 of 10 - Cross Sections
- 7 of 10 - Site Analysis Plan
- 8 of 10 - Shadow Diagrams
- 9 of 10 - Streetscape Plan
- 10 of 10 - Proposed Landscaping & Site Building Works

prepared by Richard Lutz and Associates and dated November 2013, except where varied by the conditions of this consent.

[GEN0005]

2. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.

[GEN0045]

3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

4. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

5. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then application shall be made to Council's Engineering Division for approval of such works.

[GEN0155]

6. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A

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trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[GEN0190]

7. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[GEN0190]

8. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

9. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

10. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works:

(a) Provision of a standard access in accordance with Section A2 - "Site Access and Parking Code" of Council's consolidated Tweed Development Control Plan.

(b) Bitumen or concrete sealing of each access from the existing road carriageway to the property boundary.

[GENNS01]

11. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works (including connection of a private stormwater drain to a public stormwater drain or installation of erosion and sediment control works.)

[GENNS02]

12. Any car parking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Principal Certifying Authority PRIOR to the issue of a Construction Certificate.

13. The developer shall provide 28 car parking spaces for the new Mt Warning Hotel (Stage 1) and 7 car parking spaces for the motel component (Stage 2) including parking for the disabled (as required) in accordance with Tweed Shire Councils Development Control Plan Part A2 - Site Access and Parking Code.

[GENNS03]

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14. Approval is given subject to provision of storage tanks by the developer that meet fire fighting requirements of 20 L/s for 4 hours (ie: 288 kL water supply) as per the report submitted by Newton Denny Chapelle to Council on 25 March 2014.  
[GENNS04]
15. Waste management shall be carried out in accordance with the approved Waste Management Plan prepared by Newton Denny Chapelle (NDC), dated 26 February 2014, reference number 13/191.
16. As outlined on Plan No. 10 of 10 prepared by Richard Lutz and Associates and dated November 2013, the replacement of an araucaria cunninghamii (hoop pine) is required for each araucaria cunninghamii (hoop pine) removed from the site.  
[GENNS05]

### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

17. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for each relevant stage for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.  
[PCC0285]
18. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate for each relevant stage to discharge to Councils sewerage system.  
[PCC1255]
19. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval.  
[PCC1265]
20. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500.  
[PCC1275]
21. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying

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**Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.**

**The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.**

[PCC1325]

- 22. Prior to the construction certificate for each relevant stage being issued, three copies of plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be provided to Council's Environmental Health Officers for assessment and approval:**
- a. Floor plan**
  - b. Layout of premises showing all equipment**
  - c. All internal finish details including floors, wall, ceiling and lighting**
  - d. Hydraulic design in particular method of disposal of trade waste**
  - e. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required**
  - f. Servery areas including counters etc.**

[PCCNS01]

### **PRIOR TO COMMENCEMENT OF WORK**

- 23. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.**

[PCW0005]

- 24. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:**
- (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3<sup>rd</sup> Edition, NSW Government, or**
  - (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.**
  - (c) WorkCover Regulations 2000**

[PCW0025]

- 25. An application is to be made to Council to disconnect the existing building from Council's sewerage system, prior to any demolition work commencing.**

[PCW0045]

- 26. The erection of a building in accordance with a development consent must not be commenced until:**

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- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (c) the principal certifying authority has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
    - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
    - (ii) notified the principal certifying authority of any such appointment, and
    - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]
27. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]
28. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council
- [PCW0245]
29. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
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- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

30. Prior to start of works the PCA is to be provided with a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.

[PCW0745]

31. Prior to the commencement of building work, a certificate signed by a registered professional engineer is to be submitted to the Principal Certifying Authority to certify that adequate consolidation of foundation material has been achieved to support the proposed structure.

[PCW0755]

32. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

33. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[PCW1170]

### DURING CONSTRUCTION

34. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

35. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

**Monday to Saturday from 7.00am to 6.00pm**

**No work to be carried out on Sundays or Public Holidays**

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The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

36. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

37. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

38. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

39. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

40. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

41. If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place,



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a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

42. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

43. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake the works.

[DUR0675]

44. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

[DUR0815]

45. All retaining walls proposed are to be constructed in accordance with the construction Certificate approval issued by the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0845]

46. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.

[DUR0985]

47. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

[DUR0995]

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**48. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:**

- **Noise, water or air pollution.**
- **Dust during filling operations and also from construction vehicles.**
- **Material removed from the site by wind.**

[DUR1005]

**49. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.**

[DUR1015]

**50. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.**

[DUR1025]

**51. Landscaping of the site shall be carried out in accordance with the approved landscaping plans.**

[DUR1045]

**52. All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction. If stud wall construction is used then the wall shall be lined as a minimum with 9mm thick high impact resistant material eg. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer and tiled to a height of at least 2 meters.**

**Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish up to the underside of the ceiling.**

**Metal stud wall framing in lieu of timber framing shall be used in areas where the walls and floor surfaces will be subjected to high levels of moisture or alternatively as directed by Council's Environmental Health Officer.**

**All penetrations of the wall surface in food preparation areas shall be effectively sealed to the satisfaction of Council's Environmental Health officer.**

[DUR1495]

**53. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.**

[DUR1505]

**54. Windows and doors opening into food handling, preparation and storage areas shall be pest proofed in accordance with the provisions of Food Safety Standard 3.2.3.**

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[DUR1515]

55. A concrete footpath 1.2 metres wide and 100 millimeters thick is to be constructed on a compacted crusher dust bedding along the entire frontage of the site in accordance with Councils Development Design and Construction Specifications and Standard Drawing SD013.

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork and subgrade to be inspected.

[DUR1735]

56. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

57. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to any use or occupation of the buildings.

[DUR1875]

58. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation.

[DUR1955]

59. The works are to be completed in accordance with Tweed Shire Councils Development Control Plan, Part A5 - Subdivision Manual and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved.

[DUR2025]

60. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.

[DUR2185]

61. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".

[DUR2195]

62. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other

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waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

63. Inter allotment drainage shall be provided to all lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means.

[DUR2285]

64. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. Drainage must be installed and operational prior to commencement of any building work.

[DUR2325]

65. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

66. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.

[DUR2445]

67. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

68. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

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69. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

70. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

71. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:

- \* 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

72. All water drawn from Councils reticulated system shall be via a Tweed Shire Council metered standpipe. The location of the hydrant shall be nominated by Tweed Shire Council and all water shall be only used for the purposes nominated by the applicant for the duration of the construction activities.

[DUR2575]

73. Any waste bonded fibrous cement material encountered on the site is to be managed in accordance with 'Preliminary Contaminated Land Assessment for the Proposed Staged Redevelopment of the Mount Warning Hotel prepared by Greg Alderson and Associates Pty Ltd, dated 20 November 2013 .

74. The local exhaust system is to be constructed and installed in accordance with the certified plans.

75. Premises to be fitted out in accordance with the Council approved fit-out plans.

[DURNS01]

### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

76. Prior to issue of an occupation certificate for each relevant stage, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

77. Prior to the issue of an Occupation Certificate for each relevant stage a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

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The bond shall be based on 5% of the value of the public infrastructure works approved under Section 138 of the Roads Act and Section 68 of the Local Government Act (as set out in Councils Fees and Charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the Occupation Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[POC0165]

78. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate for each relevant stage has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

79. A satisfactory final inspection of the building is to be carried out by the principal certifying authority prior to occupation for each relevant stage or use commencing.

[POC0255]

80. A final occupation certificate for each relevant stage must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate for each relevant stage (unless otherwise specified herein).

[POC0355]

81. **Section 94 Contributions**

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.**

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

(a) Tweed Road Contribution Plan:	
83.205 Trips @ \$2318 per Trips	\$192,869

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(\$2,239 base rate + \$79 indexation)  
S94 Plan No. 4  
Sector12b\_4

[POC0395/PSC0175]

82. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a final occupation certificate for each relevant stage for the building. [POC0475]
83. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval. [POC0615]
84. The proprietor of the food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations by completing the "Notify a Food Business" form under the NAFSIS Heading on the following website [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or alternatively by contacting the NSW Food Authority on 1300650124. [POC0625]
85. The premises is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request. [POC0635]
86. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Prior to the occupation of the building for each relevant stage or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water: 0.9 ET @ \$12575	\$11317.50
Sewer: 1.3 ET @ \$6042	\$7854.60

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT**

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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**Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.**

[POC0675]

**87. Prior to the issue of an occupation certificate for each relevant stage, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.**

[POC0745]

**88. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.**

[POC0755]

**89. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council. Written approval from Councils General Manager or his delegate must be issued prior to the issue of an Occupation Certificate for each relevant stage.**

[POC0865]

**90. Prior to the issue of an occupation certificate for each relevant stage, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.**

[POC0985]

**91. Prior to the occupation for each relevant stage or use of any building and prior to the issue of any occupation certificate for each relevant stage, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.**

[POC1045]

**92. Certification to be provided that the local exhaust system was constructed and installed in accordance with the certified plans and in accordance with AS1668.2.**

[POCNS01]

**93. All constructed retaining structures in excess of 1.2m in height are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted to the Principle Certifying Authority and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.**

[POCNS01]

**94. On completion of work, a certificate signed by a practicing NPER civil engineer is to be submitted to the Principal Certifying Authority to certify compliance with the consent and good engineering practice.**

[POCNS02]

**95. Prior to occupation for each relevant stage of the development, Council must undertake a final inspection of the works associated with the landscaping,**



## Addendum Report

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driveway and car parks and be satisfied that all relevant conditions of consent have been complied with.

[POCNS03]

### USE

96. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

97. The  $L_{Aeq, 15 \text{ min}}$  noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

98. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

99. Hours of operation of the business are restricted to the following hours:

- \* 10:00am to 12:00am - Mondays to Saturdays
- \* 10:00am to 10:00pm - Sundays
- \* All deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]

100. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

101. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.

[USE0245]

**Addendum Report**

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**102. Any vehicles that remain on site for periods in excess of two (2) minutes are required to switch off their engines.**

[USE0255]

**103. All loading/unloading to take place within the boundary of the subject property.**

[USE0525]

**104. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act 2003*, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.**

[USE0835]

**GENERAL TERMS OF APPROVAL UNDER SECTION 91 OF THE WATER MANAGEMENT ACT 2000 (for work requiring a controlled activity approval)**

- 1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA13/0711 and provided by Council. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.**
- 2. Prior to the commencement of any controlled activity (work) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.**
- 3. The consent holder must prepare or commission the preparation of:**
  - (i) Erosion and Sediment Control Plan**
- 4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Waters guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx)**
- 5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.**
- 6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.**
- 7. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river**

## Addendum Report

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- banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
8. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
  9. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
  10. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
  11. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
  12. The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.

### GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

1. The development proposal is to comply with the plans/documents prepared by Richard Lutze and Associates, numbered 731/1 to 731/10 inclusive and dated November 2013.
2. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
5. Construction of the proposed accommodation building shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

**Addendum Report**

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- 6. All new fencing shall be non-combustible.**
- 7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.**

## Addendum Report

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### REPORT:

**Applicant:** Newton Denny Chapelle  
**Owner:** N & S Watson Pty Ltd  
**Location:** Lot 20 DP 1139178 No. 1497 Kyogle Road, Uki  
**Zoning:** 2(d) Village  
**Cost:** \$2,000,000

### Background:

#### Subject Site

The subject site is located at 1497 Kyogle Road and is described as Lot 20 DP1139178. It is located within Uki Village on a large irregular shaped site (3821m<sup>2</sup>) bound by Kyogle Road to the north and Village zoned land to the south, east and west. The frontage to Kyogle Road is approximately 78m in length. The development site has some 6 metres of crossfall which dictates that retaining walls will be necessary so as to construct any formal car parking spaces and access aisles. A number of Hoop Pines are located on the site which are proposed to be removed.

The site was previously embellished with the Mount Warning Hotel building until it was damaged during a fire event in February 2013 and subsequently removed from the site for safety reasons.

As a result of the hotel building being removed, the subject land is still embellished with eastern and western driveway access points to Kyogle Road and internal driveway areas, whilst an existing car parking area is contained to the eastern portion of the site.

An existing bulk storage building is located within the site's south-western corner of which is proposed to be retained to service the hotel redevelopment.

#### Proposed Development

The stages of the development are proposed as follows:

##### Stage 1 will comprise

- Removal of existing nominated structures and vegetation;
- The construction of a new single storey hotel building;
- New internal driveway access, inclusive of alterations to the existing access driveway to the retained storage building;
- Civil works including retaining walls;
- Landscaping works; and
- New storage bin area.

##### Stage 2 will comprise:

- Construction of a motel accommodation building including Managers Residence and six (6) motel units;
- Construction of car parking to service the accommodation building; and
- Landscaping works.

The following table shows the internal components for the hotel:

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Internal Component	Dimensions (mm)
Public bar	4,600 x 9,000
Entertainment area	7,900 x 7,600
Dining Area	9,500 x 7,600
Outdoor amenities, female and male amenities, disabled amenities and baby change area	Dimensions not indicated on plan
Bar (bar taps and bar service)	3,600 x 9,000
Kitchen	4,400 x 5,800
Preparation area	4,900 x 3,700 + cool rooms
Keg store	3,900 x 2,900
Office	3,500 x 3,500
Walk in cool room	5,000 x 6,500
Bottle shop	6,600 x 6,600
Verandah	3,600
Covered outdoor area	5,200 x 8,000
Covered outdoor dining area	4,800 x 7,700
Kids playground area	4,000 x 5,800
Outdoor service and delivery area	4,200 x 9,000

The external features of the proposed development are as follows:

- Colorbond corrugated roofing;
- Colorbond quad guttering on paint finished timber fascia;
- Paint finished timber valance boards and hardwood posts;
- Colorbond roller door;
- Aluminium windows and full brick sills;
- Aluminium framed glazed sliding and stacked doors;
- Weatherboard and facebrick walls;
- Selected stone feature on eastern elevation;
- Render paint finish to masonry base;
- Timber handrail and stainless steel wire balustrade.

The proposed building is 9.4m in height at its highest point. The design of the hotel incorporates a similar footprint to the previous hotel.

### Heritage

The subject site is located within the Uki Village Conservation Area (UVCA) and therefore a Statement of Heritage Impact (SoHI) has been prepared to support this application. The applicant was required to undertake a Statement of Heritage Impact for any new design in order to assess and mitigate any possible visual impact upon the Conservation Area.

A SoHI prepared by Ainsworth Heritage Consultants was provided with application documentation dated October 2013. The document discusses the history of the site, undertakes a site assessment, explains significance of the hotel and details site works with relevance to maintenance of the aforementioned heritage significance.

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The report provided the following recommendations:

### Community Consultation

*As the Mt Warning Hotel has been assessed as significant and the potential exists for future community use of the building or site, the wider Uki community should be given the opportunity to provide input into any future re-use option selection and development.*

### Records for the Archives

*This report and any subsequent information on the Mt Warning Hotel should be passed onto the Murwillumbah Museum for future historical reference.*

### Materials

*As far as practical, any new building on the site should respect both the materials of the original building and of the general character of the surrounding village.*

*Consequently, the use of horizontal timber cladding and the use of a heritage paint scheme would greatly enhance the site's contribution and would minimise heritage impact.*

### Form and Massing

*As far as practical, any new building on the site should respect and be in sympathy with the original buildings street set back and the original building's overall form and massing. This means that a new building would preferably use the footprint of the original building (both horizontally and vertically) as much as it practically possible.*

### Retention of Historic Plantings

*The historic plantings (hoop pines) are now some of the very few remaining historic elements of the site and consequently have high significance. They also contribute to the streetscape of the village. As such, it would be preferable for these to be retained and a succession planting regime established.*

*Although a report by Arborist Peter Gray of Tree Care stated that the historic planting were of no significance, the report did not take into account any of the seven criteria for assessing historic significance or how the trees were related to those criteria for the site, especially as they are the last remaining physical link to earlier use of the site.*

*The poor condition and advanced age of the Hoop Pines, as well as their proximity to the building envelope (in terms of the Structural Root Zone and Tree Protection Zone as required in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites), it is considered unfeasible to retain all the plantings.*

*However, should it be determined that the pines cannot be retained, then like for like replacement will need to be followed and new hoop pines planted to replace any that are removed in a staged approach (known as succession planting). These new hoop pines will need to be placed in a position where they can be easily viewed from the road, for example at the northern boundary of the site on Kyogle Road in a similar position to the older plantings.*

It is considered that these recommendations have been taken into consideration by the applicant.

The proponent of the development has advised that multiple community meetings have been undertaken to firstly introduce themselves to the community but also to present the

## Addendum Report

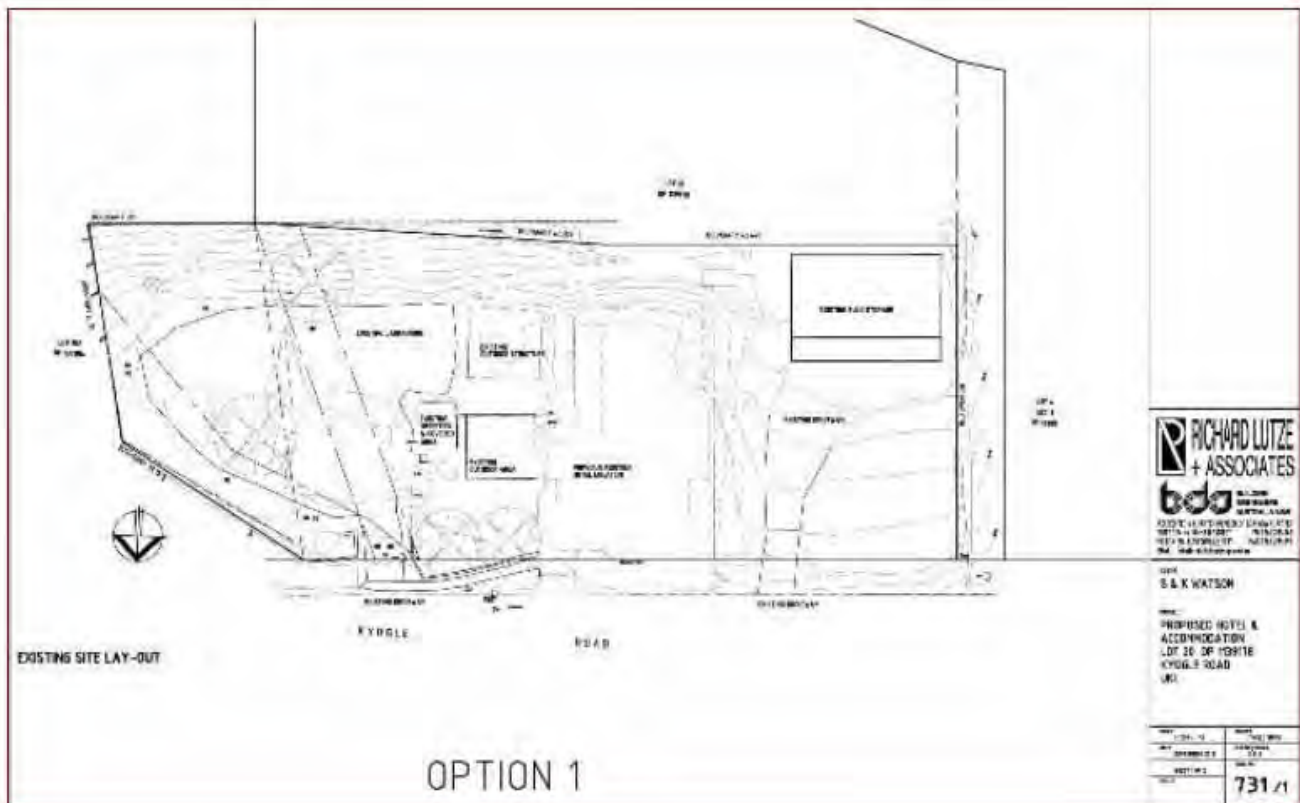
proposed redevelopment plans with the aim to work through any identified potential issues which typically related to the design and construction of the pub, tree vegetation, and the lack of car parking spaces.

The proposed development was advertised from Wednesday 18 December 2013 to Tuesday 21 January 2014. During this period there were a large number of submissions in support of the application with three objections to the proposal. These objections related to heritage items and how they relate to the site. They will be discussed in greater detail below.

The Statement of Heritage Impact report has provided three options for consideration by Council. Each of these has been outlined below with their advantages and disadvantages as supplied by the applicant. The applicant has requested Option 2 be considered as the preferred option.

### Option 1

This option provides for the redevelopment of the hotel with as little change as possible to the overall bulk, scale and footprint from the original hotel. Accordingly, this option is a two storey structure.





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*“Option 1 - Advantages*

*This option has the least visual impact on the UVCA as it mimics the original bulk, mass, scale and detailing of the original hotel. As the original hotel was a contributory item within the UVCA, it is highly sympathetic option.*

*This design locates the building on the front property boundary and as close as practical to the same location as the original Hotel.*

*However, should this option be considered Ainsworth Heritage would recommend that whilst the overall scale, bulk and massing of the original hotel is retained, as per best practice it should use finishes and external detailing that clearly differentiates it as a modern interpretation of the original building rather than an exact replica.*

*Option 1 – Disadvantages:*

*This option has issues associated with BCA compliance relating to fire safety and disabled access between floors, which would need to be resolved. This option has also been identified by the proponents as a poor design for the purpose of operating a hotel and accommodation given the fact guests being accommodated within the building are capable of accessing the pub area and therefore security measures are not deemed to be appropriate. This position is best evidenced by the fact the accommodation was not being utilised within the former Hotel building.*

*The proponent also notes that the 2 storey option incurs higher insurance premiums due to its design and construction materials.*

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*In respect to servicing the building, a commercial lift would be needed to gain disabled access between floors which and fire compliance would be needed. The current costing estimates that this option (based on the square meterage costs for the building) are only just more expensive than Option 2; however this does not allow for BCA compliance in terms of fire treatment to the building or disabled access (which would comprise an internal elevator)."*

#### Option 2

This option provides for a single level hotel which is the applicant's preferred option. The single storey hotel has wide verandas and a covered outdoor dining area, and includes a secondary structure located to the west of the Hotel, a detached single story motel for Stage 2 of the development.



**RICHARD LUTZE + ASSOCIATES**  
bala  
ARCHITECTS  
B & K WATSON  
PROPOSED HOTEL & ACCOMMODATION  
LOT 28 29 HYDRA ROAD  
UR  
731 / 2

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**WEST ELEVATION**

**EAST ELEVATION**

**SOUTH ELEVATION**

**NORTH ELEVATION**

**HOTEL ELEVATIONS** **OPTION 2**

**RICHARD LUTZE + ASSOCIATES**  
**bdo** ARCHITECTS  
 100/100 RIVERVIEW DRIVE, SUITE 100  
 MELBOURNE, VIC 3000  
 TEL: (03) 9487 1000  
 FAX: (03) 9487 1001  
 WWW.RLTA.COM.AU

CLIENT: **B & K WATSON**

PROJECT: **PROPOSED HOTEL & ACCOMMODATION**  
 LOT 20 OP TOWERS  
 KYVOLE ROAD  
 3811

DATE: 07/04/14	SCALE: 1:50
PROJECT NO: 731	DATE: 07/04/14
731	<b>731 / 3</b>

**SOUTH ELEVATION**

**EAST ELEVATION**

**NORTH ELEVATION**

**WEST ELEVATION**

**HOTEL ELEVATIONS** **OPTION 2**

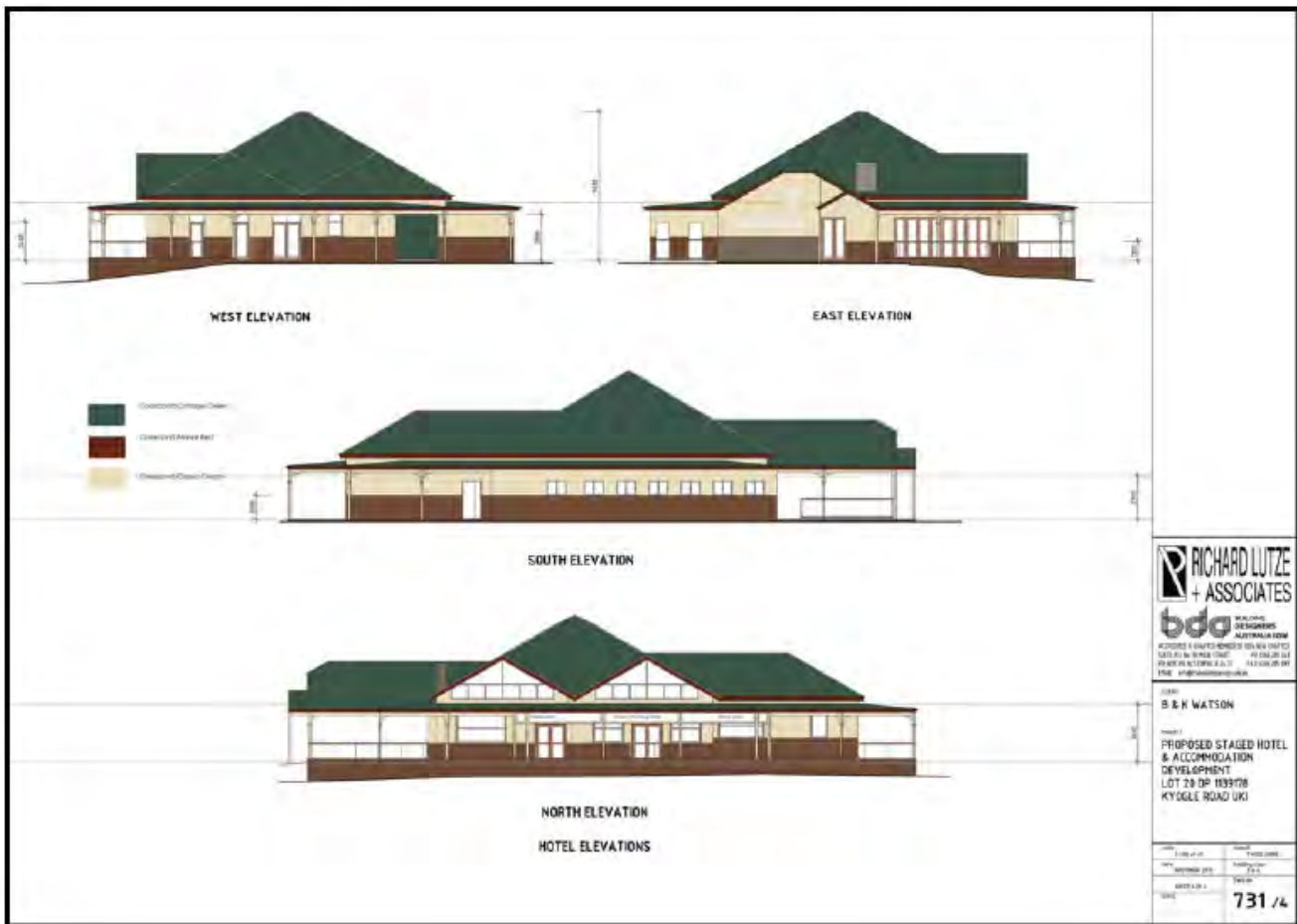
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DATE: 07/04/14	SCALE: 1:50
PROJECT NO: 731	DATE: 07/04/14
731	<b>731 / 4</b>

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“Option 2 – Advantages:

*This Option is identified by the proponents as being their desired design to be redeveloped upon the site. The design addresses each of the issues identified within Option 1 (construction costs, security, BCA compliance, surveillance and security), whilst the proponent believes the design also importantly draws on design elements which result in an acceptable response to the conservation area in which the hotel site is located. Despite the changes to the location of the building (as discussed at the beginning of this chapter) this option does not have a greatly different building size from the original hotel (as illustrated in the following plans).*

Other advantages associated with this option are:

- The most important aspect of this building design is that it enables bar staff to have full vision of the restricted areas of the hotel (the restricted area is the area within the hotel that persons under the age of 18 are not permitted) which makes it much easier for the Hotel to comply with the licencing laws. With this floor plan it only leaves a small percentage of the hotel which is an un-restricted area not visible to staff (the un-Restricted Area is the area within the hotel the persons under the age of 18 are permitted in the company of an adult);*
- This design provides a floor plan which enables staff to view and thus more easily service the Bar, Kitchen, Bottleshop, Tab, and Pokies at the same time, which effectively cuts staff costs;*

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- *The proposed building has been designed to allow regular, day-to-day patrons areas which are close to the bar and the front of the building, which relates to the historic use of the front area of the Hotel by patrons (the pub from its early origins had prime activity within the front patio area, as firstly horses then cars/bikes would pull up to the pub and then sit within the front area to take in the view). Option 2 seeks to draw on the historic use by creating an attractive veranda and bistro area that draws on the traditional use of the former pub, this respecting the social historical significance of the pub;*
- *The long frontage allows more dining facilities at the front of the building, an aspect which is more inviting for travellers to stop and come in, and it also provides patrons with the west view of the beautiful Mount Warning.*

### *Option 2 – Disadvantages:*

*The disadvantages of this option, from a heritage perspective, are the changes to the footprint, bulk and massing of the proposed design, which deviates from the original footprint and size of the pre-fire hotel. This will have a greater impact on the existing heritage significance of the UVCA and the contribution that the subject site makes to this significance. Of great concern with this option is the proposed removal of the historic plantings (Hoop Pines) and the introduction of a new circular driveway through the site to service a rear drive through bottle shop. Nonetheless, from a heritage perspective it would be preferable to ensure an appropriate building design with a staged removal/replanting of new Hoop Pines, than to have a poorly designed building with retained trees.”*

### Option 3

This option also provides for a single level hotel with a differing roofline and larger footprint. It also comprises a single level hotel featuring wide verandas and a covered outdoor dining area (although the configuration of the latter differs from Option 2), and it also introduces a secondary structure located to the west of the Hotel, a detached single story motel.

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“Option 3 – Advantages:

This Option addresses many of the issues identified within Option 1 (BCA compliance, surveillance and security), and has some similar design elements to the conservation area in which the hotel site is located, although it does draw more heavily on modern architectural influences.

The main advantages of this option:

- The most important aspect of this building design is that it enables bar staff to have full vision of the restricted areas of the hotel (the restricted area is the area within the hotel that persons under the age of 18 are not permitted) which makes it much easier for the Hotel to comply with the licencing laws. With this floor plan it only leaves a small percentage of the hotel which is an un-restricted area not visible to staff (the un-Restricted Area is the area within the hotel the persons under the age of 18 are permitted in the company of an adult);
- This design provides a floor plan which enables staff to view and thus more easily service the Bar, Kitchen, Bottleshop, Tab, and Pokies at the same time, which effectively cuts staff costs;
- The proposed building has been designed to allow regular, day-to-day patrons areas which are close to the bar and the front of the building, which relates to the historic use of the front area of the Hotel by patrons (the pub from its early origins had prime activity within the front patio area, as firstly horses then cars/bikes would pull up to the pub and then sit within the front area to take in the view). Option 2 seeks to draw on the historic use by creating an attractive veranda and

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*bistro area that draws on the traditional use of the former pub, this respecting the social historical significance of the pub;*

- The long frontage allows more dining facilities at the front of the building, an aspect which is more inviting for travellers to stop and come in, and it also provides patrons with the west view of the beautiful Mount Warning.*

### *Option 3 – Disadvantages:*

*The proponent has stated that this design has issues associated with the internal functionality of the hotel; however it is unclear to Ainsworth Heritage what these issues are as the internal floor plan of both of these options is almost identical.*

*The external appearance of this option in terms of its style and finishes is also the least sympathetic to the character of the surrounding UCVA.*

*However, the construction cost associated with this option (due to its larger size and exterior detailing) far exceeds the funds available for the rebuilding of the hotel from the insurers. The design for this option results in substantially higher construction costs (nearly \$1,000 per square metre in comparison with Option2).*

*Of great concern with this option is the proposed removal of the historic plantings (Hoop Pines) and the introduction of a new circular driveway through the site to service a rear drive through bottle shop.”*

### Assessment of applicants justification

The Statement of Heritage Impact has been assessed and it is considered that Option 2 is the best option when assessed in terms of historic and aesthetic impact, and the Uki Village Conservation Area.

The redesign of the hotel allows for an improved street front design and it is considered that the design seeks to draw on the historic use by creating an attractive verandah and bistro area that draws on the traditional use of the former pub, thus respecting the social historical significance of the pub.

Through the use of architectural features such as varied roof pitches, a wide verandah, double opening doors and heritage colours which are consistent with the existing character of Uki Village, the heritage values have been maintained where possible. If the hotel was to be rebuilt as close to the previous hotel there would be a number of issues relating to the Building Code of Australia non compliances associated with Fire Rating and Disabled Access. It is therefore considered that Option 2 is the most appropriate design and therefore is recommended for approval in this instance.

### **Removal of Hoop Pines**

The proposed development involves the removal of the site's three Hoop pines to permit its construction. Heritage advice provided for the development by Ainsworth Heritage, involves a staged removal for the three Hoop pines with the two trees fronting Kyogle Road being removed in the first stage.

Following removal, two replacement Hoop pine trees are proposed to be planted adjacent to the front eastern driveway access. Stage 2 comprises the removal of the third Hoop pine tree with the installation of a replacement Hoop pine immediately to the east of the former tree and located between the car park and Kyogle Road frontage.

The removal of the trees has been assessed by Council's Recreation Services Park Supervisor. The assessment concluded that *“the trees have entered a decline stage due to*



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*the impact of heat stress from the fire, compounded by the demolition of the building and subsequent damage to the root zone of the trees. The Araucaria spp have a low tolerance to root disturbance and do not recover vigour once damaged. Over a period of time which is difficult to estimate this damage will lead to decay in the trees and eventual death."*

It should be noted that there is no Tree Preservation Order over the site and the applicant is proposing to replace the hoop pines with new hoop pines. Based on the information provided by the applicant and taking into Consideration Council's Recreation Services Park Supervisors assessment of the health of the trees it is considered that the removal of the existing hoop pines should be supported in this instance. A condition will be included in the recommendations regarding replacement trees being planted.

### **Water for Fire Fighting Capabilities**

On Tuesday 25 March 2014, Newton Denny Chapelle provided a response to Council's Water Unit's request for further information (dated 7 January 2014), regarding provision of water supply for fire fighting purposes. The hydraulics report and associated plans have been reviewed by the Water Unit. The report demonstrates that the development will provide a total storage of 288 kL, which is considered sufficient water supply for fire fighting requirements.

### **Section 64 and Section 94 Contribution Plans**

The proposed development is subject to both S64 and S94 Developer Contributions.

The following has been calculated by Council's Systems Engineer for the S64 Water and Sewer portion of the Development:

#### **Water S64 charges**

##### **Credit**

Accommodation: 0.15 ET per room x 8 rooms = 1.2 ET

Pub/Bar = 0.03 ET x 335 m = 10.05 ET

##### **Proposed**

Accommodation: 0.3 ET per room x 8 rooms = 2.4 ET

Bottle Shop: 0.002 ET x 44 m<sup>2</sup> = 0.088 ET

Public Bar: 0.03 ET x 52 m<sup>2</sup> = 1.56 ET

Entertainment: 0.03 ET x 60 m<sup>2</sup> = 1.8 ET

Dining: 0.008 ET x 109 m<sup>2</sup> = 0.872 ET

Gaming: 0.008 ET x 17.2 m<sup>2</sup> = 0.1376 ET

Office: 0.004 ET x 12.25 m<sup>2</sup> = 0.049 ET

Kitchen: 0.015 ET x 43.65 m<sup>2</sup> = 0.6547 ET

Verandah - it is assumed that the verandah will be used similarly to Public Bar and this outdoor use is considered equivalent to the remaining amount of the 10.05 ET credit from the old hotel.

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### Sewer S64 charges

#### Credit

Accommodation: 0.23 ET per room x 8 rooms = 1.84 ET

Pub/Bar = 0.048 ET x 335 m = 16.08 ET

#### Proposed

Accommodation: 0.45 ET per room x 8 rooms = 3.6 ET

Bottle Shop: 0.003 ET x 44 m<sup>2</sup> = 0.132 ET

Public Bar: 0.048 ET x 52 m<sup>2</sup> = 2.496 ET

Entertainment: 0.048 ET x 60 m<sup>2</sup> = 2.88 ET

Dining: 0.013 ET x 109 m<sup>2</sup> = 1.417 ET

Gaming: 0.013 ET x 17.2 m<sup>2</sup> = 0.2236 ET

Office: 0.006 ET x 12.25 m<sup>2</sup> = 0.0735 ET

Kitchen: 0.024 ET x 43.65 m<sup>2</sup> = 1.0476 ET

Verandah - it is assumed that the verandah will be used similarly to Public Bar and this outdoor use is considered equivalent to the remaining amount of the 16.08 ET credit from the old hotel.

Therefore base S64 charges on accommodation only 0.9 ET for water & 1.3 ET for sewer.

### Section 94 Plan No. 4 charges

#### Credit

- Internal ground floor = 335m<sup>2</sup>;

- Ground floor uncovered and covered = 430m<sup>2</sup>

- First floor internal = 235m<sup>2</sup>

- First floor external = 235m<sup>2</sup>

A total of **1235m<sup>2</sup>** Gross Floor Area

#### Proposed

- 948m<sup>2</sup> for the Hotel component

- 224m<sup>2</sup> for the motel component

Based on *Table 3.6.1A - Trip Generation Rates by Land Use* of Section 94 Plan No. 4 - Tweed Road Contribution Plan the following rates are applicable for the land uses:

21	Motels	5 trips	100 m <sup>2</sup> GLA
22	Pub/Tavern/Hotel	110 trips	100 m <sup>2</sup> GLA

## Addendum Report

RTA's *Guide to Traffic Generating Development* outlines that Gross Leasable Area (GLA) can be calculated at approximately 75% of Gross Floor Area (GFA). Therefore the following applies to the subject site:

	<b>Pub</b>	<b>Motel</b>	
Existing	765m <sup>2</sup>	470m <sup>2</sup>	GFA
Proposed	948m <sup>2</sup>	224m <sup>2</sup>	GFA
Difference	183m <sup>2</sup>	-246m <sup>2</sup>	GFA
Approximate Charges Applicable	201.3 trips	12.3 trips credit	
Convert to GLA	137.25m <sup>2</sup>		GLA
Net Trips applicable	150.975 trips - 12.3 trips credit = <b>138.675 trips applicable</b>		
Applying 40% employment generating development discount	<b>83.205 trips chargeable</b>		

Based on the calculations as shown above there is a total of 83.205 trips applicable for the new Gross Leasable Area for the pub.

The applicant has provided justification that 5 trips should be charged in relation to the Motel Portion of the site. This has been taken into consideration by Council's Traffic Engineer.

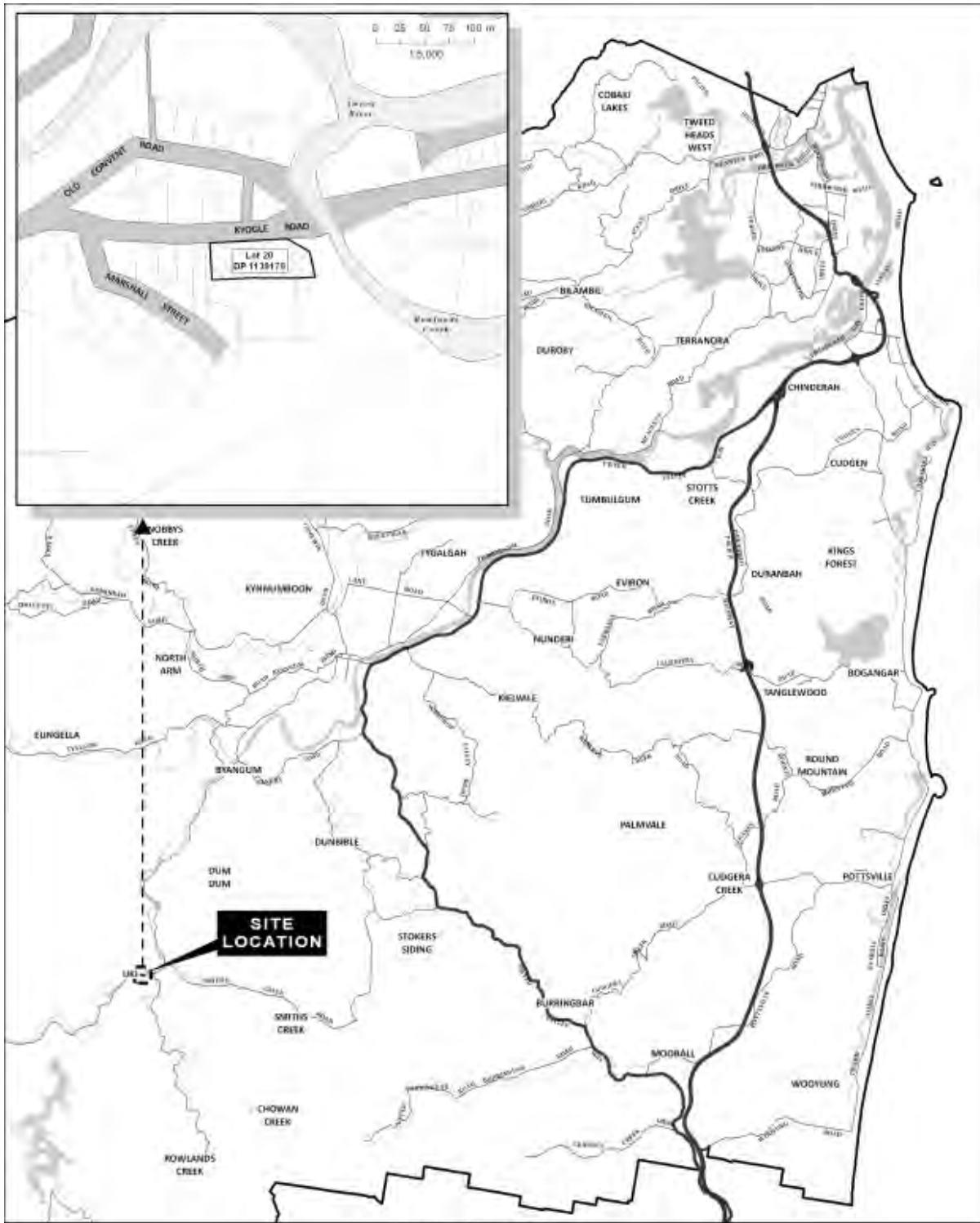
Plan No. 4 however, outlines that the charges are based on Gross Leasable Area and require a Traffic Impact Assessment justifying a reduction in trips. This has not been done and as such the charges are applicable. As the contribution conditions are now recommended in the Prior to Occupation Certificate section it may be appropriate to supply this information with a Section 96 application to reduce the number of trips applicable.

### **S94 Plan Nos. 11, 12, 13, 15, 18, 22 and 26**

It is considered that there were 8 rooms available for the previous motel portion of the development and there are currently 7 rooms proposed including 1 managers residence. It is therefore considered that Plan Nos. 11, 12, 13, 15, 18, 22 and 26 are not required to have any additional charges imposed.

## Addendum Report

### SITE DIAGRAM:



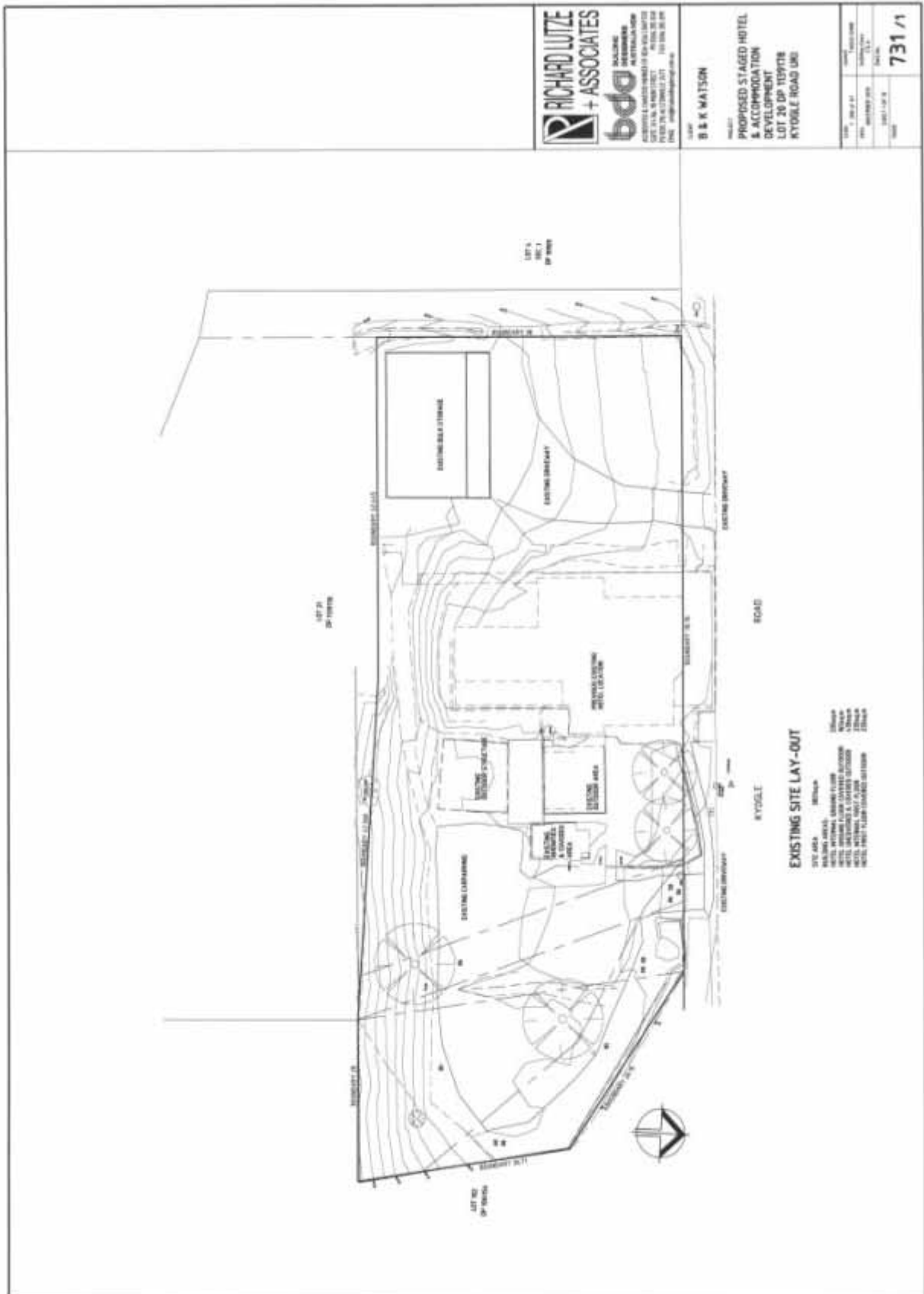
### Locality Plan

Lot 20 DP 1139178  
No. 1497 Kyogle Road, Uki

<p><small>Disclaimer: This document is provided for information only and does not constitute an offer of any financial product or service. It is not intended to be used as a substitute for professional advice. The information contained herein is for general information only and does not constitute an offer of any financial product or service. The information contained herein is for general information only and does not constitute an offer of any financial product or service. The information contained herein is for general information only and does not constitute an offer of any financial product or service.</small></p>	<p>Created: 11 March 2014                  Prepared by:                  Management Authority (LMA)                  &amp; Tweed Shire Council                  (Information correct as at date of preparation only)</p>	<p>1:5,000                  0 25 50 75 100 m</p>	<p>City and Cultural Centre                  3 Tamboon Road                  Murumbidgee NSW 2518                  PO Box 518                  Murumbidgee NSW 2518                  T (02) 6472 2800   1300 292 872                  F (02) 6472 2425                  E <a href="mailto:info@twed.gov.au">info@twed.gov.au</a>                  W <a href="http://www.twed.gov.au">www.twed.gov.au</a></p>	
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Addendum Report

DEVELOPMENT/ELEVATION PLANS:

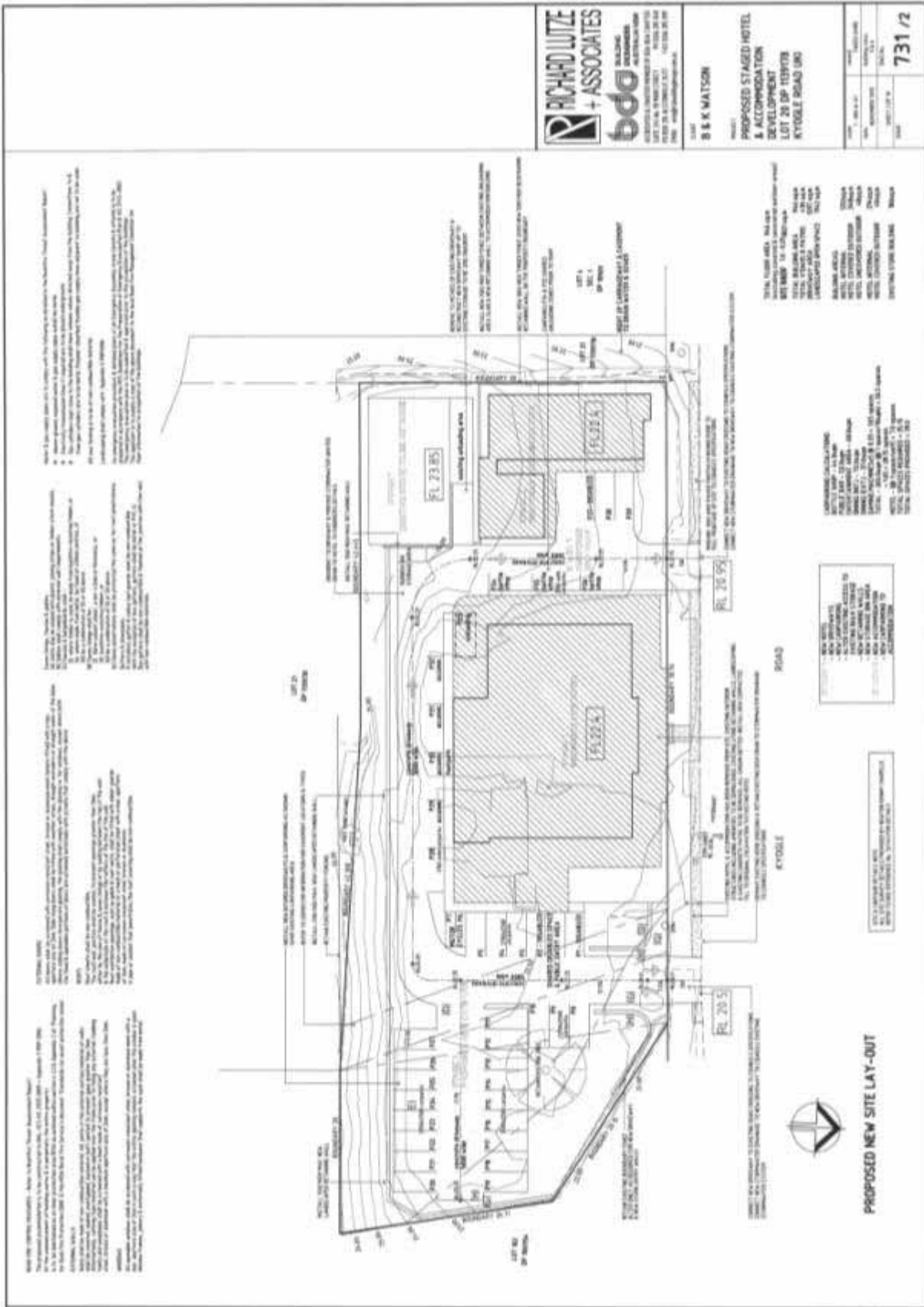


**RICHARD LUTZE + ASSOCIATES**  
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**B & K MATSON**  
 ARCHITECTS  
 PROPOSED STAGED HOTEL  
 & ACCOMMODATION  
 DEVELOPMENT  
 LOT 20 DP 109718  
 KYTOOLE ROAD UIC

DATE	10/10/13
BY	RL
CHECKED BY	RL
SCALE	AS SHOWN
SHEET NO.	731 / 1

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Addendum Report

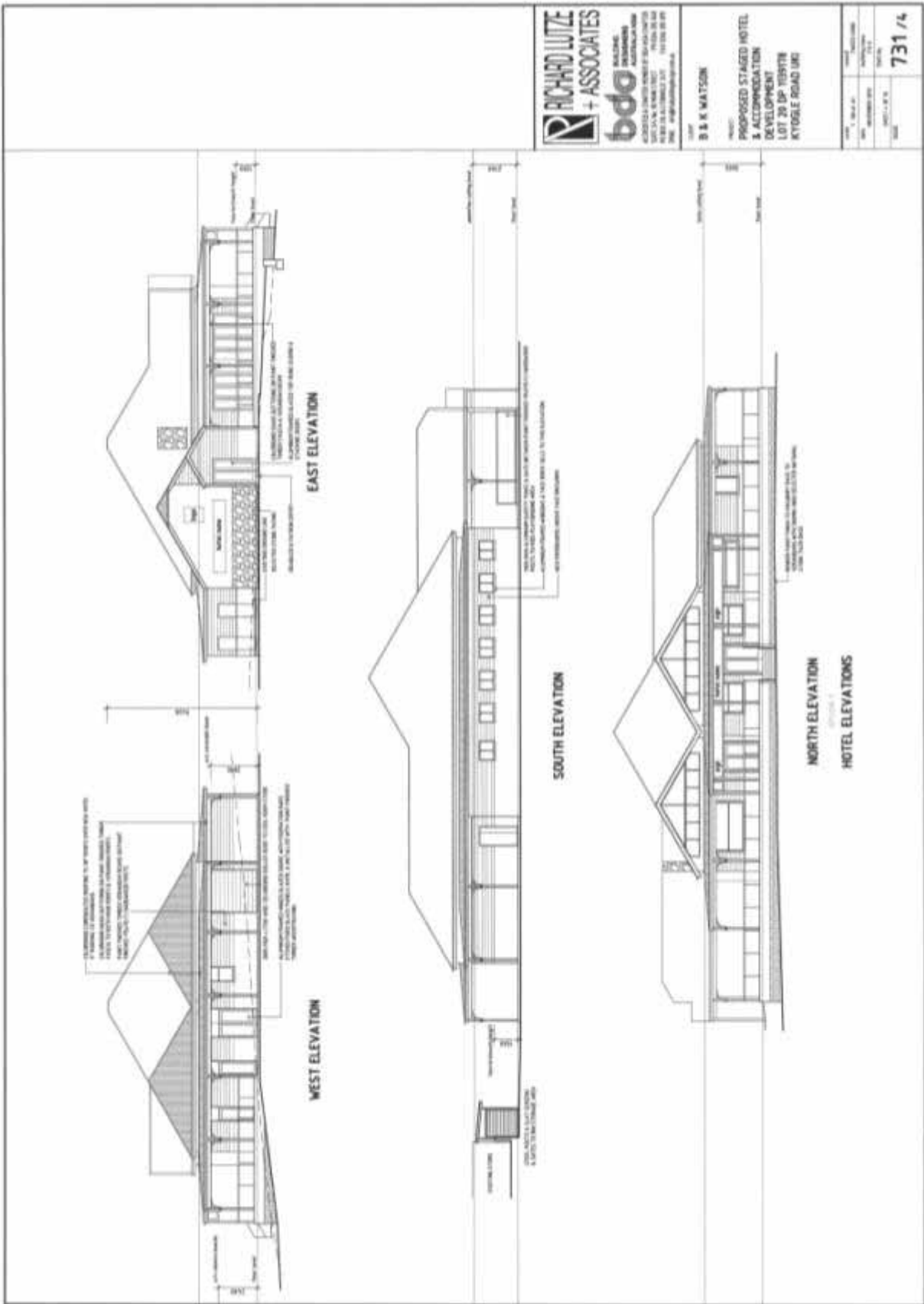


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**B & K WAITSON**  
 PROJECT:  
 PROPOSED STAGED HOTEL  
 & ACCOMMODATION  
 DEVELOPMENT  
 LOT 26 DP 1159178  
 KYOGLE ROAD URM

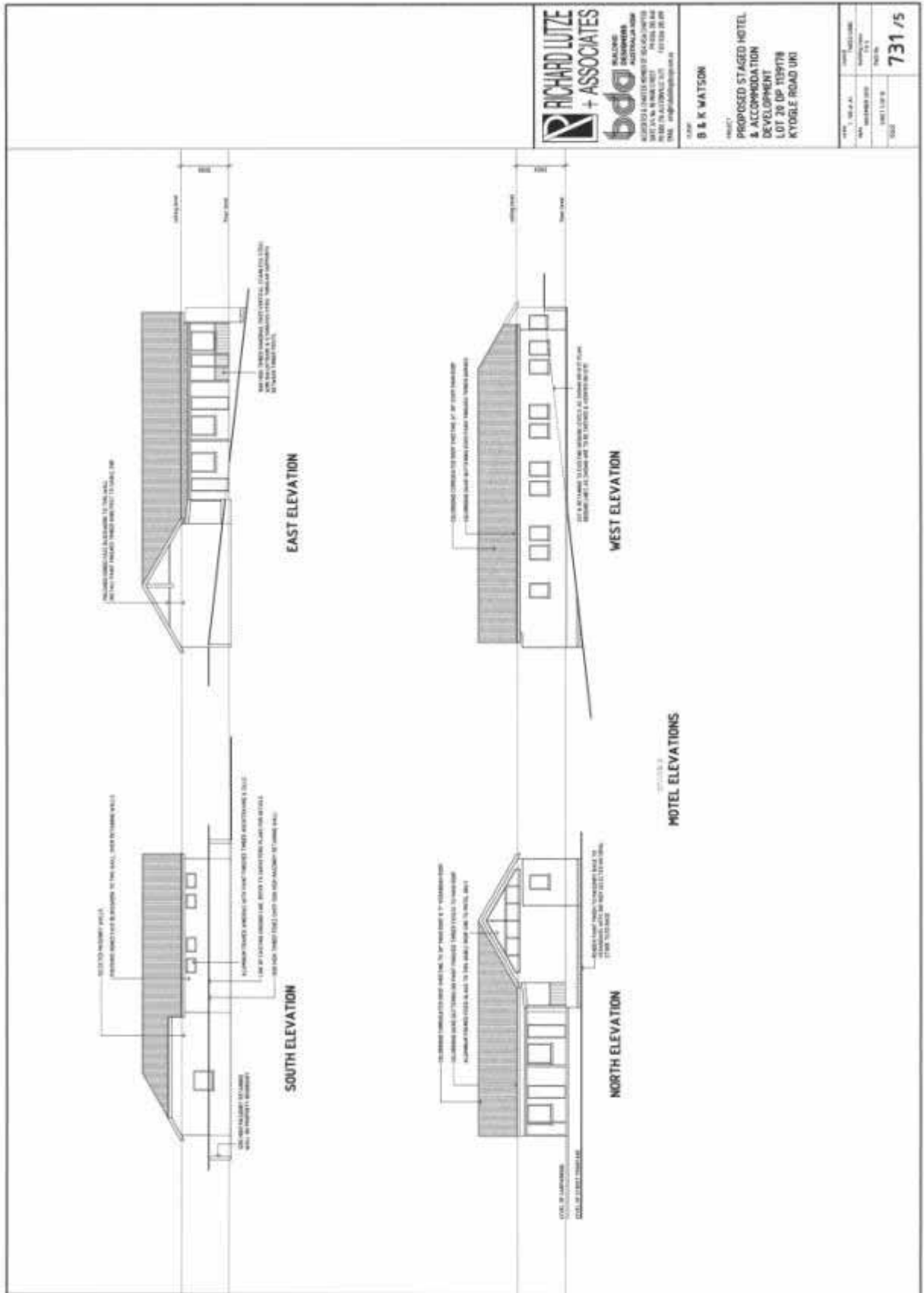
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Addendum Report

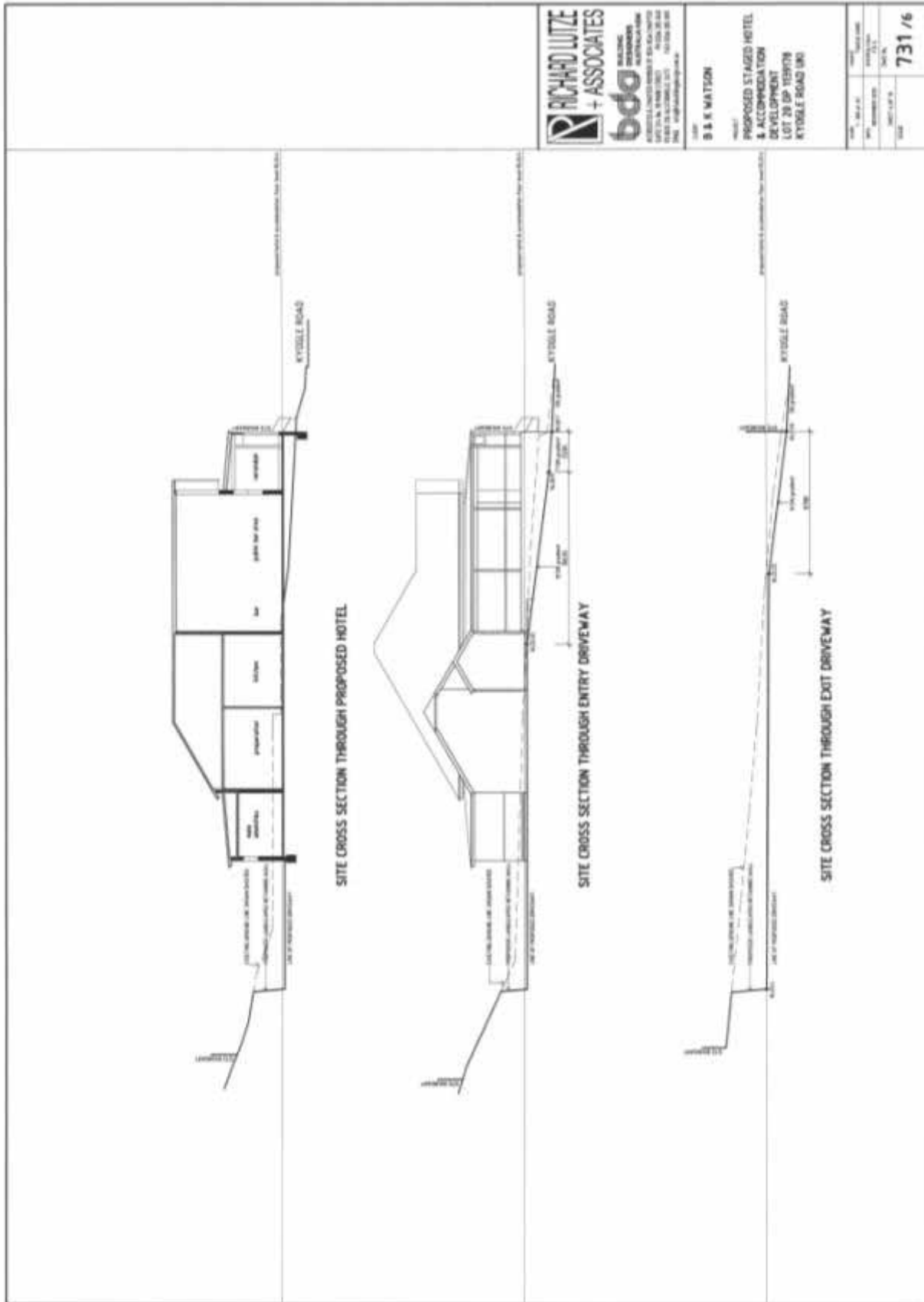




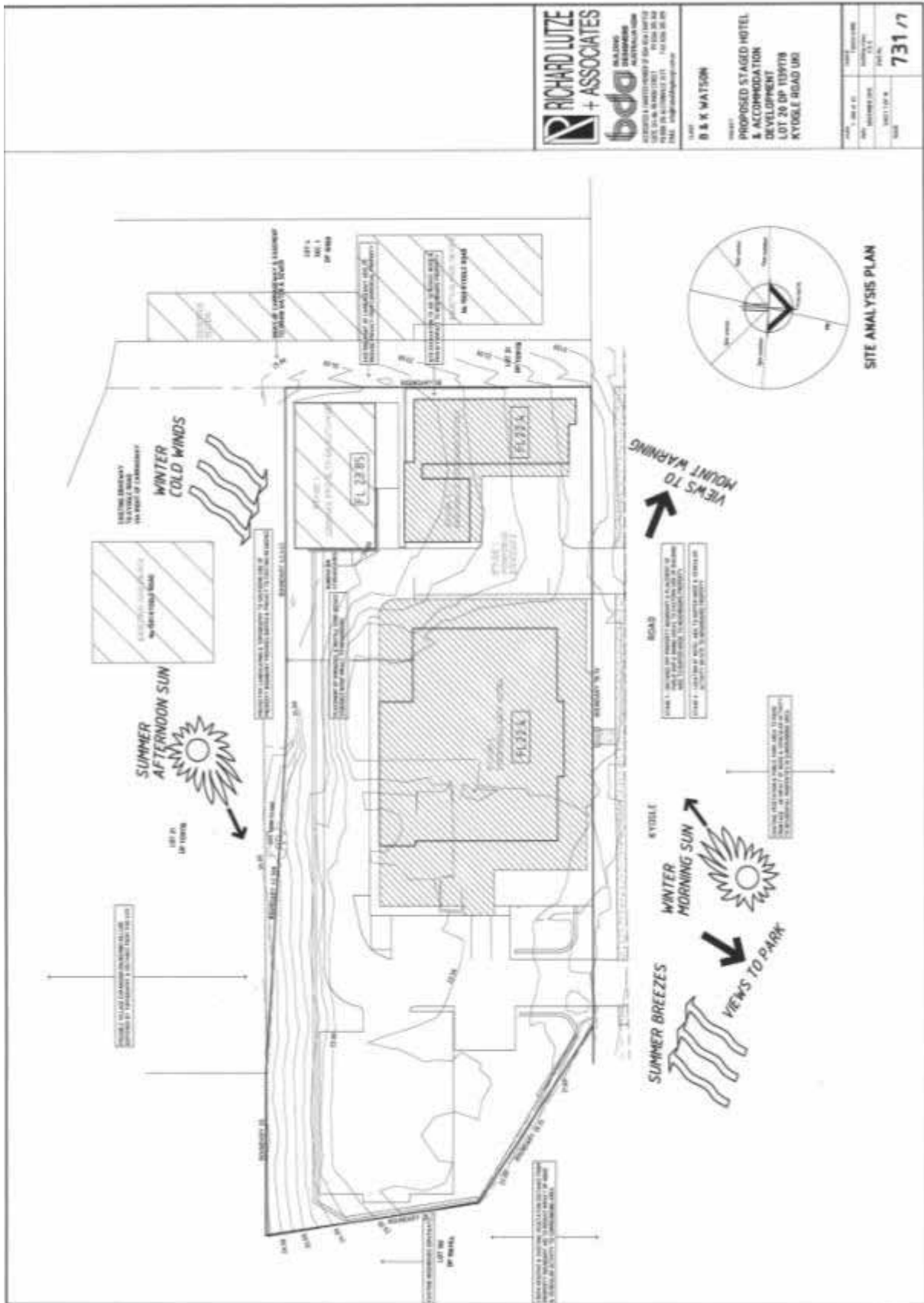
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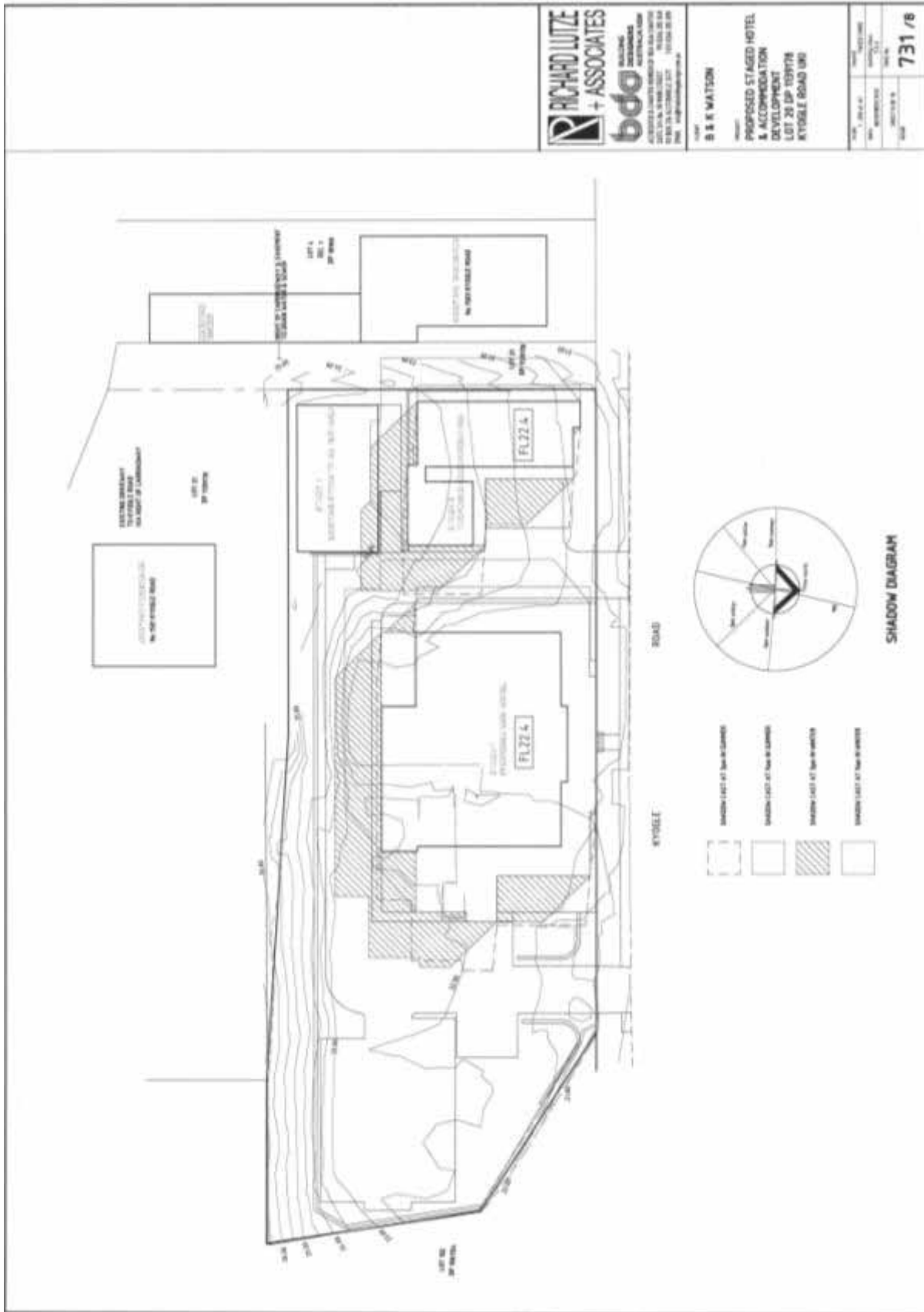
Addendum Report



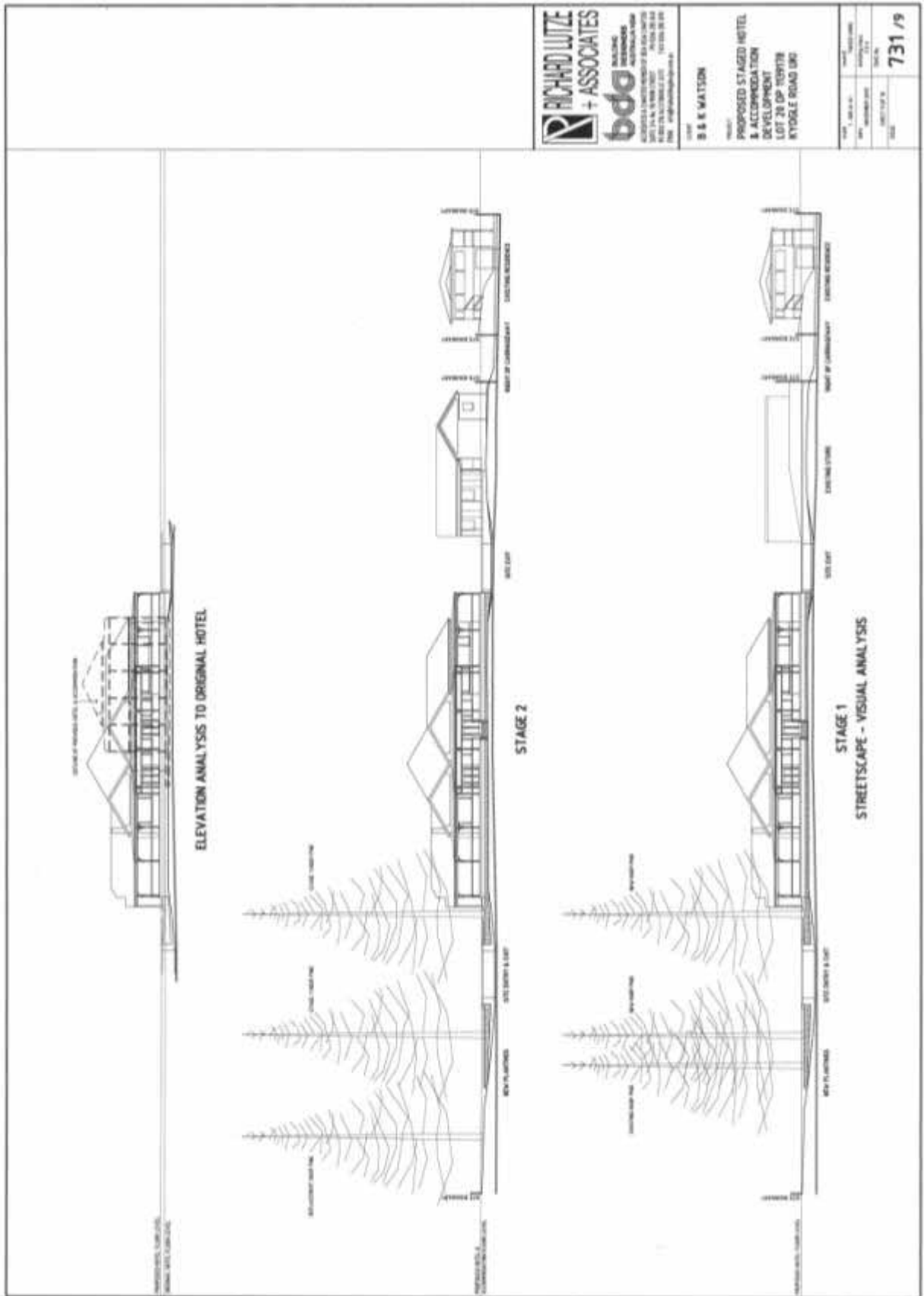
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Addendum Report



Addendum Report



Addendum Report

**PROPOSED LANDSCAPING & SITE BUILDING WORKS STAGE 1**

**PROPOSED LANDSCAPING & SITE BUILDING WORKS STAGE 2**

PROJECT:	PROPOSED STAGED HOTEL & ACCOMMODATION DEVELOPMENT
LOT:	LOT 20 DP 151978
ADDRESS:	KYTOBLE ROAD WKY

**Richard Lutze + Associates**  
**bda** BUILDING DESIGN ARCHITECTS

**D & K WATSON**

731 /10

**LANDSCAPE PLANTS**

- 1. MULLEN'S GUM (C. MULLENII)
- 2. TAMARISK (T. COMMUNIS)
- 3. BRUSHBOX (P. LAURENTII)
- 4. PACIFIC TAMARISK (T. COMMUNIS)
- 5. TAMARISK (T. COMMUNIS)
- 6. TAMARISK (T. COMMUNIS)
- 7. TAMARISK (T. COMMUNIS)
- 8. TAMARISK (T. COMMUNIS)
- 9. TAMARISK (T. COMMUNIS)

**PLANT SCHEDULE**

- 1. TAMARISK (T. COMMUNIS)
- 2. TAMARISK (T. COMMUNIS)
- 3. TAMARISK (T. COMMUNIS)
- 4. TAMARISK (T. COMMUNIS)
- 5. TAMARISK (T. COMMUNIS)
- 6. TAMARISK (T. COMMUNIS)
- 7. TAMARISK (T. COMMUNIS)
- 8. TAMARISK (T. COMMUNIS)
- 9. TAMARISK (T. COMMUNIS)

## Addendum Report

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### Considerations under Section 79c of the Environmental Planning and Assessment Act 1979:

(a) (i) **The provisions of any environmental planning instrument**

**Tweed Local Environmental Plan 2000**

Clause 4 - Aims of the Plan

Clause 4 illustrates that the aims of the TLEP 2000 are to give effect to the desired outcomes, strategic principles, policies and actions of the Tweed Shire 2000+ Strategic Plan. The vision of the plan is "*the management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced*". Clause 4 further aims to provide a legal basis for the making of a DCP to provide guidance for future development and land management, to give effect to the Tweed Heads 2000+ Strategy and Pottsville Village Strategy and to encourage sustainable economic development of the area which is compatible with the Shire's environmental and residential amenity qualities.

The subject development application is considered suitably in keeping with the above, as it is not considered likely to result in a reduction of residential amenity for nearby residential properties or the shire as a whole.

Clause 5 - Ecologically Sustainable Development

The TLEP aims to promote development that is consistent with the four principles of ecologically sustainable development, being *the precautionary principle, intergenerational equity, conservation of biological diversity and ecological integrity and improved valuation, pricing and incentive mechanisms*.

Broadly, the subject proposal is considered consistent with the above criteria, as the proposed redevelopment of the hotel is not likely to have significant ramifications for ecologically sustainable development.

Clause 8 - Consent Considerations

This clause specifies that the consent authority may grant consent to development (other than development specified in Item 3 of the table to clause 11) only if:

- (a) *it is satisfied that the development is consistent with the primary objective of the zone within which it is located, and*
- (b) *it has considered that those other aims and objectives of this plan (the TLEP) that are relevant to the development, and*
- (c) *it is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.*

In this instance, the subject site is zoned 2 (d) Village, the primary objective of which is *to provide for residential development and a full range of services and facilities traditionally associated with a rural village which is of a design and scale that makes a positive contribution to the character of the village*.

The proposed hotel and motel are considered consistent with the primary objective of the zone. They are located on the fringe of the village area and have been designed to take into account the existing character of the locality along with any

## Addendum Report

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existing constraints. The hotel and motel provides for a range of services that have previously been offered from the site before the previous motel burnt down. The proposal is sensitive and considered to contribute positively to the overall character of the village.

Other relevant clauses of the TLEP have been considered elsewhere in this report and it is considered that the proposal generally complies with the aims and objectives of each.

The proposal is not considered to contribute to any unacceptable cumulative impact in the community due to the large size of the allotment and the established nature of the subject area.

### Clause 11 - Zone Objectives

The subject site is located within the 2(d) Village zone. The primary objective of that zone and consistency of the proposal with that objective has been outlined above.

There are no secondary objectives for this zone.

It is considered that the proposal, is permitted with consent and is consistent with other uses in the locality and the character of the village.

### Clause 15 - Essential Services

Essential services are provided to the site. Reticulated water/sewer and electricity are available to the site.

### Clause 16 - Height of Building

The subject site is controlled by a three-storey height limitation.

The proposed hotel and motel is single storey in height. It is therefore considered that the proposed development complies with this clause.

### Clause 17 - Social Impact Assessment

Clause 17 identifies that where the consent authority considers that a proposed development is likely to have a significant social or economic impact in the locality or in the local government area of Tweed, the consent authority may grant consent to the proposed development only if it has considered a socio-economic impact statement in respect of the proposed development. Sub-clause (3) provides a list of requirements to be considered at least in the socio-economic assessment.

The applicant provided a Social Impact Assessment which concluded "*that no significant adverse social or economic impacts are foreshadowed as the result of the proposed development of the Mount Warning Hotel at 1497 Kyogle Road, Uki.*"

It is considered that the hotel provides a positive social impact within the locality. Some of the advantages will be the generation of employment, the addition of a social meeting location and an economic benefit within the locality. It is therefore considered that the proposed development will have a positive impact and therefore complies with this clause.

### Clause 22 - Development Near Designated Roads

Kyogle Road has been classified as a Council Designated Road. The proposed access arrangements reflect the former use of the land and as such are not



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considered to adversely impact the scenic values of the locality, potential noise impact or prejudice future improvements to Kyogle Road.

### Clause 23 - Control of Access

The provision of Clause 23 provides that a road or other means of access which forms a junction or intersection with a designated road must not be opened or formed except with development consent.

The development proposes to utilise the existing driveway locations with a two-way driveway on the eastern side of the building and an exit only driveway at the western side of the new hotel. No road works are proposed to Kyogle Road.

### Clause 24 - Setbacks to Designated Roads

Clause 24 is not applicable as the proposed development is within the 2(d) Village Zone.

### Clause 34 - Flooding

The subject site is affected by the Q100 with an adopted design flood level of 22.7m AHD. It is considered that the finished floor level of 22.4m being the highest recorded level and the building footprint being similar to that which was existing will not increase the severity of flooding in the locality.

Council's Flooding Engineer has provided the following:

*“as both the hotel and motel components are commercial “non-residential” development, it can be accepted that the floor levels being below the design flood level, subject to the application of the standard condition requiring flood compatible materials, fitting, furnishings and electrical below 22.7m AHD.”*

### Clause 35 - Acid Sulfate Soils

The site is not located within a mapped Acid Sulfate Soils area.

### Clause 39 - Remediation of Contaminated Land

The objective of this clause is to ensure that contaminated land is adequately remediated prior to development occurring.

The applicant's Statement of Environmental Effects includes a Preliminary Contaminated Land Assessment (PCLA) prepared by Greg Alderson and Associates Pty Ltd, dated 20 November 2013. The PCLA comments on site details, land use history, site condition, geology and soil, site investigation, soil sampling and analysis, and relevant guidelines. Council's Environmental Health Unit has assessed this report and provided appropriate conditions within the recommendations. It is considered that this clause has been complied with.

### Clause 39A - Bushfire Protection

The site is bush fire prone and is located in the 30-100m buffer to Category 2 vegetation to the east of the site.

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A bush fire assessment report was submitted by the applicant which was forwarded onto the NSW Rural Fire Service (RFS) as an Integrated Referral. The NSW RFS responded on 13 February 2014 with General Terms of Approval which will be included within the recommendations.

### Clause 40 - Heritage Provisions Objective

The objectives of the heritage provisions are:

- *to conserve the environmental heritage of the area of Tweed.*
- *to ensure that any development does not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings.*
- *to provide for public involvement in the conservation of environmental heritage.*
- *to integrate heritage conservation into the planning and development control processes.*

The village of Uki has been nominated within a Conservation Area since 1987. Specific controls are required within the current Local Environmental Plan and Development Control Plan to encourage ongoing sympathetic development within the village.

The applicant provided a Statement of Heritage Impact with the application which has outlined the steps taken to meet the objectives of this clause. It is considered that the option provided (Option 2) has appropriately addressed the recommendations in a manner which results in the development being compatible within the Uki Village Conservation Zone.

### Clause 41 - Heritage items and conservation areas

The subject land is located within the Uki Village Conservation Area, being the land area located within the broken dashed line on the zone map for the Uki Village.

### Clause 42 - Protection of Heritage Items, Heritage Conservation Areas & Relics

Clause 42 aims to protect heritage items, conservation areas and relics. The structure has been demolished due to it burning down and as such the

## Addendum Report

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redevelopment is taking into consideration the principles within these clauses. The applicant has provided a Statement of Heritage Impact which has been assessed and considered adequate in this instance.

### Clause 43 - Notice of Certain Heritage Development Applications

The proposed development was notified in accordance with the Act.

### Clause 44 - Development of Land Within Likely or Known Archaeological Sites

This clause states that the consent authority may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance.

An AHIMS search was undertaken by the applicant which concluded that no objects or places were identified within 200m of the subject site which are likely or known archaeological sites.

### Clause 45 - Development in the Vicinity of Heritage Items, Heritage Conservation Areas, Archaeological Sites or Potential Archaeological Sites

As noted above, no issues are raised concerning Aboriginal Heritage as justified through the AHIMS search.

### Clause 46 - Conservation Incentives

Clause 46 provides that the consent authority may consent to the use, for any purpose, of a building that is a heritage item or is within a heritage conservation area, or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan.

The proposed hotel and motel are permitted within the zone.

### Clause 47 - Advertising Signs

The proposed development incorporates five business identification signs which are all considered to be wall signs. It is considered that business identification wall signs are compatible with the existing character of the Uki Village and reflect the signage style applying to the previous pub building prior to fire event.

### Clause 54 - Tree Preservation Order

The subject site is not covered by a Tree Preservation Order.

## **State Environmental Planning Policies**

### **SEPP (North Coast Regional Environmental Plan) 1988**

#### Clause 36, 36A, 36D and 36D: Heritage

The above clauses outlines that in respect of a building which is a heritage item consent must be granted by Council for any works undertaken and the process to be taken. This is noted.

#### SEPP No. 44 - Koala Habitat Protection

State Environmental Planning Policy No. 44 (SEPP 44) encourages the conservation and management of natural vegetation areas that provide habitat for Koalas to ensure permanent free-living populations will be maintained over their

## Addendum Report

present range. The site is not considered to have core Koala Habitat and as such there is no requirement to prepare a Koala Plan of Management.

### SEPP No. 55 - Remediation of Land

SEPP 55 introduced state-wide planning controls for the remediation of contaminated land. The policy provides land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils be notified of all remediation proposals.

The applicant provided a Preliminary Contaminated Land Assessment by Greg Alderson & Associates Pty Ltd which has been assessed by Council's Environmental Health Unit. Appropriate conditions have been included in the recommendations to ensure the site is appropriate for the intended use.

### SEPP No. 64 – Advertising and Signage

The applicant has provided an assessment against the criteria provided for SEPP No. 64 as follows:

<b>SEPP No. 64 – Matters for Consideration</b>	<b>Proposal's Response</b>
Character of the Area	<p>The proposed business identification wall signs are deemed to be compatible with the existing character of the Uki Village and closely reflective of the signage style applying to the previous pub building prior to fire event. In this respect, the previous pub building incorporated wall signs to the building façades which is reflected in the proposed redevelopment design, whilst the proposed valance boards/signage are the same heights as the original hotel.</p> <p>The use of simple business identification wall signs on the northern and eastern building facades prevents the development site being cluttered with signage to the primary street frontage.</p>

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Special Areas	<p>The proposed signage component of the development is not considered to detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.</p> <p>This position is justified based on comments provided above in respect to character, despite the site being located within the Uki Conservation Area.</p>
Views and vistas	<p>The location of the proposed wall signs will not obscure or compromise important view sheds, nor dominate the skyline or reduce the quality of any vistas. View lines from the subject site to the park and also toward Mount Warning are illustrated on enclosed Design Plan 731/7 within Section 3.6 of this report.</p> <p>The location of the subject site and position of the proposed signage is not likely to impede or impact upon the viewing rights of other advertisers.</p>
Streetscape, setting or landscape	<p>The scale, proportion and form of the proposed signage is considered visually appropriate for the streetscape in the context of the Uki Village.</p> <p>The proposed signs will not protrude above the overall built form on the development site.</p> <p>The signs will not require ongoing vegetation management.</p>
Site and Building	<p>The proposed signage is considered to be compatible with the scale, proportion and design characteristics of the proposed development as discussed above and further reflective of signage applied to the previous pub building structure.</p>
Associated devices and logos with advertisements and advertising structures	<p>The signs encompass the hotel name and logo with additional signage space on the northern façade.</p>
Illumination	<p>The signs will not be illuminated.</p>
Safety	<p>There are no known design features of the signage that will reduce the safety for any public road user as they will be attached to the façade of the building in the form of wall signs. The signage will be located entirely on private land and in a location which negates any safety concerns for pedestrians or bicyclists.</p> <p>The location of the wall signage to the northern and eastern facades is not considered to reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas.</p>

It is considered that the five business identification signs as applied for are consistent with the criteria provided within SEPP No. 64. The signs will be compatible with the existing signage within the Uki Village and will not detract from its amenity.

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### (a) (ii) The Provisions of any Draft Environmental Planning Instruments

Draft Tweed Local Environmental Plan 2012 applies to the subject site. The land is zoned RU5 - Village under the Draft LEP.

**Stage 1** of the development best aligns with the definition of commercial premise, with child definition of a pub.

**Stage 2** of development is defined as a tourist and visitor accommodation with the child definition being hotel or motel accommodation.

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Both defined land uses are permissible within the RU5 Village zone with Council consent.

The following clauses are considered to be complied with in the draft LEP.

#### Clause 4.3 - Height of Buildings

The maximum building height nominated for the subject land is identified on the height of buildings map as 10m. The proposed maximum building height is 9.4 metres which complies with this provision.

#### Clause 4.4 - Floor Space Ratio

The Floor Space Ratio for the site is nominated at 2:1. The application proposes a ratio of 0.25:1 which complies with this provision.

#### Clause 5.9 - Preservation of Trees and Vegetation

Development consent is sought for the removal of vegetation as outlined above. Council's Recreation Services Park Supervisor has recommended that:

*"the trees have entered a decline stage due to the impact of heat stress from the fire, compounded by the demolition of the building and subsequent damage to the root zone of the trees. The Araucaria spp have a low tolerance to root disturbance and do not recover vigour once damaged. Over a period of time which is difficult to estimate this damage will lead to decay in the trees and eventual death."*

It should be noted that there is no Tree Preservation Order over the site currently and the applicant is proposing to replace the hoop pines with new hoop pines. Based on the information provided by the applicant and taking into consideration Council's Recreation Services Park Supervisors assessment of the health of the

## Addendum Report

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trees, it is considered that the removal of the existing hoop pines should be supported in this instance. A condition will be included in the recommendations regarding replacement trees being planted.

**(a) (iii) Development Control Plan (DCP)**

Tweed Development Control Plan

A1-Residential and Tourist Development Code

The types of tourist accommodation that can be regulated to ensure only short-term use occur includes hotels, motels and caravan parks. These building types are not covered by this Part.

The development provides the following setbacks:

- 1.95m setback to northern boundary
- 16m setback to southern boundary
- 1.5m setback to western boundary
- 70 - 78m setback to eastern boundary

The proposed scale and mass of the development is appropriate when viewed from the street frontage. The architectural design statement prepared and contained within this application demonstrates in summary that the proposed design is an appropriate form of development in respect to opportunities and constraints presented by the subject site, whilst also being a positive contribution to the existing streetscape.

Conditions requiring colours and materials of the building have been imposed to increase the visual amenity of the proposal.

A2-Site Access and Parking Code

The proposed car parking rates were assessed by Council's Development Assessment Engineer as follows:

*A review of old records identifies the following broad internal GFA area uses (733m<sup>2</sup>) as well as the extent of balconies/veranda areas (402m<sup>2</sup>). These areas include the existing store building, for a total area of 1,135m<sup>2</sup>. The previous existing onsite parking to service this level of use had incorporated informal gravel areas to which the owner has advised enabled the site to cater for a total between 30 to 35 spaces. Unlike the previous two storey 'Uki Pub', this proposal is for a single storey structure. Inclusive of verandas and the Stage 2 motel units, the total site building area is now 1,278m<sup>2</sup>, being a 143m<sup>2</sup> increase.*

*The applicant held pre-lodgement discussions with Council, who at time advised that the Gold Coast City Council Planning Scheme rate for Tavern at the rate of 1 space per 10m<sup>2</sup> of GFA public areas (excluding staff/back of house) would be an appropriate assessment in conjunction with comparison to the previous operation of the site. It is noted that in addition to the 1 space per 10m<sup>2</sup>, a parking rate of 0.333 spaces per gaming machine is required.*

*The new Mt Warning Hotel component requires 28 spaces with the Stage 2 motel component requiring 7 spaces, being 35 spaces in total. The*

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*development makes provision for 36 car spaces inclusive of 3 disabled spaces. All parking spaces meet Class 2 type facilities of AS2890.1 Off-street Car Parking (ie. typical 2.5m wide with 5.8m aisle for 90 degree parking) and 2 motorcycle spaces.*

Based on the information provided it is considered that the parking provided will cater for the proposed development.

### A3-Development of Flood Liable Land

Section A3.9.1 of the DCP provides the highest recorded flood levels, predicted high flood levels, adopted design flood levels, and adopted minimum floor levels for residential development.

The subject site is affected by the Q100 with an adopted design flood level of 22.7m AHD. It is considered that the finished floor level of 22.4m being the highest recorded level and the building footprint being similar to that which was existing will not increase the severity of flooding in the locality.

Council's Flooding Engineer has provided the following:

*“as both the hotel and motel components are commercial “non-residential” development, it can be accepted that the floor levels being below the design flood level, subject to the application of the standard condition requiring flood compatible materials, fitting, furnishings and electrical below 22.7m AHD.”*

A condition will therefore be included in the recommendations to ensure flood compatible materials, fitting, furnishings and electrical below 22.7m AHD are utilised. The proposed development is therefore considered to be consistent with this section of the DCP.

### A4-Advertising Signs Code

The application proposes the erection of five wall signs in total to be placed on the northern and eastern façade. It is considered that the proposed signs are of a size and location which does not adversely impact the surrounding locality. The proposed complies with this section of the Development Control Plan.

### A11-Public Notification of Development Proposals

The proposed development was advertised for a period of 30 days from Wednesday 18 December 2013 to Tuesday 21 January 2014. During this period there Council received three objections to the proposal and 44 submissions in support of the development. The submissions are dealt with at the end of this report. It is considered that the proposed development was advertised in accordance with this section of the DCP.

### A13-Socio-Economic Impact Assessment

The applicant provided a Socio-Economic Impact Assessment. The assessment concludes that the project will provide community benefits by way of improved community space which local pubs provide to the local population. On a macro scale, the redevelopment of the pub will provide an economic stimulus to the Uki Village through additional tourists frequenting the premises. It also concludes that there are no significant adverse effects resulting from the proposal.

It is considered that the proposed development complies with the relevant provisions of this section of the DCP.

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### A15-Waste Minimisation

The applicant provided a Waste Management Plan as a part of an Information Response received 26 February 2014. This plan has been assessed by Council's Waste Management Unit who advised that the revised Waste Management Plan is sufficient to comply with this section of the DCP. A condition will be placed in the recommendations to ensure compliance with the Waste Management Plan.

### B20-Uki Village

Council's DCP Section B20 relates to the site. The aims of this section are as follows:

- *Facilitate the implementation of the objectives and provisions relating to the Uki Village with regard to the Tweed LEP 2000 and other codes, policies and plans applicable to Uki.*
- *Provide controls to protect the identified heritage values and significant character of the village of Uki and encourage contemporary design that responds appropriately to that character.*
- *Encourage a broad range of community, commercial and service uses to support the village community.*
- *Integrate planning, design and decision making associated with development initiated by the private and public sectors.*
- *Enable appropriate consideration of proposed development applications to be made by applicants, the community and Council.*

The subject site is located within the precinct of Uki West. The DCP identifies the Uki West precinct "West of Rowlands Creek road, this precinct is primarily residential in nature with similar village residential qualities as the Uki East Precinct.

However, the precinct also contains a number of significant non-residential uses, including the Mt Warning Hotel, church, the local service station and the administrative and storage activities associated with the local earthmoving contractor.

The applicant has provided the following assessment against relevant sections of this DCP:

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<p>P4 The residential role of the Uki West Precinct is reinforced by ensuring that land without frontage to Kyogle Road is used for residential purposes.</p>	<p>The application directly satisfies Uki West precinct objective O10 which states <i>"To protect and enhance the role of the Mt Warning Hotel in providing an important informal meeting place for the local and surrounding rural populations"</i>.</p>
<p>P5 The commercial role of the Uki West Precinct is reinforced through the continued provision of a range of business uses and service industries along Kyogle Road.</p>	<p>In accordance with the provision of A11, the proposal redevelopment of the Mount Warning Hotel is an infill development of an essentially vacant site (ie. some ancillary structures remain that are proposed for removal) that has resulted due to a previous fire event.</p>
<p>The proposal is not considered to result in a detracting from the established residential amenity of the Uki West precinct by way of noise, dust or odour amenities.</p>	
<p>Appropriate noise management provisions are sought to be applied to the operation of the hotel in order to preserve the amenity of the locality which existed with the functioning of the former hotel.</p>	
<p><b>Public Domain</b></p>	
<p>P1 The public domain within the village contains a range of spaces to accommodate a diverse range recreational and community activities.</p>	<p>Other than the proposed footpath fronting the development site and works to facilitate driveway access, no buildings or street furniture is proposed within the public domain.</p>
<p>P2 The importance of the public domain is reinforced by ensuring continued improvements are made to the quality of street furniture, paving and other landscape treatments.</p>	
<p>P3 The role of historic Butter Factory as an important local community and economic asset is supported through its role as the primary public space in the village.</p>	
<p><b>Economic Development</b></p>	
<p>P1 The commercial and rural service role of the village is reinforced by new development within the Main Street Precinct and along Kyogle Road.</p>	<p>Acceptable Solution A1 is satisfied as the proposal relates to redevelopment of the Mount Warning Hotel site that is located along Kyogle Road within the Uki West precinct.</p>
<p>P2 Small-scale tourist facilities and "niche-market" enterprises provide diversity to the economic base of the village.</p>	
<p><b>Village Form and Structure</b></p>	
<p>P1 The village is focused on a vibrant, mixed use centre servicing the local community and the surrounding rural population.</p>	<p>The redevelopment of the Mount Warning Hotel allows for the vibrancy of the precinct to be realised through a form of social interaction ie. 'informal' meeting place. The construction of the pub and motel accommodation provides for a food and drink premises to service the surrounding rural population and further provides for accommodation purposes for visitors to the village.</p>

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<p>P2 There is limited expansion of the village such that greater support is given to local services and facilities and a clearly defined "edge" to the village is maintained.</p> <p>P3 Battle-axe lots will only be approved where they can achieve adequate amenity for residents and neighbours.</p>	<p>The development is contained to the village boundary identified by B20 - Map 1.</p> <p>The amount of accommodation units proposed does not exceed either 1 dwelling/250m<sup>2</sup> of land area or 1 dwelling/450m<sup>2</sup>.</p> <p>The relevant provisions of Section A1 have been addressed in <b>Table 4.1</b> of this report.</p> <p>The application does not involve subdivision.</p>
<p><b>Village Heritage, Character and Identity</b></p>	
<p>P1 The character of Uki is retained and enhanced by regulating the demolition, removal and development of places of local and regional significance.</p> <p>P2 New development sits harmoniously within the rural mountain landscape and shall maintain and enhance the existing scale of the village.</p> <p>P3 New development is not to obstruct views or vistas from the public domain.</p>	<p>The character of the Uki Village traditionally associated with the pub will be retained and enhanced through the proposed redevelopment.</p> <p>This application is supported by a 'Statement of Heritage Impact' as prepared by Ainsworth Heritage. In this respect, whilst the report identifies some concerns with the aesthetic assessment of the project, the design is believed to appropriately respond to the recommendations of the report in so far as:</p> <p><b>Material:</b> <i>As far as practical, any new building on the site should respect both the materials of the original building and of the general character of the surrounding village. Consequently, the use of horizontal timber cladding and the use of a heritage paint scheme would greatly enhance the site's contribution and would minimise heritage impact.</i></p> <p><b>Form &amp; Massing:</b> <i>As far as practical, any new building on the site should respect and be in sympathy with the original buildings street set back and the original building's overall form and massing. This means that a new building would preferably use the footprint of the original building (both horizontally and vertically) as much as it practically possible.</i></p> <p>In respect to the tree removal, the location of the trees within the TPZ and structural root zone (Trees 1 &amp; 2) for the hotel (original location) the removal of the trees is required. The removal of the Hoop pines will accord with the below recommendation from the Ainsworth Heritage SoHI.</p> <p><i>"However, should it be determined that the pines cannot be retained, then like for like replacement will need to be followed and new Hoop pines planted to replace any that are removed in a staged approach (known as succession planting). These new Hoop pines will need to be placed in a position where they can be easily viewed from the road, for example at the northern boundary of the site on Kyogle Road in a similar position to the older plantings."</i></p> <p>Based on the development's Architectural Statement and ability to satisfy the recommendations of the Ainsworth Heritage Statement of Heritage Impact, the heritage status of the site will be retained and enhanced.</p>

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<b>Built Form, Scale and Appearance</b>	
<b>Building Height and Scale, Building Form and Appearance, &amp; Streetscape Character</b>	
<p>P1 The height, bulk and scale of new development is consistent with the predominant height, bulk and scale of existing buildings in the streetscape that are of a similar building type.</p> <p>P2 Buildings are designed and constructed to relate to the existing topographical characteristics of the land and avoid excessive cut and fill.</p> <p>P3 The building form and location complements the existing setting within the streetscape.</p> <p>P4 Setbacks are generally consistent with those of adjoining development. Some variations to minimum setbacks can be considered particularly where such variations are used to create streetscape variety and interest.</p> <p>P5 The scale and appearance of new development is compatible and sympathetic to existing development in the locality, or the desired future character of the locality, particularly on the perimeter of the development site and where the locality or development site has some heritage significance or distinctive character.</p>	<p>By virtue of utilising the previous development footprint and the topographical nature of the site, the proposal does not require excessive cut and fill to facilitate the development.</p> <p>The proposal does not exceed the 10 metre height limit for commercial development along Kyogle Road. The design does not exceed two (2) storeys.</p> <p>As the proposal relates to the 'redevelopment' of a heritage identified site, based on the comments provided against Section A1 – Residential and Tourist Development Code in <b>Table 4.1</b>, the proposed height and scale of the development is deemed acceptable.</p> <p>Habitable rooms comprise a floor to ceiling height to satisfy 2.7 metres.</p> <p>As outlined within the village character and identify section above, the proposed design satisfies the recommendations of the Statement of Heritage Impact prepared for the project as it relates to the building form, massing and materials.</p>
<b>Open Space and Landscaping</b>	
<b>Landscape Character &amp; Ecological Considerations</b>	
<p>P1 Landscaping creates a sense of place or specific character, ensures functionality for different users and provides long term visual interest.</p> <p>P2 Landscaping is consistent with the established landscape character of the area and accommodates the retention of existing vegetation, including street trees.</p> <p>P3 Landscaping along site boundaries maintains privacy between adjoining properties and enhance the visual appearance of development.</p> <p>P4 The location and type of planting must not compromise the function and accessibility of services and facilities.</p>	<p>Landscape treatment of the site is proposed as per Richard Lutze &amp; Associated design plans. The landscape open space will comprise some 1,142m<sup>2</sup> of the site area with species ranging between a mix of small bushes and ground covers, shrubs, palms and ferns, trees, and turfed grass areas.</p> <p>To satisfy the specific provision of Clause A5, the removal and replacement of the identified mature Hoop pine trees will occur as outlined within this report and on enclosed design plans. The sequencing for the removal of the Hoop pines will accord with the SoHI recommendation associated with the tree plantings.</p>

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<p>P5 Selected plants provide visual interest through form, texture and seasonal variations in colour.</p> <p>P6 Site design minimises site disturbance and, where possible, preserves existing landscape elements.</p> <p>P7 The ecological values of a site or adjoining land must be protected and enhanced.</p>	
<b>Movement and Access</b>	
<b>Movement and Linkages</b>	
<p>P1 The main access function and role of Kyogle Road is protected and the amenity of the main street is enhanced.</p> <p>P2 Conflict between local traffic and through traffic is reduced.</p> <p>P3 Pedestrian, cyclist and equestrian access is improved through new and safe linkages between activity nodes.</p>	<p>No public domain improvements are proposed which would alter the speed environmental within the surrounding road/street network, nor are entry or exit statements proposed along Kyogle Road.</p> <p>Tweed Shire Council pre-lodgement minutes identified the need to address the future urban expansion zone behind the hotel site and therefore an opportunity may exist to provide possible future linkages to this area shown in the said diagram ie. B20 Map 2.</p> <p>In response to the above, the size and nature of the development does not lend itself to provide a vehicular linkage through the site once all components of the redevelopment are constructed ie. buildings, driveways, car parking, landscaping. Such opportunity may be available from surrounding/adjacent lands whilst it also being noted Map 2 identifies access could be achieved from Marshall Road.</p>
<b>Car Parking Provision</b>	
<p>P1 Parking requirements for any development has regard to:</p> <p>The intensity of the development proposed;</p> <p>Street width, traffic volume and on-street parking capacity; and</p> <p>Need for visitor parking and service vehicle access and parking.</p> <p>P2 Garages, driveways and parking structures do not visually dominate the street frontage.</p>	<p>Unlike the previous two storey 'Mount Warning Hotel', this proposal is for a single storey structure. Inclusive of verandahs and the Stage 2 motel units, the total site building area is now 1,278m<sup>2</sup>, being a 143m<sup>2</sup> increase.</p> <p>Pre-lodgement discussions with Council's Technical Officers have advised that the Gold Coast City Council Planning Scheme rate for Tavern at the rate of 1 space per 10m<sup>2</sup> of GFA public areas (excluding staff/back of house) would be an appropriate assessment in conjunction with comparison to the previous operation of the site. It is noted that in addition to the 1 space per 10m<sup>2</sup>, a parking rate of 0.333 spaces per gaming machine is required.</p> <p>As per <i>Table 3.1 - Area Comparison and Parking Demand</i>, the new Mt Warning Hotel component requires 28 spaces with the Stage 2 motel component requiring 7 spaces, being 35 spaces in total. The development makes provision for 36 car spaces inclusive of 3 disabled spaces. All parking spaces meet Class 2 type facilities of <i>AS2890.1 Off-street Car Parking</i> (ie. typical 2.5m wide with 5.8m aisle for 90 degree parking) and 2 motorcycle spaces.</p>

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	Concerning P2, the inclusion of landscape planting into the frontage of the development to Kyogle has been proposed in a manner so the parking areas to the development do not dominate the street frontage.
<b>Access and Parking Design</b>	
<p>P1 The design of driveways and parking areas has regard to the safety of pedestrian, cyclists and vehicles.</p> <p>P2 The visual impact of driveways and parking structures is minimised by:</p> <p>The selection of paving materials;</p> <p>Integration with landscape design; and/or</p> <p>Car parking structure designs that add interest to the development.</p> <p>P3 The areas of driveways are designed to minimise the volume of stormwater runoff and increase the area available for landscaping.</p>	<p>Reference is to be made to the Engineering Service Report provided within <b>Attachment 2</b> of this report which addresses the driveway design and stormwater management plan.</p> <p>The use of the existing driveway areas will minimise the extent of works to the site. It is however noted the development seeks to provide a balance of providing safe and efficient access and parking for patrons, whilst also seeking to preserve the streetscape character of the area.</p> <p>In this respect, the grass area within the eastern portion of the site whilst being grassed was occupied by vehicles parking on the site. This area will now be sealed with boundary landscaping to be implemented to reduce the visual impact of the hard stand area.</p>
<b>Essential Services</b>	
<p>P1 Urban development occurs in accordance with an equitable, efficient and cost-effective extension of infrastructure services.</p> <p>P2 Development which reduces reliance on essential services through water-reuse and the like is encouraged.</p>	<p>The proposed redevelopment will be serviced in the manner outlined in the attached Engineering Services Report as prepared by Newton Denny Chapelle.</p>
<b>Community and Recreational Facilities</b>	
<p>P1 The open spaces areas used for community events and recreation activities are managed and maintained to allow for a broad range of activities and to accommodate all user groups.</p> <p>P2 The design and provision of community facilities and recreation infrastructure contributes to the character of the village.</p> <p>P3 Safe and legible linkages between community facilities and recreation nodes are identified and provided.</p>	<p>This application is not for the purpose of community or recreational facilities. Notwithstanding this point, it is recognised the pub plays a role in the local community in respect to a meeting location, local community and sporting groups and for local entertainment.</p> <p>The redevelopment of the pub will provide associated improved car parking and pedestrian access than currently exists.</p>
<b>Environmental Performance</b>	
<p>P1 Stormwater controls are designed to:</p> <p>Ensure that existing downstream systems are not adversely affected;</p>	<p>Reference is to be made to the Engineering Service Report provided within <b>Attachment 2</b> of this report which addresses the driveway design and stormwater management plan for the project</p>

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<p>Fit in with the hydrology of the natural system as much as possible;</p> <p>Use on-site infiltration and stormwater retention systems;</p> <p>Take advantage of opportunities for rainwater harvesting and stormwater re-use; Retain existing trees and mature vegetation.</p> <p>P2 Buildings are designed to reduce consumption of energy and water through appropriate passive design initiatives.</p>	
<b>Hazard Management</b>	
<p>P1 New development has provision for firefighting purposes.</p> <p>P2 New development does not create or worsen existing flooding problems.</p>	<p>A Bushfire Threat Assessment report has been prepared by Bushfire Certifiers of which can be found in <b>Attachment 3</b>. This report considers the provision for firefighting purposes.</p> <p>The subject site is not mapped as being flood prone on Council's adopted DCP flood mapping ie. B20 Map 8.</p>

Based on the information provided above, it is considered that the proposed hotel and motel are consistent with the provisions of this Section of the DCP. This has been done through the design taking into consideration the heritage value of the site as outlined in other sections of this report. Additionally, the provision of a hotel and motel will provide for a range of community, commercial and service uses to support the village community.

**(a) (iv) Any Matters Prescribed by the Regulations**

Clause 92(a) Government Coastal Policy

The proposed site is not located within the area covered by the Government Coastal Policy.

Clause 92(b) Applications for demolition

The proposed development involves the demolition of the existing structures. This has already been undertaken due to safety issues with the previous building being burnt down by fire.

Clause 93 Fire Safety Considerations

Council's Building Services Unit have assessed the proposed development in terms of Clause 93 and have provided no objections to the proposed development.

Clause 94 Buildings to be upgraded

Council's Building Services Unit have assessed the proposed development in terms of Clause 94 and have provided no objections to the proposed development.

**(a) (v) Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),**

The subject land is affected by the coastal policy. The proposed development is not considered to be in conflict with the policies and strategies of the policy.

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### **Tweed Shire Coastline Management Plan 2005**

This Plan applies to the Shire's 37 kilometre coastline and has a landward boundary that includes all lands likely to be impacted by coastline hazards plus relevant Crown land. The Tweed Shire Coastline Management Plan 2005 is not applicable to the proposed development.

### **Tweed Coast Estuaries Management Plan 2004**

This Plan relates to the Cudgen, Cudgera and Mooball Creeks and is therefore not applicable to the proposed development.

### **Coastal Zone Management Plan for Cobaki and Terranora Broadwater (adopted by Council at the 15 February 2011 meeting)**

This plan relates to the Cobaki and Terranora Broadwater and is therefore not applicable to the proposed development.

**(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality**

#### **Context and Setting**

The locality comprises of a mix of village land uses generally split between the Main Street, Uki East, Uki West, and Riverfront precincts.

It is considered that the proposed design is an appropriate form of development in respect to opportunities and constraints presented by the subject site, whilst also being a positive contribution to the existing streetscape and character of the Uki village.

#### **Safety, Security & Crime Prevention**

The proposed hotel redevelopment will incorporate appropriate security measures such as locking devices, security cameras, alarms, lighting and fencing as required. Based on the proposed security measures, target hardening measures will be achieved thereby further assisting in the crime prevention of the subject building.

The proposal will provide opportunities for an opportunity of natural surveillance back to Kyogle Road that has been lost since the damage to and removal of the previous hotel structure.

**(c) Suitability of the site for the development**

#### **Surrounding Landuses/Development**

The suitability of the site for the proposed development has been considered in detail within this report.

**(d) Any submissions made in accordance with the Act or Regulations**

#### **Public Submissions Comment**

The proposed development was advertised for a period of 30 days from Wednesday 18 December 2013 to Tuesday 21 January 2014. During this period there Council received three objections to the proposal and 44 submissions in support of the development. The following is an outline of the objections. The submissions of support are noted:



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Summary of Submissions	Response
<p>1. Hoop Pine Removal</p> <p><i>Removing the Hoop Pines are a primary concern in respect to the heritage qualities of the site.</i></p> <p><i>The Arborists report reflects the concerns of the council arborist and inspection, which suggests clutching at having all the pine trees removed to facilitate rather than considering design options and the historic replanting and nurturing of the hoops.</i></p> <p><i>Highly recommended to retain historic plantings. Can the footprint be kept away from the pine trees rather than removing them?</i></p>	<p>Council's Recreation Services Parks Supervisor has assessed the health of the trees who concluded that:</p> <p><i>"the trees have entered a decline stage due to the impact of heat stress from the fire, compounded by the demolition of the building and subsequent damage to the root zone of the trees. The Araucaria spp have a low tolerance to root disturbance and do not recover vigour once damaged. Over a period of time which is difficult to estimate this damage will lead to decay in the trees and eventual death."</i></p> <p>It is therefore considered appropriate to support the removal of the existing hoop pines in this instance. A condition has been included to ensure replacement hoop pines are planted on the site for each of the hoop pines removed. This objection does not warrant refusal in this instance.</p>
<p>2. Heritage</p> <p><i>Design bears little resemblance to architecture of the village and rural environment and therefore issues are raised with heritage conservation due to design being out of character.</i></p> <p><i>Development needs to retain the heritage conservation area character and visual appeal. Therefore there is a need to protect the heritage significance of the Uki Village Conservation Area (UVCA)</i></p> <p><i>The Ainsworth Heritage report discusses 3 options prepared as alternative designs for the new hotel. None of these are endorsed in this heritage report as being close to ideal solution. Options 2 &amp; 3 are least desirable.</i></p> <p><i>Without having viable options investigated from site analysis the impact of the design is questionable on the Uki conservation village.</i></p> <p><i>Does the TSC have the authority to make Interim Heritage Orders? If so could this be used to protect the Hoop Pine trees?</i></p>	<p>Based on the plans provided and the recommendations provided within the Ainsworth Heritage Statement of Heritage Impact, it is considered that the Uki conservation area will be retained and enhanced.</p> <p>It is considered that the redesign of the hotel allows for an improved street front design and it is considered that the design seeks to draw on the historic use by creating an attractive verandah and bistro area that draws on the traditional use of the former pub, thus respecting the social historical significance of the pub.</p> <p>Through the use of architectural features such as varied roof pitches, a wide verandah, double opening doors and heritage colours which are consistent with the existing character of Uki Village the heritage values have been maintained where possible.</p> <p>It is therefore considered that this objection does not warrant refusal in this instance.</p>
<p>3. Amplified Music</p> <p><i>Concerns raised about doors being closed for amplified music implies indoor entertainment only - noting that amplifiers come with volume controls and time restrictions are in place.</i></p> <p><i>The outdoor areas on the design plan don't provide space for musicians that were previously enjoyed and this aspect was specifically requested at the public meeting at</i></p>	<p>Council's Environmental Health Unit have assessed this portion of the development as follows:</p> <p><i>"The SEE includes an Operational Management Plan prepared by Newton Denny Chapelle, dated December 2013. The Operational Management Plan includes brief information relating to hours of operation, live music and</i></p>

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Summary of Submissions	Response
<p><i>the hotel.</i></p>	<p><i>performance criteria for noise generation. It states that should amplified music be played, all doors are to be closed in order to prevent nuisance to adjoining landowners. The performance criteria included in the Operational Management Plan appear to be based on liquor licence conditions used by the Office of Liquor, Gaming and Racing.</i></p> <p><i>Extending the hotel in an easterly direction by approximately 10 metres is not expected to result in a discernable increase in noise at the nearest residence to the east, as the separation distance will be approximately 170 m. It is considered that potential impacts on amenity associated with use of the hotel may be managed by applying appropriate conditions.”</i></p> <p>It is therefore considered that this objection does not warrant refusal in this instance.</p>
<p>4. Site Analysis</p> <p><i>The design plan has been prepared before a property site analysis has been prepared. This is evidenced in the ALA architectural design statement.</i></p> <p><i>The single storey design has covered a large footprint thus requiring a large pad and retaining wall expanding three sides reaching up to 2.1 metres. If a true site analysis were done, afterwards a two storey proposal would come into play and especially due to the flooding constraint of the site. However. This would need to provide ramp or lift access to the second storey.</i></p> <p><i>Lack of property site analysis has flowed into the design. Proper site analysis would reduce the footprint, reduce the need for extensive retaining, provide scale options for historic content, and provide beer garden facility of value capable of including festival stage space.</i></p>	<p>It is considered that the proposed scale and mass of the development is appropriate when viewed from the street frontage.</p> <p>The applicant has responded with:</p> <p><i>“The bulk and mass of the proposed development in comparison to the previous pub building is considered to be reasonable in this instance having regard to the need to address BCA, access and operational issues in the redesign of the pub. To this end, the design is believed to be responsive to the existing streetscape as illustrated upon the ‘elevation analysis to original hotel’ diagram supporting this proposal.</i></p> <p><i>By virtue of providing a similar hotel building footprint and mass of the previous structure, the proposal is not considered to result in the loss of any important views or vistas associated with the subject land.”</i></p> <p>It is considered that the proposed development has taken into consideration the 6m cross-fall of the site. Due to the cross-fall retaining walls will be necessary so as to construct any formal car parking spaces and access aisles. Council officers have assessed the application as submitted and considered it to be adequate in terms of suitability for the site.</p> <p>It is therefore considered that this objection does not warrant refusal in this instance.</p>

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Summary of Submissions	Response
<p>5. Motel Building out of character</p> <p><i>Stage 2 motel building appears to ignore the principal of creating new buildings which are sympathetic with the existing distinctive character of the village.</i></p>	<p>The design of the proposed Motel is considered to be similar in terms of built form and materials used as the proposed Hotel.</p> <p>The Motel has been designed to be sympathetic to the proposed Hotel, and having been designed as a separate building.</p> <p>It is therefore considered that this objection does not warrant refusal in this instance.</p>
<p>6. Flood Levels</p> <p><i>Site does flood with water waist deep in the bar during the 1956 flood event. Anecdotal evidence.</i></p> <p><i>The design Hood level for Uki is 24.7 metres AHD and the habitable accommodation is 23.2 metres AHD. Issues raised with proposed floor levels due to required design flood levels.</i></p> <p><i>Motel Units need to be set at 23.7 metres AHD that is design flood level + 0.5 metre free board. The pub should be set to the design flood level of 22.7 metres and possibly even higher.</i></p> <p><i>Flood storage should be provided which is normally around 50% of the floor area and no indication on the plan is provided identifying flood storage.</i></p> <p><i>Due to site flooding, there are implications to access levels, evacuation routes to high ground, car parking, retaining walls, site layout, visual impact etc, and impact on the quality of the design.</i></p>	<p>The subject site is affected by the Q100 with an adopted design flood level of 22.7m AHD. DCP Section B20 - Uki Village provides mapping for the site which shows that the site is not located within a flood prone area. It is considered that the finished floor level of 22.4m being the highest recorded level and the building footprint being similar to that which was existing will not increase the severity of flooding in the locality.</p> <p>Council's Flooding Engineer has provided the following:</p> <p><i>"as both the hotel and motel components are commercial "non-residential" development, it can be accepted that the floor levels being below the design flood level, subject to the application of the standard condition requiring flood compatible materials, fitting, furnishings and electrical below 22.7m AHD."</i></p> <p>It is therefore considered that the objection does not warrant refusal in this instance.</p>
<p>7. Poor Design/layout</p> <p><i>No interior designs. Conservation area is not only about the external facades.</i></p> <p><i>Dining area located immediately adjacent to the toilets. Is there a better option than this?</i></p> <p><i>Outdoor area/beer garden too small and no provision of a stage nor any room for music or other entertainment. Similar to 'amplified music' comment in the above table. This was an important feature of the old pub.</i></p>	<p>The applicant has provided the following:</p> <p><i>"Building materials and elements nominated on the outside of the proposed building are to be reflected internally, i.e. part face brickwork at floor level, with the majority of the walls to be clad in timber and to include traditional wall trims and rails. The interior of the Hotel and the Motel are not proposed to be a designed with 'mock heritage' interiors, however will include building materials and building elements that are reflective of the heritage style of Uki and consistent with the external appeal of the proposal.</i></p> <p><i>Proposed internal movable furniture and screening has not been included in the DA plans. It is proposed that the lay-out of the dining area, the entertainment area, and the areas to be utilised for amplified music (including fixtures and furniture), are to be managed operationally and will be interchangeable</i></p>

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Summary of Submissions	Response
	<p><i>dependant on seasons, holidays, the weather, functions, and the future use and preference of patrons, all within current licensing laws.”</i></p> <p>It is considered that the applicant's justification of the design and layout of the interior is associated mainly with the operation of the hotel and should be a management issue. The materials utilised internally will match the external elements of the building. It is considered that this is acceptable in this instance and the objection does not warrant refusal in this instance.</p>
<p>8. Design quality</p> <p><i>Issues raised about the quality of design of the building to replace an iconic building within the Uki conservation area of Uki.</i></p> <p><i>Concerns raised about the floor plan not changing since being presented at the public meeting and who actually designed the building.</i></p> <p><i>The design is based on the proponent's preferences which were in place from the outset and which were not informed by a proper site analysis, by the streetscape of the village, the heritage significance of the UVCA or the topography of this region.</i></p> <p><i>The type of planning process to get to the overall design of the hotel is contrary to the Uki Village DCP (Part B20 of the Tweed Shire DCP), and to a range of best practice guidelines recommended by the NSW Heritage Office (as listed in the objection in detail), as well as building guidelines outlined in the Council's publication 'Designing to suit Tweed's climate: Your guide to building a house (which holds some relevance to a commercial building of this size).</i></p>	<p>The applicant has provided the following in relation to the design quality:</p> <p><i>“The aesthetic design of the proposal takes into consideration the proximity of the building on this site. The streetscape, the location and use of the proposed buildings in relation to the neighbouring properties and their current uses, the local environs of the precinct area and the impact of the design on the Uki Conservation Area of Uki.</i></p> <p><i>The proposed built form has been designed to incorporate adequate vehicular and pedestrian access to the Hotel and the Motel from the street frontage to the required new enlarged car parking areas, which have been located over the existing car parking areas.</i></p> <p><i>New handstand car parking areas and new retaining works required to shore-up existing earthen embankments are all tempered with proposed new landscaping including native and replacement vegetation.</i></p> <p><i>The function of the existing Hotel has been maintained with the grouping of existing functional areas into similar locations in the new design, for instance the location of the Public Bar in proximity to the location of the indoor entertainment area, the connection of the indoor dining and entertainment area to the outdoor beer garden area, the location of the bottle shop to the Public bar area are all consistent with the original Hotel.</i></p> <p><i>The lay-out of the Hotel is in response to the operational functionality of the Hotel as an ongoing business enterprise, this lay-out generally worked within the confines of the original Hotel and it is assumed that this lay-out will be ideal for</i></p>

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	<p><i>the ongoing viability of the new Hotel business.</i></p> <p><i>The proposed lay-out has been designed to create an active streetscape and to focus on views, sunlight penetration and shading requirements for passive solar design and designing for climatic conditions of Uki.</i></p> <p><i>This proposal is considered to not only follow Form and Function design qualities of a rural Hotel in a Heritage precinct; it has been designed in the context of its place in Uki.</i></p> <p><i>The design was developed after referring to the Uki Village DCP Part B20 and a number of best practice guidelines for designing buildings in Heritage Precincts.</i></p> <p><i>This design is considered to respond to the existing site and the village of Uki. It does not seek to become an iconic design, rather to build upon the existing relationship between the original building and the character of Uki and its setting.</i></p> <p><i>It is considered that this design will create a historical link between the past and future redevelopment in this area of Uki.”</i></p> <p>The applicant’s justification of the design is considered to be adequate in terms of Heritage and appropriateness on the site. It is considered that these items have been dealt with throughout this report and the objection does not warrant refusal in this instance.</p>
<p>9. Design materials</p> <p><i>No indication of colour scheme or detailed materials list especially for the interior of the pub.</i></p> <p><i>Opportunity to recycle hoop pine for claddings and furniture if they are being removed.</i></p> <p><i>The old building was timber clad and therefore issues are raised about the materials used In the design. The design should incorporate elements of the old pub into the new design.</i></p> <p><i>There are six different materials to the street frontage, brickwork being inappropriate.</i></p> <p><i>Aluminium windows and doors fly in the face of heritage listing.</i></p> <p><i>Can the design use timber windows and door frames?</i></p>	<p>The applicant has provided the following response in regards to this submission:</p> <p><i>“The external colour scheme of the proposal is illustrated within Figure 3.1 of the Statement of Environmental Effects.</i></p> <p><i>The colour scheme for the interior is to be a neutral and lighter reflection of the selected exterior colour scheme.</i></p> <p><i>The new materials are generally in keeping with the original materials, predominantly Timber Cladding to external walls.</i></p> <p><i>Stonework has been incorporated Into elements of the building - also considered consistent with the site and the conservation area.</i></p> <p><i>All materials have been selected to comply with the BCA requirements for required Fire Rating Levels (FRL's).”</i></p>

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Summary of Submissions	Response
	<p>It is considered that the materials utilised will be in keeping with the character of the Uki Village.</p> <p>Through the use of architectural features such as varied roof pitches, a wide verandah, double opening doors and heritage colours which are consistent with the existing character of Uki Village the heritage values have been maintained where possible.</p> <p>It is considered that the design materials are acceptable in this instance and the objection does not warrant refusal in this instance.</p>
<p>10. No Colour Plans <i>No indication of colour scheme.</i></p>	<p>The external colour scheme of the proposal is illustrated within Figure 3.1 of the Statement of Environmental Effects.</p>
<p>11. Bulk/Mass and Footprint <i>Refer comment to hoop pine removal due to foot print.</i> <i>Form and massing design issue In the Uki conservation area due to proper site analysis not being completed at the forefront.</i> <i>Height - The replacement should be two storey as per the original building with motel accommodation to be on the second floor which would reduce footprint and leave larger area for landscaping and/ or parking.</i></p>	<p>Council has determined that the Hoop Pines are in a declined health and are acceptable to be removed in this instance. The replacement Hoop Pine trees will result in a greatly improved streetscape with new specimen trees being planted and cared for in an appropriately planted location.</p> <p>The applicant has provided the following: <i>“The proposal as submitted was not just assessed against the heights, bulk and scale of the original building as a footprint and silhouette, but also in relation to heights bulk and scale of the original building elements and the original building functionality.”</i></p> <p>The preferred option is for a single storey option due to a number of items such as provision of adequate car parking and BCA requirements.</p> <p>It is considered that the design is acceptable in this instance and the objection does not warrant refusal in this instance.</p>
<p>12. Inadequate Socio Economic Assessment and Community Consultation <i>Employment opportunities are limited to the construction phase with no commitment to a Tweed based workforce. Objection notes that the new layout will require less staff.</i> <i>As per comment against design quality, concerns raised about the floor plan not changing since being presented at the public meeting and who actually designed the building.</i> <i>Community consultation on the options and they need to be developed to a point where considered decisions can be made.</i> <i>Concerns raised about lack of community consultation and lack of substantive changes to</i></p>	<p>It is considered that there will be employment generated at both construction and operational stage of the development. The ongoing operation and hiring policies are considered to be management issues and not a valid planning consideration. Currently there are no employment opportunities on the site and it is considered with the construction of a Hotel and Motel will have a positive impact in terms of socio-economic impacts within the locality.</p> <p>The applicant has provided the following in terms of community consultation: <i>“The proponent has undertaken community consultation and as outlined above the design has been through several design alterations prior to the final layout being lodged with Council.</i></p>

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<p><i>the designs since the public meeting/s.</i></p> <p><i>Economic concerns raised with the SEIA. The development may promote only short term gain. In regards to impact on existing economic land uses, it was submitted that there are serious concerns with regard to long term tourism that have not been properly explored in the SEIA.</i></p> <p><i>Economic benefit could subside if an increase in tourism doesn't occur.</i></p>	<p><i>As per the submitted Statement of Environmental Effects, the proposed redevelopment design of the site has been the subject of various design options, combined with Community, Council and heritage advice consultation to ensure a suitable form of development is selected which addresses the conservation values of the Uki Village and importantly the operational requirements for a hotel.</i></p> <p><i>The redevelopment has been fashioned to provide a good balance between site design requirements and the allocated project budget."</i></p> <p>It is therefore considered that appropriate consultation has been undertaken and that the construction and operation of the hotel and motel will have a positive impact upon the Uki locality.</p>
<p>13. Cumulative Impact</p> <p><i>The cumulative effect of inappropriate development in the Uki West Precinct.</i></p> <p><i>It was submitted that there is a significant risk of an unacceptable cumulative effect on this development on the Uki West precinct.</i></p> <p><i>The Uki west precinct is lacking In amenity In regards to the residential development. If this area, already characterised by a lack of residential amenity is combined with an inappropriately designed hotel, there will be an unacceptable cumulative effect on the Uki West precinct.</i></p>	<p>Community consultation, operational design specifications, BCA compliance, and the Statement of Heritage Impact assessment have been taken into account for the design of the Hotel and Motel. The proposed hotel and motel are replacing a use which has been undertaken on the site for decades. Although there have been changes in the design from what was existing this has been done to ensure compliance with the BCA and have taken into account the Heritage value of the site. It is considered that there will be minimal impact upon the community in terms of cumulative impact as a result of the assessment process. It is therefore considered that this objection does not warrant refusal in this instance.</p>
<p>14. No 3D images or perspectives presented</p>	<p>Despite the non-inclusion of these type of images to date, the Statement of Environmental Effects provides a full set of DA design plans which extend to include a visual streetscape analysis and a comparative analysis concerning the original hotel structure (refer Richard Lutze Design Plan 731/9 of the SEE).</p>

Public Authority Submissions CommentNew South Wales Rural Fire Service

The proposed development was referred to the NSW RFS as an integrated development for comment. The NSW RFS responded with a letter dated 13 February 2014 with General Terms of Approval to be provided within the recommendations.

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### NSW Office of Water

The proposed development was referred to the NSW Department of Primary Office of Water as an integrated development for comment. The NSW Office of Water responded with a letter dated 5 February 2014 with General Terms of Approval to be provided within the recommendations.

#### **(e) Public interest**

Although the proposed development has raised debate within the community, it is considered that the proposed development does not compromise the public interest. The proposal is generally considered to reflect the provisions of all applicable development control plans and intended development for the locality, subject to compliance with conditions of consent.

#### **OPTIONS:**

That Council:

1. Approves the application, subject to the recommended conditions of consent; or
2. Refuses the application, providing reasons.

Council officers recommend Option 1.

#### **CONCLUSION:**

The proposed development is consistent with the applicable environmental planning instruments, the Tweed Development Control Plan and policies. Given the existing previous use for the site being for a hotel and the proposal is a redevelopment of the site, the proposed development is not considered to result in adverse cumulative impacts, subject to compliance with conditions of consent. It is therefore considered the site is suitable for the development and warrants approval.

#### **COUNCIL IMPLICATIONS:**

##### **a. Policy:**

Corporate Policy Not Applicable.

##### **b. Budget/Long Term Financial Plan:**

Not Applicable.

##### **c. Legal:**

Not Applicable.

##### **d. Communication/Engagement:**

Not Applicable.



**Addendum Report**

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**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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