

# Public Submissions Table – Planning Proposal PP14/0001 (Hastings Point & Pottsville Localities) and Amendments to Tweed Development Control Plan – Section B23 Hastings Point Locality Based Development Code

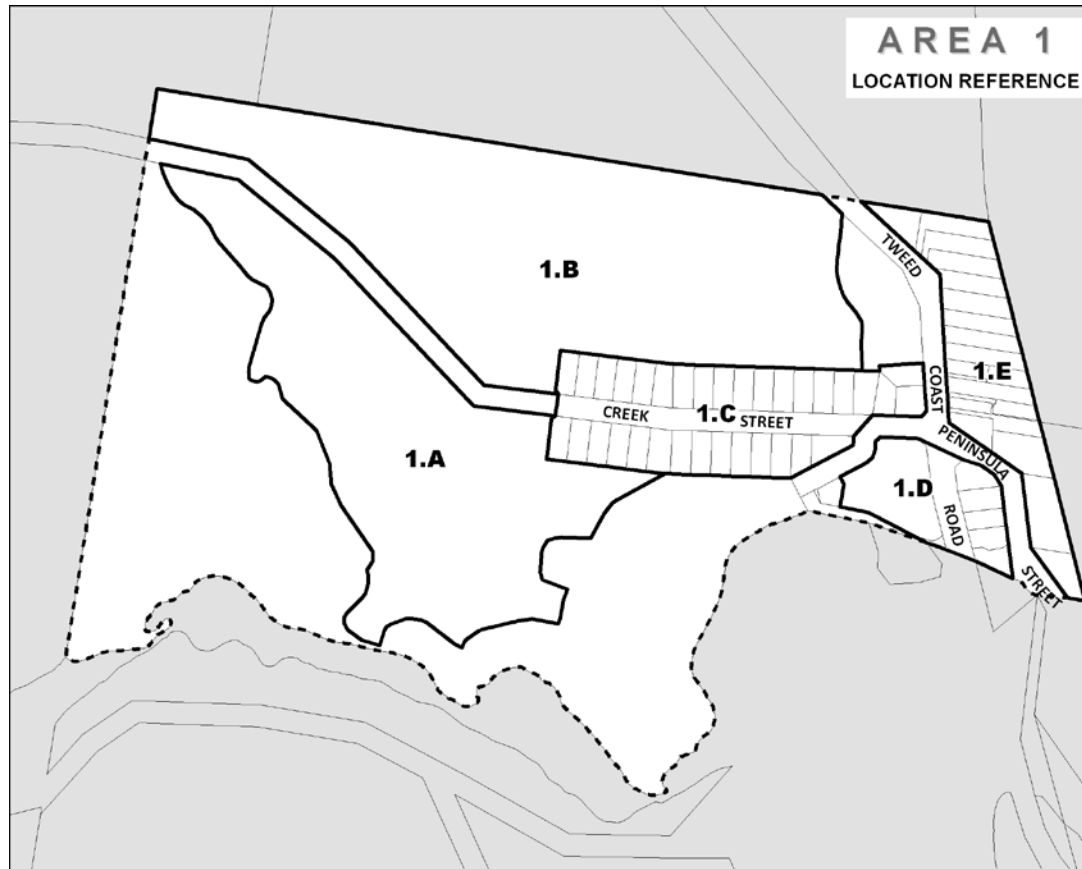
*August 2015*

## Abbreviations

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<b>Hastings Code</b>	Tweed Development Control Plan 2008 – Section B23 Hastings Point Locality Based Development Code, Version 2
<b>The Proposal</b>	Planning Proposal PP14/0001 – Hastings Point and Pottsville Localities, Version 2
<b>The draft DCP</b>	Tweed Development Control Plan 2008 – Section B23 Hastings Point Locality Based Development Code, Version 3

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Area 1

Area	Comments received	Planning Response	Action
1.A (108 submissions received)	The key objection to the Planning Proposal is that the proposed zoning of the land does not reflect the characteristics of the site and has not been adequately justified.	The planning provisions proposed for Area 1.A, being a portion of Lot 156 DP 628026, have been established in two steps, the first being to define	No amendment to the Proposal or draft DCP recommended

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	<p>The land within the proposed 'zoned buffers' comprises only low cut managed grass and does not exhibit any significant ecological features which warrant protection by zoning provisions.</p> <p>The issue of providing buffers can be adequately addressed during the design and implementation of development of the site and should not themselves be excluded from the urban zone on ecological grounds.</p> <p>In the context of the actual biophysical features of the site, the remnant of 'development footprint', which would result from the Planning Proposal, is considered to be overly conservation. The constraints and past poor planning of the existing development along Creek Street should not be used as a justification to stifle the effective use of the remaining available land.</p> <p>It is noted that the NSW Office of Environment and Heritage (OEH) advocates ecological buffers of up to 50m for EECs. In this case the proposed requirement for a 75m buffer is excessive and is not adequately justified.</p> <p>The Ezone Review Report recommends that Ezones should only be applied to those area containing tangible environmental attributes and in locations where there is adequate evidence of environmental attributes worthy of the protection afforded by zoning provisions. It advises that where there is uncertainty over the location of these</p>	<p>the 'urban' or 'developable' footprint, and secondly to establish suitable development within the footprint established. Both of these processes are guided by existing analysis of the site, as well as the existing Hastings Code.</p> <p>In establishing a suitable developable footprint the following methodology was presented to Council at its meeting of 6 November 2014:</p> <ul style="list-style-type: none"> <li>• A 50m buffer to the intertidal and salt marsh extents of Christies Creek;</li> <li>• A 50m buffer to areas of high wetland conservation value (as mapped by Australian Government Department on the Environment and Heritage)</li> <li>• A 50m buffer to the intertidal and salt marsh extents identified to the western edge of the site</li> <li>• A 20m buffer to existing terrestrial native vegetation located within the eastern, south western and western parts of the site.</li> <li>• A 100m buffer to SEPP 14</li> </ul>	

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	<p>environmental attributes, or the environmental attributes do not satisfy specified criteria, the recommendations require default to previous zonings. In this case, the previous equivalent zone has been determined as the R1 zone.</p> <p>It is submitted that the proposed interim RE2 zoning is also not appropriate. This comment is made on the basis that it is only sought as an interim zoning pending the finalisation of the Ezone Review. The proposed introduction of a part RE2 zone in itself is unlikely to achieve any useful planning purpose for the land. Introducing a further split zoning is likely to create additional issues and for the reasons previously mentioned, it is unlikely that the potential ultimate E2 zone could reasonably be implemented.</p> <p>The planning proposal is inconsistent with the Minister's Section 117 Direction 3.1 as it will introduce provisions which will reduce the permissible residential density of the land and will increase the consumption of land for housing.</p> <p>The proposal, which seeks to back zone residential zoned land to an interim zoning of RE2 with a view to further back zoning to E2, is inconsistent with the Far North Coast Regional Strategy and Section 117 Direction 5.1 – Implementation of Regional Strategies.</p>	<p>Wetland areas.</p> <p>The abovementioned methodology is in keeping with advices provided within previous development application processes for the site.</p> <p>At that meeting Council resolved to increase the 50m buffers to 75m.</p> <p>Of note, no ecological studies specific to Area 1.A or the Proposal generally have been submitted to Council for review that post-date Council's meeting and resolution of 6 November 2015. As all ecological information relating to Area 1.A submitted to Council to-date pre-dates previous reporting, no scientific evidence is available to suggest that Council's previous resolution was made in error, or on the basis of superseded information.</p> <p>Whilst Council's preference is to pursue an E zone for land outside of the development footprint, the RE2 Private Recreation Zone is considered to be the best available zone at this time when considering its objectives, being:</p>	

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	<p>The background to the proposed minimum lot size is not adequately justified. In the context of the controls that apply to the immediately surrounding land and other urban zoned land in the Tweed Shire, which typically have a 450m<sup>2</sup> minimum lot size, the increased lot size would create an inequitable situation for the landowner. The increased lot size is also inconsistent with the principles of ecologically sustainable development (ESD) and leads to urban sprawl, the provision of inefficient infrastructure and excessive road area, which leads to higher cost and decreases housing affordability, has higher ongoing maintenance costs and overall is an inefficient use of available urban zoned land.</p> <p>The Planning Proposal seeks to significantly reduce the area of urban zoned land and change the Residential zoned land to R2 Low Density Residential. This effectively reduces the extent of uses that are permissible on the subject site. For example, residential flat buildings will effectively become prohibited. Back zoning of the site is also objected to for that reason.</p> <p>Given the nature of the proposal and the significant impact that it will create on our client's land, a public hearing is requested in accordance with Section 57(5) of the Act.</p> <p>DCP Our objection to the Draft DCP amendments directly</p>	<ul style="list-style-type: none"> <li>• <i>To enable land to be used for private open space or recreational purposes.</i></li> <li>• <i>To provide a range of recreational settings and activities and compatible land uses.</i></li> <li>• <i>To protect and enhance the natural environment for recreational purposes.</i></li> </ul> <p>Whilst it is acknowledged that often 'buffer' provisions generally don't in themselves require a non-urban zoning (i.e. acoustic buffers, odour buffers, bushfire buffers, buffers to designated roads etc.) in the case of endangered ecological communities and corresponding environmental-based buffers it has generally been best practice to zone these areas for environmental protection or the like. This approach ensures the integrity of the buffer is retained, protects sensitive environmental communities and assists the maintenance of the significant environmental attributes and values of Tweed Shire more generally. In addition, to the planning merit of limiting the</p>	

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	<p>correspond to our submissions raised in relation to the Planning Proposal. The proposed zoning and DCP controls combine to create a gross underutilisation of the site.</p>	<p>development potential of land identified as being required to buffer state significant and other environmental attributes, the reduced development footprint has long been a specific desire of the wider Hastings Point community as a key part of retaining character and achieving an appropriate balance between natural environment and built form. The desires of the Hastings Point community have been reflected by the specific resolutions of Council in this regard.</p> <p>Through the development of Section B23 Hastings Point Locality Based Development Code extensive analysis of Hastings Point, applicable planning and design frameworks and community consultation was undertaken. This process identified the range of suitable land uses, accommodation types and built form that reflected best practice coastal planning and design within the context of Hastings Point, as well as the majority of the communities' desires. Whilst the objection details that elsewhere in the Shire lower minimum lot sizes are available,</p>	

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	<p>75 m buffer to the developable footprint. TSC continue to push for appropriate E Zoning.</p> <p>All housing lots are required to be 700m<sup>2</sup> minimum</p> <p>The filling of land to achieve building pads above flood levels is not an acceptable outcome for the site. The promotion of flood resilient housing types which utilize suspended structural systems to achieve free board above the design flood level, increase site area for infiltration and allow for free flow of flood waters beneath the elevated dwelling is the desired outcome for Lot 156.</p>	<p>those areas are not considered to be bound by the same environmental sensitivities or possess a character as highly valued by its community. By implementing the Proposal as exhibited a planning framework is provided to better support the retention of the Creek Street character on Lot 156 and better reflect the ESD provisions pertaining specifically to Lot 156, as opposed to more generic, shirewide provisions.</p> <p>In light of the above a public hearing in accordance with Section 57(5) of the Act is not considered to be warranted.</p> <p>The submissions received supporting the Proposal detailed a desire for Council to push for an appropriate E zoning on Lot 156, however the E2 zone was not supported within the Gateway Determination. Whilst Council could resolve to amend the Proposal to re-introduce the E2 zone and again refer the Proposal to the Gateway Panel for determination, no update to the E – Zone Review has been made since Council's previous</p>	

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	<p>Roads are to form the interface edge to environmental buffer areas rather than back fences to enable ease of buffer and environmental area maintenance, for part of a bushfire buffer and provide a public rather than private interface.</p> <p>Asset protection zone and stormwater/infiltration treatment areas should be adequately provided and are required to be in the developable footprint and not the buffer.</p> <p>Land outside the developable footprint is to be rehabilitated and restored to re-establish habitat reflective of pre-clearing communities (not cleared grass as quasi asset/protect zone).</p> <p>Local native vegetation to be reinstated along a portion of the eastern boundary of Lot 156 where previous clearing has occurred to provide a visual buffer of future development as viewed from bridge looking west. Retain trees adjoining Lot 156/Creek St North boundary.</p>	<p>request and as such it is highly unlikely that an alternative outcome would be achieved. In discussion with DP&amp;E officers regarding the status of the E – Zone Review, no timeline or conclusion date has been available, nor does it appear to be a priority project at this time.</p> <p>In light of the above it is recommended that the Proposal be pursued as exhibited in order to satisfy the 12 month timeline stipulated within the Gateway Determination. Council officers will reassess the use of appropriate environmental zones within its previously tabled Shirewide process when the E – Zone Review concludes.</p> <p>The provisions regarding minimum lot size, site earthworks, development interface, asset protection zones and rehabilitation expressed within the submissions received are included within the Proposal and draft DCP.</p>	
<b>1.B</b>	Nil	Not applicable	None required



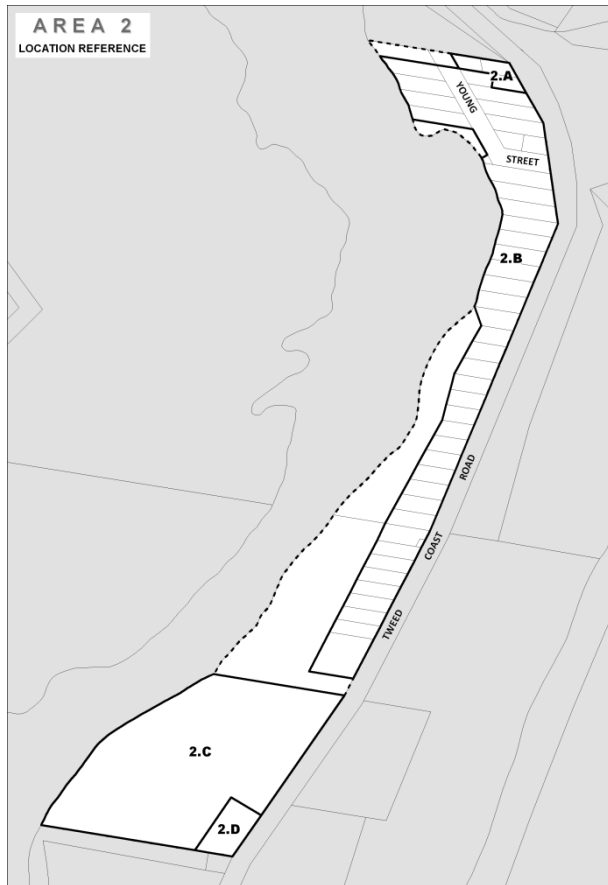
Area	Comments received	Planning Response	Action
1.C	Nil	Not applicable	None required
1.D	Nil	Not applicable	None required
1.E	Nil	Not applicable	None required
<b>General (107 submissions received)</b>	<p>Creek St – support retention of deep grassed/vegetated verges with no kerb &amp; gutter and mature vegetation in verges. Resurface the road so that it is properly tapered so that water will flow from road onto green verges on either side which will satisfactorily infiltrate water without the need for sunken swale drains which are dangerous, unnecessary, ineffective (flat land/high water table) and unwanted. No footpath or road widening as this will destroy the green verges which create Creek Street’s character contrary to the objectives of the locality plan. The current verges retain mature trees, assist with water filtration in rain events and are currently wide enough to provide effective parking and walking paths. Further hard surfaces and swales will destroy these benefits. Speed calming devices – Max Speed 40 km/h.</p> <p>I am happy with all the details but please note that I, along with the majority of residence of Creek Street where I have many friends and acquaintances, would prefer that the only work on Creek Street be a resurfacing of the road, without widening it or putting in footpaths which would destroy the lovely character of that street. Please save the ratepayers money and use it for something that the ratepayers of the Tweed support such as the Murwillumbah Hospital.</p>	<p>The draft DCP does not contain specific strategies relating to the provision of a footpath or road pavement width however does include an indicative plan and section of Creek Street detailing a 6m road pavement width, a 1.2m pedestrian path and water sensitive urban design provisions. The draft DCP also states that detailed streetscape plans are to be undertaken in consultation with the community and stakeholders using this strategy (being the draft DCP) as a guide. To-date, detailed streetscape plans beyond the indicative section and plan within the draft DCP have not been prepared.</p> <p>In regards to the submissions received, whilst it is acknowledged that the expansion of road width and placement of a pedestrian path would reduce the ‘soft’ or ‘green’ appearance of the street, these</p>	<p>No amendment to the draft DCP recommended</p>

Area	Comments received	Planning Response	Action
	<p>We don't approve of some changes proposed for Creek Street. The use of stone for the construction of swale drains and filtration pits will be a waste of rate payer's money and will do nothing for the drainage in Creek Street, being a self-draining sand based area with a high water table.</p> <p>There is no outlet or pipes installed in the swale drains for the drainage, it will be the same as what we have now water soaking into the sand. (what is the advantage?)</p> <p>One way to help with the drainage of Creek Street would be to enlarge the outlet at the northern end behind North Star Holiday Resort and lot 156 Creek Street so flood water could flow more freely to Christies Estuary instead of backing up flooding Creek Street. This will always be a major problem for the area until the Tweed Shire Council decide to do something about the flooding'</p> <p>With the proposed development on lot 156 Creek Street the developer should contribute towards the costs to upgrade Creek Street as this will be an asset for the sale of housing blocks in this development.</p> <p>The 13.2m width required for the proposed plan will disturb the existing mature native trees and other vegetation that are cared for by the residents.</p> <p>Alternative suggestions for Creek Street it's needs to be</p>	<p>ideals need to be balanced with ensuring all abilities access, providing a variety of safe movement corridors and ensuring the safety and longevity of construction of Creek Street. As mentioned previously, the draft DCP acknowledges that further plans and consultation are required. This process provides the appropriate forum for designs to be canvassed with the community which closer analyse providing universal access, mechanisms to achieving appropriate safety levels (i.e. traffic calming/speed limits) and retaining the character elements cherished by the community. Prior to those more detailed processes taking place however, it is considered appropriate to retain the indicative section and plan within the draft DCP in order to provide guidance should an application be received in the immediate-term that necessitates an upgrade of Creek Street. If the guiding diagrams were to be removed in the absence of the more detailed streetscape plan, standard road reserve formations as per Section A5 of the Tweed Development Control Plan would be</p>	

Area	Comments received	Planning Response	Action
	<p>lowed and realigned to compensate for the footpath on one side and to save the existing landscape.</p> <p>Keep the 6m pavement with an extra 2m footpath incorporated in the road with indication zones, (line markings or cats eyes) or have a concrete footpath that would indicate the zone beside the pavement using the footpath for the edging strip a total of 8m this seems to be more practical. No need for the flush edging strip on footpath side of road.</p> <p>On rubbish bin days having a 2m wide footpath there would be enough space for pedestrians and bins, keeping the bins off the roadway'</p> <p>Cars parking in swale drains between the footpath and roadway will restrict the flow of water during rain periods, causing problems for pedestrians and occupants of cars, its safer parking cars off the roadway, there will be enough space beside the roadway without the swale drains. Keeping this area level.</p> <p>Driveways over swale drains will be raised above ground level causing a safety hazard and obstacles for the residents and the postie delivering mail. Driveway crossovers could be at ground level allowing water to flow across freely. The drainage pipes proposed for driveways will soon become blocked by the amount of vegetation in the area, extra maintenance for the Tweed Shire Council.</p>	<p>applicable. These road forms are less desirable to the context of Creek Street than the diagrams depicted within the draft DCP.</p> <p>The stormwater and road safety matters raised within the submissions are not matters that are addressed within a Development Control Plan. The matters raised have been forwarded to Council's Manager of Roads and Stormwater for consideration in future projects.</p> <p>The undergrounding of power lines are currently identified within the draft DCP.</p>	

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	<p>Traffic calmers need to be installed to slow down the traffic speeding in the street and the speed limit reduced from 50kph to 30kph. The existing no through road sign is too small to read drivers speed down the road when they realise it is a dead end street.</p> <p>Realign the road so that footpath is immediately adjacent to road to avoid meandering footpath and removing/preventing mature vegetation in green verges.</p> <p>The intersection of Creek Street and Tweed Coast Road needs to be up graded with a turning lane into Creek Street when heading south, and a proper pedestrian crossing installed, instead of people having to stand in the middle of the road with cars passing on either side, it's dangerous. During holiday time the area is packed with families trying to cross at the intersection. It's only a matter of time until somebody is seriously injured.</p> <p>With the amount of rates the council has received from the residents in Creek Street over the years the Street should have been upgraded years ago. Why has this area been neglected by the council. The street has been a disgrace for years the amount of bitumen used to patch the pot holes the street could have been upgraded. Where has the money been used not in Creek Street.</p> <p>The area of the Tweed Shire needs to be split into areas and have a councillor representative for each area. Our area needs a councillor to meet with the residents to</p>		

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	<p>decide what type of upgrade would be best suited for the street. The residents of Creek Street I spoke to, do not agree with the proposed upgrade.</p> <p>I would like to bring to the councils attention to a safety concern from the entrance of Creek Street travelling south to the bridge of Cudgera creek, there is no protection for pedestrians walking along the only footpath to cross the bridge. When walking along this area it will only take a vehicle travelling north to mount the gutter and cause injury to pedestrians as this distance is only approx 1m between vehicles and pedestrians with no barricades. Safety barriers needs to be installed for the safety of people using this area.</p> <p>Underground electrical wiring to remove poles and wires – which cause authorities to current trim trees which reduces the streetscape so desired by the community.</p>		



**Area 2**

Area	Comments received	Planning Response	Action
2.A	Nil	Not applicable	None required
2.B (2	The Planning Proposal is based upon the lobbying of a vocal minority and is not required to facilitate	The Proposal originated from a Council resolution, dated 17 October	No specific amendments to

Area	Comments received	Planning Response	Action
<p><b>submissions received)</b></p>	<p>development within Hasting Point that is consistent with Section B23 of the Tweed Development Control Plan. The proposed changes will in fact prevent attainment of the intent of Section B23 and prevent any development other than low density forms.</p> <p>The proposed change in zoning from R3 Medium Density to R2 Low Density will have a significant impact upon current property values. This is estimated to be in the order of 50% minimum. Such as loss of property value can have devastating flow on effects for property owners and their financial circumstances.</p> <p>The monetary impact to property owners should be appropriately compensated. Council rating the properties based upon the higher property values which were supported by it medium density zoning is disingenuous given Councils intent to back zone land.</p> <p>Back zoning land from medium density to low density is inconsistent with the objectives of Section 117 Direction 3.1 Residential Zones, it is not of minor significance and severely limits the potential to accommodate future population in the village.</p> <p>Whilst dual occupancy and town house development is permissible in the R2 zone, Section A1 of the Tweed Development Control Plan requires density no greater than 1 dwelling per 450m<sup>2</sup> of site area, effectively requiring 900m<sup>2</sup> for dual occupancy development and</p>	<p>2013, as well as best practice planning whereby consistency and coordination of planning documents is achieved.</p> <p>Property values are not a core consideration of planning proposals, or Environmental Planning Instruments in general. Nonetheless the submission includes no factual justification or evidence detailing the loss in property value. The submission also does not properly acknowledge that the change in desired building types was generated from the adoption of the Hastings Code, back in 2011.</p> <p>The Proposal acknowledges the non-compliance with Section 117 Direction 3.1, as it seeks to reduce the choice of building types by prohibiting Residential Flat Buildings. The Proposal details that the inconsistency is considered appropriate as the amendment seeks to implement a Council endorsed development code, which had regard for the objectives of the s117 direction, the Coastal Design Guideline and the site specific</p>	<p>the Proposal recommended.</p> <p>Amend the draft DCP to include site requirements for dual occupancy and townhouse developments.</p> <p>Formally invite the land owner to prepare a conceptual layout of a boundary adjustment and indicative dwelling envelopes to ascertain the permissibility of the proposal and enable formal advice on what further steps may be required.</p>

Area	Comments received	Planning Response	Action
	<p>1350m<sup>2</sup> for townhouse development. Currently in the South Hastings Point only two allotments already exceed 1350m<sup>2</sup> of land area. Based on current lot configuration, townhouses could not be pursued as Tweed Shire Council would not support a variation to the density prescribed in Section A1.</p> <p>To develop townhouses allotments will have to be consolidated which would result in built form which is inconsistent with strategy principles outlined within Part 04 – Precinct – South Hastings Point, namely principle 17, which relates to reducing building massing along Tweed Coast Road.</p> <p>Section B23 of the Tweed Development Control Plan identifies ‘medium density’ building types as suitable, as medium density building types are considered suitable rezoning the land to R2 low density is at odds with the intent of Section B23. The change proposed as part of Planning Proposal PP14/0001 successfully prohibits residential flat buildings at the cost of all flexibility for any other form of medium density development.</p> <p>A minimum lot size is not required to facilitate Torrens title subdivision of dual occupancies or town houses. Prescribing a minimum lot size only removes flexibility.</p>	<p>attributes of the areas (specifically retention of character and responding to the unique coastal setting and site constraints). NSW Department of Planning and Environment agreed that the inconsistency is of minor significance.</p> <p>It is not agreed that lot consolidation would directly result in an undesirable built form, strategy principles or increased building mass along Tweed Coast Road. Consolidation of lots would give designers greater flexibility to consider building position, articulation and size.</p> <p>The Hastings Code identifies Area 2.B as suitable for ‘<i>Houses, Duplexes and Townhouses</i>’, these building types are not exclusively considered medium density, demonstrated by their permissibility within the Low Density Zone. Notwithstanding this, it is considered that greater clarity could be provided by prescribing the site requirements within the Hastings Code (specifically site area requirements), eliminating potential inconsistencies between the</p>	

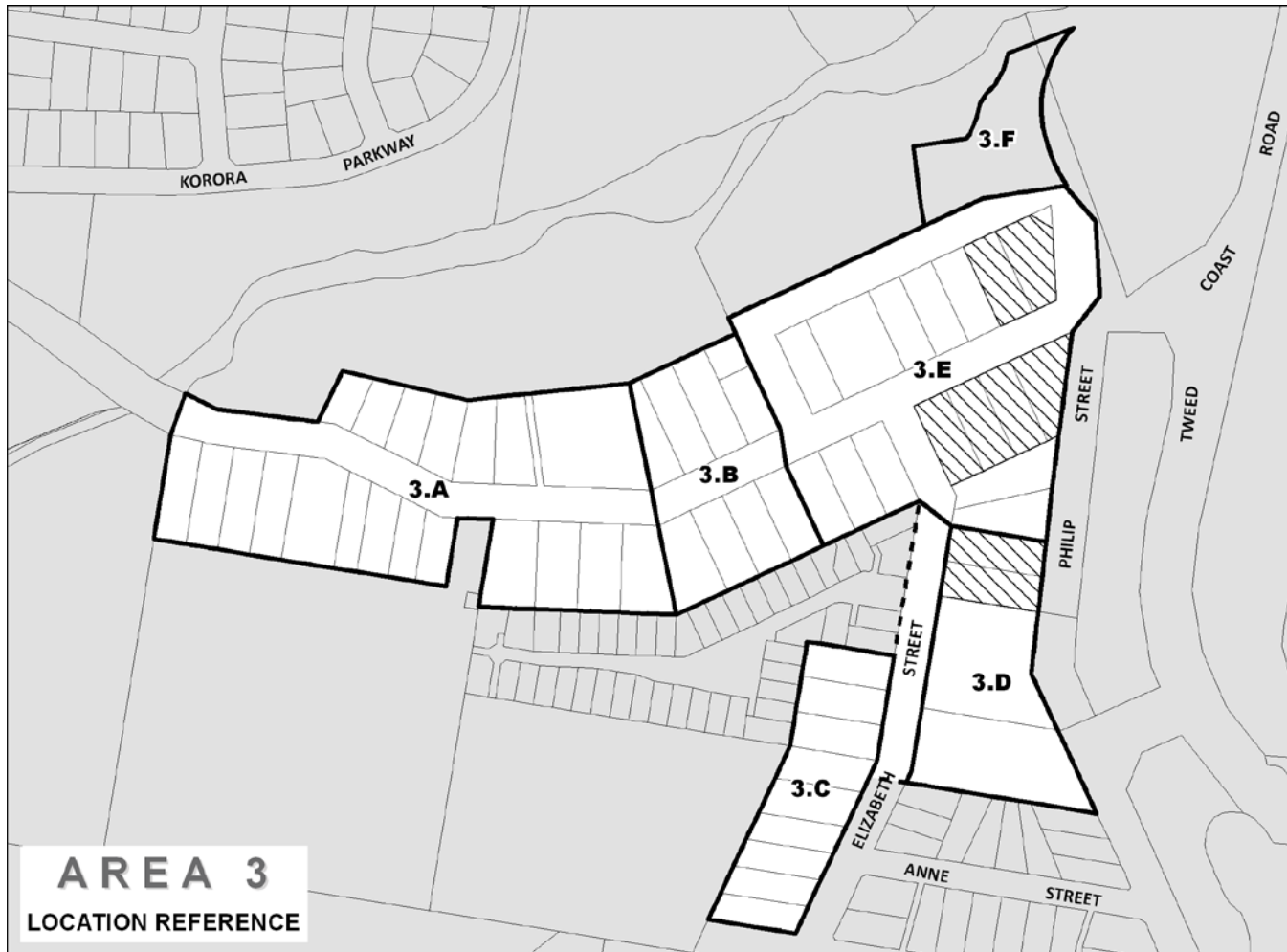


Area	Comments received	Planning Response	Action
	<p>I find the PP quite intimidating in volume and content. There is no executive summary, there have been no public forums and the referenced material in the documentation has not been sighted. For this reason, I suggest that an extension of time within when to lodge submissions be granted and that public forums be convened to explain content and ramifications of such a document to the landowners affected.</p> <p>I have written to Council on a number of occasions seeking the reinstatement of the residential zoning over Lot 102 (<i>Note: currently zoned 6(a) Open Space under the Tweed Local Environmental Plan 2000</i>). I am now retired and am a pensioner. I would like to bequeath an allotment each to my two children. Due to the shape of the present lots I would prefer a boundary adjustment to provide two usable allotments.</p> <p>Please note that this is not seeking a windfall it is merely requesting the rectification of an acknowledge Council drafting error.</p>	<p>Sections.</p> <p>Council staff appreciate that planning proposal documentation can appear intimidating in light of the breadth of supporting documents, which provide the wider strategic context. Accordingly, the Proposal was drafted to provide a concise 'Summary of Changes' as well as a narrative of those changes to each area to which the Proposal applies.</p> <p>Various planning and environmental officers have provided general assistance and feedback on the specific Lot referred. By way of background, the Lot, being Lot 102 DP802170, comprises a Deferred Matter within the Tweed LEP 2014 as Council resolved to apply an E2 Environmental Conservation zoning to the site at their meeting of 31 May 2013. As such, the Tweed LEP 2000 is the applicable environmental planning instrument and a 6(a) Open Space zone applies.</p> <p>Council officers have met with the landowner and representatives on a</p>	

Area	Comments received	Planning Response	Action
		<p>variety of occasions both through the process for this Proposal, as well as the preparation of the Shirewide LEP. The basic investigations undertaken to-date have not concluded that any rezoning of the land to permit urban activities is unlikely to be straight forward, nor does it appear to be consistent with Council's contemporary resolutions for the site.</p> <p>Notwithstanding the above, the opportunity to undertake a boundary adjustment to create two lots, each with a building entitlement, may be available without any amendment to the Tweed LEP. In this regard, it is recommended that planning officers invite the land owner to prepare a conceptual layout of a boundary adjustment and indicative dwelling envelopes to ascertain the permissibility of the proposal and enable formal advice on what further steps may be required.</p>	
<b>2.C (2 submissions received)</b>	<p>The proposed change is considered substantial and one without any significant justification. The proposed reduction in floor space is considered to be a major impediment to further development of the site.</p>	<p>The reduction in maximum FSR from 2:1 to 1:1 sought within the Proposal directly reflects the findings of the Hastings Code, specifically Section 6.3.3, Design Control 11 - Floor</p>	<p>No specific amendments to the Proposal recommended.</p>

Area	Comments received	Planning Response	Action
	<p>It is vital that Council actively encourages an increase in supply and diversity of aged care persons accommodation whilst also promoting the efficient use of infrastructure. Council by halving the floor space ratio is jeopardizing future aged care supply within Hastings Point and promoting an underutilisation of infrastructure.</p> <p>The only real purported justification put forward by Council relates to claims the reduction of floor space will guide development that is more sympathetic to adjacent wetlands. This logic is flawed as the wetlands are fully protected by other mechanisms including the LEP and SEPP 14.</p> <p>The draft planning proposal also attempts to use 117 Direction 4.3 as justification to reduce floor area. Again, this is flawed planning, as the draft planning proposal has not presented any contemporary or fresh flooding information.</p> <p>It is important that Council recognise that the TriCare development is an existing contemporary development. To some extent, this is loosely recognised within the existing Hastings Code as Council acknowledges the dominant view of large urban buildings of 'The Point' from Tweed Coast Road. Accordingly, the visual experience from Tweed Coast Road will not alter as a result in a reduction in the permitted floor space. Changes to the existing approval, if any, will only realistically occur to the rear or western portion of the site. It is contended that the aims of the Hastings Point</p>	<p>Space Ratio.</p> <p>The Hastings Code was developed over a period of years and involved extensive community consultation. The Hastings Code identifies building types that are suitable for each precinct within the locality and controls to guide those building types appropriate. Accordingly, the Hastings Code does not discriminate against aged care persons accommodation, rather guides the building type that accommodation should be provided in.</p> <p>Amendment of the Hastings Code to accommodate the TriCare development is not within the scope of this project nor justified in light of the processes involved within its preparation.</p>	<p>No specific amendments to the draft DCP recommended.</p>

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	<p>Code can still be achieved with a floor space ratio of 2:1 applying to the site.</p> <p>(in relation to the DCP)</p> <p>I note that whilst the exhibited document does not propose any specific changes that impact on the site it is considered that there should be greater recognition afforded to the existing development approvals over the site. In addition, it is suggested that Council should change the desirable building typologies to specifically allow residential flat buildings and shop top housing within the TriCare site. This change would more accurately reflect current development approvals over the site.</p>		
<b>2.D</b>	Nil	Not applicable	None required
<b>General</b>	Nil	Not applicable	None required



**Area 3**

Area	Comments received	Planning Response	Action
3.A	Nil	Not applicable	None required

Area	Comments received	Planning Response	Action
3.B	Nil	Not applicable	None required
3.C	Nil	Not applicable	None required
3.D	Nil	Not applicable	None required
3.E	Nil	Not applicable	None required
3.F	Nil	Not applicable	None required
<b>General (3 submissions received)</b>	<p>In the Draft there is reference to a full-line supermarket to be built behind the existing small businesses in the village of Pottsville in Coronation Avenue. The village atmosphere creates the core and appeal for locals and visitors alike. To suggest a full line supermarket be built behind in this area would not only be disadvantageous to the survival of the current small businesses but would congest and subtract from "The Village" ambience.</p> <p>There have been significant measures in and around the Pottsville area over the past few years that alleviate the requirement for an additional supermarket. There has been a full-line supermarket built in Cabarita Beach, 7 kilometres from the Pottsville Village, and a village centre with a full-line Coles supermarket will soon be under construction at Casuarina, only 11kms away. There remains the opportunity to preserve the unique character of the Pottsville Village centre without any inconvenience to its residents. Whilst supermarkets are readily accessible in many locations, character villages such as Pottsville are in extremely short supply.</p> <p>More significantly there has been extensive revegetation a strategy implemented by Tweed Coast Koala Group, supported by Tweed Council (to champion the Koala recovery process) designed to generate greater Koala</p>	<p>The referred full-line supermarket (Site F) and Stage 2 Bypass road comprise matters of the Pottsville Locality Based Development Code, being Section B21 of the Tweed Development Control Plan 2008 (Section B21). Section B21 was included within the public exhibition supporting material for the Proposal as its strategic recommendations are the origin for the amendments being sought within Area 3. Importantly, no amendments to this Section are presently being sought, nor does the Proposal apply to the land which these matters apply (i.e. there is no change or advancement being proposed).</p> <p>Notwithstanding that neither of these matters are included within the Proposal, the comments received are acknowledged and it is agreed that a variety of actions and influences have occurred since the drafting and adoption of Section B21.</p>	<p>No specific amendments to the Proposal recommended.</p>

Area	Comments received	Planning Response	Action
	<p>habitation. The revegetation area is directly behind properties on Coronation Ave, Pottsville, the area, which on the current Draft Tweed Local Environment Plan as above, is the future proposed location of the Stage 2 access road. The proposed road would invade and destroy the integrity of the Koala regeneration area which has been developing over the past 18-24 months.</p> <p>The Koala population expansion plan has been an initiative long in the planning with the direction to assist in increasing and improving the koala population.</p> <p>The stage 2 road access proposal as we understand is to alleviate possible congestion generated from the building of a full-line supermarket. The building of a road would be detrimental to the owners of the properties on that side in Coronation Ave, who would then be exposed to the structure of a road. This would ultimately de-value the properties by many thousands of dollars, and those properties which have no backyards (and there are a number) would not have a buffer from increased traffic noise, pollution and experience decreased privacy. It should be noted that many houses potentially affected have had the privacy of their own backyards for many decades. To remove this would be particularly affronting to many residents, particularly older residents who have been long established. Safety also would be a concern due to the closeness of the proposed road to the concerned properties, and security would be an issue due to an increase in the short term population coupled with accessibility of properties from the front and the rear.</p>	<p>Best practice planning suggests 5 yearly reviews of DCP provisions, accordingly, Section B21, which was adopted in 2010, could be reviewed immediately, subject to resourcing. However, as the submissions identified, the retail landscape of the Tweed Coast is still in a position of change and accordingly, it is recommended that a review of Section B21 occur no earlier than 24 months post operation of the retail facility currently under construction at Casuarina, or the masterplanning process of Dunloe Park, whichever occurs first. This approach would enable Council and the community to consider the influence of the Cabarita and Casuarina retail facilities, both of which have been constructed since the adoption of Section B21 and operate within the same, or overlapping catchments.</p>	

Area	Comments received	Planning Response	Action
	<p>As Pottsville extends to the south and to the west there would be many opportunities and options to plan for access, parking and other relevant foundation necessary for the building of a full-line supermarket and supporting infrastructure to address the possible need in those particular outstretching areas of Pottsville.</p> <p>This is a strategy that can be explored and achieved, allowing support of the "Pottsville Village" character, while supporting the small business persons in the village and avoiding over congestion.</p> <p>We request that our concerns influence your considerations, for the impact of some of the proposals have potential cause for distress. We therefore request the plan be reconsidered and amended appropriately in response to these concerns.</p> <p>Specifically, objection is raised at the placement of a full-line supermarket at the prospective location marked as area F (yellow boundary) on Figure 4.7 of the Draft Tweed Plan as appended, plus the future proposed location of the Stage 2 access road. Whilst the proposal will detrimentally affect the privacy and land values of all unit owners at 23 Coronation Road as well as adjacent properties, it is also contrary to the current zoning as well as the environmental objectives of the council in regard to koala habitat preservation and protection.</p>		

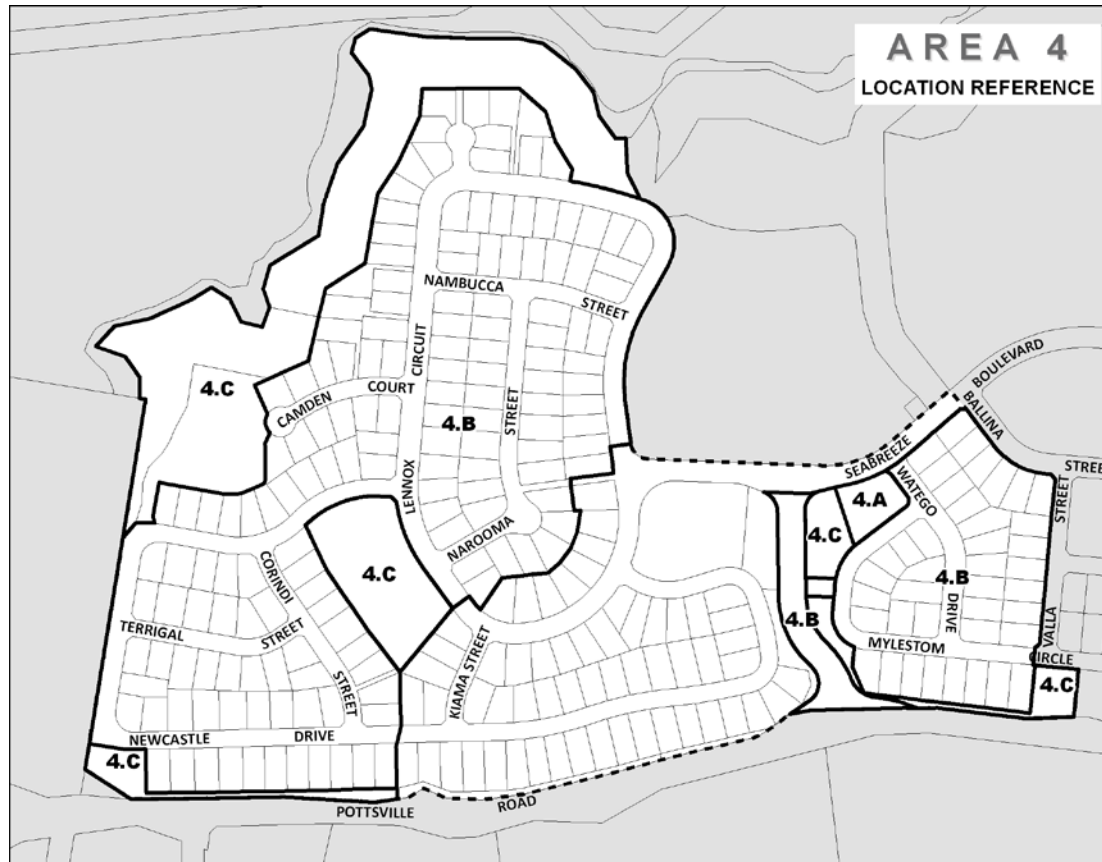


Area	Comments received	Planning Response	Action
	<p>In the Tweed Local Environmental Plan 2014 (LEP) the identified block is zoned as Public Recreation. Under the LEP, objectives of the zone are to:</p> <ol style="list-style-type: none"> <li>1. To enable land to be used for public open space or recreational purposes.</li> <li>2. To provide a range of recreational settings and activities and compatible landuses.</li> <li>3. To protect and enhance the natural environment for recreational purposes.</li> </ol> <p>A full-line supermarket as proposed is not consistent with any of those activities 'permitted with consent' under the LEP.</p> <p>An additional consideration is the koala habitat value that is associated with the proposed site. Specifically:</p> <ol style="list-style-type: none"> <li>1. The site has undergone extensive revegetative planting to restore koala habitat linkage and was identified as a significant strategic area by the Tweed Coast Koala Advisory Group for Koala habitat creation.</li> <li>2. The site, which occupies an area of approximately 0.5 ha, represents 5% of the land that was revegetated under the guidance of advisory group under its 5 year tenure in the Tweed / Byron region (ended in April 2015). Furthermore; <ul style="list-style-type: none"> <li>• Under the Tweed Coast Comprehensive Koala Plan of Management – Version 2, 2015 TCKKPM), the subject area of land occurs within an area mapped as possessing 'Significant Koala Activity' within the Pottsville Koala Activity Precinct (Pottsville KAP).</li> </ul> </li> </ol>		

Area	Comments received	Planning Response	Action
	<ul style="list-style-type: none"> <li>The key management focus for the Pottsville KAP is to build on the availability of high-quality koala habitat through restoration works in suitable areas to allow for koala population expansion. It also aims to increase the quality and extent of preferred koala habitat and improve connectivity between koala populations.</li> </ul> <p>Under the TCCKPM, Tweed Shire Council Places intends to place a strict covenant on any areas revegetated for koala habitat that are created as offset for development impacts, requiring that they be restored and managed in perpetuity. For the council to resume its own rehabilitation efforts for development purposes could only be perceived as a gross double standard. It would also be contrary to the council's stated aim 'to be the lead authority to champion the koala recovery process' (Section 4.2 of the TCCKPM).</p> <p>Additional points of note of concern for the subject block are that:</p> <ol style="list-style-type: none"> <li>The rehabilitation planting enhances habitat connectivity along the upper reaches of Cudgera Creek which is identified as a 'Green Corridor' (see B21 – Part 2; Pottsville in Context, Figure 2.1).</li> <li>The rehabilitation planting also provides a buffer to an area identified as having 'Ecological Status – Very High' (see B21 – Part 2; Pottsville in Context, Figure 2.2). The proposed full -line supermarket</li> </ol>		

Area	Comments received	Planning Response	Action
	<p>lies directly adjacent to this ecologically sensitive area, with no provision for a management buffer identified in the proposal. As such, the proposed location of the supermarket is contrary to sound environmental management practice.</p> <p>I trust due consideration will be given to these concerns in any subsequent iterations of the draft plan and the plan be amended accordingly.</p> <p>We are submitting our objection to specific components of the: Pottsville -locality based development code - Draft Tweed Local Environmental Plan 2014 (PP-14/001).</p> <ol style="list-style-type: none"> <li>1. Crown Lands Full line Supermarket site and car parking</li> <li>2. Proposed - North Loop Rd. Stage 02 - BY PASS Rd. - Construction of the North Loop Rd. <ul style="list-style-type: none"> <li>• Back border of residential properties - 23-27 Coronation Av. and distance between existing Koala Habitat developed by Koala Connections 2014 is only 20 meters. Development of this two lane road would mean clearing of established Koala habitat.</li> <li>• Wildlife observed - wallabies, goannas, bird life and a dingo</li> <li>• Creek and wetlands</li> <li>• Residents concern -Road noise and pollution from Coronation Avenue and " proposed future North Loop Rd" - two lane road - front and back of the residential properties will be affected.</li> </ul> </li> </ol>		

Area	Comments received	Planning Response	Action
	<ul style="list-style-type: none"> <li>• Devaluation of properties on Coronation Avenue.</li> <li>• There is an existing IGA supermarket in the Pottsville village.</li> </ul> <p>A second supermarket is not needed in the village as there is a Woolworths at Cabarita and Coles development at Casuarina – Kingscliff.</p> <p>There needs to be a vision to maintain the Pottsville Village as a “boutique village” which currently attracts tourists, holidaymakers and residents – supporting local small business.</p>		



Area 4

Area	Comments received	Planning Response	Action
4.A	Nil	Not applicable	None required
4.B	Nil	Not applicable	None required
4.C	Nil	Not applicable	None required
General	Nil	Not applicable	None required

