

Tweed City Shopping Centre Planning Proposal PP11/004 Report on Submissions

October 2012

Tweed Shire Council

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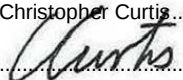
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Author: Christopher Curtis

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Reviewer: David Kretchmann

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Approved by: David Kretchmann

Signed: 

Date: October 2012

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Contents

	Page number
1. Background	1
1.1 State agency submissions	2
1.1.1 Office of Environment and Heritage	2
1.1.2 Roads and Maritime Services	3
1.2 Public exhibition submissions	4
1.2.1 Planit Consulting	4
1.2.2 Dutchmead Pty Ltd	5
2. Key issues and risks	8
2.1 Finalising the Planning Proposal	8
2.2 Development control plan	9
3. Conclusions	10
4. Recommendations	11

Appendices

Appendix A	Office of Environment and Heritage Submissions
Appendix B	Roads and Maritime Services Submission
Appendix C	Planit Submission
Appendix D	Dutchmead Submission
Appendix E	DEXUS letter to Dutchmead

Executive summary

Tweed Shire Council prepared a Planning Proposal to rezone a number of lots adjacent the Shopping Centre currently zoned 2(b) Medium Density Residential, 3(c) Commerce and Trade, or 6(b) Recreation, to 3(b) General Business, to enable the future expansion of the Shopping Centre. The Planning Proposal was submitted to the Department of Planning and Infrastructure with a Gateway Determination Notice received on 28 June 2012. This Notice outlined the public exhibition requirements and also State agency consultation requirements with the Office of Environment and Heritage, and Roads and Maritime Services.

This report outlines the submissions received from State agencies and the community during the exhibition period. Responses are provided to each submission, with risks to Council identified as part of these responses. Recommendations are provided as part of these responses.

The main issue raised through the exhibition period was the exclusion of 54 and 56 Kirkwood Road, Tweed Heads South, two residential-zoned lots which directly adjoin the shopping centre. These two lots were proposed by the submission to be included within the Planning Proposal.

It is recommended these two lots be included within the Planning Proposal to create an integrated commercial core within the Tweed Heads South area. The consistent rezoning of the land will also assist in facilitating a consolidated development footprint, in accordance with Section 8.1.5 of the Draft Tweed City Development Control Plan, and reduce potential amenity conflicts between residential and commercial land use.

The incorporation of 54 and 56 Kirkwood Road into the Planning Proposal will change the 'explanation of provisions' within the Planning Proposal and delay its finalisation by approximately one month whilst it is assessed by the Department of Planning and Infrastructure. There is a risk that this timeframe could be extended further at the discretion of the Department of Planning and Infrastructure, however preliminary consultation with this entity has indicated further consultation or exhibition (which could extend the timeframe) are unlikely. This timeframe is based on the assumptions that the Department of Planning and Infrastructure will re-assess the Planning Proposal in a similar duration to that already assessed, and that no additional consultation or exhibition will be deemed necessary by the Department of Infrastructure and Planning.

The Office of Environment and Heritage have advised that additional studies relating to Aboriginal Cultural Heritage over 54 and 56 Kirkwood Road can be conducted at the development application stage.

The other submissions from the Office of Environment and Heritage, Roads and Maritime Services (as State agencies) along with Dutchmead Pty Ltd (land owner adjoining the shopping centre) generally raise reasonable issues. However the issues raised in these submissions can be addressed at the development application stage when detailed plans of the development are assessed against Council policies.

1. Background

Tweed Shire Council (Council) received a request to prepare a Planning Proposal from Urbis Pty Ltd on behalf of DEXUS Property Group ("DEXUS"), the Manager of the Tweed City Shopping Centre. The Tweed City Shopping Centre is the key destination that forms part of Tweed Heads South, the region's major district retail centre as recognised within Council's Retail Strategy.

The Planning Proposal seeks to rezone several lots adjacent the Tweed City Shopping Centre from residential, open space or business zonings, to a business zoning consistent with that of the shopping centre site.

Council resolved on 13 December 2011 to amend the Tweed Shire Local Environmental Plan 2000 (LEP 2000) as follows:

Resolved that:

A planning proposal be prepared for PP11/0004 - Stage 1, Tweed City Shopping Centre at Lot 22 DP 23659; No. 24 Kirkwood Road; Lot 21 DP 23659; No. 26 Kirkwood Road; Lot 20 DP 23659; No. 28 Kirkwood Road; Lot 19 DP 23659; No. 30 Kirkwood Road; Lot 6 DP 1119624; No. 38 Minjungbal Drive; Lot 13 DP 23659; No. 42 Kirkwood Road; Lot 12 DP 23659; No. 44 Kirkwood Road; Lot 11 DP 23659; No. 46 Kirkwood Road; Lot 2 DP 804871; No. 48-50 Kirkwood Road; Lot 8 DP 23659; No. 52 Kirkwood Road; Lot 1 DP 781517; No. 58 Minjungbal Drive; Lot 2 DP 781518; No. 60 Minjungbal Drive; Lot 1 DP 524806; No. 62 Minjungbal Drive; Lot 2 DP 524806; No. 64 Minjungbal Drive - TWEED HEADS SOUTH, subject to the prior execution of a Costs and Expenses Agreement being executed

Council also resolved on 17 April 2012 to incorporate an additional lot into the Planning Proposal as follows:

Resolved that:

Council endorses Lot 5 in DP 830973, No. 24A Kirkwood Road, Tweed Heads South, to be incorporated into the current planning proposal PP11/0004, Draft Tweed Local Environmental Plan 2000 Amendment No. 96, subject to the prior written landowners consent of that property being provided.

The Planning Proposal was submitted to the Department of Planning and Infrastructure (DP&I) for determination, with a Gateway Determination Notice issued on 28 June 2012. The Planning Proposal was issued to the Office of Environment and Heritage (OEH), and Roads and Maritime Services (RMS) on 23 July 2012 by Parsons Brinckerhoff.

Public exhibition of the Planning Proposal occurred from 1 August 2012 to 17 August 2012.

The purpose of this report is to:

- undertake a technical review of the submissions received by Council
- identify the key risks to, or actions required of, Council arising from the submissions
- provide a recommendation to Council on how the submissions should be actioned.

1.1 State agency submissions

Three submissions were received from State agencies – two from OEH and one from RMS. Section 1.1 addresses the relevance of the submissions with respect to the current extent of the Planning Proposal.

1.1.1 Office of Environment and Heritage

1.1.1.1 Submission dated 25 August 2012

The OEH submission dated 25 August 2012 (received by Council on 28 August 2012) addressed the issues of biodiversity, Aboriginal cultural heritage and flood hazard. A copy of the submission is contained in Appendix A.

Biodiversity

OEH identified the nearby Ukerebagh Nature Reserve as land reserved under the National Park Estate Land classification system, which is also identified as a Key Habitat (area of high conservation value). Data records identify a sighting of the Eastern Osprey (*Pandion cristatus*) and Koala (*Phascolarctos cinereus*) on the public land east of the site.

OEH recommends that the Planning Proposal:

- Consider likely impacts on threatened species and key habitats within the area
- Retain bushfire hazard protection zones on the site and not encroach into the National Park Estate Land, or the land containing the remnant Sclerophyll Forest/Woodland to the south-east of the site.

Response

It is considered that this issue is reasonable, given the close proximity of the Ukerebagh Nature Reserve to the site. While OEH recommends that the Planning Proposal should address the potential impacts on threatened species and key habitats within the area, it is considered the issue be addressed at the development application stage.

While the Planning Proposal broadly complies with relevant State Environmental Planning Policies and takes into consideration the potential impact on threatened species, additional works undertaken during the development application stage can provide more targeted results. This will arise from the development application being required to meet all Council planning policies including environmental concerns, and subsequent compliance occurring in any development design.

The Reserve's rating as Vegetation Category 1 under Council's Bushfire Prone Land mapping should also be considered in the design of any future expansion of the existing shopping centre footprint.

Aboriginal Cultural Heritage

OEH acknowledged that the land subject to the Planning Proposal contains "*landforms which have yielded a significant volume of evidence of Aboriginal occupation*", which may indicate additional, currently undetected material present on the land.

OEH recommends that the management strategies outlined within the Aboriginal Cultural Heritage Due Diligence Assessment Report prepared by Everick Heritage Consultants Pty Ltd (March 2010) be considered as part of any future development on the land.

Response

The management strategies outlined within the Report should be incorporated into any future development application, and enforced through development approval conditions. The identification and protection of Aboriginal cultural heritage should also be incorporated into construction management documentation prepared by the proponent, once the proponent obtains development approval.

Flood Hazard

At the time of preparing the submission, OEH acknowledged a meeting was to occur involving OEH, Council, DP&I and the NSW State Emergency Service regarding flooding, with potential acid sulphate soils also to be investigated, with a second response provided after this occurs.

Response

Noted. Second submission received and outlined below.

1.1.1.2 Submission dated 31 August 2012

The OEH submission dated 31 August 2012 (received on 5 September 2012), addressed the previously identified issues of flooding and potential acid sulphate soils. The submission stated OEH had no comments on either issue which required clarification or discussion. A copy of the submission is contained in Appendix A.

Response

As per development assessment standards, flooding and acid sulphate soils should be taken into consideration by the proponent with any future development application, and assessed by Council through the development assessment process.

1.1.2 Roads and Maritime Services

The RMS submission dated 28 August 2012 (received on 5 September 2012) did not raise any objections to the proposal, however indicated that any future expansion of the shopping centre should be supported by a demand model that examines the traffic implications on the wider road network surrounding the site. This modelling should also examine the performance and function of the existing intersections along Minjungbal Drive, and an assessment of current signal arrangements and performance of those signals ten years into the future.

A copy of the submission is contained in Appendix B.

Response

The traffic report submitted as part of the request for Planning Proposal considers the future expansion of the site in comparison to the current situation however is limited in its analysis. At the development application stage, the proponent should update the traffic report to

incorporate the maximum potential expansion of the centre, and also to investigate (as recommended) the performance of the existing traffic systems in place surrounding the site.

1.2 Public exhibition submissions

Two submissions were received from the public from the exhibition period.

1.2.1 Planit Consulting

On behalf of Mr P & M Ross, Planit Consulting submitted a late submission dated 24 August 2012 (received on 29 August 2012), regarding the inclusion of additional lots into the Planning Proposal. A copy of the submission is contained in Appendix C.

The submission outlines the request from the land owners of Lots 6 and 7 in DP23659 (56 and 54 Kirkwood Road, Tweed Heads South respectively), adjacent the site, to include these lots within the Planning Proposal. The lots are currently occupied by a denture clinic and a home business. As with the lots included in the Planning Proposal, Planit Consulting are seeking for the lots to also be rezoned from 2(b) Medium Density Residential to 3(b) General Business.

Planit Consulting have undertaken an assessment of the lots' inclusion against all relevant State Environmental Planning Policies, relevant section 117 Directions and the Tweed Local Environmental Plan 2000. The assessment concludes inclusion would be consistent with the abovementioned Policies and recommends Council's support of the request. The submission states that 'the inclusion would prevent a submission being made that would seek to amend the new instrument', and also provides for Council to assess the inclusion of the properties prior to the release and finalisation of the draft LEP 2010.

Response

The inclusion of the two additional lots consolidates the Tweed Heads South commercial core by rezoning two residential lots (which if the inclusion of the two lots were not to take place, would result in two isolated residential lots surrounded by the shopping centre and Kirkwood Road) to 3(b) General Business.

One consistent zoning of the land south east of the Minjungbal Drive/Kirkwood Road intersection will also help to facilitate a consolidated development footprint in accordance with section 8.1.5 of the Draft Tweed City Centre Development Control Plan. It would also reduce potential amenity conflicts between residential and commercial development.

The letter from DP&I accompanying the Gateway decision recommended the inclusion of the two lots to meet the objectives of the Planning Proposal to 'enable the orderly expansion of the existing Tweed City Shopping Centre', and encouraged Council to consider the inclusion of these two lots.

As the Relevant Planning Authority (RPA), Council has the ability to vary the Planning Proposal to include 54 and 56 Kirkwood Road, under Section 58 of the EP&A Act. Discussion with Claire Purvis of DP&I on 24 September 2012 confirmed:

- Incorporation of 54 and 56 Kirkwood Road results in a change to the "explanation of the provisions" required by Section 55(2)(B) of the EP&A Act.

- Council (as RPA) must be the entity that varies the Planning Proposal. This is done in writing to DP&I, and should provide a brief description of how the Planning Proposal has been revised.
- If required, an extension of time (to amend the LEP within nine months of the week following the date of the Gateway Determination) should also be lodged with DP&I. This request should also accompany the variation to the Planning Proposal.

The revised Planning Proposal is required to be submitted to the Minister (Section 58(2) of the EP&A Act) and is likely to result in a delay of approximately one month (based on the initial assessment period used for this Planning Proposal) while the amended Planning Proposal is assessed by DP&I, and assuming that additional consultation or exhibition is not required.

Further consultation with State agencies (adding on an additional 21 days to this assessment timeframe) or community consultation (for a period of 14 days, inclusive of the 21 days for State consultation) may be required if deemed necessary by DP&I. However, preliminary discussions with the DP&I indicated further consultation is unlikely to be required.

At present, no Aboriginal cultural heritage study has been completed over 54 and 56 Kirkwood Road, Tweed Heads South. The Everick Heritage Study only includes the sites currently included within the Planning Proposal. OEH's Aboriginal Heritage Unit provided written advice to Parsons Brinckerhoff on 28 September 2012, determining *"that an ACH assessment could be undertaken at the development application stage, given that the two subject sites adjoin a major shopping complex and have been highly developed for residential purposes."*

OEH also advised the ACH assessment of the two additional sites should consider previous advice provided by OEH in relation to ACH matters for the Planning Proposal.

1.2.2 Dutchmead Pty Ltd

Dutchmead Pty Ltd (Dutchmead), the owners of the three strata-titled developments to the east of the shopping centre site (known as Tweed Gardens), issued a submission dated 13 August 2012 (received on 15 August 2012). Refer to Appendix D for a copy of the submission. It should be noted that prior to receipt of this submission, discussions between Dutchmead and DEXUS occurred on site on 30 July 2012. Various issues were raised during this meeting, and these are outlined below. Dutchmead's submission and subsequent issues are identified following this initial discussion.

All points raised are in relation to Lot 5 in DP 830973, known as 24a Kirkwood Road.

Following the onsite meeting between DEXUS and Dutchmead on 30 July 2012, DEXUS responded to issues raised at that meeting via a letter dated 6 August 2012. Appendix E contains a copy of this letter. The following outlines the concerns and responses raised by Dutchmead:

- The acoustic fencing will be removed from the western boundary line, with a new acoustic fence installed within the eastern boundary.
- The new fence will be set back from the existing road, to allow room for an extension to the existing footpath to join with the Kirkwood Road footpath, inclusive of screen planting.

- Existing trees will be retained, or new trees planted where possible, where the setback becomes large enough to allow this. Species will be low maintenance.
- The keyed security gate will be maintained along with the pedestrian crossing and footpath entry, all which allow access to the shopping centre for residents of Tweed Gardens.
- If TV reception is diminished as part of the shopping centre expansion, the building owner will seek to rectify this at their cost.

Subsequently, Dutchmead responded with a submission to Council (received 15 August 2012) requesting a rejection of the Planning Proposal application to rezone 24a Kirkwood Road from a residential zoning to a business zoning. The submission provides five points in support of the rejection:

1. Noise – the common boundary is merely metres from residential units within the Tweed Gardens complex. Unit 1 within the Tweed Gardens complex is less than 14 metres from the common boundary, with the resident and neighbours of this unit already contending with heavy bus and truck noise from the shopping centre from as early as 4.30am (the unloading dock area does not open until 7am). Dutchmead states matters will be made worse if a four storey car park is positioned close to Lot 5 (24a Kirkwood Road). While acoustic monitoring has been undertaken, there is some conjecture about the positioning of the equipment used not giving a legitimate reading – this is however merely stated within the letter.

Response

In the context of this Planning Proposal, it is considered that these noise issues can be assessed at the development assessment stage. Section A2 of the Tweed DCP 2008 enables Council to conduct such an assessment. At the development assessment stage, further acoustic modelling based on the proposed expansion plans should occur, with recommended acoustic treatments (such as acoustic fencing or redesign of proposed buildings) or management techniques employed (such as conditioning particular hours of operation) included if the development application is approved.

2. Various services for Tweed Gardens run under Lot 5 in DP830973, including power and telephone cables, with easements for power and water also present.

Response

The relocation of these services, if required, can be assessed and conducted at the development assessment stage. Section A5 of the Tweed DCP 2008 enables Council to conduct such an assessment.

3. Safety along the private road which provides access to Tweed Gardens is identified as being decreased for motorists, wheelchair owners and pedestrians, due to this road being affected by the eastern boundary of Lot 5. It is believed that a fence in this position will severely affect sightlines along this road and also along the access point off Kirkwood Road.

Response

It is considered that this should be assessed at the development assessment stage of the future expansion of the shopping centre, not at the Planning Proposal stage. Section A2 of

the Tweed DCP 2008 enables Council to conduct such an assessment. A Development Control Plan (DCP) could be implemented over the site to guide the future expansion of the shopping centre, and also to determine the requirements for road safety.

4. The existing three-metre high acoustic fence is of concern to Dutchmead for reasons of visual amenity. Dutchmead notes that no setback distance from the common boundary was provided by DEXUS in their previous letter.

Response

This can be assessed in accordance with the relevant planning codes at the development assessment stage of the expansion of the shopping centre. Setbacks will be required to comply with Council's requirements.

5. The final point identified was the size of the land (728 m²), and the issues that the rezoning will present to the residents of Tweed Gardens, are not justified enough. It is preferred that the site retain its residential zoning to provide a buffer between the shopping centre and the residential development of Tweed Gardens.

Response

While the site is small in terms of the overall site holdings of the Tweed City Shopping Centre, and also in terms of the site holdings of Tweed Gardens, in its current form the site acts as a buffer between the shopping centre and part of Tweed Gardens. The inclusion of the site into the shopping centre area would formalise the area, and also present the opportunity for more suitable landscaping and safety measures to be implemented. A DCP could provide further guidance on this.

2. Key issues and risks

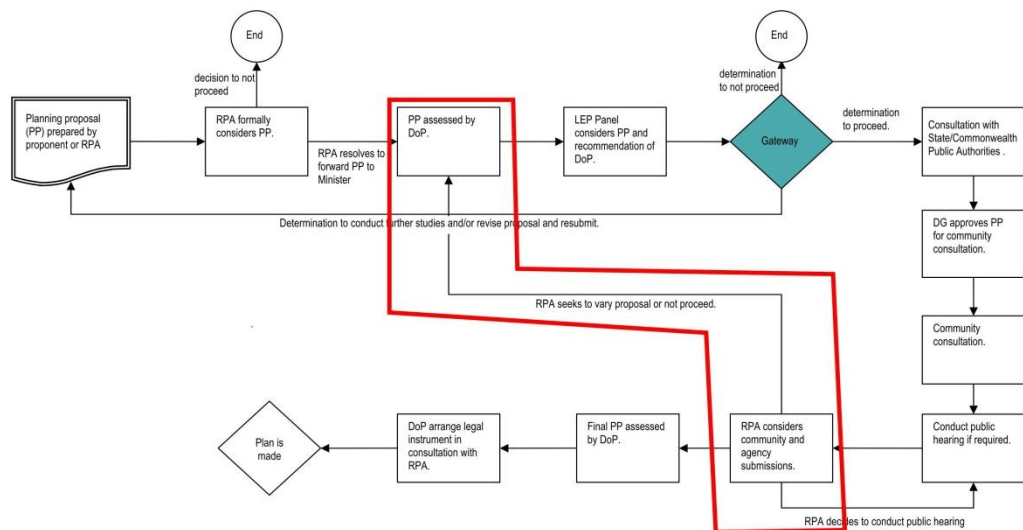
The key issues identified within both submissions are outlined below, with potential risks to Council, and other future work for Council also identified.

2.1 Finalising the Planning Proposal

A risk to Council is the delay in finalising the Planning Proposal by incorporating 54 and 56 Kirkwood Road, Tweed Heads South, into the Planning Proposal. This variation to the Planning Proposal will have the effect of sending the process back to the assessment phase as illustrated in Figure 2.1.

A guide to preparing local environmental plans

Figure 5 – Process to make a local environmental plan



Page 13

Figure 2.1 Process to make a local environmental plan

Given this is permissible under Section 58 of the EP&A Act, yet still requiring resubmission to DP&I for assessment (and potential State agency consultation), this will increase the timeframe for Council to finalise the Planning Proposal.

Further community consultation under Section 57 of the EP&A Act may be required, however this is subject to the advice of the Minister (under Section 56, through a revised Gateway Determination) as to whether additional consultation is required. This may result in additional submissions regarding the Planning Proposal, subsequently presenting further delays and issues to resolve to Council and also the proponent.

2.2 Development control plan

Future work for Council may include the creation of a site-specific DCP for the shopping centre site, to guide the future development in a way which meets the relevant planning objectives for the area. This DCP could incorporate requirements which deal with the following:

- The formalisation of Lot 5 in DP 830973 as either a footpath or an extension of the shopping centre car park
- Provide safety measures and define sightlines for the driveway out of Tweed Gardens onto Kirkwood Road
- Introduce acoustic requirements along the boundary nearest to Tweed Gardens to minimise noise amenity impacts
- Recognise any potential future traffic impacts and provide statutory requirements to reduce this.

Additionally, the following should be investigated during the development assessment period, and if suitable, passed on to the proponent as conditions of approval:

- Acoustic modelling to determine the level of noise impacts on the residents of Tweed Gardens
- Traffic modelling to provide guidance on the future impacts on the surrounding network
- Confirmation of the likely impacts on threatened species and key habitats within the area
- Adherence to the management strategies outlined in the Cultural Heritage Due Diligence report.

3. Conclusions

Following consultation with two State agencies, OEH and RMS, and exhibition of Planning Proposal PP11/004, Council received submissions from both State agencies, along with Planit Consulting and Dutchmead. The purpose of this report is to undertake a review of these submissions, identify the risks associated with the issues raised in the submissions, and establish the actions required in the review of the submissions.

OEH and RMS provided a number of comments. The comments raised in the submissions are reasonable, however can be addressed at the development application stage.

The submission by Planit Consulting, on behalf of the land owners of 54 and 56 Kirkwood Road, Tweed Heads South, requested inclusion of these lots into the Planning Proposal.

DP&I have advised inclusion of 54 and 56 Kirkwood Road into the Planning Proposal will result in a variation of the Planning Proposal, as its 'explanation of provisions' will have been varied by including two additional lots.

While the variation of the Planning Proposal will result in a delay to the Planning Proposal process, it is also considered reasonable on the following planning grounds:

- The inclusion of 54 and 56 Kirkwood Road facilitates the ability to create a consolidated commercial footprint for Tweed Heads South.
- It would reduce the potential for amenity conflicts between commercial and residential land use.
- Section 8.1.5 of the Draft Tweed City Centre Development Control Plan identifies 54 and 56 Kirkwood Road as being included within a future development area of the Tweed City Shopping Centre.

Risks in respect of varying the Planning Proposal include the need for additional consultation with State agencies or the community. However, preliminary discussions with the DP&I indicated further consultation is unlikely to be required.

No Aboriginal cultural heritage study has been completed over 54 and 56 Kirkwood Road. OEH's Aboriginal Cultural Heritage Unit has provided written advice determining an ACH assessment can be undertaken at the development application stage for these lots.

The land owner adjoining the Shopping Centre, Dutchmead, also issued a submission relating to the inclusion of 24a Kirkwood Road. The issues raised in this submission are generally reasonable, however can be addressed at the development application stage.

4. Recommendations

Following investigation into the key issues from the submissions made during the exhibition period, it is recommended Council incorporate 54 and 56 Kirkwood Road, Tweed Heads South into the Planning Proposal, and the Planning Proposal be varied to incorporate both lots.

As the Relevant Planning Authority, Council must be the entity that varies the Planning Proposal. The varied Planning Proposal, along with a brief description of how the Planning Proposal was varied, should accompany the request. An extension of time (to amend the LEP) should accompany the varied Planning Proposal

Under Council's planning documents, a development application will be required to enable the expansion of the shopping centre. At the development application stage, the proponent should address:

- the impact of development upon threatened species and habitat
- how bushfire hazard protection zones will be maintained
- the protection and management of Aboriginal cultural heritage, in particular OEH requirements for 54 and 56 Kirkwood Road
- the traffic implications of development upon the wider road network by undertaking demand modelling, and addressing performance of existing intersections
- the interface between the shopping centre and Tweed Gardens, to:
 - ▶ facilitate pedestrian connectivity from the Tweed Gardens complex to Kirkwood Road
 - ▶ ensure noise emissions from the shopping centre are addressed through appropriate acoustic treatments or management principles
 - ▶ ensure planting is provided along the common boundary that contributes to a reasonable level of residential amenity for residents of Tweed Gardens
 - ▶ ensure sight distances along the Tweed Gardens' internal road comply with appropriate standards for pedestrians and motorists
- the need for relocation of services supporting the Tweed Gardens complex to ensure that complex operates in accordance with the level of service expected for the 2(b) Medium Density Residential zone.

Upon lodgement of a development application, Council should ensure the above issues are addressed to Council's satisfaction.

Assuming the development application is approved, the proponent and Council should ensure Aboriginal cultural heritage is appropriately protected and managed through construction activities.

It is also recommended the governing body of Tweed Gardens, Dutchmead, be included in future consultations (if required), due to the matters raised within their submission.

Appendix A

Office of Environment and Heritage
Submissions



Office of
Environment
& Heritage

PN's: 104359, 12422, 12423, 29431,
8663, 8664, 8665, 8666, 8671, 8672,
8675

Your reference: 2117299A-PLA-LTR-003 RevB
Our reference: DOC12/30904.fmcc.FIL07/2094-04
Contact: Marcy Mills, (02) 6659 8256

General Manager
Tweed Shire Council
PO Box 816
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TWEED SHIRE COUNCIL	
FILE No:	PP11/0004 - A. 1
DOC. No:	
REC'D:	28 AUG 2012
ASSIGNED TO:	LONSDALE, J
HARD COPY ☒	IMAGE ☐

Attention: Mr Iain Lonsdale

Dear Sir/Madam

Re: Public Exhibition of Planning Proposal PP11/0004 – Tweed City Shopping Centre

I refer to the letter from Tweed Shire Council (Council) of 23 July 2012 requesting comments from the Office of Environment and Heritage (OEH) on the above planning proposal, which seeks to enable future expansion of the Tweed City Shopping Centre by rezoning multiple sites adjoining the shopping centre to 3(a) General Business under the Tweed Local Environmental Plan (LEP) 2000. The planning proposal and associated assessment reports have been reviewed by OEH and the following advice is provided to Council in relation to biodiversity, Aboriginal cultural heritage, and flood hazard.

Biodiversity

The land subject to the planning proposal is in proximity to land reserved under the National Park Estate Land (Ukerebagh Nature Reserve) which has been classified as a Key Habitat (area of high conservation value). The subject site is also in proximity to a regional corridor to the east of the subject site and a small pocket of Sclerophyll Forests/Woodland on land reserved for public open space to the south east of the subject site.

OEH data records identify a sighting of the Eastern Osprey (*Pandion cristatus*) and Koala (*Phascolarctos cinereus*) on the public open space land to the east of the subject site. In addition, OEH has various recordings of the Pink Nodding Orchid (*Geodorum densiflorum*) on National Park Estate Land in proximity to the subject site.

Whilst it is recognised that the land subject to the planning proposal is not considered to be of high biodiversity value due to its disturbed nature, the planning proposal should consider likely impacts on threatened species and key habitats identified in the area which may result from the zoning of the land.

In this regard, any bush fire hazard protection zones required to support development permitted in the new zoning should be retained on the site and should not encroach within National Park Estate

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www.environment.nsw.gov.au

24 Kirkwood Road, T.H.S.
Planning Proposal for Tweed City
Shopping Centre.

Land or public open space land containing the remnant Sclerophyll Forest/Woodlands to the south east of the subject site.

This is particularly important given that the Koala Habitat Atlas Project No. 4: Tweed Coast (Australian Koala Foundation 1996) identifies a poor prognosis for Koala populations in the Local Government Area, particularly given the potential consequences associated with factors such as bushfire, clearing of areas of significant habitat and inappropriate planning measures.

Aboriginal Cultural Heritage

An important component of the environmental assessment process undertaken in support of planning proposals is the consideration of Aboriginal cultural heritage values. The importance of protecting Aboriginal Cultural Heritage (ACH) is reflected in the provisions of the *National Parks and Wildlife Act 1974 (NPW Act)*. Rezoning under Part 3 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* do not absolve proponents of their obligations under the NPW Act. Hence, as part of any planning proposal, it is critical that Aboriginal cultural heritage is fully assessed to identify significant Aboriginal cultural heritage values and manage these with appropriate land use zoning. OEH's preference is to avoid impacting Aboriginal cultural heritage values as a component of any planning proposal and to ensure appropriate long term protection mechanisms are in place in perpetuity.

OEH acknowledges the significance of the local environment to the local Aboriginal community, including the existence of numerous registered Aboriginal sites and places of significance in the immediate locality. These include a Bora/Ceremonial place, middens, Burial sites, artefact scatter and isolated finds. OEH also acknowledges that the land subject to the planning proposal contains landforms which have yielded a significant volume of evidence of Aboriginal occupation. This is important as additional, currently undetected, cultural material may be present on the land.

OEH notes that the Aboriginal Cultural Heritage Due Diligence Assessment Report prepared for the planning proposal by Everick Heritage Consultants Pty Ltd (March 2010) has been undertaken in accordance with OEH's Aboriginal cultural heritage assessment requirements.

Whilst the report does not identify Aboriginal objects within the planning proposal footprint, it is recommended that the management strategies identified in the report be considered as part of any future development on the land that may result from the rezoning to ensure that any undetected Aboriginal objects are identified and adequately managed.

Flood Hazard

OEH acknowledges that OEH, Council, DP&I, and the NSW State Emergency Service are meeting on the 29 August 2012 to discuss a coordinated response in relation to flooding. Following this meeting a separate response will be provided from OEH in relation to flooding and potential acid sulphate soils if significant issues are identified. For further enquires on these matter please contact Mr Toong Ching on (02) 66270233.

If you have any further enquiries on any of the additional matters above please contact Ms Marcy Mills, Conservation Planning Officer on (02) 6659 8256.

Yours sincerely



25/8/12

NICK PULVER
A/Head - North Coast Planning Unit
Environment Protection and Regulation



Office of
Environment
& Heritage

The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Attention: Mr Iain Lonsdale

31 August 2012

Dear Iain

Public Exhibition of Planning Proposal PP11/0004 – Tweed City Shopping Centre

I refer to our letter of 25 August 2012 indicating that a separate response will be provided in relation to flooding and potential acid sulphate soils.

The Office of Environment and Heritage has no comments to offer with regard to flooding and potential acid sulphate soils on the above proposal which seeks to enable future expansion of the Tweed City Shopping Centre.

Should you have further queries on the matter please contact Toong Chin on 66270233 on flooding and Mitch Tulau on 65614969 on acid sulphate soils.

Yours sincerely

TOONG CHIN
Senior Natural Resource Officer
Urban & Coastal Water Programs, North Coast
Environment and Heritage Policy and Programs

Cc Mr Nick Pulver
A/Head North Coast Planning Unit

8675 .
8666, 8671, 8672,
Your reference: 2117299A-PLA-LTR-003 RevB
Our reference:
Contact: Toong Chin, 66270233

8665,
12423, 29431, 8663,
PN: 8664, 104359, 12422,
TWEED SHIRE COUNCIL
FILE No: PP11/0004 Pt 1
DOC. No:
REC'D: - 5 SEP 2012
ASSIGNED TO: LONSDALE, I
HARD COPY ☒ IMAGE ☐

Appendix B

Roads and Maritime Services Submission



Transport
Roads & Maritime
Services

File No. NTH06/00665 CR2012/007456

General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

8666, 8671, 8672, 8675.
12423, 29431, 8663, 8665,
PN: 8664, 104359, 12422,
TWEED SHIRE COUNCIL
FILE No: PP11/0004 Pt 1
DOC. No:
RECD: - 5 SEP 2012
ASSIGNED TO: LONSOALE I
HARD COPY ☒ IMAGE ☐

Dear Sir

Public Exhibition of the Planning Proposal PP11/0004 Tweed City Shopping Centre.

I refer to Parsons Brinkerhoff's letter of 23 July 2012. Roads and Maritime Services (RMS), has no objection to the proposed rezoning of land adjacent to the Tweed City Shopping Centre. The Tweed City Shopping Centre is a significant traffic attractant in the south Tweed area. Any future expansion of Tweed City should be supported by a demand model that examines the traffic implications of expanding Tweed City on the wider road network surrounding the site.

Any traffic modelling should also examine the function and performance of the existing traffic signals at junctions along Minjungbal Drive. The suitability of these signalised intersections to manage additional traffic flows attributable to future expansion of Tweed City should be examined. Current signal arrangements and performance ten years into the future should be assessed.

If you have any further enquiries please contact Michael Baldwin on 6686 1832 or email development.northern@rms.nsw.gov.au.

Yours faithfully

Peter Mahar
A/Regional Manager, Northern Region

28 AUG 2012

Roads & Maritime Services

Appendix C

Planit Consulting Submission



PN'S: 104359, 12422, 12423,
29431, 8663, 8664, 8665, 8666,
8671, 8672, 8675

TWEED SHIRE COUNCIL	
FILE No:	PP11/0004 PT. 1
DOC. No:	
REC'D:	29 AUG 2012
ASSIGNED TO:	LONSDALE, J
HARD COPY ☒	IMAGE ☐

Our Ref: PM Ross

Date: 24th August 2012

The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

RE: Planning Proposal Exhibition – Tweed City Centre PP11/004

Dear Sir,

We refer to the above and hereby attach a late submission to the above stated planning proposal. We apologise for the lateness of the submission, however in this regard our clients were away at the commencement of the advertising period.

Please do not hesitate to contact our office at any time should you have any queries regarding the attached submission.

Kind regards

A handwritten signature in blue ink, appearing to read "Adam Smith".

Adam Smith
Director
Planit Consulting P/L

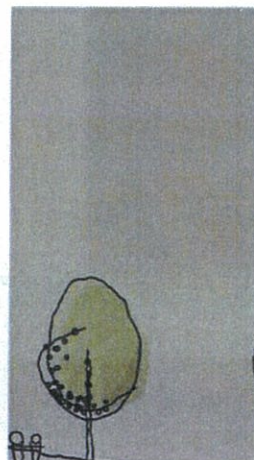
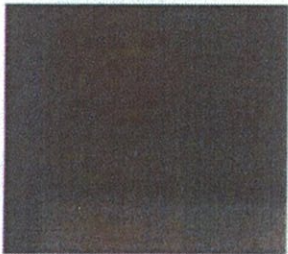
24 Kirkwood Road, T.H.S.
Lot 8, 11, 12, 13, 19, 20, 21, 22 DP 23659
Lot 6 DP 1119624
Lot 2 DP 804871
Lot 1+2 DP 524806
Lot 2 DP 781518
Lot 1 DP 781517



CONSULTING

Planning Proposal Submission PP11/004: Tweed City Shopping Centre

Submission to Planning Proposal Exhibition
Lots 6 and 7 DP 23659
No. 54 and 56 Kirkwood Road,
Tweed Heads South



Prepared by Planit Consulting - August 2012

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Planit Consulting declares that it does not have, nor expect to have, a beneficial interest in the subject project.

Planit Consulting P/L
20th August 2012

Table of Contents

Statement of Environmental Effects

1 - Introduction.....	4
2 - Statement of Intent / Purpose of Submission	9
3 - Further Information	10
4 - Statutory Assessment.....	11
5 - Conclusion.....	23

Appendices

A - Site Photographs.....	24
B - Site Analysis Plan	28

SECTION 1

Introduction

1.1 Brief

Planit Consulting has been commissioned by Mr. P & M Ross to review the exhibited Planning Proposal relating to the expansion of the Tweed City Shopping Centre and related amendments to the Tweed LEP 2000. In this regard, our brief includes the making of representations to the Council in respect of the inclusion of additional properties within PP11/0004.

It is considered that there is substantial support for these properties to be included within the commercial rezoning of the Tweed City Shopping Centre. Additional background and supporting details are provided throughout this submission.

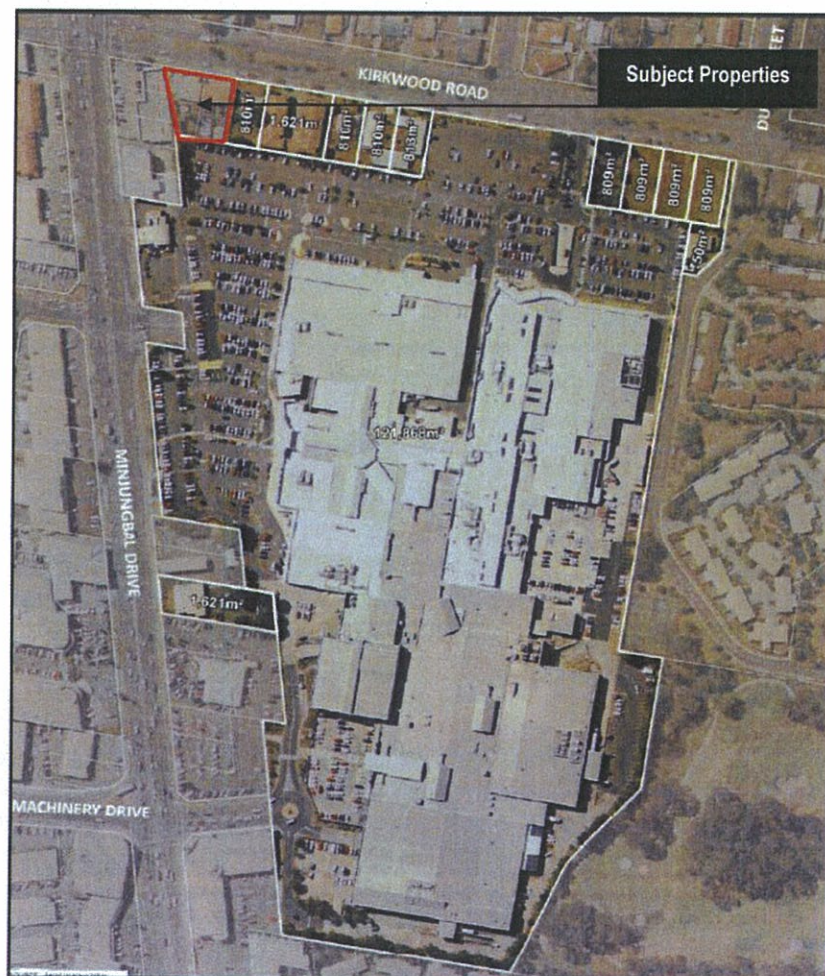


Figure 1 – Aerial Photograph – Source: PP11/0004

1.3 The Site & Surrounds

The subject properties are legally described as Lots 6 and 7 in DP 23659 and more commonly referred to as No. 54 and 56 Kirkwood Road, Tweed Heads South. The subject site is located in a typically commercial precinct characterised by the adjacent Tweed City Shopping Centre, home businesses and caryards to the north and commercial/industrial holdings to the west of Minjungbul Drive (See Fig 1).

The subject site is currently zoned 2(b) Medium Density Residential (See Fig. 2). Surrounding zonings include 2(a) Low Density Residential, 2(b) Medium Density Residential, 3(b) General Business, 3(c) Commerce and Trade and 5(a) Special Uses.

The properties are situated just off the Minjungbul Drive/Kirkwood Road intersection and comprise of street numbers 54 and 56 with a total area of 1523.8m². No. 54 is currently occupied by a denture clinic. No. 56 is currently occupied by a home business (See Appendix B – Site Photographs).

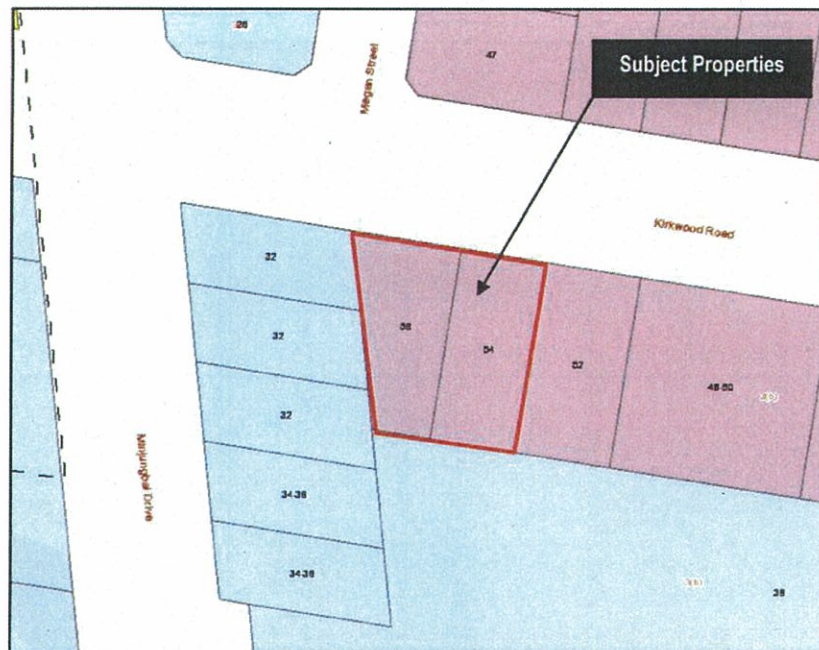


Figure 2 – Land Use Zoning – Source: Tweed SC LEP Mapping

1.4 Site Constraints

According to Council's Bushfire Prone Land mapping, the site is not located within close enough proximity to any bushfire hazards to warrant any significant bushfire risk. It is noted that some of the lands included within PP11/0004 are considered to have a level of bushfire risk. Given that the subject properties are not considered bushfire prone, it is deemed that they are therefore more suitable for rezoning when compared to other properties that form part of PP11/0004.

Continues next page.....



Figure 3 – Acid Sulfate Soils Mapping – Source: Tweed SC LEP Mapping

The site is classified as Class 2 under Council's Acid Sulfate Soils mapping (See Fig. 3). As noted within P11/0004, all of the subject lands that form part of the rezoning proposal are mapped as Class 2. PP11/0004 states that 'acid sulfate soils are not considered to be a prohibitive issue for this proposal'. Therefore this classification should not inhibit the inclusion of the subject properties within the proposal.

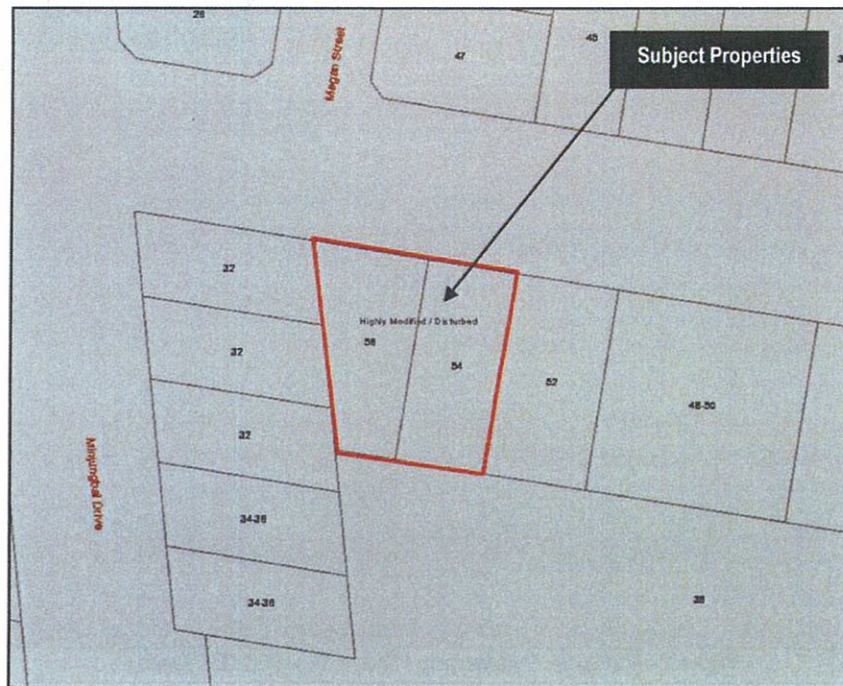


Figure 4 – Vegetation Mapping – Source: Tweed SC LEP Mapping

The site is highly modified and forms the periphery of the Tweed City Shopping Centre. As a result, no native stands of vegetation or valuable communities exist on the properties. The subject properties are consistent with the other lands that form part of PP11/0004.

As stated within the planning proposal, 'the site is currently a highly urbanised, built-up area, and there is no flora or fauna habitats situated within the proposal boundaries'. The subject properties that form part of this submission are consistent with this assessment and therefore environmental factors are not considered to prohibit their inclusion.

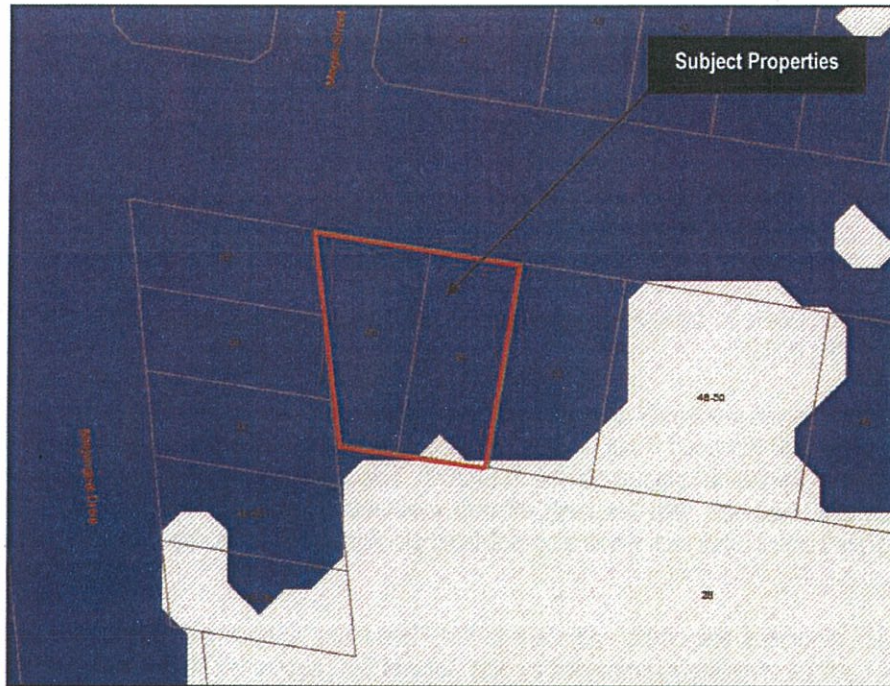


Figure 5 – Vegetation Mapping – Source: Tweed SC LEP Mapping

In terms of flooding, the site is located within Council's design flood levels (See Fig. 5). Portions of the lands that form PP11/0004 are also considered to be flood prone and within Council's designated 1/100 year flood line. As quoted within PP11/0004, 'it is considered the risk of flooding can be adequately assessed during Development Application stage. In the event of flooding inundation the site can be evacuated to the south via Minjungbul Drive, away from the identified area of risk'. It is considered that the subject properties referred to in this submission are comparable to much of the land within PP11/0004 in terms of flood risk. It is deemed that the inclusion of subject properties is not to be prohibited by its flood prone status.

1.5 Services

The subject properties form part of the established Tweed Heads South commercial and residential precinct. Both of the sites are currently serviced by reticulated water, sewer, telecoms and electricity. The inclusion of these properties to form part of PP11/0004 would not create undue stress upon the existing infrastructure network and any intensification of the uses on-site would be subject to Council's future assessment. The adequate provision of services does not prohibit the intent of this submission.

SECTION 2

Statement of Intent / Purpose of Submission

This submission seeks to facilitate the inclusion of two (2) additional properties within the advertised perimeter of PP11/0004.

The subject properties are legally described as Lots 6 and 7 in DP 23659 and more commonly referred to as No. 54 and 56 Kirkwood Road, Tweed Heads South. Both properties are currently zoned as 2(b) Medium Density Residential pursuant to the TLEP2000. This submission seeks to rezone the properties to 3(b) General Business, with the most efficient mechanism relating to this being by way of 'slip streaming' the subject properties within a consolidated planning process, as opposed to subsequent spot rezoning.

The subject properties are located adjacent to the Tweed City Shopping Centre and as a result of PP11/0004, will be completely surrounded by 3(b) General Business zoned land at the completion of the proposal.

At present, No. 54 is currently occupied by a denture clinic and No. 56 is currently occupied by a home business. Both are commercial operations that would be in keeping with the aims and objectives of the proposed 3(b) zoning. In this regard, it is noted that the two (2) sites immediately to the east of the subject properties are currently occupied by a single dwelling and a residential flat building development. Both of these are to be noted as residential in function and have been included within PP11/0004.

The existing character of the northern Tweed City Shopping Centre area is noted as a transitional zone, moving away from a history of low density housing and toward a mixture of home businesses, professional consulting and medium density residential development courtesy of the current zoning. As a result of PP11/0004, this area will see further change in the type of development that occurs. It is considered that the existing home business and denture clinic are more appropriately defined as 'general business' functions rather than 'medium density residential' as is the existing arrangement.

The submission also allows for Council to assess the inclusion of the subject properties prior to the release and finalisation of the Draft TLEP2010. The inclusion would prevent a submission being made that would seek to amend the new instrument.

SECTION 3

Further Information

Should Council require any additional information, or wish to clarify any matter raised by this proposal or submission made to same, Council is requested to consult only with Planit Consulting prior to determination of this application.

The relevant contact details are listed below:-

PO Box 1623 Kingscliff NSW 2487
Phone: 02 66745001
Fax: 02 66745003
info@planitconsulting.com.au

Offices also at Nobby's Beach and Darwin

SECTION 4

Statutory Assessment

Following is a summary breakdown of Statutory Compliance associated with the proposal for ease of future reference.

4.1 State Environmental Planning Policies

State Environmental Planning Policy No. 44 – Koala Habitat

This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. It requires the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat. The site does not contain any mapped primary or secondary Koala habitat areas.

State Environmental Planning Policy No. 55 – Remediation of Land

No physical works will result as part of this submission. Any intensification of the uses that currently occupy the sites will require a Development Application. Council will have the opportunity to review and include relevant provisions dealing with the remediation of land in any subsequent development approval.

State Environmental Planning Policy (Major Development) 2005

The Major Development SEPP applies to State significant projects and those to which Part 3A (now repealed) applied. The site is not affected by any Major Development criteria nor does the development proposed trigger any state significance.

State Environmental Planning Policy (Infrastructure) 2007 – Schedule 3

The SEPP for Infrastructure allows for greater flexibility in the location of infrastructure and service facilities along with providing consultation with the relevant public authorities during the assessment process. The inclusion of the two (2) subject properties is considered minor when compared to the overall intent of PP11/0004.

State Environmental Planning Policy No. 71 – Coastal Protection

The two (2) subject properties are located within the identified Coastal Zone. Clause 8 of the SEPP sets out the relevant matters that should be considered in the preparation of a draft LEP. The matter relevant to this submission is the suitability of the development given its type, location and design and its relationship with the surrounding area.

The site is suitable for general business purposes as a result of its location and proximity to the Tweed

-11-

City Shopping Centre and other commercial premises. The limited site constraints and no impact upon cultural heritage or the surrounding environment ensures that the inclusion of the subject properties is suitable. The zoning is in keeping with the means of Tweed Shire Council to encourage compact towns and cities and prevent urban sprawl. PP11/0004 is located within an existing centre designated for commercial development which is well serviced by transport and infrastructure services. The inclusion of the two (2) subject properties dovetails with the proposal and is suitable given its location.

State Environmental Planning Policy (North Coast Regional Environmental Plan) 1988

This Policy applies to the subject properties and the following clauses are particularly relevant to the inclusion within PP11/0004:

Clause 32A – Coastal Lands

The properties are subject to the NSW Coastal Policy 1997; however they are not located on a dune, beach or headland.

Clause 39 – Retail, Commercial or Business Activities

PP11/0004 is for the rezoning of land directly adjacent to the Tweed Heads South Business Centre (currently zoned 3(b) Business, which contains the Tweed City Shopping Centre). The subject properties are proposed for inclusion within this rezoning.

Clause 45 – Hazards

Of the listed hazards, the subject properties and PP11/0004 lands all have the potential for acid sulfate soils. Although the lands are already largely developed, an assessment of soils will occur at the Development Assessment stage.

Clause 45A – Flood Liable Land

As previously addressed, in terms of flooding, the site is located within Council's design flood levels (See Fig. 5). Portions of the lands that form PP11/0004 are also considered to be flood prone and within Council's designated 1/100 year flood line. As quoted within PP11/0004, 'it is considered the risk of flooding can be adequately assessed during Development Application stage. In the event of flooding inundation the site can be evacuated to the south via Minjungbul Drive, away from the identified area of risk'. It is considered that the subject properties referred to in this submission are comparable to much of the land within PP11/0004 in terms of flood risk. It is deemed that the inclusion of subject properties is not to be prohibited by its flood prone status.

Clause 47 – Principles for Commercial and Industrial Development

PP11/0004 seeks to rezone residential land directly adjacent to the existing commercial land identified as the Tweed Heads South Business Centre under the Tweed City Centres DCP (adopted 13 December 2011). This submission seeks inclusion as part of PP11/0004.

Clause 50 – Height Controls

PP11/0004 will result in commercial and business development of a similar height to the surrounding commercial and business areas. The inclusion of the subject properties will enforce the same height

-12-

limits as defined within PP11/0004.

Clause 58 – Servicing Urban Area

The subject properties form part of the established Tweed Heads South commercial and residential precinct. Both of the sites are currently serviced by reticulated water, sewer, telecoms and electricity. The inclusion of these properties to form part of PP11/0004 would not create undue stress upon the existing infrastructure network and any intensification of the uses on-site would be subject to Council's future assessment. The adequate provision of services does not prohibit the intent of this submission.

4.2 S117(2) Ministerial Directions

Consistency with the s117 Directions (as per the update of 1 February 2012) is assessed below.

Employment and Resources

Business and Industrial Zones

Applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

PP11/0004 seeks to expand the area of the Tweed Heads South Business Centre by rezoning Residential 2(b), Commerce and Trade 3(c) and Recreation 6(b) land, to 3(b) General Business. This will provide the potential to increase the total potential floor space for employment and related public uses (by the future expansion of the Tweed City Shopping Centre), without removing land already designated for business purposes. This submission relates to two (2) adjoining properties that are considered to warrant inclusion within the proposal. The site is located within the Major Regional Centre designation of the State's Regional Strategy. **Consistent**

Rural Zones

Applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

Under this direction a Planning Proposal must:

- (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
- (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

This submission does not affect any rural zones. **N/A**

Mining, Petroleum Production and Extractive Industries

Applies when a relevant planning authority prepares a Planning Proposal that would have the effect of:

- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or
- (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

The provisions of the Residential 2(b) zoning currently prohibit mining, petroleum and other extractive activities. By rezoning the proposed lots to the 3(b) General Business zone of the LEP 2000, it does not take away any additional rights for mining, petroleum or other extractive activities that were originally there (as these activities are also prohibited under the prohibitions outlined above). Mining is subject to the controls of the SEPP Mining, Petroleum Production and Extractive Industries 2007. **Consistent.**

Oyster Aquaculture

Applies when a relevant planning authority prepares any Planning Proposal that proposes a change in land use which could result in:

- (a) adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or
- (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate" and other land uses.

This submission does not impact on a Priority Oyster Aquaculture Area. **N/A**

Rural Lands

Applies when:

- (a) a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) a relevant planning authority prepares a Planning Proposal that changes the existing minimum lot size on land within a rural or environment protection zone.

A Planning Proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*. A Planning Proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

This proposal does not affect any rural zoned land. **N/A**

Environment and Heritage

Environment Protection Zones

- (4) A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- (5) A Planning Proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".

This submission does not impact on environmental protection zones or land identified for environmental protection purposes. **N/A**

Coastal Protection

Direction applies when a relevant planning authority prepares a Planning Proposal that applies to land in the coastal zone.

The subject properties are located within the coastal zone. Compliance with coastal protection objectives have been addressed within the above SEPP section. **Consistent**

Heritage Conservation

A Planning Proposal must contain provisions that facilitate the conservation of:

(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,

(b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and

(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

The subject properties and surrounding area contain no identified heritage items under the LEP 2000 or Draft LEP 2010. This is supported by an Aboriginal Cultural Heritage Due Diligence Report that forms part of PP11/0004.

This report finds:

- No known Aboriginal objects or places were identified within the project area
- Council's Aboriginal Advisory Committee makes no objection to the proposed rezoning;
- the likelihood of significant Aboriginal cultural heritage being located within the site is low as a result of previous ground disturbance, however the site is situated within an immediate cultural landscape of high significance to the local Aboriginal people;
- there are no historic (non-indigenous) listed cultural heritage places within the site; and
- The report provides recommendations to ensure all items of Aboriginal cultural heritage significance are identified and preserved, should those items be uncovered as part of subsequent construction activities.

Consistent

Recreation Vehicle Areas

A Planning Proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the *Recreation Vehicles Act 1983*):

(a) where the land is within an environmental protection zone,

(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,

(c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:

(i) the provisions of the guidelines entitled *Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985*, and

(ii) the provisions of the guidelines entitled *Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985*.

The subject properties are not located within an environmental protection zone and do not comprise beach or dune adjacent to or adjoining a beach. **N/A**

Housing, Infrastructure and Urban Development

Residential Zones

- (3) This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within:
 - (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
 - (b) any other zone in which significant residential development is permitted or proposed to be permitted.
- (4) A Planning Proposal must include provisions that encourage the provision of housing that will:
 - (a) broaden the choice of building types and locations available in the housing market, and
 - (b) make more efficient use of existing infrastructure and services, and
 - (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
 - (d) be of good design.
- (5) A Planning Proposal must, in relation to land to which this direction applies:
 - (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
 - (b) not contain provisions which will reduce the permissible residential density of land.

This Planning Proposal seeks to expand the area of the Tweed Heads South Business Centre by rezoning 2(b) Residential, 3(c) Commerce and Trade and Recreation 6(b) land, to 3(b) General Business. This submission seeks the inclusion of the subject properties within this planning proposal.

The Draft LEP 2010 identifies the subject lots as R3 Medium Density Residential. Lots nominated as this zoning are included within PP11/0004 to be converted to a commercial zoning. The same is requested for the two (2) subject properties.

Inconsistent, but justified by studies prepared as part of PP11/0004.

Caravan Parks and Manufactured Home Estates

Applies when a relevant planning authority prepares a Planning Proposal.

- (1) In identifying suitable zones, locations and provisions for caravan parks in a Planning Proposal, the relevant planning authority must:
 - (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and
 - (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.
- (2) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a Planning Proposal, the relevant planning authority must:
 - (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,
 - (b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and
 - (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the *Community Land Development Act 1989* be permissible with consent.

This proposal does not impact upon any land that permits development for the purposes of a caravan park or manufactured home estates. The site is not used for caravan park purposes. **N/A**

Home Occupations

Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

This proposal does not result in dwelling houses, nor does it alter the ability for home occupations to be carried out in other parts of Council's area. **N/A**

Integrating Land Use and Transport

Applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

(3) A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and
- (b) *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

Adequate services exist within the locality. In particular, Tweed Heads South provides a wide range of education, health, recreational and community services which would be sufficient to service the subject properties. The shopping centre generates frequent trips via private and public transport. The subject properties are within close proximity to the shopping centre which is serviced by frequent bus routes provided by Surfside Buslines, a public transport provider.

This submission does not propose any traffic generating business. **Consistent**

Development near Licensed Aerodrome

Applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

This proposal does not create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome. **N/A**

Shooting ranges

This direction applies when a relevant planning authority prepares a Planning Proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.

This proposal does not create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range. **N/A**

Hazard and Risk

Acid Sulfate Soils

Applies when a relevant planning authority prepares a Planning Proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director- General of the Department of Planning

(5) When a relevant planning authority is preparing a Planning Proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:

- (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director- General, or
- (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.

(6) A relevant planning authority must not prepare a Planning Proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.

(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a Planning Proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the Planning Proposal must contain provisions consistent with paragraph (5).

The subject properties are identified on the Draft LEP 2010 Acid Sulfate Soils map as containing Class 2 acid sulfate soils. The current TLEP 2000 and the Draft LEP 2010 contain provisions to regulate the works undertaken on and in proximity to acid sulfate soils. The Development Application stage will be used to provide further investigation. **Consistent**

Mine Subsidence and Unstable Land

Applies when a relevant planning authority prepares a Planning Proposal that permits development on land that:

- (a) is within a mine subsidence district, or
- (b) has been identified as unstable in a study, strategy or other assessment undertaken:
 - (i) by or on behalf of the relevant planning authority, or
 - (ii) by or on behalf of a public authority and provided to the relevant planning authority.

This proposal does not impact on any mine subsidence area. **N/A**

Flood Prone Land

Applies when a relevant planning authority prepares a Planning Proposal that creates, removes or alters a zone or a provision that affects flood prone land

(4) A Planning Proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*).

(5) A Planning Proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

(6) A Planning Proposal must not contain provisions that apply to the flood planning areas which:

- (a) permit development in floodway areas,
- (b) permit development that will result in significant flood impacts to other properties,
- (c) permit a significant increase in the development of that land,
- (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
- (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

(7) A Planning Proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

(8) For the purposes of a Planning Proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the

-18-

satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

As previously addressed, In terms of flooding, the site is located within Council's design flood levels (See Fig. 5). Portions of the lands that form PP11/0004 are also considered to be flood prone and within Council's designated 1/100 year flood line. As quoted within PP11/0004, 'it is considered the risk of flooding can be adequately assessed during Development Application stage. In the event of flooding inundation the site can be evacuated to the south via Minjungbul Drive, away from the identified area of risk'. It is considered that the subject properties referred to in this submission are comparable to much of the land within PP11/0004 in terms of flood risk. It is deemed that the inclusion of subject properties is not to be prohibited by its flood prone status. **Consistent**

Planning for Bushfire Protection

Applies when a relevant planning authority prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land.

(4) In the preparation of a Planning Proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,

(5) A Planning Proposal must:

- (a) have regard to *Planning for Bushfire Protection 2006*,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

(6) A Planning Proposal must, where development is proposed, comply with the following provisions, as appropriate:

- (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
- (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the Planning Proposal permit Special Fire Protection Purposes (as defined under section 100B of the *Rural Fires Act 1997*), the APZ provisions must be complied with,
- (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
- (d) contain provisions for adequate water supply for firefighting purposes,
- (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
- (f) introduce controls on the placement of combustible materials in the Inner Protection Area.

According to Council's Bushfire Prone Land mapping, the site is not located within close enough proximity to any bushfire hazards to warrant any significant bushfire risk. It is noted that some of the lands included within PP11/0004 are considered to have a level of bushfire risk. Given that the subject properties are not considered bushfire prone, it is deemed that they are therefore more suitable for rezoning when compared to other properties that form part of PP11/0004. **Consistent**

Regional Planning

Implementation of Regional Strategies

Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

The subject properties are contained within the Town and Village Growth Boundary of the FNCRS. PP11/0004 includes an assessment against the Regional Strategy's sustainability criteria. In summary, the inclusion of the subject properties in PP11/0004 is consistent with the Regional Strategy. **Consistent**

Farmland of State and Regional Significance on the NSW Far North Coast

Applies (to Tweed) when a relevant planning authority prepares a Planning Proposal for land mapped as:

- (a) State significant farmland, or
- (b) regionally significant farmland, or
- (c) significant non-contiguous farmland, on the set of four maps held in the Department of Planning and marked Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)".

A Planning Proposal must not:

- (a) rezone land identified as "State Significant Farmland" for urban or rural residential purposes.
- (b) rezone land identified as "Regionally Significant Farmland" for urban or rural residential purposes.
- (c) rezone land identified as "significant non-contiguous farmland" for urban or rural residential purposes.

The site is contained within the Town and Village Growth Boundary within the Regional Strategy. **N/A**

Commercial and Retail Development along the Pacific Highway, North Coast

Applies when a relevant planning authority prepares a Planning Proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.

The subject properties are not within the alignment of the Pacific Highway, nor does the submission propose a highway service centre. **N/A**

Local Plan Making

Approval and Referral Requirements

A Planning Proposal must:

- (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
 - (i) the appropriate Minister or public authority, and
 - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and
- (c) not identify development as designated development unless the relevant planning authority:
 - (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and
 - (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

The Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. **Consistent**

Reserving Land for Public Purposes

- (4) A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

This submission does not create, alter or reduce land reserved for a public purpose. There has been no request from the Minister or public authority to reserve land for a public purpose. **Consistent**

Site Specific Provisions

Applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out.

(4) A Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

- (a) allow that land use to be carried out in the zone the land is situated on, or
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

(5) A Planning Proposal must not contain or refer to drawings that show details of the development proposal.

This submission seeks to zone the properties consistent with the requirements of the 3(b) General Business Zone as defined in the TLEP2000. It does not seek to include additional uses beyond what is permitted within the land use table. The Planning Proposal does not contain or refer to schematic drawings. **Consistent**

Metropolitan Planning

Implementation of the Metropolitan Strategy

This direction applies to Sydney metropolitan Councils only. Not relevant to this proposal. **N/A**

4.3 Tweed Local Environmental Plan 2000

The subject site is currently zoned 2(b) Medium Density Residential pursuant to the provisions of Tweed LEP 2000. The objectives of the zone are identified as follows:

Zone 2(b) Medium Density Residential

Zone objectives

Primary objective

- to provide for and encourage development for the purpose of medium density housing (and high density housing in proximity to the Tweed Heads sub-regional centre) that achieves good urban design outcomes.

Secondary objective

- to allow for non-residential development which supports the residential use of the locality.
- to allow for tourist accommodation that is compatible with the character of the surrounding locality.
- to discourage the under-utilization of land for residential purposes, particularly close to the Tweed Heads sub-regional centre.

This submission seeks to include No. 54 and 56 Kirkwood Road, Tweed Heads South within PP11/0004 and rezone the properties as 3(b) General Business. The objectives of the zone are identified as follows:

Zone 3(b) General Business

-21-

Zone objectives

Primary objective

- to provide business centres in which the community's shopping, business, welfare and social needs can be met.
- to provide business locations within residential areas, and to ensure that the scale and type of development is compatible with the character and amenity of the surrounding residential areas.

Secondary objective

- to provide for tourist orientated development.
- to encourage upper floor residential and tourist accommodation.

It is envisaged that the two properties nominated for inclusion with PP11/0004 will adhere to all of the controls that have been nominated for the greater planning proposal lands.

SECTION 5

Conclusion

It is submitted that the above information forms a strong argument for the inclusion of No. 54 and 56 Kirkwood Road, Tweed Heads South with PP11/0004. The properties are consistent with the relevant policy and statutory requirements and the inclusion within PP11/0004 demonstrates a logical progression in terms of the surrounding commercial character.

The inclusion of No. 54 and 56 Kirkwood Road, Tweed Heads South within PP11/0004 is considered to warrant Council's support.

Brock Lamont
Town Planner
PLANIT CONSULTING PTY LTD

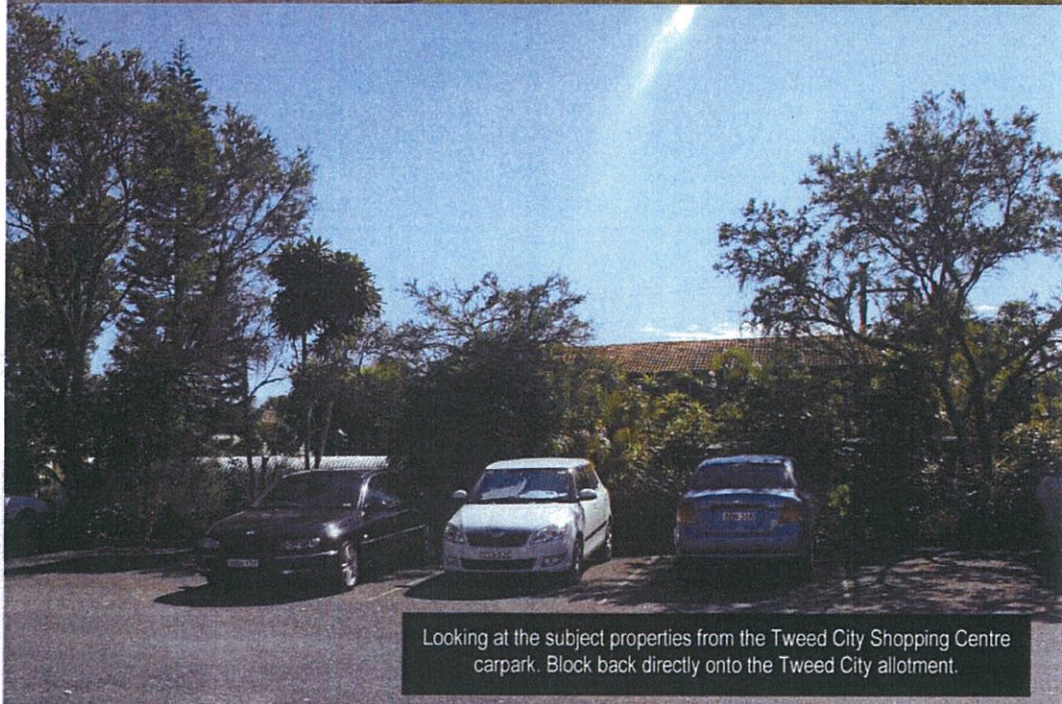
20th August 2012

APPENDIX **A**
Site Photographs

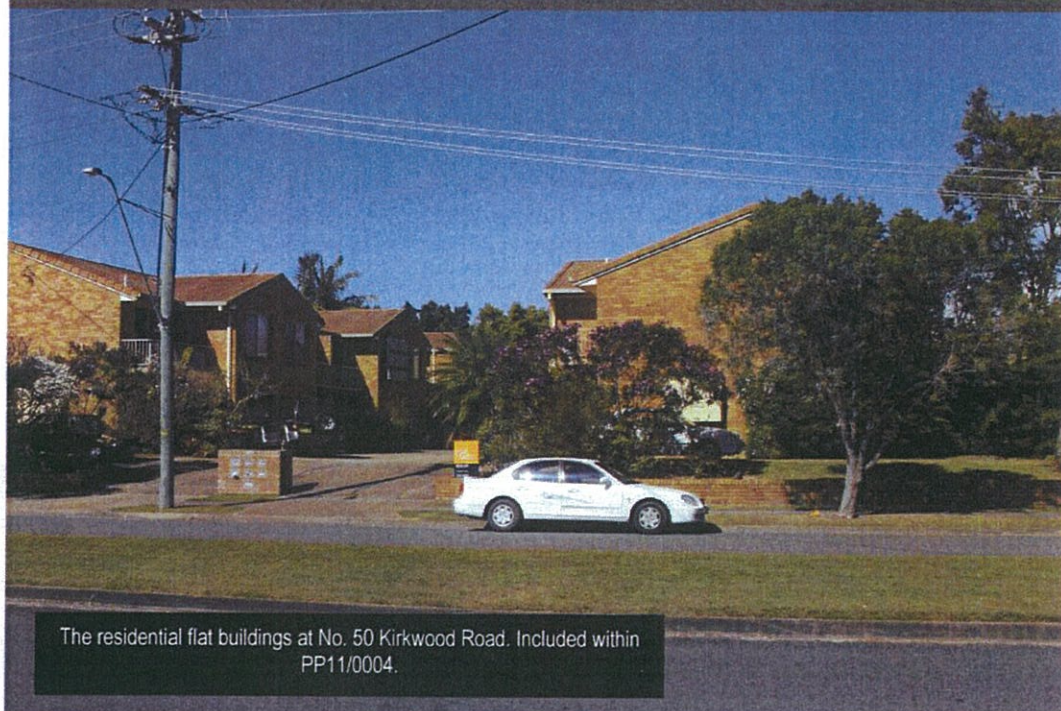
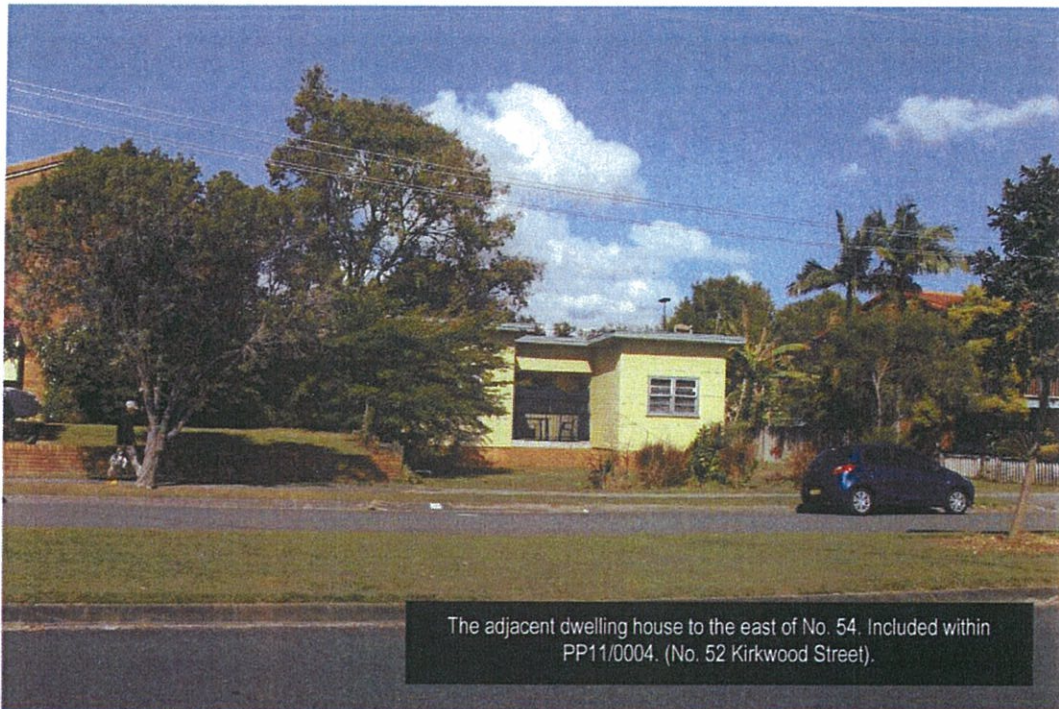




Looking west along Kirkwood Road. Commercial/Industrial area of Minjungbul Drive visible in the distance. Subject properties on left.



Looking at the subject properties from the Tweed City Shopping Centre carpark. Block back directly onto the Tweed City allotment.



APPENDIX **B**
Site Analysis Plan

KEY

- Subject Properties
- PP11/004 Rezoning Properties
- Home business/light commercial use
- TLEP2000 Commercial Zoned Lands
- TLEP2000 Residential Zoned Lands



Site Analysis Plan
 Planning Proposal Submission: PP11/004
 Lots 6 and 7 DP 23659
 Kirkwood Road, Tweed Heads South

Scale: 1:2000 @ A4
 Date: August 2012

Drawn By: BL

Ref: SLP/Kirkwood/11

Version: 2.1 (11/11/2012)
 Project: PP11/004
 PO Box 163 Kingscliff NSW 2485

Telephone: 08 624 1003
 Fax: 08 624 1003
 Email: admin@planitconsulting.com.au



Appendix D

Dutchmead Submission

Dutchmead Pty Ltd
Unit 8 Gleneagles
22B Kirkwood Road
South Tweed NSW 2486
55246872
0413748214

13 August 2012

Tweed City Shopping Centre Planning Proposal
General Manager
Tweed Shire Council
PO Box 816 Murwillumbah NSW 2484

Dear Sir / Madam

Tweed Link on 31 July 2012 carried a notice calling for submissions regarding the rezoning of 24A Kirkwood Road also described as Lot 5 DP 830973. This submission is on behalf of the 127 owners who live in Tweed Gardens. Tweed Gardens is a residential complex developed more than 25 years ago on the eastern boundary of Tweed City Shopping Centre. It is made up of Pinehurst (71 units), St Andrews (30 units) and Gleneagles (26 units). The three stratas share a private road, large open space for recreation, fences, tennis courts and an irrigation network. These shared assets are owned and managed by Dutchmead Pty Ltd which is a registered company with three directors – one from each strata.

Lot 5 was originally part of Tweed Gardens and was subdivided off and sold to Harry and Joyce Stirling about twenty years ago. Lot 5 was sold because it was built as a managers cottage and by 1992 it became clear no manager was required. Dutchmead's Board of Directors never envisioned the major expansion of Tweed City and believed Lot 5 would remain residential as it is just the width of our private road from units in our complex. There was a handshake agreement with the Stirlings that Dutchmead would help them maintain their block if our owners could use the front of their block as a footpath.

Dutchmead has spoken with Denise Galle and Iain Lonsdale from Tweed Shire Council about the rezoning of Lot 5. Denise Galle suggested Dutchmead speak to Dexis who will be doing the redevelopment about our concerns regarding the rezoning. Dutchmead did this and an onsite meeting was held with Belinda Hufton from Dexis. As a result of this meeting certain written undertakings were provided by Dexis - see attachment.

The undertakings By Dexis may provide a benefit to Dutchmead if the rezoning is successful. However, the best outcome for our 127 owners would be a rejection by Council of the rezoning application. Dutchmead believes the application should be rejected for several reasons.

(1) The rezoning of Lot 5 will lead to major noise problems as the boundary of Tweed City is just metres from units in our complex. This Board has reason to believe the new owners placed sound monitoring equipment in such a position relative to the cottage as to give a misleading impression of the noise issue. We believe the equipment was positioned so that the brick and tile cottage on Lot 5 acted as a sound barrier. The bedroom wall of unit 1 in Gleneagles is less than 14 metres from the boundary of Lot 5 and already this resident and his neighbours have to contend with heavy bus and truck noise from just inside the shopping centre. The gate to the shopping centre's unloading area which is close to Gleneagles does not open till 7.00am. Unfortunately trucks arrive well before this and some drivers allow the motors to keep running. In a recent incident a truck arrived at 4.30am and despite an approach from a resident the motor was still running when the access gate

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HARD COPY ☒	IMAGE ☐

was opened at 7.00am. Matters will be made much worse if a four level carpark is positioned close to Lot 5. This Board believes Dexu plans such a carpark.

(2) Dutchmead's next concern relates to Tweed Garden's services some of which run under Lot 5 – see attached photo and map. The photo clearly shows power and phone cables and the map shows that there are existing easements for power and water.

(3) Perhaps the greatest concern we have regarding the rezoning is safety. When Tweed Gardens was developed some twenty years ago our private road which provides access for our 127 owners was approved by Council. The eastern boundary of Lot 5 runs along the top of the roadside kerbing at a point where there is a bend in our road and an exit from Gleneagles. Obviously, any future development by the shopping centre – even a fence which is set back from the boundary will present an increased danger to motorists, wheelchair owners and pedestrians. This Committee has great concerns about the future safety of our owners.

(4) Yet another concern is visual amenity. Part of the last shopping centre expansion was the erection of a three metre high acoustic fence to alleviate noise issues. This was a poor quality fence – see attached photo taken in 2009 - about two years after the fence was constructed. It shows one of many major defects which have simply been camouflaged by thin sheeting. Extending this structure close to the edge of our private road would be highly intrusive visually. Dutchmead notes Dexu in its written undertakings has not specified any setback distance for the fence.

(5) Finally this Board believes the extremely small amount of extra land (728 square metres) this rezoning will provide for the redevelopment of Tweed City in no way justifies the major problems it will cause our residents. If Lot 5 retains its residential zoning it will provide a small buffer between what is planned as a major regional shopping precinct and the adjacent residential developments.

Kevin Gunn
Chairman Dutchmead Pty Ltd



DEXUS

PROPERTY GROUP

6 August 2012

Mr Kevin Gunn
Unit 8 Gleneagles
22B Kirkwood Road
SOUTH TWEED NSW 2486

DEXUS Funds Management Limited

ABN: 24 060 920 783

AFSL: 238163

Level 9, 343 George Street

Sydney NSW 2000

PO Box R1822

Royal Exchange NSW 1225

Tel: 02 9017 1100

Fax: 02 9017 1101

Dear Kevin

Thankyou for meeting with me on 30 July 2012 to discuss the current planning proposal seeking to rezone the lot on which 24a Kirkwood Road sits, from residential to commercial. I note we also discussed the potential expansion of Tweed City Shopping Centre over the long term and our intention to lodge a Development Application later in 2012.

In response to some concerns raised by you on behalf of the owners of Dutchmead, we can confirm our intentions and design response to any potential development of 24a Kirkwood Road will include the following:

- The existing acoustic fence on 24a Kirkwood road is to be removed from the western boundary line of the property. A new acoustic fence will be installed within the eastern boundary line.
- The location of the fence is to be set back from the existing road which services the residential communities to the east of the Tweed City site. The minimum distance of setback will allow enough room for an extension to the existing footpath to join with the Kirkwood Avenue footpath plus screen planting in front of the new acoustic wall.
- Where the setback of the acoustic wall from the existing road becomes larger, closer to Kirkwood Road, it is proposed that existing trees will be retained or new trees will be planted as replacement where retention is not possible. The new trees would be of a species chosen to minimise maintenance issues such as the dropping of leaves and root interference with any underground services.
- The construction of the acoustic fence will be aimed at maintaining existing amenity for neighbouring residents whilst being of a superior design and construction to the existing.
- The keyed security gate that provides access for residents to the Tweed City site is proposed to be maintained along with the pedestrian crossing and clear footpath entry to the shopping centres interior.
- As owners of 24a Kirkwood Road, it is our responsibility to ensure access is granted to the required authorities to services contained within the easements on our land.
- In relation to any future development of Tweed City, if TV reception is diminished as a direct result of an expansion of the centre, the building owner will seek to rectify the interference, at their cost.

We hope this alleviates your concerns. As discussed I am on annual leave from the middle of this week until the last week in September. We anticipate that we will be in a position to meet again in late October to keep you up to date with our movements at Tweed.

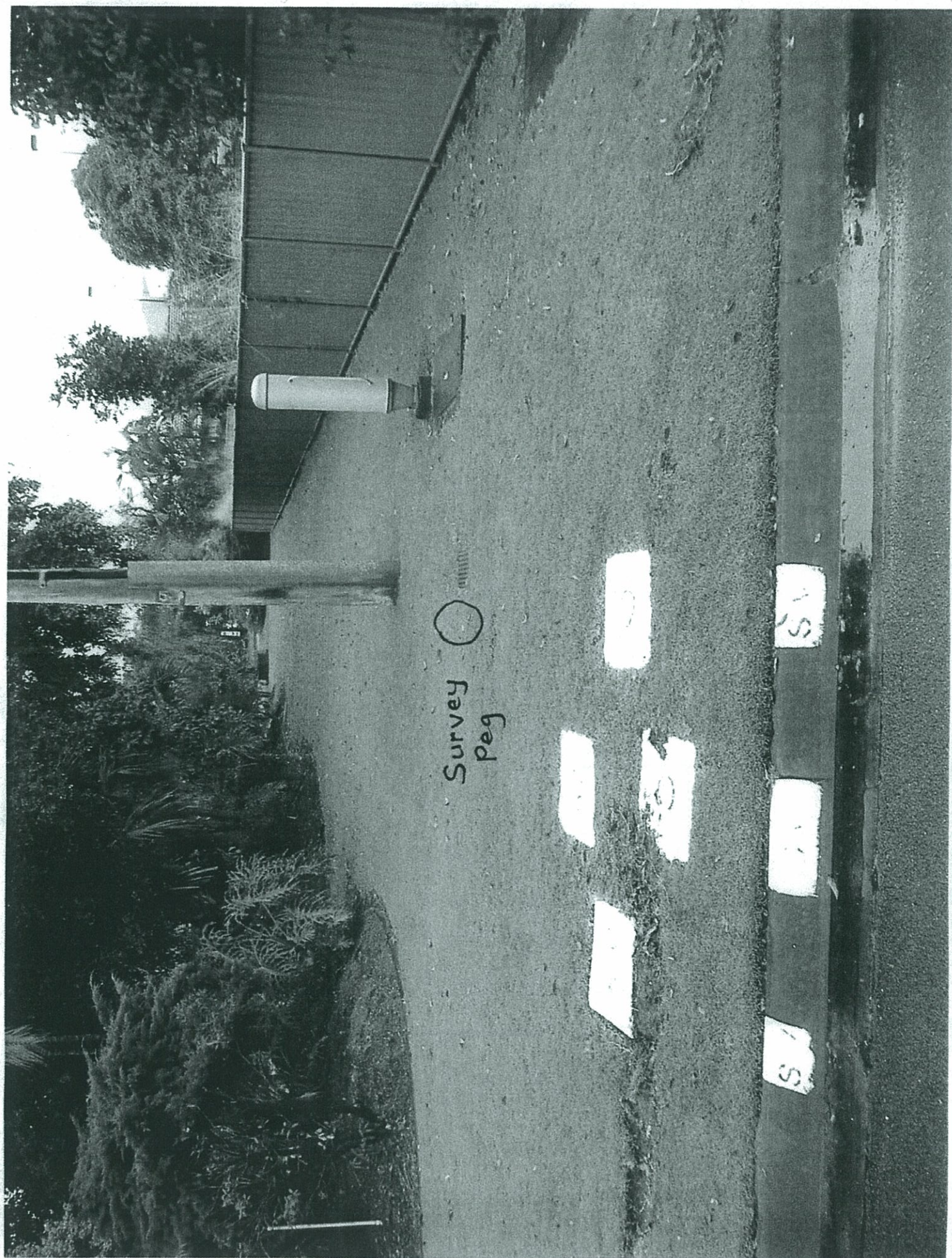
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Yours sincerely



Belinda Hufton

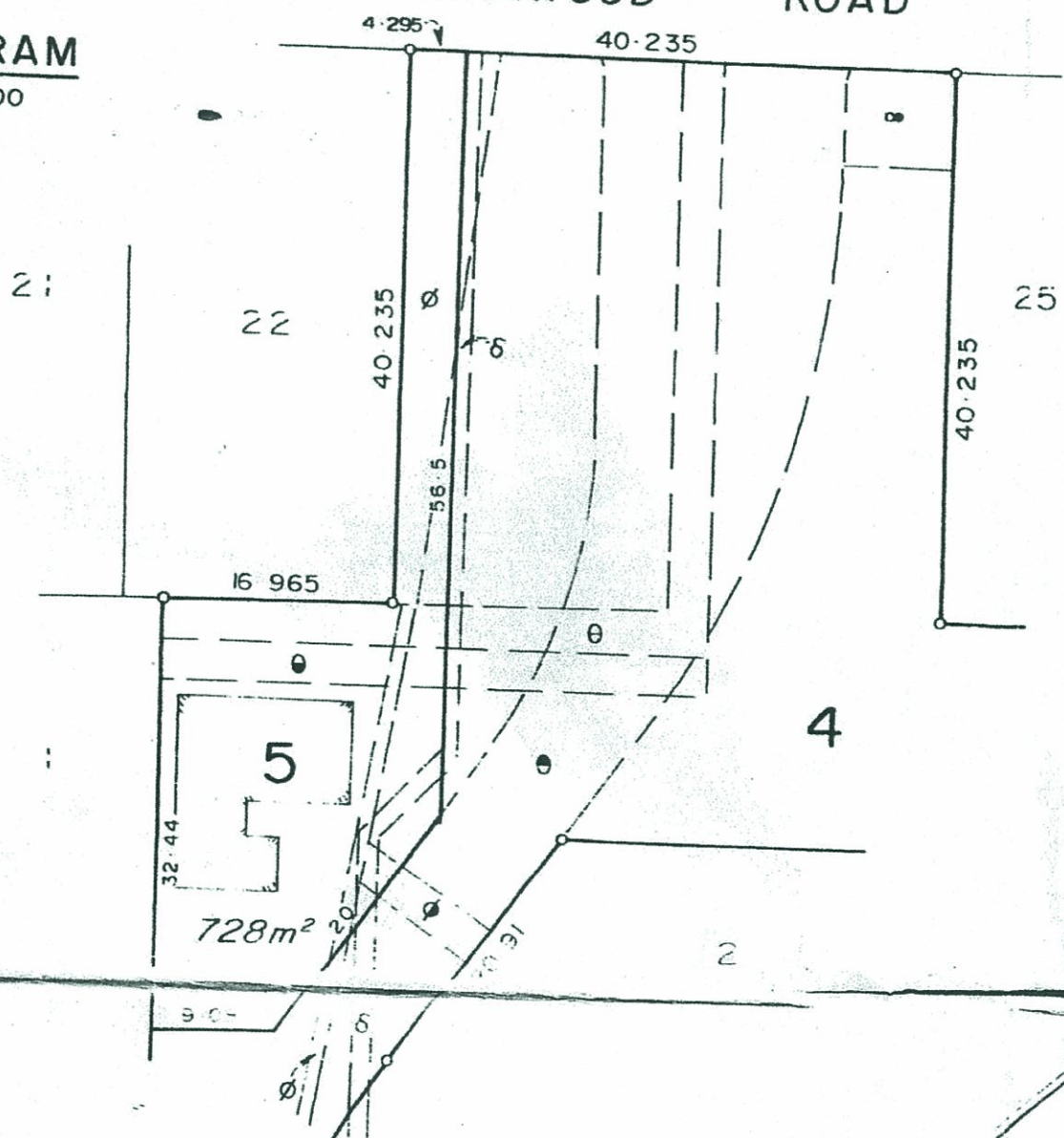
Regional Development Manager, Retail
Tel: 02 9017 1314
Fax: 02 9017 1112
Mob: 0416 216 507
Email: belinda.hufton@dexus.com

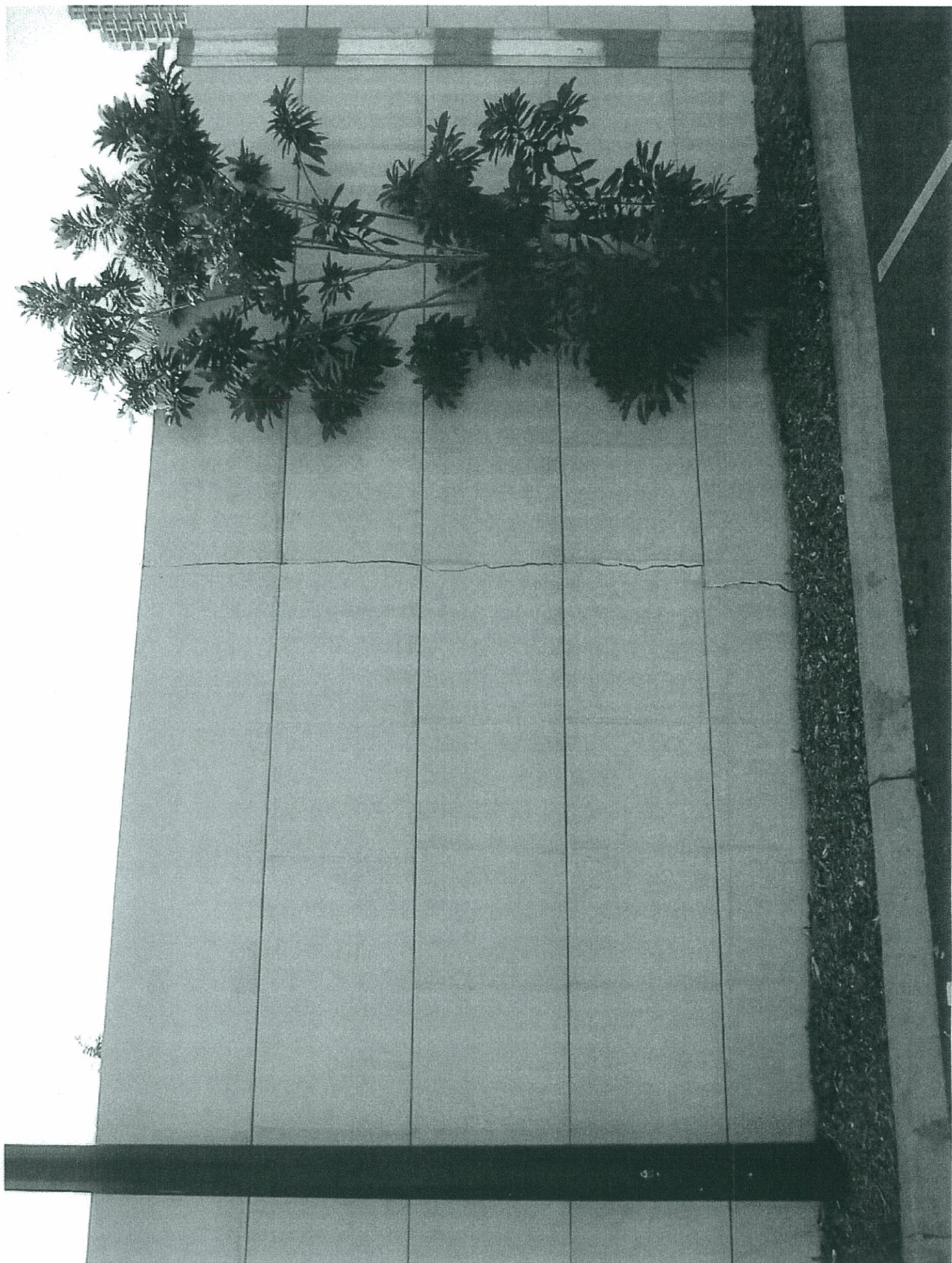


DIAGRAM

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KIRKWOOD ROAD





Appendix E

DEXUS letter to Dutchmead

Dutchmead Pty Ltd
Unit 8 Gleneagles
22B Kirkwood Road
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0413748214

13 August 2012

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6 August 2012

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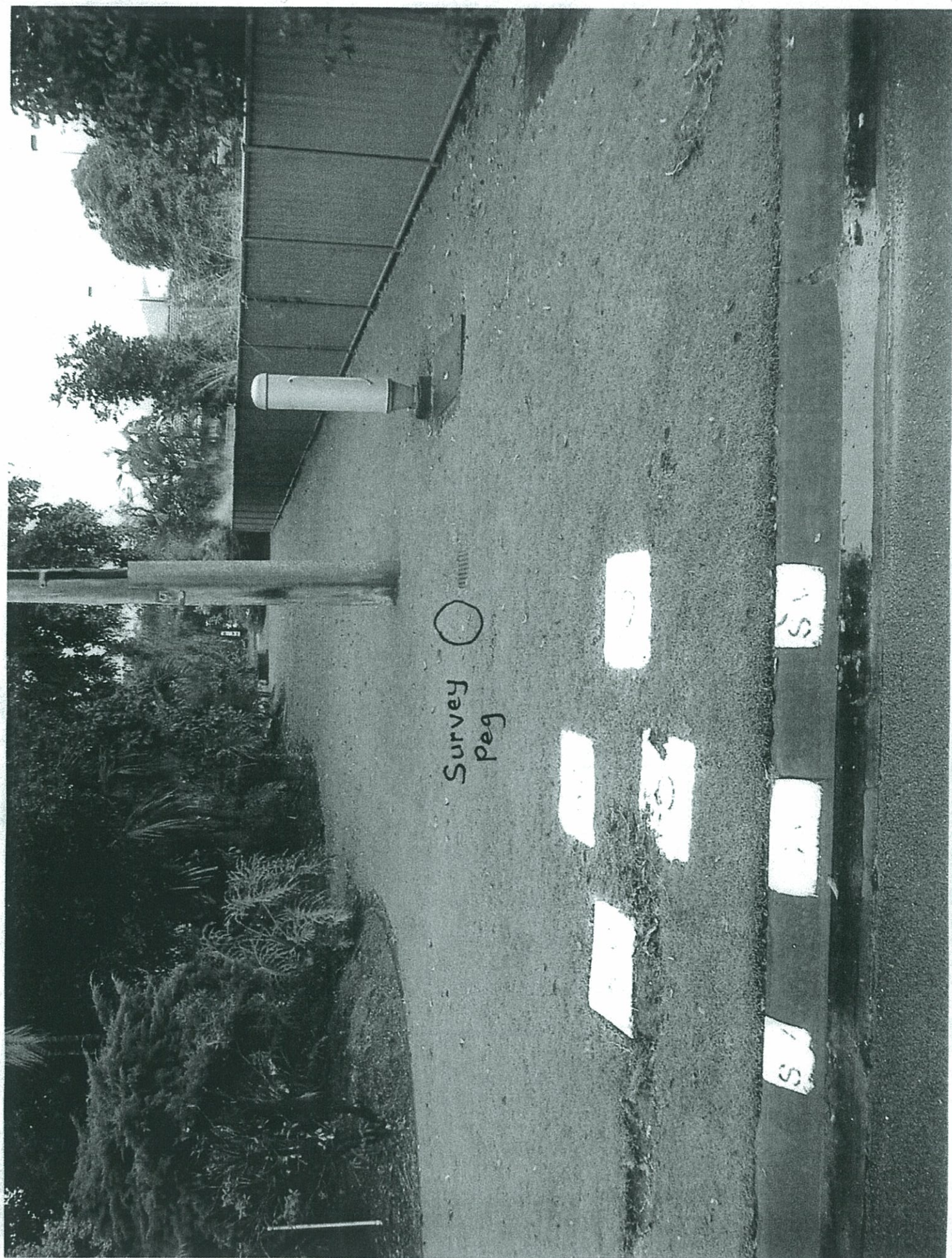
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Yours sincerely



Belinda Hufton

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Fax: 02 9017 1112
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DIAGRAM

R.R. 1:500

KIRKWOOD ROAD

