

MINOR REZONING PP18/0001

ECM NO	SUB NO	ITEM NO	SUBMISSION SUMMARY	PLANNING COMMENT	RECOMMENDATION
5351823	1	1, 3, 6, 7, 9	Recreation Services advises that they have no objection to the proposed rezoning amendments	Note	No further action required
5347623	2	All	Acknowledged PP and will provide response	Note	No further action required
5384431	2A		RFS submission requested addition information to address the Section 9.1 Ministerial Planning Directions for bush fire protection for the sites which are mapped with bush fire hazard.	The information requested was prepared and sent 13.07.18.	Information sent 13.07.18
5428956	2B	all	Advice that the additional information has been accepted in satisfaction of the s9.1 Direction to continue assessment.	Noted	No further action required
5379813	3	5	Submission 1 of 2 Pleased to receive the advice of the open space zoning of the sites in River Street and the recreation use of the site is wonderful. Considers there is significant potential in Prospero Street to openly accommodate future flooding and so mitigate concern with future commercial development. Currently has a DA with Council seeking alterations and additions to an existing dwelling. Would like to speak with Council further about commercial development in Prospero Street for a "flow in flow out" design approach.	Support is noted. Further comments are noted, however, the planning proposal seeks to rezone land which is subject to flood hazard to open space to Minimise risk. The planning proposal does not contemplate the future locality planning of South Murwillumbah as part of its process.	No further action required
5376923	4	5	Submission 2 of 2 Supplementary information to submission. Provided an attached drawing for future planning for Prospero Street and provide the following feedback: <ul style="list-style-type: none"> • Believes Prospero Street was originally the main access road to Murwillumbah • It is adjacent the Railway • Adjacent the river with views to the northeast • Considered undesirable for commercial reasons due to flooding but feels that the area is capable of accommodating flood waters and designed to take advantage of the strategic location. • Proposes an elevated boardwalk along Prospero Street, inspired by the High Line to allow flood waters to flow in and out. • Additional planning would combine Prospero Street, Alma Street and Rover Street Parklands to create a commercial and regional facility • Alma St on ground commercial areas and elevated commercial areas linking the boardwalk to Murwillumbah • Railway Station - existing shops and the old Highway context • Prospero Street – free of cars to allow commercial and social activities. Existing buildings modified to relate to the elevated boardwalk and ground level large open space and commercial designed to avoid adverse impacts of flooding. The large open space areas would visually energise and connect Prospero and Alma Streets. The elevated boardwalk would redefine the special precinct.	See comments at Submission 3	No further action required
5393083	5	2, 3	The key issue for the Roads and Maritime are safety and efficiency of the road network, traffic management, integrity of infrastructure and integration of land use and transport. Pacific Highway is a classified Road. RMS has reviewed the PP and has no objection to the proposal as exhibited for either site 2 or site 3. Request that a copy of the final plan be referred upon completion.	Noted	Subject to Council resolution, a copy of final plan to be referred to the RMS upon completion.
5395895	6	9	Strongly object to the proposed for the pound in our area. Believe there would be many negative impacts of noise, increased traffic and that our proper value would be impacted.	See comments at submission 7	It is noted that future development and assessment of environmental impacts be subject to further community consultation. No further action
5405495	7	9	Hold the Friends of the Pound in the highest regard and sure the plan to relocate the pound is well intended but feels the plan is not well considered. The area is geographically hilly and surrounded by farmland on all sides. This creates an environment where sound travels long distances, particularly on still, humid nights and where wind in blowing in the direction of the sound. The site is less than 1km from our home and the highway is 2kms from our home. Have had windows replaced with thick laminated glass to reduce noise travelling from the freeway. Can also hear the animal noise from the Pet Motel at Clothiers Creek, 2.5kms away. This affects sleep patterns and is detrimental to health.	Comments on the potential impacts of the inclusion of Animal Pound and Rehoming Facility are noted. The comments regarding the location of the Pound facility within the site are also noted. Discussions with the Natural Resource Management Unit (NRM) have raised no specific or additional concerns regarding wild dogs arising from the location of the Pound on this site. As noted in the planning proposal the current pound site is no longer considered appropriate for the safety of staff, customers and is impacted	It is noted that future development and assessment of environmental impacts be subject to further community consultation. No further action.

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			<p>Feels that if you purchased a property with these impacts in place that should be accepted, but unexpected noise affecting your standard of living and property values after purchase is unfair.</p> <p>This is an area where locals and Council have been working to promote wildlife through regeneration of eucalypts and wild dog baiting. A dog pound with animal barking would be a deterrent to wildlife corridors which everyone is trying to promote.</p> <p>The current Pound site is perfectly positioned to not adversely impact on w/wildlife and has been working well to date..</p> <p>Strongly object to the proposal.</p>	<p>during flooding.</p> <p>It is noted that there is a current Part 3A approval for the site and a master plan has been prepared consistent with that approval. Future inclusion of the Animal Pound and Rehoming Facility may require amendment to the Part 3A approval and master plan.</p> <p>The planning proposal has not contemplated the future development, design or location of the Pound facility. This level of detail is provided at the DA stage. Future development will need to provide an assessment of the potential environmental impacts and would be subject to further community consultation.</p>	
5410993	8	1	<p>Submission 1 of 2.</p> <p>Support the proposed rezoning of the Yao Street site to residential. This parcel is too small for use as open space and there are sports fields within 300m.</p> <p>Presently TSC maintains this lot by mowing and whipper snipping fence lines. Have resided her for 30 years and that ongoing maintenance cost is not effective.</p>	<p>Support is noted .</p> <p>See also comments at submission 13.</p>	No further action
5411057	9	9	<p>Owner of a surrounding property to the Eviron Road proposed site for the pound and strongly objects to the proposal.</p> <p>Objection is based on:</p> <ul style="list-style-type: none"> the psychological impacts of repetitive dog barking and noise from a potentially bigger facility. Impact of the noise on wildlife in the area. There is an existing problem with wild dogs in the area which may threaten the pound animals and would need 24 hour surveillance. Feel their property will be devalued due to the noise impacts on the current peaceful lifestyle. Can currently hear the dogs barking from the Clothiers Creek pet motel which is much further away. <p>Moved from Kingscliff due to unresolved disputes with neighbours and their disregard for barking dogs on their shift working hours.</p> <p>Strongly object and urge Council to reconsider.</p>	See comments at submission 7	<p>It is noted that future development and assessment of environmental impacts be subject to further community consultation.</p> <p>No further action</p>
5417753	10	8	<p>The Northern NSW Local Health District submits that the Murwillumbah Hospital should be labelled as a “Health Services Facility”. The definition of ‘Health Services Facility’ in the Tweed LEP includes a “hospital” but also includes a broader range of health related activities. This is also consistent with the terminology used in the SEPP (Infrastructure) 2007.</p>	Noted as the preference of NCAHS. The definition of <i>“Health Service Facility”</i> is a standard definition in the LEP and the NCAHS considers this is a better reflection of their services.	The LEP be amended to label the site <i>“Health Service Facility”</i> rather than the current <i>“Emergency Services Facility”</i> or the proposed <i>“Hospital”</i> .
5418006	11	9	<p>Strong objection to the proposal for the pound.</p> <p>Feels it is an inappropriate use of the land in proximity of existing residential land uses and a betrayal of ratepayer trust.</p> <p>Noise of the barking dogs can be heard from the current pound and the proposed location will be closer.</p> <p>Problems with dogs illegally dumped at the current pound and are a known safety hazard in the area which will be brought closer to residences.</p> <p>The existing facility is working just fine and will be a waste of taxpayers money and an example of planning ineptitude.</p>	See comments at submission 7	<p>It is noted that future development and assessment of environmental impacts be subject to further community consultation.</p> <p>No further action</p>
5418035	12	1	<p>Submission 2 of 2</p> <p>Additional information to previous submission.</p> <p>Support the proposal due to:</p> <ul style="list-style-type: none"> Social impacts of fighting, alcohol, drug use etc. Litter and rubbish left on the site often picked p by his wife and self. Access to 5 Yao Street is predominantly a walkway through to the bus stop for school children and they would have to walk approx. 300m to the bus stop outside 88 Kingscliff Street. Sale of the land would enable Council to recoup the costs of maintenance over many years. Over the years there have been unruly school children causing problems to neighbouring blocks. Has heard of a push to create a community garden on the site - who would be in charge, maintaining, legal issues etc. <p>They have mowed the site over the years in between Council mows.</p>	<p>Additional information is noted.</p> <p>See also comments at submission 13.</p>	
5418094	13	1	<p>Live opposite the site at 5 Yao Street and object to the proposal as future development may be detrimental to the local community and the environment.</p> <p>A number of years ago the coastal shrubs were removed from the site by Council removing habitat for migratory</p>	<p>Objection and concerns are noted.</p> <p>The proposal seeks to rezone the land to permit low density residential development. Future development under this zoning could include a single dwelling, secondary dwelling or potentially</p>	It is noted that the draft Open Space Strategy (OSS) is being consider by Council at their meeting of 19 July 2018.

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			<p>birds. They have noticed the black cockatoos no longer come due to the vegetation removed. Have noticed bush stone curlews, a protected species, nesting on the site.</p> <p>The park is an important walkway to the bus stop from their street and their 4 children use this safe route to the bus stop. Removal of the park would be a longer walk home for the children of the area.</p> <p>Concerned that Council is aiming to develop the site for a homeless shelter. They do not feel this type of development suits this neighbourhood and may result in mistrust and lack of safety in the neighbourhood especially given the number of families with small children..</p> <p>Feel the area has rapidly diminishing public environmental areas and proximity to the sporting fields does not reduce its importance to the community.</p> <p>Calls on Council to consider the surrounding community and stop looking at 5 Yao Street for financial gain.</p>	<p>Low Rise Medium Density Housing Code under the new Code SEPP, which has been deferred by the State Government for 12 months to allow Council to refine the appropriate locations for this form of development.</p> <p>Council is preparing a draft Open Space Strategy (OSS) which finds that there is an oversupply of passive open space within the Kingscliff locality. The reserve provides minimal recreational amenity but is acknowledged as a walkway between Yao Street and Kingscliff Street to the bus stop and provides visual amenity. Notwithstanding, the walk to the bus stop in Kingscliff Street is still with the acceptable 400m walking radius from the properties on Yao Street.</p> <p>The identification of the Bush Stone Curlews was discussed with Council's NRM unit. The NRM suggest that:</p> <ul style="list-style-type: none"> • The site is known to Council NRM Officers as Bush Stone-curlew (<i>Burhinus grallarius</i>) habitat - resting, foraging and potentially nesting. The Bush Stone-curlew is an Endangered species listed under the Biodiversity Conservation Act 2016. More recent public submissions made during the public exhibition period of the Planning Proposal provide evidence of Bush Stone-curlew utilising the site. • Bush Stone-curlew are known to exhibit a high level of site fidelity particularly with regards to nesting sites • Council's NRM Unit have invested significant resources into the management of the Tweed Coast Bush Stone-curlew population with a focus on Kingscliff habitat sites. The program has been successful in facilitating the recovery of Bush Stone-curlew numbers on the Tweed Coast • Suitable habitat sites within the urban matrix of the Kingscliff locale such as the Yao Street Lot are limited. • It is suggested that the rezoning of the site, as exhibited not proceed and that the site be managed to support the Bush Stone Curlew and monitored. 	<p>Given the issue raised with bush stone curlews and with regards to the intent of the OSS it is considered appropriate to defer the rezoning of this site for future consideration.</p>
5416203	14	9	<p>Object to the proposal to relocate the pound to Eviron.</p> <p>Whilst there is no concern in principle as illustrated there is no information on where the pound will actually be located on the site. If the pound were located to the bottom of the block then the impact on properties may be minimal, however, if the pound were to be relocated on the high side this will impact a greater number of properties. Suggest if this goes ahead the Pound is located in the lower level.</p>	<p>Comments on the future location, to avoid impacts and disruption, are noted for any future development application, which is not the subject of the planning proposal.</p> <p>Advice is beneficial to the future planning to minimise impacts should Council proceed with the Pound relocation.</p>	<p>It is noted that future development and assessment of environmental impacts be subject to further community consultation.</p> <p>No further action</p>
5419153	15	9	<p>Advised of the rezoning and that Council are unaware of the location of the pound at this time.</p> <p>If the pound is located at the bottom of the block this would have little effect in residents. However, if located on the high Side, this would affect many properties along Eviron Road.</p> <p>Suggest the pound is better located at the bottom of the lot for less disruption.</p>	<p>Comments on the future location, to avoid impacts and disruption, are noted for any future development application, which is not the subject of the planning proposal.</p> <p>Advice is beneficial to the future planning to minimise impacts should Council proceed with the Pound relocation.</p>	<p>It is noted that future development and assessment of environmental impacts be subject to further community consultation.</p> <p>No further action</p>
5416940	16	1	<p>Petition with 44 signatures objecting to the proposal for 5 Yao Street, as follows:</p> <ul style="list-style-type: none"> • The undeveloped and is not "surplus to public needs" nor "unsuitable" as stated. • The space used to be treed and contained coastal shrubs which were removed by Council a number of years ago impacting the flora and fauna and detracting from the value. • Council has been remiss in not regenerating this space to encourage biodiversity, • Rezoning to residential would be environmentally regressive, with references to the Tweed Sustainable Agriculture Strategy as being in an overlap area of two biogeographical regions. • With the assistance of Council this space has the potential for regeneration for flora and fauna. Have seen Bush stone curlews on the site with photographic evidence attached to the petition. • Overlap is <i>Natural beach and habitat precinct</i> with <i>passive community use precinct</i>. Further development would place more pressure on coastal species. • Rezoning this space does not take into consideration potential future socio-economic pressures for local projects such as sustainable energy hubs or permaculture community gardens. It is not an innovative solution. Suggests sustainable agriculture could be a draw card for young families. Reverting to the current zoning would move towards a truly 	<p>See comments at submission 13</p>	<p>It is noted that the draft Open Space Strategy (OSS) is being consider by Council at their meeting of 19 July 2018.</p> <p>Given the issue raised with bush stone curlews and with regards to the intent of the OSS it is considered appropriate to defer the rezoning of this site for future consideration.</p>

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			<p>innovative localised food system.</p> <ul style="list-style-type: none"> • Considers the approach a short term solution and offensive as part of a housekeeping amendment. This lacks empathy for the community and local residents. • Does not align with the Shire's vision of leaving a legacy to manage growth through sustainable development. What is the legacy of selling off a public reserve? • Note the media references recently of using this site for a homeless shelter, further generating community mistrust. • The plan itself notes the negative impacts of the proposal by saying that items 1 and 10 will enable the development of a dwelling house. • The reserve does not just represent a short cut to the bus stop. Selling off the land will increase density, cut access ways, result in less tree planting and reduce the potential for local food futures. • Nearby sporting fields do not reduce the importance of the open space at Yao Street in the future. • Call upon Council to not proceed with this for financial gain but look at the site as an opportunity to enhance the environment and community investing in the region's future. 		
5429145	17	1, 9	<p>Site Item 1 - 5 Yao Street Kingscliff</p> <ul style="list-style-type: none"> • The site is known to Council NRM Officers as Bush Stone-curlew (<i>Burhinus grallarius</i>) habitat - resting, foraging and potentially nesting. The Bush Stone-curlew is an Endangered species listed under the Biodiversity Conservation Act 2016. More recent public submissions made during the public exhibition period of the Planning Proposal provide evidence of Bush Stone-curlew utilising the site. • Bush Stone-curlew are known to exhibit a high level of site fidelity particularly with regards to nesting sites • NRM have invested significant resources into the management of the Tweed Coast Bush Stone-curlew population with a focus on Kingscliff habitat sites. The program has been successful in facilitating the recovery of Bush Stone-curlew numbers on the Tweed Coast • Suitable habitat sites within the urban matrix of the Kingscliff locale such as the Yao Street Lot are limited <p>NRM recommend that the 5 Yao Street Kingscliff Site Item be removed from the Planning Proposal. Rezoning and divestment should be reconsidered once further studies have been conducted to understand the frequency of use and importance of the site to the Tweed Coast Bush Stone-curlew population. In the case where study results indicate that the site represents an important habitat node for Bush Stone-curlew warranting retention of the reserve as a Council asset, the following management actions may be considered appropriate:</p> <ul style="list-style-type: none"> • Embellishment of the site to maintain and encourage visitation and use by Bush Stone-curlew. This may involve minor low level cluster plantings, the placement of mulch across certain areas, the inclusion of natural habitat features such as logs and rocks, continued maintenance of turfgrass • Maintenance of the existing access pathway to allow for pedestrian movement. It would be anticipated that the pedestrian link could remain without affecting Bush Stone-curlew behaviour whilst complying with CPTED principles for public safety • Ongoing monitoring of Bush Stone-curlew use <p>Site Item 9 - 719 Eviron Road Eviron</p> <p>NRM support the proposed LEP amendment to enable the use of a Council Pound on the site subject to development consent.</p> <p>It would be expected that the following ecological issues would be addressed during assessment of any subsequent development application:</p> <ul style="list-style-type: none"> • Impacts to vegetation / habitat for access road construction/upgrade • Additional vehicle movements and koala road mortality • Integration with the proposed Masterplan and recognition/response to any existing or potential onsite ecological offset obligations or opportunities associated with other site activities/uses 	See comments at submission 13	<p>Re Item 1: It is noted that the draft Open Space Strategy (OSS) is being consider by Council at their meeting of 19 July 2018.</p> <p>Given the issue raised with bush stone curlews and with regards to the intent of the OSS it is considered appropriate to defer the rezoning of this site for future consideration.</p> <p>Re item 9: It is noted that future development and assessment of environmental impacts be subject to further community consultation.</p> <p>No further action</p>