



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes
C Cherry (Deputy Mayor)
R Cooper
J Owen
W Polglase

Late Agenda

Planning Committee Meeting Thursday 6 December 2018

held at
Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads
commencing at 5.30pm

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Items for Consideration of the Planning Committee:

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13	LATE [PR-PC] Development Application DA18/0517 for a Pop Up Bar, Cafe, Food Van and Ancillary Facilities at Kingscliff Beach Bowls Club at Lot 468 DP 755701; No. 131 Marine Parade Kingscliff	5

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LATE ITEMS

LATE REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 13 LATE [PR-PC] Development Application DA18/0517 for a Pop Up Bar, Cafe, Food Van and Ancillary Facilities at Kingscliff Beach Bowls Club at Lot 468 DP 755701; No. 131 Marine Parade Kingscliff**

SUBMITTED BY: Development Assessment and Compliance

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.1	Built Environment
2.1.2	Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

ROLE: Advocate

SUMMARY OF REPORT:

Council is in receipt of a development application for the following additions to the Kingscliff Bowling Club site:

- Temporary bar facility (comprising of a refurbished shipping container);
- Patron seating area on the raised area in front of the club;
- Temporary mobile food van on the south east boundary of the site and;
- An entertainment area with amplified music.

The amplified entertainment area was originally located adjacent to the south east corner of the existing club building however to better protect the acoustic amenity of sensitive receiver locations (i.e. adjacent caravan park and nearby residences), a revised location has been nominated at the eastern extent of the far eastern bowling green, adjacent to the carpark area (see Figure 1).

The outdoor patron areas and entertainment areas (Amplified Music) is proposed to be operated from 4pm – 8.30pm Friday, Saturday and Sunday night. Occasional private bookings on other nights will be within the same timeframes. The use is likely to attract no greater than 100 additional patrons on the site.

The proposal includes the removal of three (3) on-site parking spaces (not readily available to the public) to enable this area to be used for the pop up café and Food Van (as noted in Figure 1). Pedestrian access through this area will be maintained.

Council's Traffic Engineer has advised that Council parking studies indicate parking demand for the off street parking spaces surrounding the Club are not operating at capacity and for this reason the removal of three spaces would not have a significant detrimental effect on the surrounding road network.

Figure 2: Approximate site layout



Figure 1: Extract of Revised Acoustic Report dated 4 Oct 2018 demonstrating location of Entertainment Area (plan also identifies the location of three (3) parking spaces north of Patron Area 1 in the location of the 'Bar Container')

The subject application was neighbour notified for a period of 14 days from Monday 23 July 2018 to Monday 6 August 2018 and four (4) submissions were received. The content of those submissions related to mostly acoustic impacts arising from the entertainment area as well as the suitability of the sites location for such activities to occur. A detailed summary of the assessment and considerations of the concerns raised in the submissions are contained later in this report.

It noted that having regard to the concerns raised by the nearby residents and to ensure the amenity of sensitive residential areas (i.e. the adjacent caravan park and nearby residential flat buildings) can be protected, Council requested additional information for a more detailed Acoustic assessment together with a Noise Management Plan for the operations. On 16 October 2018 a response was received from the applicant which included an updated Acoustic Report and Noise Management Plan. The updated report resulted in a change to the location of the 'Entertainment Area' (as previously mentioned in this Summary and shown in Figure 1 above).

It is considered that the information supplied by the applicant suitably responded to Council's concerns. In particular, Council's Environmental Health Officers are satisfied that the additional Acoustic assessment and Noise Management information suitably responds to the nature of the site in terms of its locality to nearby residential and tourist land uses. The Noise Management Plan includes recommendations to manage the ongoing operation of the entertainment in regard to types of music being played as well as the implementation of a 'Responsible Person' to manage any complaints received by the community.

At the same time that the subject application was received by Council, a separate Development Application (DA18/0635) was submitted to Council for the subject site (for KBBC). That DA seeks Councils consent for a larger development pertaining to additions to the club, an additional car parking area (5 spaces), modified bowling green and relocation of the Pop up bar/Café to a more permanent position on the site.

Given the nature of the larger DA will see the entertainment area and dedicated area for the food van as being occupied by other uses (i.e. a dining area and the addition 5 parking spaces) together with the relocation of the pop up bar/café, if Council were to grant consent to that DA in the future, those works would see the operations and use under the subject application becoming redundant. For this reason, to ensure that the cumulative impacts of development under the subject application and the larger DA can be managed, it is recommended that the subject DA be limited to a period of five (5) years.

The merits of the application suitably demonstrate that the statutory considerations under Section 4.15 of the Environmental Planning & Assessment Act 1979 can be satisfied. The application is therefore recommended for approval subject to conditions of development consent.

RECOMMENDATION:

That Development Application DA18/0517 for a pop up bar, café, food van and ancillary facilities at Kingscliff Beach Bowls Club at Lot 468 DP 755701; No. 131 Marine Parade Kingscliff be approved subject to the following conditions:

GENERAL

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and following plans, except where varied by the conditions of this consent.**

Document/Plan Title	Drawn By	Plan/Job No	Drawing No	Dated
Site Plan/Roof Plan	Paynter Dixon Constructions Pty Ltd	KGF 1/2	A02 (Rev D)	01.03.18
Proposed Floor Plan	Paynter Dixon Construction Pty Ltd	KGF 1/2	A03 (Rev D)	01.03.18
Elevations	Paynter Dixon Construction Pty Ltd	KGF 1/2	A04 (Rev D)	01.03.18
Perspectives	Paynter Dixon Construction Pty Ltd	KGF 1/2	A05 (Rev D)	01.03.18
Perspectives	Paynter Dixon Construction Pty Ltd	KGF 1/2	A06 (Rev D)	01.03.18
Perspectives	Paynter Dixon Construction Pty Ltd	KGF 1/2	A07 (Rev D)	01.03.18
Finish Schedule - 20ft Container Bar	MAAKE Pty Ltd	J146440	2018-06-04 (Rev A)	-
Plan View - 20ft Container Bar	MAAKE Pty Ltd	J146440	2018-06-04 (Rev A)	-
Front Elevation - 20ft Container Bar	MAAKE Pty Ltd	J146440	2018-06-04 (Rev A)	-

[GEN0005]

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

[GEN0115]

3. 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]

4. The recommendations outlined in the submitted Cultural Heritage Assessment Report prepared by Everick Heritage Consultants dated February 2018 (Issue 4) are to be complied with at all times.

[GENNS01]

5. The use of the pop up bar/cafe, outdoor entertainment area, patron seating area and food van is restricted for a period of five (5) years from the date of this development consent.

[GENNS02]

6. The entertainment area shall be located as shown on Figure 2 of the revised Acoustic Report prepared by Acoustic Works dated 4 October 2018 and noted by Council on the stamped approved Site Plan/Roof Plan Reference KGF1/2 A02, Rev D, dated 1 March 2018.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water: Nil

Sewer: Nil

[PCC0265]

8. 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 and sewerage drainage works prior to the issue of a Construction Certificate.

[PCC1195]

9. The Site Plan/Roof Plan drawn by Paynter Dixon Constructions Pty Ltd Referenced KGF 1/2 Drawing No A02 (Rev D) is to be updated to reflect the revised 'Entertainment Area' location as nominated in Figure 2 of the revised Acoustic Report prepared by Acoustic Works dated 4 October 2018.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

10. 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]

11. The erection of a building (pop up cafe bar & cafe) in accordance with a development consent must not be commenced until:

- (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]

12. 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]

13. 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
- (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]

14. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0665]

DURING CONSTRUCTION

15. All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, approved Construction Certificate, drawings and specifications.

[DUR0005]

16. 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]

17. Commencement of work, including the switching on and operation of plant, machinery and 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

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

[DUR0205]

18. 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]

19. 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]

20. 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 6.6 of the Environmental Planning and Assessment Act 1979.

[DUR0405]

21. 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]

22. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

23. 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]

24. 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]

25. 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]

26. 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]

27. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

28. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

29. 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 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

30. The building (pop up cafe & bar) is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0225]

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

[POC1045]

32. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met.

[POC1055]

USE

33. 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]

34. Hours of operation of the pop up bar and external entertainment are restricted to the following hours:

* 4pm to 8.30pm - Mondays to Sundays and Public Holidays

[USE0185]

35. The development shall be carried out in accordance with the provisions of the acoustic assessment report prepared by Acousticworks (reference: 2018026 R01C Kingscliff Beach Bowls Club Pop Up Bar ENV.doc) and dated 4 October 2018.

[USE0305]

36. 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]

37. Prior to the installation of the pop up cafe, 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 and two (2) sectional elevations
- b. Layout of premises showing all equipment
- c. All internal finish details including floors, wall, ceiling and lighting
- e. Servery areas including counters etc

[USE0835]

- 38. In accordance with the submitted Noise Management Plan, a complaint management system is to be established for the development which includes the maintaining of log of any complaints received in regard to noise. The name and telephone number is to be nominated by the club and clearly displayed in a prominent area within the club premises.**

[USENS02]

REPORT:

Applicant: Kingscliff Bowls Club Limited
Owner: Kingscliff Bowls Club Limited
Location: Lot 468 DP 755701; No. 131 Marine Parade KINGSCLIFF
Zoning: RE2 - Private Recreation
Cost: \$24500.00

Background:

The subject site is located at Lot 468 DP 755701, 131 Marine Parade Kingscliff and is known as the Kingscliff Beach Bowling Club (KBBC). It features a total land area of 8,802sqm and a frontage of 145m to Marine Parade. The subject site forms part of Crown Lands and is occupied by the Kingscliff Bowling Club under Special Lease No 81432. The Bowls Club building is located in the eastern part of the site and three outdoor bowling greens exist on the western part of the site.

The adjoining lands further east and south also forms Crown Land and comprises Lot 2 DP 1122062 which is held by the KBBC under Licence No. 497256 for access and car park (part of the adjoining Tweed Coast Crown Reserve). A sealed car park and access way exist within the licensed area. No development is proposed within the car park area which is the subject of the licence.

Further south of the car park area is the recently renovated Kingscliff Beach Holiday Park. Kingscliff Town Centre is located 150m south west of the site and immediately west (on the opposite side of Marine Parade) is land zoned R3 Residential Medium Density. These lands are characterised by a transitional built form comprising of older single dwellings and residential flat buildings as well as recently established residential flat buildings up to three storeys in height.

KBBC has been operating under Special Lease Agreement 1969/20 (from the Crown) since the early 1960's. Based on the date of the approved lease agreement between Crown Lands and the club, it is likely that the clubs use prevailed the coming into force of an Environmental Planning Instrument (i.e. Interim Development Order No.1 – Shire of Tweed 1964).

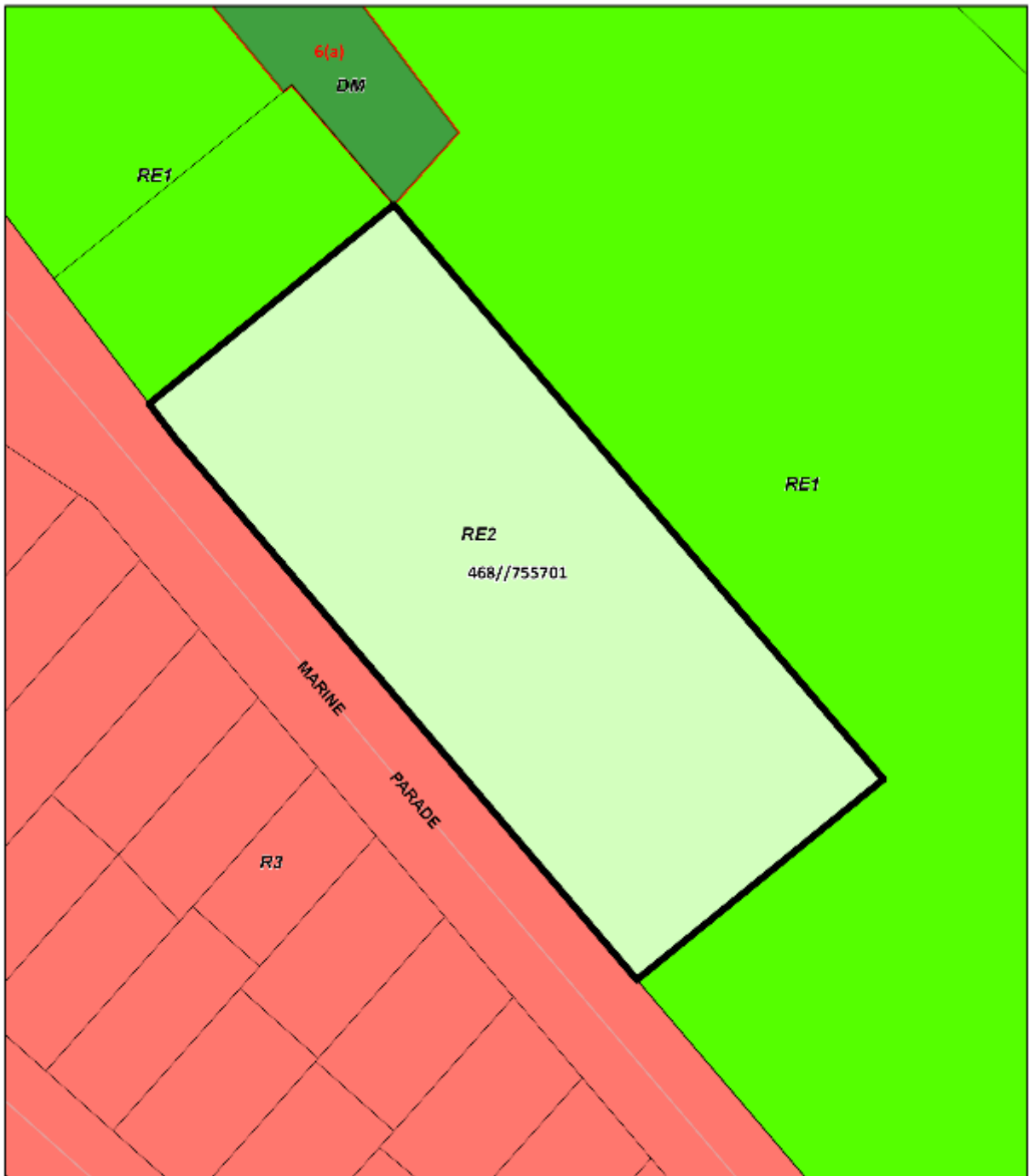
Since the original commencement of its operation, the club has sought several development consents from Council for the ongoing expansion and upgrade works to the club. Most recently, development consent DA05/1246 for Alterations and Additions to the club which was issued on 12 April 2006.

At the same time that the subject application was received by Council, a separate Development Application (DA18/0635) was submitted to Council for the subject site (for KBBC). That DA seeks Councils consent for a larger development pertaining to additions to the club, an additional car parking area (5 spaces), modified bowling green and relocation of the Pop up bar/Café to a more permanent position on the site.

Given the nature of the larger DA will see the entertainment area and dedicated area for the food van as being occupied by other uses (i.e. a dining area and the addition 5 parking spaces) together with the relocation of the pop up bar/café, if Council were to grant consent to that DA in the future, those works would see the operations and use under the subject application becoming redundant. For this reason, to ensure that the cumulative impacts of development under the subject application and the larger DA can be managed, it is recommended that the subject DA be limited to a period of five (5) years.

Any future development consent for the additions to the club and relocation of the pop up bar/café would also include a condition to require the consent for the subject DA to be surrendered to Council.

SITE PLAN:

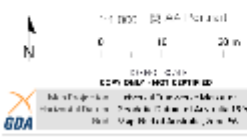


Subject Land
 Subject Land

LEP 2000 (as at 2014)
 6(a) Open Space

Tweed Local Environmental Plan 2014

- R3 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- DM, Deferred Matter



Site Plan - Local Environmental Plan

DA18/0517
 Lot 468 DP755701
 131 Marine Parade KINGSCLIFF

© Land and Property Information (LPI) and Tweed Shire Council



This map is a technical drawing and should not be used for any purpose other than the one for which it was prepared. It is not a substitute for a survey or other professional advice. The Council and Land and Property Information (LPI) do not warrant the accuracy or completeness of the information shown on this map. The Council and LPI are not responsible for any loss or damage resulting from the use of this map. The Council and LPI are not responsible for any loss or damage resulting from the use of this map. The Council and LPI are not responsible for any loss or damage resulting from the use of this map.

AERIAL PLAN:



Aerial Photography April 2018
DA18/0517
Lot 468 DP755701
131 Marine Parade KINGSCLIFF

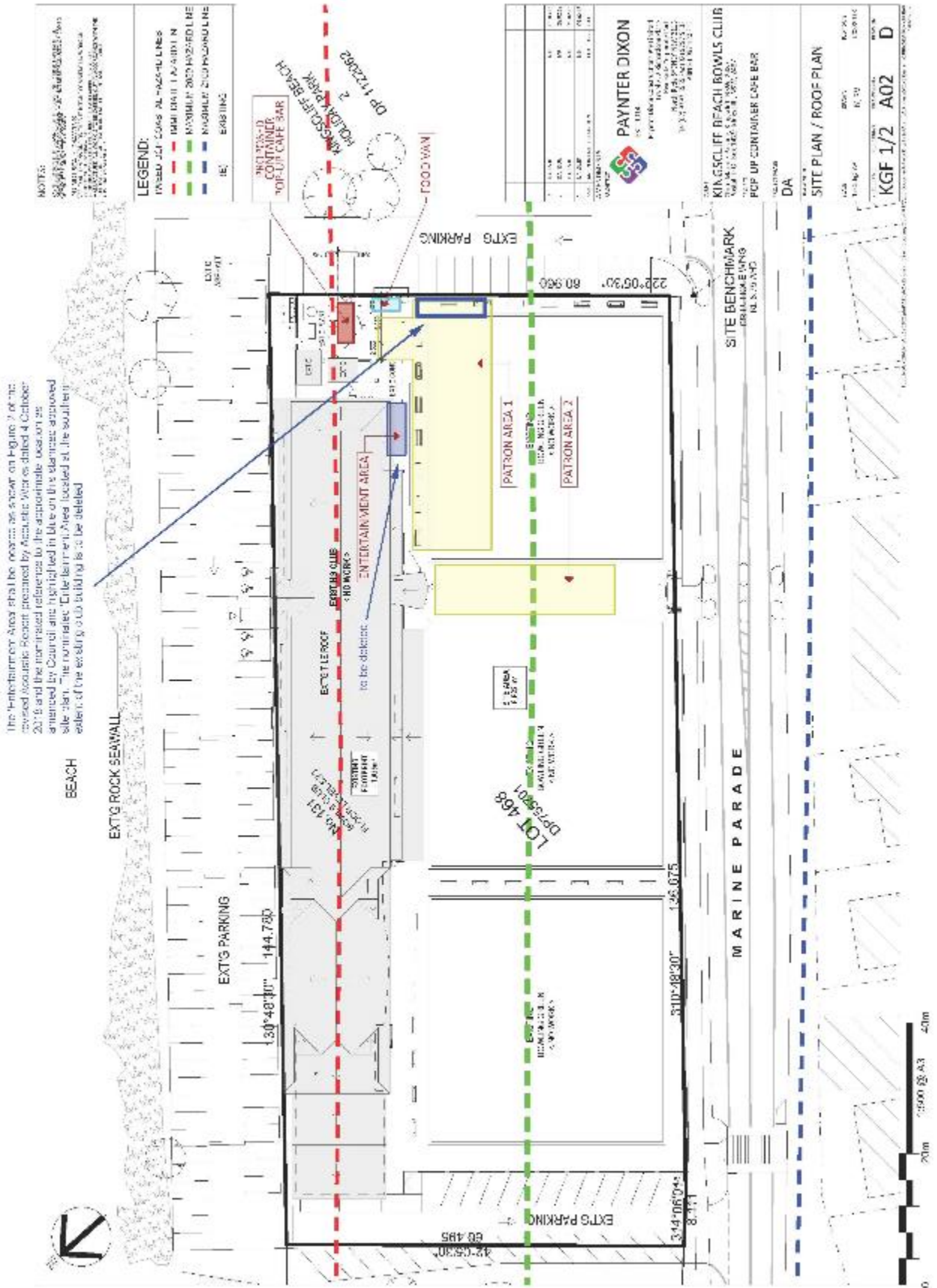
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Boundaries shown should be considered approximate only

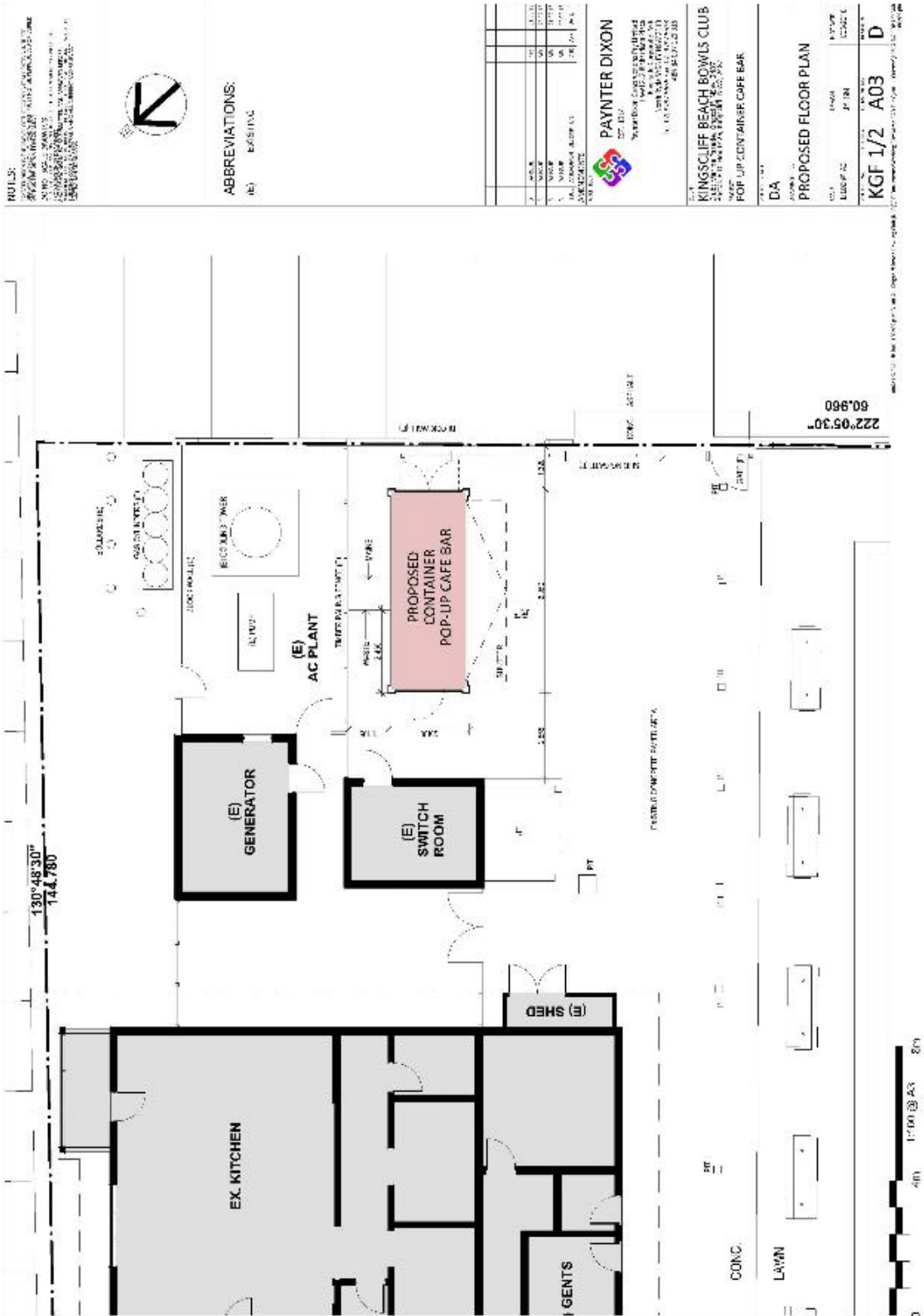
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DEVELOPMENT/ELEVATION PLANS:





NOTES:
 1. THE ARCHITECT HAS ASSUMED THAT THE PROPOSED DEVELOPMENT WILL BE SUBJECT TO THE STANDARD CONDITIONS OF THE LOCAL ESTATEMENT.
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NO.	DATE	BY	REVISION
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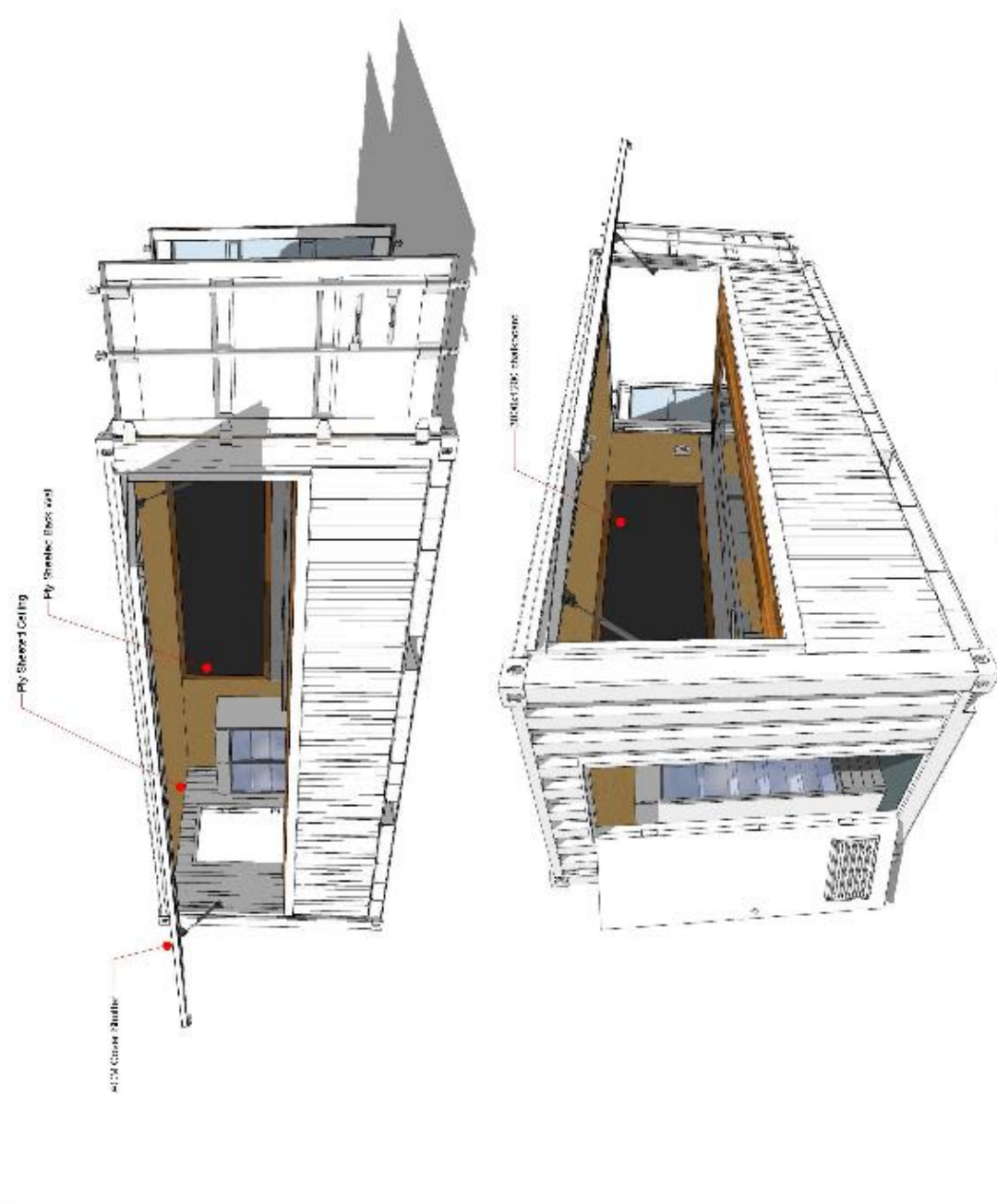
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 FAX: 03 9451 5501
 WWW.PAYNTERDIXON.COM.AU

POP UP CLUB - RIVER LAKE BOYS
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 SOUTH AUSTIN, VIC 3088
 TEL: 03 9451 5500
 FAX: 03 9451 5501
 WWW.PAYNTERDIXON.COM.AU

PERSPECTIVES

KGF 1/2 A05 D



note: all renderings provided by MAAKE PTY LTD

NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS STATED OTHERWISE

2. ALL DIMENSIONS ARE TO FACE UNLESS STATED OTHERWISE

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DATE	NO	DESCRIPTION
15/11/18	001	ISSUED FOR COMMENT
15/11/18	002	REVISED TO ADDRESS COMMENTS
15/11/18	003	REVISED TO ADDRESS COMMENTS
15/11/18	004	REVISED TO ADDRESS COMMENTS
15/11/18	005	REVISED TO ADDRESS COMMENTS
15/11/18	006	REVISED TO ADDRESS COMMENTS
15/11/18	007	REVISED TO ADDRESS COMMENTS
15/11/18	008	REVISED TO ADDRESS COMMENTS
15/11/18	009	REVISED TO ADDRESS COMMENTS
15/11/18	010	REVISED TO ADDRESS COMMENTS


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PROJECT: **KINGSCLIFF BEACH BOWLS CLUB**
 DRAWING: **POP-UP CONTAINER CAFE BAR**
 DRAWING NO: **DA**
 DRAWING TITLE: **PERSPECTIVES**

SCALE: **KGF 1/2**
 SHEET: **A06**
 OF: **D**





note: all renderings provided by MAAKE PTY LTD

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NO.	DATE	BY	REVISION
1	15/11/18	MD	ISSUE FOR PERMIT
2	15/11/18	MD	ISSUE FOR PERMIT
3	15/11/18	MD	ISSUE FOR PERMIT
4	15/11/18	MD	ISSUE FOR PERMIT

DATE OF PERMIT: 15/11/18

DATE OF REVIEW: 15/11/18

DATE OF NEXT REVIEW: 15/11/18

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note: all renderings provided by MAAKE PTY LTD

PROJECT NAME: POP-UP CONTAINER CAFE B&W

PROJECT NO: DA

PROJECT TYPE: PERSPECTIVES

DATE: 15/11/18

SCALE: 1:50

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DATE: 15/11/18

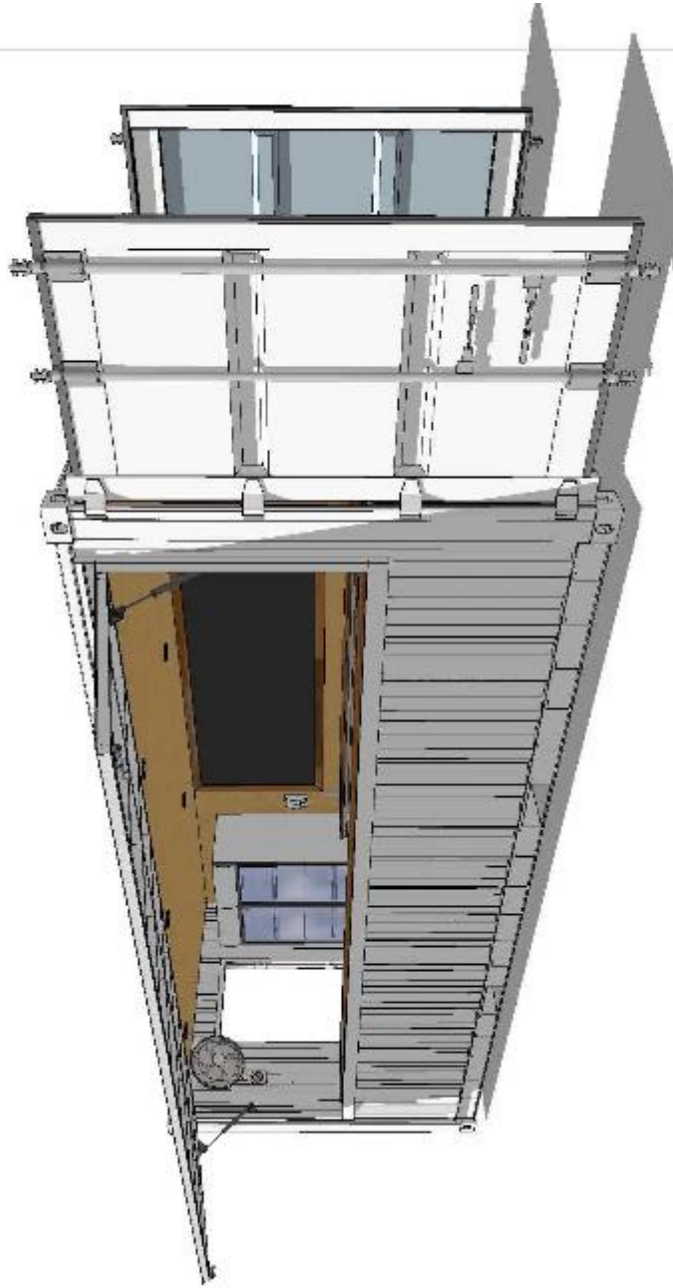
DATE: 15/11/18

DATE: 15/11/18

PROJECT
Kingscliff Container Bar
20 Ft Container Bar

PROJECT NO.
J16440

ISSUE
2018-06-04
[For Council Approval]



CLIENT
Kingscliff Bowls Club

PROJECT
Kingscliff Container Bar
20 Ft Container Bar

PROJECT NO.
J16440

DRAWN BY
JCV

DATE
2018-06-04

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PROJECT
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 20 Ft Container Bar
 PROJECT NO.
 J1640

ISSUE
 2018-06-04
 DRAWN BY
 JW

Finish Schedule

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 Scale 1:50 @A3

20ft Container Build Finishing Schedule

Symbol	Description	Material	Specification
EX1	Exterior Paint Color 1		Scain White
ACM	ACM Panel	3mm ACM Panel	White on both sides
CEL	Ceiling Finishing 1	AA marine ply	Suitable Stain
FL	Floor Finish 1	Flooring Vinyl	Gray
WF1	Wall Finishing Type 1	AA marine ply	Suitable Stain
GPO	General Purpose Outlet		Double 10A 240V Outlet - Height: Specified
15A	15A Outlet		Single 15A 240V Outlet - Height: Specified
MCB	Main Switch Board		
3-Pr	Triplet Phase Inlet Socket		32A 240V Triplet Phase inlet IP Rated
DL	Down Light	LED Downlights	4000K Color Temp. - White Rim
HWB	Hand Wash Basin	Basic Stainless Basin	300(D)x200(X)
	Hand Wash Basin Mixer	Basic basin mixer	
	Food Prep. Mixer	Basic kitchen mixer	
	Soap Dispenser	Basic Liquid Soap Dispenser	

MAKE

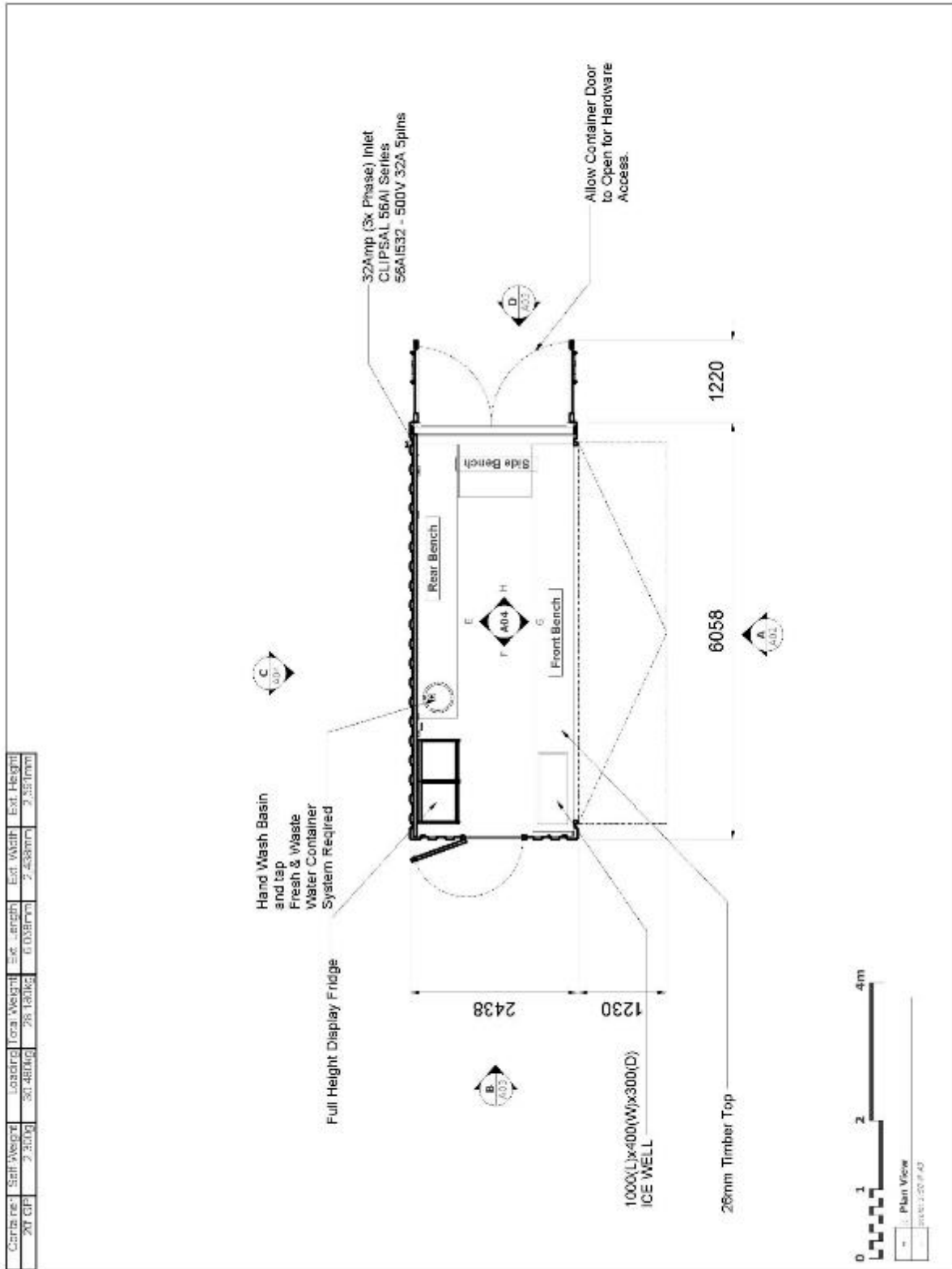
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Plan View

440 A.01
 Scale 1:50 @A3



Component	Self Weight	Loading	Total Weight	Ext. Length	Ext. Width	Ext. Height
20 FT GP	2.300G	30.48kN	28.18kN	6.033mm	2.453mm	2.357mm

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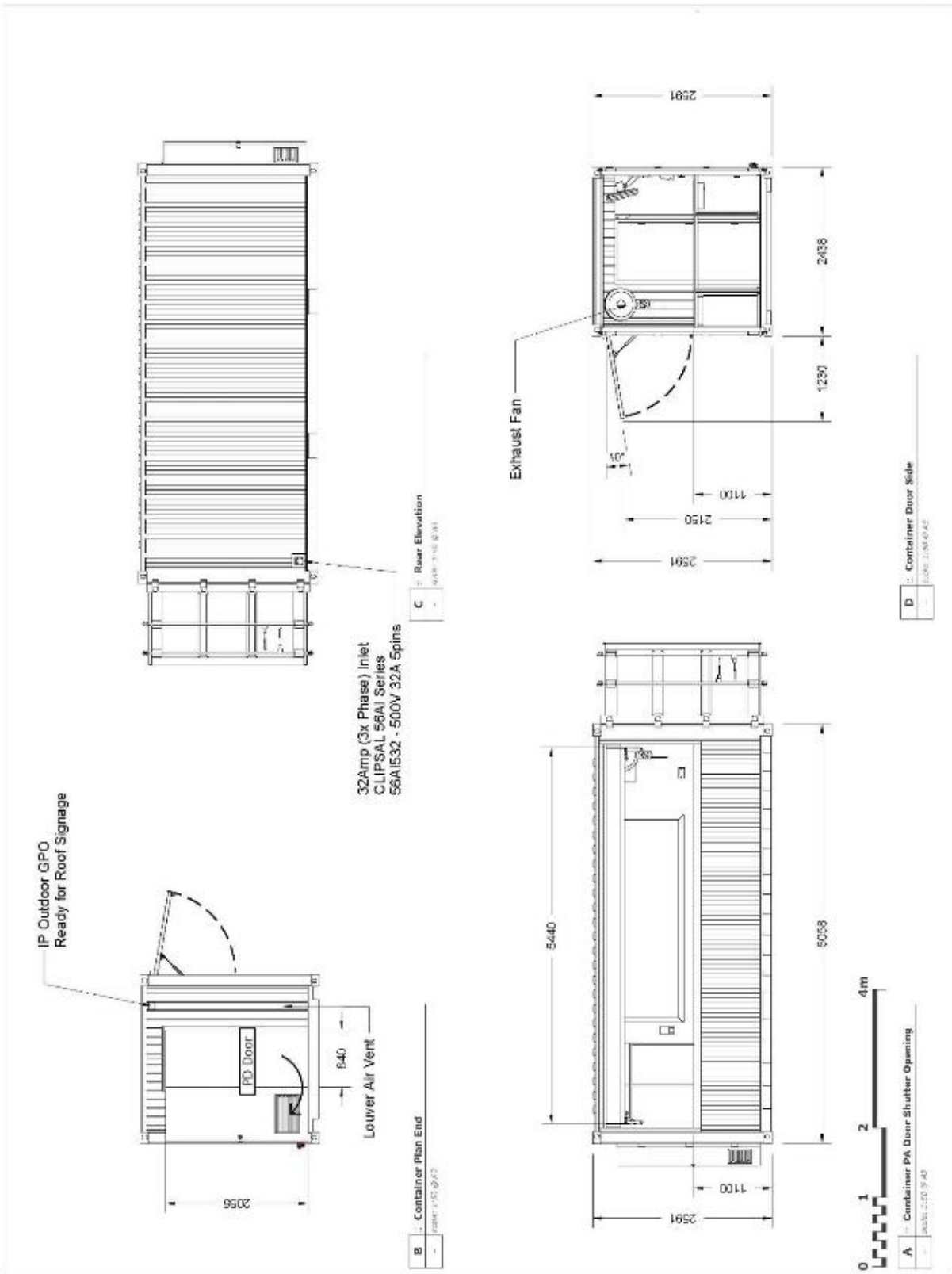
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Front Elevation

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 Scale 1:50 @A3



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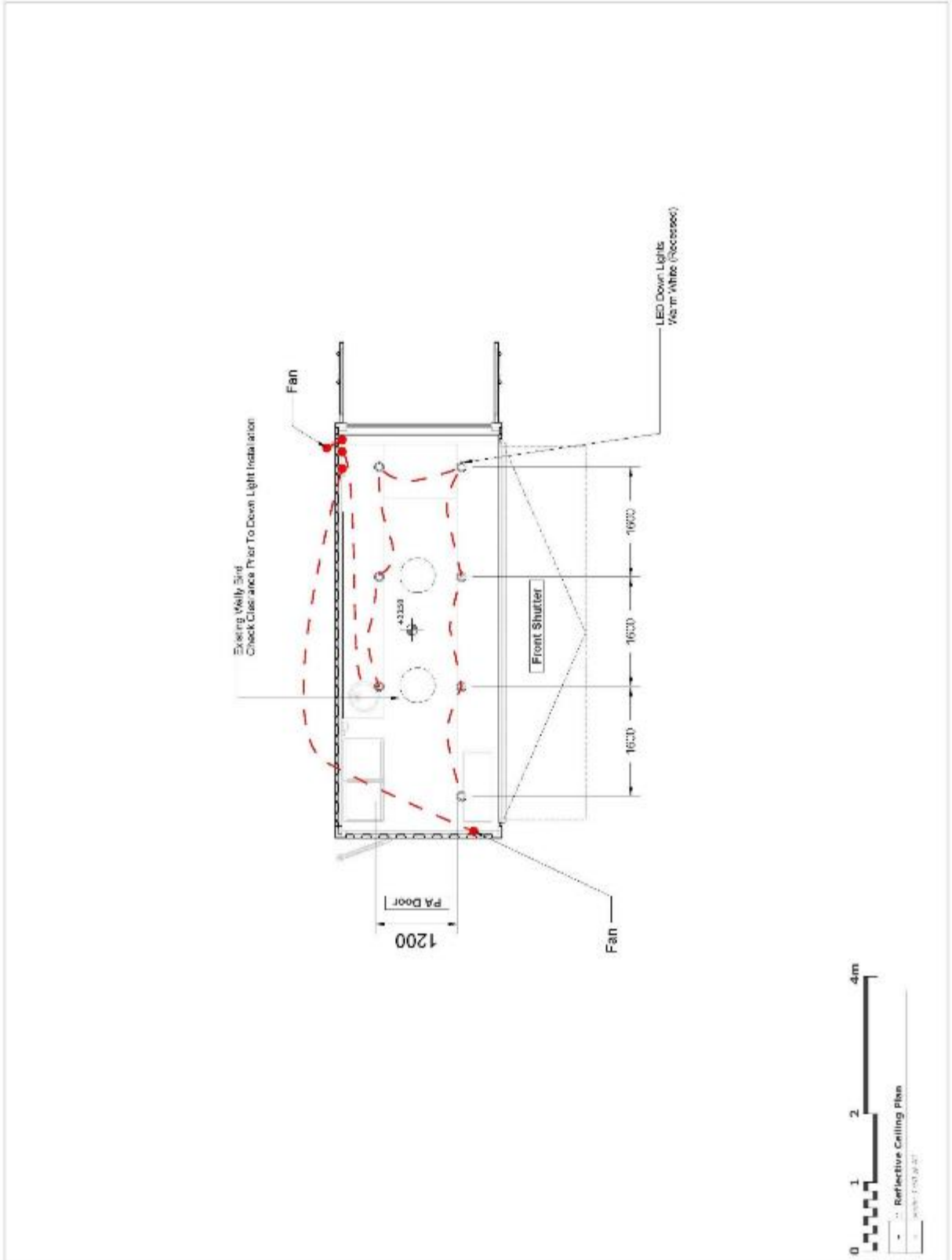
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Reflective Ceiling Plan

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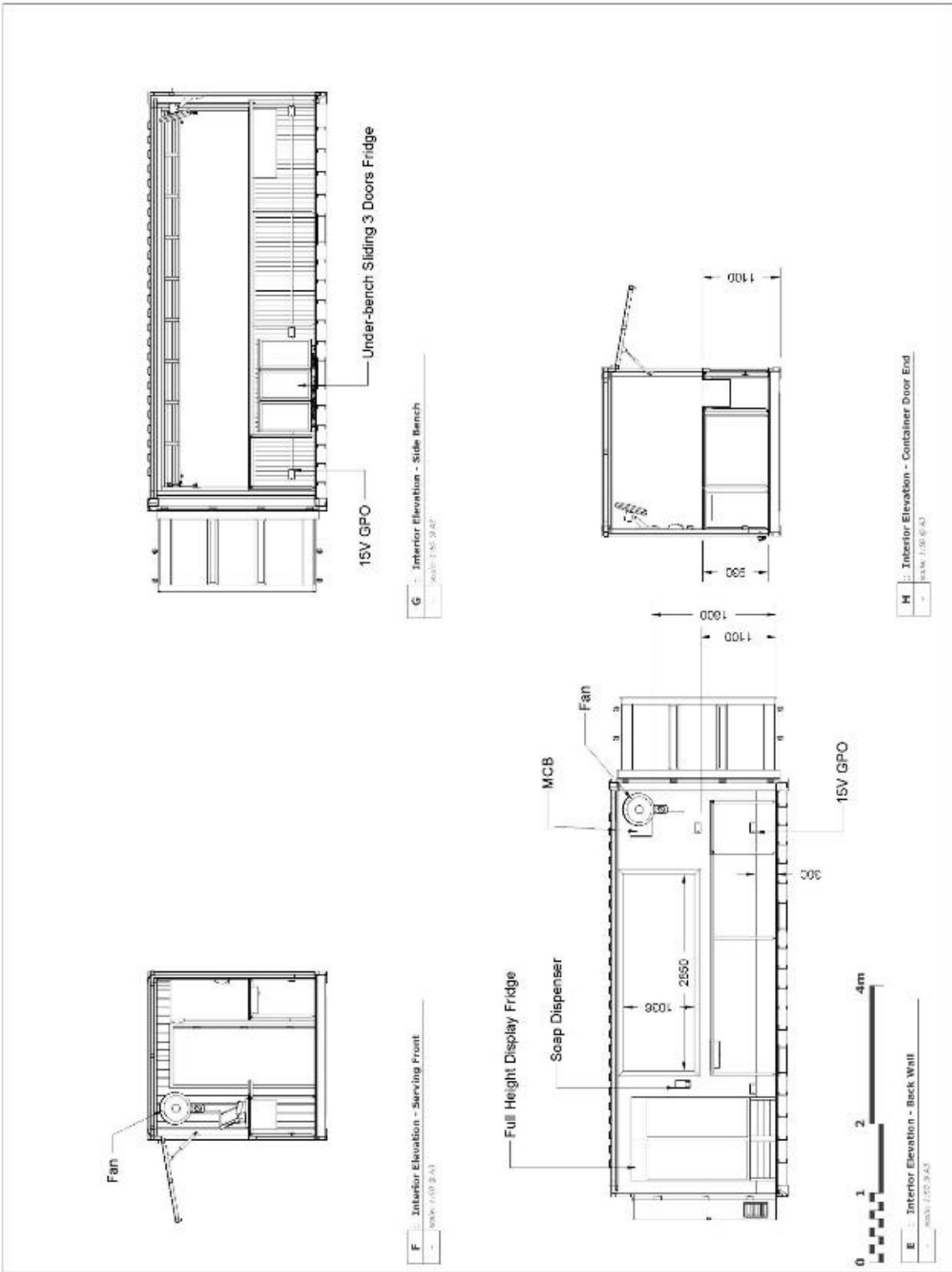
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Interior Elevations

440 A.04
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Considerations under Section 4.15 of the Environmental Planning and Assessment Act 1979:

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

Tweed Local Environmental Plan 2014

Clause 1.2 – Aims of the Plan

The Tweed Local Environmental Plan 2014 sets out local environmental planning provisions for land in the Tweed Shire in accordance with the standard environmental planning instrument under section 33A of the Environmental Planning and Assessment Act 1979. The particular aims of this Plan are as follows:

- (a) to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents, including, but not limited to, consistency with local indigenous cultural values, and the national and international significance of the Tweed Caldera,*
- (b) to encourage a sustainable local economy and small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed,*
- (c) to promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, built environment, and cultural heritage,*
- (d) to promote development that is consistent with the principles of ecologically sustainable development and to implement appropriate action on climate change,*
- (e) to promote building design which considers food security, water conservation, energy efficiency and waste reduction,*
- (f) to promote the sustainable use of natural resources and facilitate the transition from fossil fuels to renewable energy,*
- (g) to conserve or enhance the biological diversity, scenic quality and geological and ecological integrity of Tweed,*
- (h) to promote the management and appropriate use of land that is contiguous to or interdependent on land declared a World Heritage site under the Convention Concerning the Protection of World Cultural and Natural Heritage, and to protect or enhance the environmental significance of that land,*
- (i) to conserve or enhance areas of defined high ecological value,*
- (j) to provide special protection and suitable habitat for the recovery of the Tweed coastal Koala.*

The proposal for ancillary facilities to the existing Kingscliff Beach Bowling Club (KBBC) is conducive to the strategic planning principles that apply to the site, encourages a sustainable local economy, provision of additional employment opportunities, as well as improved recreational and tourist facilities without having unreasonable impacts to the local amenity or the built and natural environment. Therefore, the development is considered to comply with the objectives of the Plan.

Clause 2.3 – Zone objectives and Land use table

The subject site is zoned RE2 Private Recreation and under the plan the objectives of the zone are as follows:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The café/pop up bar and outdoor entertainment can be characterised as development that is ancillary to the existing use of the site as a 'Registered Club'

The food truck van is most suitably defined as a 'Food and Drink Premises'.

Development for the purpose of a 'Registered Club' and 'Food and Drink Premises' are both permissible forms of development in the RE2 Private Recreation zone, with the consent of Council.

As such, given the nature and function of the proposed development, conducive to the club operations and its permissibility in the zone, Council can be satisfied the development maintains its performance against the objectives of the zone.

Clause 4.3 - Height of Buildings

The subject site is mapped to be affected by a maximum building height of 10m. The proposed development includes the provision of one structure (pop up bar) to a maximum height of 2.6m which falls below the maximum permitted building height for the site.

As such Council can be satisfied the development meets the objectives of this Clause.

Clause 4.4 – Floor Space Ratio

The subject site is not mapped to be affected by a maximum permitted floor space ratio and therefore this Clause does not apply.

Clause 4.6 - Exception to development standards

The subject application does not seek any variation to development standards under the LEP and therefore this Clause does not apply.

Clause 5.4 - Controls relating to miscellaneous permissible uses

There are no provision within this Clause that apply to the proposed development.

Clause 5.10 - Heritage Conservation

The subject site is not listed as a local heritage item or located within a heritage conservation area. A review of Councils GIS mapping system identified that land

adjacent to the subject site (currently used as a caravan park) is listed as an item of local heritage significance.

It is further noted that the subject site is not listed as a known or predictive site of Aboriginal Cultural Heritage.

Notwithstanding, the applicant has submitted a Cultural Heritage Assessment given that an AHIMS search was undertaken which identified 3 registered Aboriginal sites within an 1000m radius of the subject site(see Figure 3 and 4 below).

Table 1: AHIMS Search Results

Site Number	Name	Easting	Northing	Site 'Features'
04-1-0021	Chinderah, BMP-05-0156	555505	6875188	Shell; Artefact
04-2-0224	Kingscliff Headland Tweed ACH Story Place	556763	6874272	Aboriginal Ceremony and Dreaming
04-2-0215	Marine Parade Tweed ACH Artefacts	556491	6874334	Artefact

Figure 2: Extract of AHIMS search result from submitted Cultural Heritage Assessment Report



Figure 3: Extract of Figure 4 within Cultural Heritage Assessment Report that shows the AHIMS location in relation to proposed works

The Assessment identifies that as a result of a desktop study and further field inspection of the project area, being part lot Lot 468 DP 755701 (131 Marine Parade KINGSCOFF), the following conclusions can be formed:

- No Indigenous cultural heritage sites or relics were identified within the Project Area.
- No portions of the Project Area have been identified that are considered to potentially contain subsurface deposits of significant Aboriginal heritage.
- The entirety of the Project Area has been completely disturbed in a manner which constitutes disturbance' within the meaning of the Due Diligence Code and is consistent with the Due Diligence Code.
-
- The proposed works will only impact lands which have already been subject to development and do not propose any additional disturbance.
- No items or objects of potential historic heritage were identified within the Project Area.

Further to the above, the report lists a series of recommendations (4 in total) and it is considered that these recommendations should form a special condition of development consent to ensure that the outcomes and objectives of Clause 5.10 can be achieved and protected as part of the development.

Subject to compliance with recommendation conditions, the proposed development is considerate to maintain the objectives of this Clause and will not have any impact on matters of cultural, environmental or archaeological heritage.

Clause 5.11 - Bush fire hazard reduction

The subject site is cleared of vegetation and whilst it is partially mapped to be affected by bushfire prone land (to the northern aspect of the site), the proposed land use (ancillary to registered club) does not include any residential accommodation, tourist accommodation or development that is listed as Special Fire Protection Purposes pursuant to Rural Fires Act.

Furthermore, the application is supported by a Bushfire Assessment Report prepared by a suitably qualified bushfire consultant. The report qualifies the bushfire threat as negligible given the works are not located within bushfire prone land, the works being greater than 100m from vegetation which is categorised as managed land and the works therefore do not fall within a category that requires specific BAL construction pursuant to AS3959-2009 and Appendix 3 Addendum Planning for Bushfire Protection Policy 2006.

As such, the provisions of this Clause do not apply to the proposed development.

Clause 7.1 – Acid Sulfate Soils

The objective of this Clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The subject site is mapped to contain Class 5 Acid Sulfate Soils and therefore development consent is required for the carrying out of works within 500 metres of adjacent Class 1,2,3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height

Datum on adjacent Class 1, 2, 3 or 4 land. A review of the Development Application package indicates that no significant earthworks are proposed as part of the proposed development and therefore works will not exceed below 5 metres AHD by which the water table is likely to be lowered below 1m and the surrounding land is also mapped to contain Class 5 Acid Sulfate Soil and therefore is not adjacent to Class 1,2,3 or 4 ASS.

As such, subject to compliance with conditions of consent (for works to be in accordance with Minor Works Policy for ASS) the development will maintain consistency with the objectives of this Clause.

Clause 7.2 - Earthworks

The objectives of this Clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

A review of the DA indicates that the proposed works will involve minimal earthworks and maintain existing RL's at NGL. As such the development maintains consistency with the objectives of this Clause.

Clause 7.3 – Flood Planning

The subject site is not affected by PMF or 1 in 100 year flooding and therefore the provisions of this Clause do not apply to the proposal.

Clause 7.4 - Floodplain risk management

The proposed development does not fall within a land use that is affected by this Clause.

Clause 7.5 - Coastal risk planning

The objectives of this Clause are to:

- (a) *to avoid significant adverse impacts from coastal hazards,*
- (b) *to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,*
- (c) *to enable the evacuation of land identified as coastal risk in an emergency,*
- (d) *to avoid development that increases the severity of coastal hazards.*

The subject site is mapped to be affected by 'Coastal Risk' and therefore this Clause applies.

Pursuant to Clause 7.5(3) development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) *is not likely to cause detrimental increases in coastal risks to other development or properties, and*

- (b) *is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and*
- (c) *incorporates appropriate measures to manage risk to life from coastal risks, and*
- (d) *is likely to avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards, particularly if the development is located seaward of the immediate hazard line, and*
- (e) *provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards, and*
- (f) *has regard to the impacts of sea level rise.*

A Coastal Risk Management Report has been submitted as part of the application (prepared by Cozen Regans Consultant Engineering Group). The report highlights that the dune cover is beyond the existing eastern boundary of the site and it is expected that no works will be carried out beyond the boundary of the allotment. It further highlights that the existing seawall to the east of the site and existing dune cover provide a buffer to the site from the effects of coastal erosion.

Based on the Coastal Hazard Assessment document (2013) the design wave run up for the area is RL 5.34m AHD and the proposed development area is clear of the wave inundation hazard.

Councils Waterway officer has reviewed the proposal in light of the Coastal Risk Management Report and is satisfied with the findings of the report. In addition further advice from Councils Waterways officer states that the proposed development does not increase risk to habitable dwellings therefore the level of assessment provided in the Coastal Risk Report is adequate and no additional consent conditions are required.

Based on the above mentioned considerations, Council can be satisfied that the development meets the matters for consideration pursuant to Clause 7.5(3) and overarching objectives of Clause 7.5.

Clause 7.6 - Stormwater Management

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

The applicant has demonstrated that no ground disturbance will be required to facilitate the proposed works and therefore will be no significant changes to the existing stormwater management regime. As such, the objectives of this clause can be maintained by way of existing stormwater infrastructure and services

Clause 7.7 - Drinking Water Catchments

The subject site is not mapped to be located within an area identified as a drinking water catchment area.

Clause 7.8 – Airspace operations

The objectives of this clause are as follows:

- (a) to provide for the effective and ongoing operation of the Gold Coast Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
- (b) to protect the community from undue risk from that operation

The subject site is located within the take-off/approach surface for Gold Coast Airport. In considering the provision of this Clause, the proposed height of the building is less than the existing height of the single storey development which occupies the land and therefore the development is unlikely to penetrate the OLS surface layer. As such, Council can be satisfied the development will not compromise Gold Coast airport by penetrating the OLS layers and will protect the community from undue risk from Gold Coast Airport operations.

Clause 7.9 - Development in areas subject to aircraft noise

The subject site is not mapped to be affected by Aircraft Noise.

Clause 7.10 - Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

The provision of water, sewer, electricity and drainage are available at the site for the existing club operations. The provision of such services are available to extent to the Pop up bar, café and ancillary facilities.

It is noted that vehicular access is provided to the adjacent crown lands carpark which is under a lease agreement between Crown Lands and Kingscliff Bowling Club. These arrangements will not be impacted by the proposed development and suitable vehicular access and parking can be provided for the development. It is noted that the proposed development is wholly contained within the subject site and does not encroach any part of the adjacent car park on the adjacent Lot.

Further discussion in regard to parking availability is made under Section A2 of the DCP, contained later in this report.

Other Specific Clauses

None apply.

North Coast Regional Plan 2036 (NCRP)

The North Coast Regional Plan 2036 (NCRP) is the NSW Department of Planning and Environment's visionary strategic document to guide land use planning priorities and decisions in the North Coast of NSW until 2036. It contains high level priorities for the region, and specific goals and actions for individual government areas. These include protecting the region's distinct social and cultural character, its biodiversity and environmental values, and its typical built character. It is also a goal of the plan to deliver a thriving, interconnected economy.

State Environmental Planning Policies

SEPP No. 55 - Remediation of Land

The objectives of SEPP No. 55 is to provide a State wide planning approach to the remediation of contaminated land and to require that remediation works meet certain standards and conditions.

SEPP No. 55 requires a consent authority to consider whether land is contaminated and if contaminated, that it would be satisfied that the land is suitable, in its contaminated state (or will be suitable after remediation). Further, it advises that if the land is contaminated and requires remediation, that the consent authority is satisfied that the land will be remediated before the land is used for that purpose. In particular it is noted that this SEPP states that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

With regards to the subject site, Council records indicate that the use of the land as a bowling club has been ongoing since early 1960's and subsequent approvals for various alterations to the club since then. Aerial views and a recent site inspection did not give rise to any concerns in regard to land contamination (i.e. uses occurring that would be potentially contaminating or visual evidence of filling occurring). Furthermore, no excavations is proposed as part of the proposed works and therefore the proposal is considered to be acceptable with respect to contaminated land and the provisions of SEPP 55.

SEPP (Coastal management) 2018

The subject site is mapped as being within the Coastal Environment Area/Coastal Use Area.

The objectives of each clause are as follows:

13 *Development on land within the coastal environment area*

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has*

considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

14 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*

- (b) *is satisfied that:*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*
- (2) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

The proposal is considered to be consistent with the objectives of each clause.

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- (a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and
- (b) the proposed development:
 - (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and
 - (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and
 - (iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and
- (c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.

The development suitably responds to the risk associated with coastal hazard and this is demonstrated in a Coastal Risk Management Report. As such the provision of Clause 12 have been considered and are complied with.

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

The subject site is mapped as being affected by LEP Amendment 17 – Short term rental accommodation. This amendment does not have any significant impacts on the proposed development.

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

Tweed Development Control Plan

A2-Site Access and Parking Code

Section A2 of the DCP states that parking is to be provided based on addition floor area at a rate of 1 space per 25sqm for bar area and 1 space per 100sqm for lounge/beer garden area for Employees and the same amount again at the same rate for staff.

As previously mentioned in this report, the development will result in a loss of parking on site (3 spaces) however the impact to the availability of parking for the development is negligible.

KBBC benefits from vehicular access and parking on the adjacent Crown land carpark, and previous council parking studies have indicated that parking demand for the off street parking spaces surrounding the Club (on the adjacent crown land carpark) are not operating at capacity. Therefore the removal of the three spaces would not have a significant detrimental effect on the surrounding road network. In addition, a significant number of patrons (40%) have been reported as visiting the Club through other than vehicle means due to its location.

Furthermore, in considering the merits of the subject DA and the manner in which it has been lodged (i.e. its temporary nature), future development of the site under a separate larger DA (should it be consented to and enacted upon) would see the facilities under the subject DA as being relinquished and/or relocated. In addition, that larger development includes the on-site parking to be reinstated due to the additional GFA associated with that development.

It is further noted that the Club is not within an area as defined under the Parking Contribution Plan 23 and therefore a contribution for the 3 spaces would not be required.

In order to secure that the identified outcomes in this section of the report, it is recommended that the consent be time limited to five (5) years.

Councils Traffic Engineer has reviewed the application and provided a merit based assessment of the proposal which demonstrates that the development is satisfactory having regard to matters for consideration for parking and traffic in accordance with Section A2 of the DCP. No objections are raised subject to recommended conditions to ensure a time limitation is provided on the consent.

A11-Public Notification of Development Proposals

The application was notified for a period of fourteen (14) days from Monday 23 July 2018 to Monday 6 August 2018. During the notification period four (4) submission was received. Detail of Councils consideration of the matters raised in contained later in this report.

B4-West Kingscliff

The proposed development is considered to be generally consistent with the aims and objectives of this DCP given it will provide additional amenities and space for activities that are conducive to the West Kingscliff growing population.

There are no specific controls that apply to the proposal given it seeks alterations and additions to an existing club facility within the West Kingscliff precinct.

B9-Tweed Coast Strategy

The subject site is located within the Tweed Coast Strategy which correlates to the West Kingscliff Precinct in terms of providing a strategic planning direction to accommodate population growth and development focus of the Tweed Shire.

The Tweed Coast Strategy sets out principles and guidelines to accommodate the anticipated development of the coast, meet the requirements of the current and future communities, protect the essential values of the coast, co-ordinate infrastructure provisions, consider sustainable development and environmental protection as well as the integration of development.

The subject site is located outside of specific growth precincts and comprises of an existing well established facility to serve both the local community as well as the tourism industry of the Tweed Coast.

Of particular relevance to the subject site and proposed development is the provisions contained under B9.5.9 (Public Car parking) for the Kingscliff area. The plan acknowledges that one of the greatest threats to the character of Kingscliff as a seaside village is traffic and the associated parking. Whilst parking is essential to the on-going trade in the village it has the danger of destroying the very thing that attracts people there, and for this reason further studies will be undertaken to ensure that additional public car parking can be provided in Kingscliff to service the growing demand generated by the growth in the area. It is expected that a public car parking will be strategically located to service the CBD of Kingscliff and therefore alleviate pressure on existing public parking (such as that which adjoins the subject site and the subject site benefits from).

In considering the availability of parking for the proposed development, Council's Traffic Engineer has advised that a recent Council study on the uptake of parking for the Crown land carpark adjacent to the subject site indicates that it is being underutilised. Furthermore, information submitted in the DA package includes a Traffic and Parking Report which indicates that a number of patrons (40%) have been reported as visiting the Club through means other than a vehicle and this is due to its location.

Therefore, the likely impacts of the development on traffic and parking given the scope in which the development is proposed (i.e. its temporary nature) is negligible. It is considered that no additional GFA is associated with the development which would be an otherwise major consideration for traffic and parking.

Based on the above consideration and Council's Traffic Engineers advice in regard to traffic and parking, the proposed development is considered to be consistent with the overarching objectives of this plan as far as improving the quality of existing private recreational facilities within the locality without having adverse amenity impacts on adjoining land uses and public infrastructure.

Council can therefore be satisfied the development meets the objectives of the Tweed Coast Strategy.

B25-Coastal Hazards

The subject site is located landward of the immediate coastal hazard line and seaward of the 2050 and 2100 hazard lines and therefore this Section of the DCP applies (see Figure 5 below).



Figure 3 – Coastal Erosion Lines

Figure 4: Overlay of coastal erosion lines on the subject site (sourced by applicant)

3.2.5 Other Development

This section applies to development that is temporary or can be relocated or sacrificed (such as decks), non-habitable, detached or lightweight structures associated with outdoor living areas, storage or landscaping may be considered within the 2050 Hazard zoned where they do not prejudice relocation of other buildings on the site.

This Section further states that development that is of a community nature, which relates to the use of the beachfront, may be considered, provided that any building is easily removable (or sacrificial) and does not require a major extension to a service main as well as development for the purposes of coastal access stairs, fences, cycleway, walking trails, picnic facilities or other facilities will be designed to be removable in the event they are damaged by way action, inundation from the sea and/or erosion.

In considering the provision of this Clause, it is noted that in 1995, a seawall was constructed which adequately mitigates against coastal erosion and major coastal inundation risk. Despite this, the proposed structural are relocatable and temporary in nature, thus demonstrating a consistency with the types of development that would be considered within the 2050 Hazard line.

Notwithstanding the above, a Coastal Risk Management Report has been prepared by Cozens Regan Group Pty (dated July 2017) and submitted with the application. The report highlights the above consideration and further states that the mitigation measures which have been established as a result of the seawall are contingent on the seawall being maintained in a structurally sound and safe condition.

Council's Waterways Co-ordinator has reviewed the report and accepts the findings in the report and therefore is of the opinion that the proposed development does not increase risk to habitable dwellings therefore the level of assessment provided in the Coastal Risk report is adequate and no additional consent conditions are required to address coastal risk for the development proposal.

As such, Council can be satisfied that the development is consistent with the relevant matters for consideration under Section B25 of the DCP.

(a) (iia) Any planning agreement or any draft planning agreement under section 7.4

There is no planning agreement or draft planning agreement relating to the site or the proposal.

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

The proposed development is consistent with the objectives of the Government Coastal Policy as identified in Clause 92(1)(a)(ii).

Clauses 92(1)(b) (Applications for demolition), 93 (Fire Safety Considerations) and 94 (Buildings to be upgraded) are not relevant.

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

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 lands. The subject site is located in proximity of the coastal foreshore and is affected by coastal hazards. However, the location of the works is landward of an existing seawall and is protected by coastal inundation. As such, the proposed development will not impact upon that coastline with regard to demands and issues identified within the Plan for the whole of the Tweed coastline (Clause 2.4.1) including: recreation; water quality; heritage; land use and development potential; coastal ecology; and, social and economic demand. The Management Plan objectives at Clause 3.1.1 are therefore satisfied.

Tweed Coast Estuaries Management Plan 2004

The proposed development is not within Cudgen, Cudgera or Mooball Creeks. This Plan is therefore not relevant to the application.

This Management Plan applies to the estuaries of Cudgen, Cudgera and Mooball Creeks. The subject site is located approx 1.5km from the Cudgen creek. The proposal is considered not likely to impact on the Cudgen Creek due to the separation distance and existing residential/urban development separating the site from the Cudgen Creek.

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

The subject site is not located within the Cobaki or Terranora Broadwater (within the Tweed Estuary), with this Plan therefore not relevant 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

Aboriginal Cultural Heritage

The applicant has submitted a Cultural Heritage Assessment given that an AHIMS search was undertaken which identified three (3) registered Aboriginal sites within an 1000m radius of the subject site. The report lists a series of recommendations (4 in total) and it is considered that the report which contains these recommendations should be complied with as a special condition of development consent to ensure that the outcomes and objectives of Clause 5.10 of the LEP can be achieved and appropriate measures of protection can be employed as part of the development.

Subject to compliance with recommendation conditions, the proposed development is considerate to suitably protect the cultural heritage values of the area and will not have any impact on matters of cultural, environmental or archaeological heritage.

Access, Transport and Traffic

The proposal includes the removal of three (3) on-site parking spaces (not readily available to the public) to enable this area to be used for the pop up café and Food Van. Pedestrian access through this area will be maintained.

Council's Traffic Engineer has advised that Council parking studies indicate parking demand for the off street parking spaces surrounding the Club are not operating at capacity. In addition, the proposed operating hours for the pop up bar, café, outdoor patron areas and entertainment area will operate between 4pm and 8:30pm on Friday, Saturday and Sunday evenings which is outside the traditional peak demand for parking in the beach foreshore area. As such the removal of three parking spaces and the provision of the proposed additional uses would not have a significant detrimental effect on the surrounding road network given the available parking in the adjacent Crown Land.

Development Contributions

As discussed in this report, the majority of the proposed development comprises of temporary structures to be used for entertainment and service of food and drinks, ancillary to the Registered Club. Given this is the case, no additional Gross Floor Area has been calculated for the purpose of levying Section 7.11 or Section 64 contributions.

At the same time that the subject application was received by Council, a larger development was applied for by way of a separate development application. The works included in that DA would see the uses proposed under this DA becoming redundant except for the pop up bar/café which will be sited in a more permanent location. For this reason, it is considered the levying of contributions for the temporary structures is not warranted on this occasion. However, to secure the outcomes of this arrangement a condition of consent is recommended to limit the uses under this consent for a period of five (5) years. In addition, any future development consent would require the subject DA to be surrendered at the time that the larger development is enacted upon, and this would be covered by way of conditions. The levying of contributions in accordance with relevant contribution plans for the development would be the subject of a separate assessment.

Acoustic Impacts

The subject site is located within proximity to residential development, that being medium density housing and tourist and visitor accommodation (Kingscliff caravan park). As such, an Acoustic Report was prepared for the development and submitted as part of the DA package. The content of the report failed to address particular aspects of the proposal and the potential impacts to adjoining sensitive receiver locations (i.e. residential and tourist land uses). As such, the applicant was requested to provide an amended Acoustic Report to include particular reference the hours of operation (due to a discrepancy between the submitted SEE and Acoustic Report), impact to the caravans as it was addressed as a 'construction zone' as opposed to residential tourist accommodation, address expected noise levels due to patrons to be modelled using 150 patrons when the SEE estimated 100-150 patrons, as well as further information in regards to the type of musical instruments (entertainment) and the provision of a Noise Management Plan to manage and mitigate potential impacts.

On the 22 October 2018, the applicant submitted to Council a revised Noise Level Impact Assessment prepared by Acousticworks (Reference: 2018026 R01C Kingscliff Beach Bowls Club Pop Up Bar ENV.doc) dated 04 October 2018.

The report made further recommendations to relocate the entertainment area as originally proposed in the DA (to the south of the club building facing toward Marine Parade). The new location would better protect sensitive receiver locations and direct sound within the site as opposed to emitting in across the green in the direction of Marine Parade and residences across the road on Marine Parade.

The report was referred to Council's Environmental Health Officer whom advised the following:

The report has been prepared in general accordance with the NSW Industrial Noise Policy and by a suitably experienced consultant for the level of assessment required. It is noted that the noise criteria specified by Liquor and Gaming NSW has been applied. The noise criteria applied is considered appropriate for the proposed development as it is an existing licenced premise. The report adequately considered noise from the proposal. The report concludes that 'Providing that the recommendations are implemented, it is our opinion that the noise will be at a level expected to satisfy the relevant criteria and is not expected to significantly affect amenity at the residential receiver locations'.

The applicant has adequately addressed further information requested. See below for details:

- ***Hours of operation that are to consistent with the Statement of Environmental Effects (SEE)***

Hours of operation as stated in the acoustic report are confirmed to be 4pm-8.30pm. Furthermore, response letter dated 16 October confirming that the proposed operating hours for the pop up bar as 4pm to 8.30pm Friday, Saturday and Sunday nights with other nights for private bookings with same timeframes.

Proposed hours are considered suitable.

- ***Impacts to the adjoining caravan park as a receiver location to be assessed. Current report does not acknowledge the location or the impacts to the Kingscliff Beach Holiday Park.***

Revised acoustic report has considered impacts to noise at the Kingscliff Beach Holiday Park. It is noted that criteria are based on background levels assessed at Marine Parade. This is appropriate as locations are similar.

- ***Noise levels due to patrons to be modelled using 150 patrons. The SEE estimates 100-150 patrons.***

The revised acoustic report clarifies that at any one time there will generally be 100 patrons.

Recommendations of the report state 'The calculations assume crowd noise will continuously be at the theoretical maximum, which in itself tends to overestimate crowd noise levels for an outdoor gathering of small groups of people spread over a considerable area'.

The noise management plan included in the revised report provides scope for the management of the venue and appropriate management of potential noise impacts.

Given the above it is considered that the modelling using 100 patrons is adequate.

- ***Further details on the proposed type of instruments and location of speakers detailing if any adjustments need to be made due to annoying***

noise characteristics that may need to be accounted for in the modelling (e.g. drums, low base).

The revised report provides detailed recommendations in section 8.2 setting parameters about type of bands and instruments.

The noise management plan included in the revised report provides scope for the management of the venue and appropriate management of potential noise impacts.

The requested information has been satisfied.

- ***A number of submissions have been raised and it would be expected that the noise report includes an operational noise management plan.***

A detailed noise management plan has been included in the revised acoustic report. Management provided is adequate in managing potential noise impacts. Condition to be applied.

- ***Liquor and Gaming NSW to provide concurrence with the proposal as per the existing liquor licence for Kingscliff Beach Bowls Club.***

The General Manager of the Club has provided a response and has requested a full copy of licence plan for the club. Although information has been requested, the club needs OLGA to advise in writing that they are satisfied that the proposed use of the pop up bar and bistro area are compliant with the current Liquor Licence.

Based on the advice from Council's Environmental Health officer, it is considered that the proposed development suitably addresses the potential impacts of the development in regard to noise.

Notwithstanding, to secure the outcomes of the report(s), it is recommended special conditions of consent be imposed to require the development to comply with the updated Acoustic Report and Noise Management Plan submitted as additional information with the DA.

In addition, the submitted site plan will need to be stamped with a noted amendment to the location of the entertainment area as per the submitted Acoustic Report. A further special condition of consent is recommended to reflect the update to the site plan and ensure the entertainment area is sited according to the recommendations in the report (refer to figure 5 & 6 below for the revised location of the entertainment area as highlighted in the updated Acoustic Report).

Subject to compliance with the conditions of consent, the development is considered to be acceptable in this regard

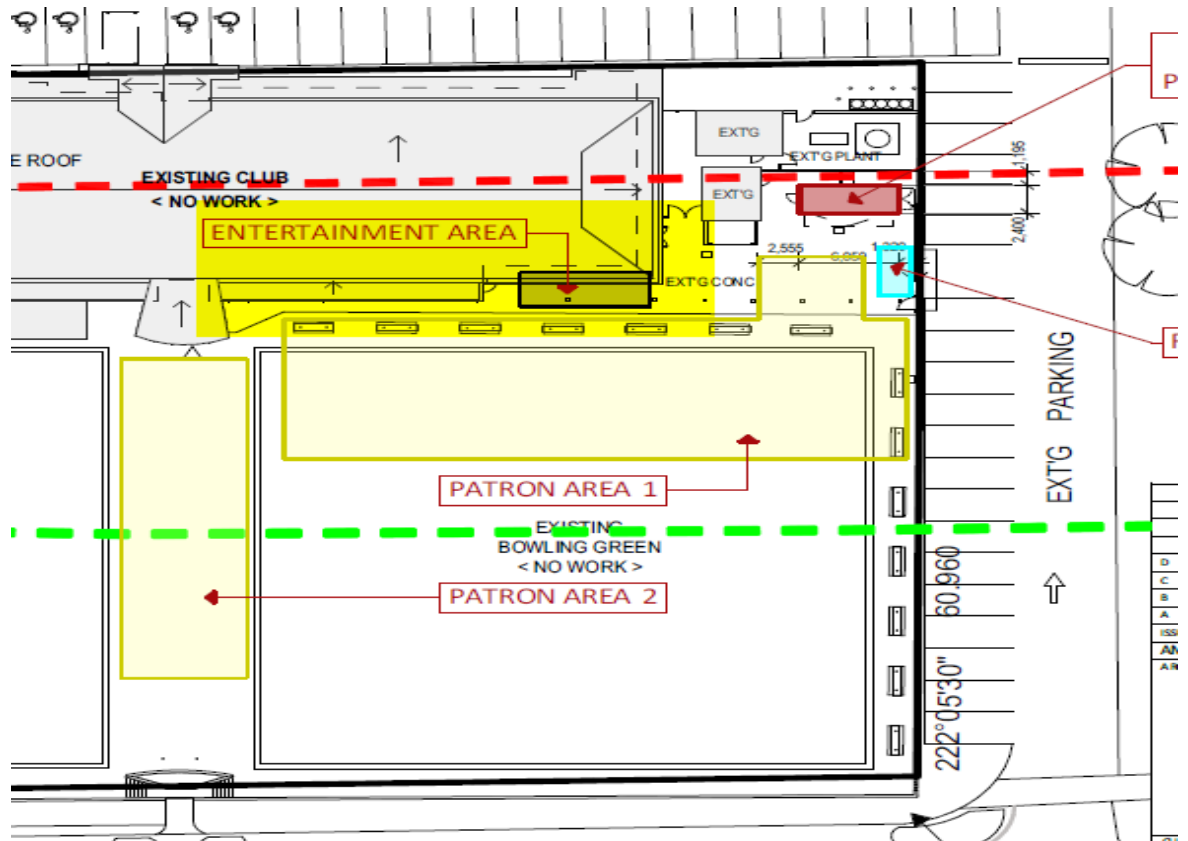


Figure 5: Extract of submitted site plan showing the original location of the 'Entertainment Area' to the south of the existing club building

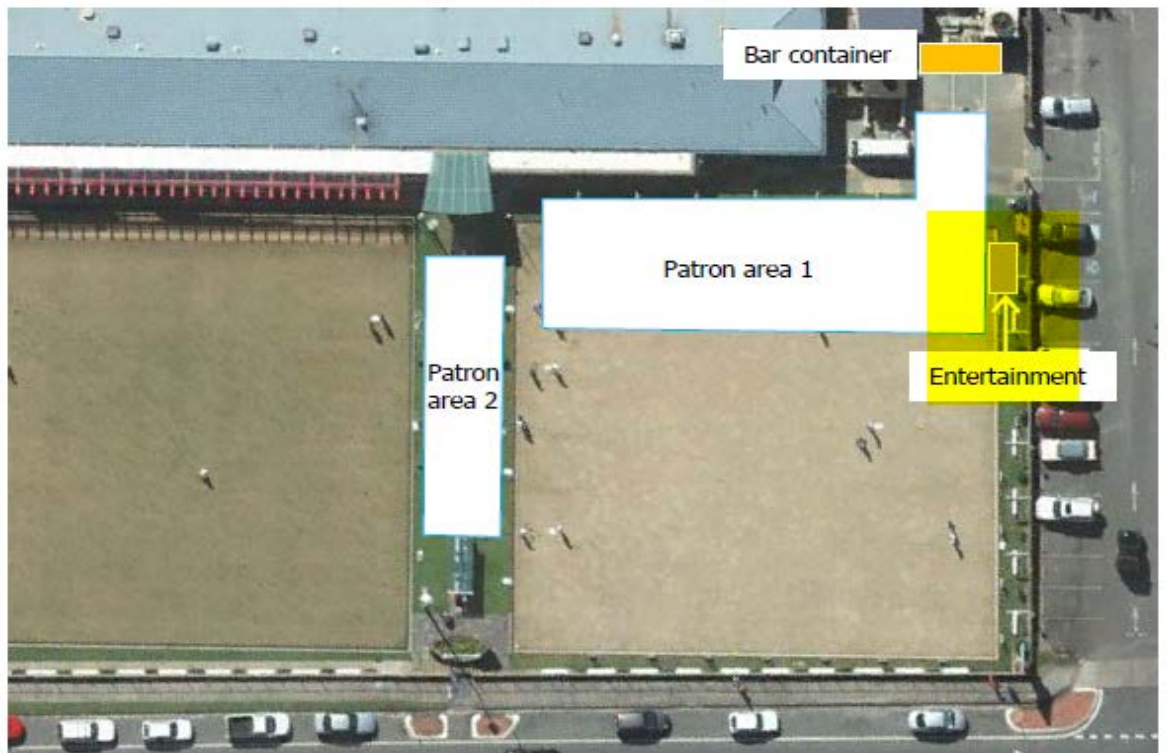


Figure 6: Updated location of Entertainment Area in accordance with revised Acoustic Report – relocated to the eastern extent of the existing bowling green

(c) Suitability of the site for the development

Surrounding Landuses/Development

The subject site is surrounded by public recreation land to the east and medium density residential to the west. Further south of the subject site is a caravan park (tourist accommodation). The proposal is for the use of a temporary bar facility, amplified music and a mobile food van on the southeast boundary of the site in addition to the existing Kingscliff Bowls Club facilities. The proposed hours of use for the bar, music and amplified music is 4pm to 8.30pm Friday to Sunday.

The proposed development is consistent with the existing use of the land and appropriate measures have been employed to ensure that it is conducive to the surrounding land uses/development in regard to minimising amenity impact (see previous discussion in regard to noise).

Utilities and Services

The subject application relates to the temporary siting of the pop up bar/café and food van in a car parking area and a more permanent arrangement for the siting of these facilities will be provided under a future DA (if approved by Council). This was explained in the submitted Statement of Environmental Effects and since the submission of the subject DA, a separate DA18/0635 was submitted for the alterations and additions to the club facility, reduction in the bowling green and relocation of the café/pop up bar and food van. This application is still under assessment and will be subject to a separate merit based assessment. Notwithstanding, given the subject application is relying on the future DA being determined favourably, the water unit have stated that no additional charges for water are applicable and the development can be serviced by the existing services and utilities on the site.

To secure a desirable outcome for Council that does not underpin the subject development approval being issued without Section 64 charges to DA18/0635 being consented to favourably (in case the merits of the proposal do not give rise to Council support), the following special conditions are recommended:

- The subject development consent is limited to a period of five (5) years from the date of issue.

In addition, should the separate DA that includes the relocation of the pop up bar/café and expansion to the club be considered favourably, a condition of development consent would be recommended on that DA to require the subject DA to be surrendered prior to the issue of a Final Occupation Certificate.

Natural Hazards – Bushfire

The subject site is mapped as bushfire prone land and a Bushfire Assessment Report was submitted with the DA. The report specifically relates to a separate DA on the subject site for alterations and additions to the club and outlines the developments performance against Section 4.13 of the Act as well as Planning for Bushfire Protection 2006 Policy Document.

The report outlines specific requirements that would apply to the proposal given the character of the site and the level of threat of bushfire, none are relevant except for the provision of water supply which is already provided in the street (i.e. hydrant and booster) to service the subject site.

As such, Council can be satisfied that the site is suitable for the proposed development as far as bushfire is concerned.

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

The subject application was referred to Crown Lands as the owner of the subject site and adjacent car park which the club utilises under a Special Lease agreement. On 28th September 2018 a response to Councils referral letter was received stating that no objections were raised to the proposed development.

In addition, the subject application was neighbour notified for a period of 14 days from Monday 23 July 2018 to Monday 6 August 2018. During this time, four (4) submissions were received. Detail of the submissions was forwarded to the applicant for consideration and review and a planning response to the concerns was provided.

Council consideration of the submission, the applicants planning and response and the developments performance against matters for consideration under Section 4.15(d) of the Act are provided herein.

Submission	Response
<p>Previous illegal use of the site for the purpose of a pop up bar/café and associated acoustic entertainment have caused adverse impact to residences in regard to noise. The noise was too loud and intolerable; people could not open their windows or doors and it was especially bad in the evening.</p>	<p>It is understood that the subject application has been lodged in response to complaints from adjoining land owners that the food van and entertainment was operating without approval. A recent site inspection revealed that the food van was situated on the site but not in operation which would indicate that the development may have been occurring without approval. Notwithstanding, the subject application seeks to rectify any previous unauthorised uses and appropriate reports have been prepared to qualify whether the nature of the development is appropriate on the subject site. In particular an acoustic report was submitted with the DA. A review of the report was undertaken and further detail was requested by Council to the applicant. As such a revised report was prepared which addresses the likely acoustic impacts having regard to the number of people using the facility, the hours of operation and the type of bands and instruments playing. In addition, the location of the entertainment area was revised to better protect the acoustic amenity of the surrounding residential areas.</p> <p>Furthermore, a Noise Management Plan was submitted with the amended report which addresses ongoing operational management requires for the club to maintain compliance with the Acoustic Report sound limitations and establish measures for the club to respond to any complaints receive by the community.</p>

Submission	Response
<p>9.30pm completion time for amplified music is too late.</p>	<p>As such, it is considered that the issuing of development consent subject to compliance with the Acoustic Report would ensure that excessive noise can be mitigated by way of compliance conditions with the report.</p> <p>The completion time for amplified music will be no later than 8.30pm Friday – Sundays and this will form a condition of consent.</p>
<p>Request for a Noise Management Plan be prepared for the operations and the operating hours to be reduced.</p> <p>A reduction in the size of the bowling green should not be allowed.</p>	<p>A Noise Management has been prepared and submitted to Council. In addition to the submission of a Noise Management Plan, additional information further reduced the proposed hours from 9.30pm closure to 8.30pm closure which is satisfactory.</p>
<p>The proposed use of the site is more suitably defined as 'pub' or 'food and drink premises' which is not appropriate activities within an area for recreational purposes adjacent to residential dwellings.</p>	<p>This is not a matter for consideration pursuant to Section 4.15 of the Act. The reduction in the size of one of the bowling greens would not compromise the ongoing overall use of the club house as a bowling club. The commercial viability of the club and its ventures to partially modify one of the three greens is a commercial matter that is not a statutory consideration or the subject of a merit based assessment under the Act. Notwithstanding, matters pertaining to the impact of the use of the part of the green that will no longer be occupied for that person but outdoor entertainment, serving of food (café/bar) and food van is a matter for assessment under the Act and the relevant matters for consideration as part of the assessment are contained throughout this report.</p>
<p>The proposed use is no compatible with the existing 'registered club' land us and the adjoining residential land uses.</p>	<p>The applicant has suitably demonstrated that the proposed use can be characterised as being ancillary to the approved use of the site as a Registered Club. The principal purpose of the site is not for the retail sale of liquor and this can be justified by the fact that the majority of the bowling greens will remain on site and in operation. The provision of afternoon/evening entertainment on 3 days of the week as well as additional food services would not compromise the use of the site as a Registered Club. Notwithstanding, it is acknowledged that the food truck may be better defined as 'food and drink premises' however this is a permissible development in the zone.</p>
<p>The locality of the subject site is not suitable for the proposed use as it is predominantly</p>	<p>The applicant has demonstrated that the proposed development is suitably characterised as ancillary to the Registered Club, that is that the uses are subordinate to the 'Registered Club' and this is evident by conservative hours of operation (4pm-8.30pm Friday-Sundays) and the fact that the development will not compromise the function of the Club.</p> <p>An assessment of the likely impact of the development having regard to adjoining</p>

Submission	Response
<p>residential as opposed to being located with the CBD (such as other bars and outdoor entertainment areas in Kingscliff). The use of the site for entertainment purposes should only be permitted within the existing building and not outdoors. The proposed development is in conflict with the adjoining residential land use.</p> <p>If the application is approved measures should be employed to require noise monitoring to occur to manage any noise complaints.</p> <p>The proposed development will impact the residential and coastal amenity.</p> <p>The noise limits should not be set from the source but also to the residents across the road at Marine Parade.</p> <p>The submitted acoustic report is inadequate as it does not take into account weather conditions.</p> <p>The social impact checklist is not accurately completed and the checklist does not account for the negative impact it will have on the existing residential amenity for the residents on Marine Parade opposite the club.</p>	<p>residential land uses has been undertaken. In particular, potential acoustic impacts have been considered. Councils Environmental Health Officers have reviewed the submitted Acoustic Report (as amended) and Noise Management Plan and raised no objection to the development subject to recommended conditions of consent. Therefore, on balance, the development is considered to be worthy of support as impacts to adjoining residential land uses can be managed and mitigated by the operations of the club.</p> <p>The use operates as a permitted land use in the zone and has been subject to several historic approvals by Council. The site is located 150m north of the CBD and therefore is within walking distances to other tourist, commercial and recreational amenities within the locality. In addition, it is in proximity to public recreation areas and the Kingscliff Beach and therefore the use of the site is considered to be conducive to the CBD. Furthermore, in order to ensure the amenity of nearby residences are protected, appropriate measures have been recommended in the Acoustic Report to reduce noise impacts and they will form conditions of consent, together with hours of operation which is from 4pm – 8.30pm Friday - Sunday.</p> <p>A Noise Management Report has been submitted as additional information. This report addresses operational management measures to mitigate potential for non-compliances with the Acoustic Report (as amended) in regard to noise. A comprehensive assessment of the application has been undertaken and on merit, the development is considered to be worthy of support. Appropriate measures have been taken to reduce the hours of operation for the use which is nominated to occur on three (3) evenings of the week. Operational measures are highlighted in the Acoustic and Noise Impact Report to protect residential amenity.</p> <p>The development does not pose impact to the coastal amenity. The development is located 150m south of the CBD and therefore is within an area that supports both residential and commercial land uses. The site is protected by a seawall and therefore the development will not be impacted by an environmental coastal erosion or hazards.</p> <p>Noise monitoring has been undertaken at sensitive residential receiver locations and therefore background noise have been captured. The noise limits established in the report have due regard to background noise at sensitive residential receiver location which is standard practice for Acoustic Reports. It is considered the report has been prepared in regard to the</p>

Submission	Response
	relevant Australian Standards and Noise Control Guidelines and is satisfactory. Council is satisfied that the proposed development does not require a Social Impact Assessment. Council is satisfied that the checklist has been completed accurately. Matters in relation to residential amenity are separate matters for consideration and have been addressed in the body of the submitted Statement of Environmental Effects.

(e) Public interest

The proposed development is generally consistent with the applicable environmental planning instruments and the Tweed Development Control Plan. The proposed development is ancillary to the use of the land as a recreational club and will improve the function of the club as well as the amenity that the club provides for its members and guests. The development is therefore considered to be in the wider public interest by providing a commercially viable development which provides a degree of social amenity on appropriately zoned land.

OPTIONS:

1. Approve the development subject to recommended conditions of consent for the following reasons:
 - (a) The development proposal has been considered in accordance with the relevant provisions of the NSW Environmental Planning and Assessment Act 1979 and on balance is suitable to be determined by way of approval.
2. Refuse the application, providing reasons.

Option 1 is recommended.

CONCLUSION:

The proposed development has been considered in accordance with the relevant statutory obligations under Section 4.15 of the Environmental Planning and Assessment Act 1979 and on balance is considered to be suitable for determination by way of approval.

The development is not considered to result in a significant impact to the built and environmental amenity and to secure this outcome, appropriate conditions have been applied.

The proposal is considered suitable and appropriate for the subject site, given its permissibility in the RE2 Private Recreation zone. In addition, matters of Public Interest have been considered and addressed as part of the assessment. It is considered that on balance, the development has sound planning merit and is worthy of support.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

The applicant has a right of appeal to the Land and Environment Court in terms of any determination by Council.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Revised Acoustic Report and Noise Management Plan prepared by Acousticworks dated 4 October 2018 (ECM 5668590)

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