

## JOINT REGIONAL PLANNING PANEL (Northern Region)

<b>JRPP No</b>	<b>JRPP Reference Number</b>
<b>DA Number</b>	<b>DA11/0257</b>
<b>Local Government Area</b>	<b>Tweed Shire Council</b>
<b>Proposed Development</b>	<b>Construction of a Two Storey Police Station and Demolition of existing Police Station</b>
<b>Street Address</b>	<b>Pearl Street, Kingscliff, Lot 701 DP1002309</b>
<b>Applicant/Owner</b>	<b>UGL Services c/ New South Wales Police Force</b>
<b>Number of Submissions</b>	<b>Five</b>
<b>Recommendation</b>	<b>Refusal</b>
<b>Report by</b>	<b>Rowena Michel, Coordinator Development Assessment</b>

### Assessment Report and Recommendation

**FILE NO: DA11/0257**

#### **REPORT TITLE:**

Development Application DA11/0257 for demolish existing Police Station and construction of a new two (2) storey Police Station (JRPP) at Lot 701 DP 1002309; Pearl Street KINGSCLIFF

#### **SUMMARY OF REPORT:**

Council is in receipt of a development application for a new police station at Pearl Street, Kingscliff. The proposed police station will replace the existing, smaller police station, as well as the two adjoining single storey dwellings.

The proposal has an estimated cost of works of \$8 million and is a Crown development. Determination by the Joint Regional Planning Panel is required in accordance with clause 13B (1) (b) (i) of the 'State Environmental Planning Policy (Major Development) 2005'.

The proposed police station is comprised of two storeys, a basement car park and an adjoining holding yard for impounded vehicles. It is proposed to serve as the Tweed

Byron Command station with 'major shifts'. The proposal includes a total of 41 car parking spaces which includes service vehicle spaces and 6 on-street first responses spaces.

Council Officers have undertaken an assessment of the proposal and approval is not recommended given the significant shortfall of on-site car parking as well as the questionable site suitability with regard to the size of the proposal and the constraints of flooding and coastal hazard.

The 'Environmental Planning and Assessment Act 1979' (EPA Act) does not allow a consent authority to refuse a Crown development application, except with the approval of the Minister. It is therefore recommended that the Joint Regional Planning refers the proposal to the Minister with proposed reasons for refusal.

## **PROPOSAL:**

On 27 May 2011, Council received a development application for construction of a new two storey police station and basement at 154 Marine Parade, Kingscliff (Lot 701 DP1002309).

A detailed description of the proposal is provided below.

### Basement

The basement includes:

- 18 car spaces (including 1 disabled access parking),
- 140m<sup>2</sup> storage area,
- Bike storage areas, and
- Police service vehicle mobile police station parking.

The basement is approximately 4 metres below the natural ground level.

### Ground Floor Level

The ground floor comprises of:

- Office areas,
- Storage areas,
- Staff facilities,
- Custodial areas, and
- 14 car parking spaces including 1 service vehicle space (11 of which are located in the 'holding yard').

The ground level also includes 6 on-street parking for 'first response' police vehicle and 1 on-street disabled access car parking space.

A holding yard for impounded or crash victim vehicles is proposed on the south-eastern side of the building.

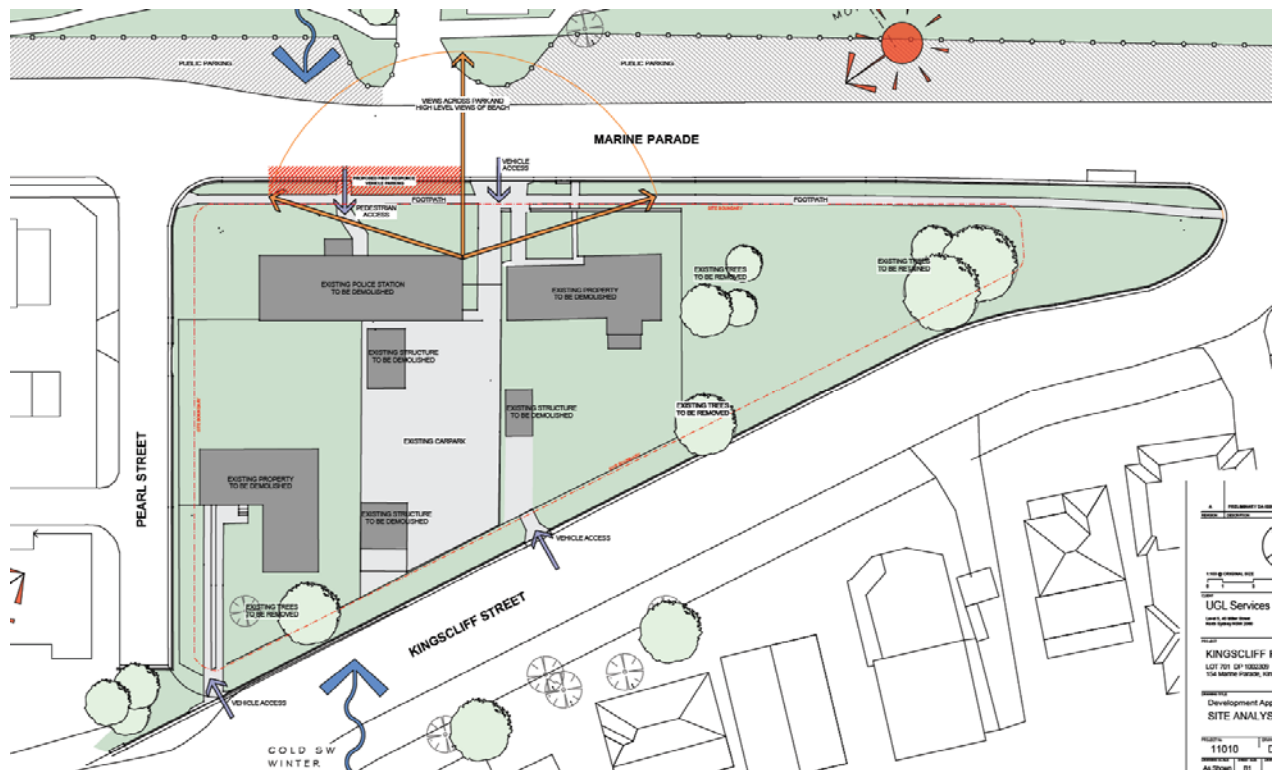
### First Floor Level

The first floor includes:

- Office space,
- Storage areas,
- Training and conference area, and
- Staff facilities including lockers, meals room, nursing areas and fitness area.

## Demolition

The new police station will require demolition of the existing police station and the two existing on-site dwellings currently owned by the Police.



Source: 'Statement of Environmental Effects', Newton Denny Chapelle, (May 2011, page 6)

## Design

The proposed building is of contemporary appearance, constructed as a concrete framed structure.

The design of the building has attempted to reflect the coastal character of surrounding residential buildings through "mono-pitched roof forms" and by modulating the façade facing Marine Parade to reflect a residential scale (refer perspective below).

It is proposed to finish the building with textured precast concrete, zinc cladding, semi-polished honed blockwork, natural aluminium framed tinted glass and stainless steel.

The building has a height of 7.2 metres (RL14.2 metres AHD).

## Access / Roads

It is proposed to widen the Council road reserve for the first response vehicle bay and reconstruct the pedestrian path adjacent to the first response vehicle bay.

Two access points to the site are proposed to replace those already existing from Kingscliff Street. A third access point is proposed along Kingscliff Street as well as relocation of the existing access on Marine Parade.



**Plate 2:** Perspective of the Kingscliff Police Station fronting Marine Parade

**Source:** 'Statement of Environmental Effects', Newton Denny Chapelle, (May 2011, page 12)

### Landscaping

It is proposed to retain the existing on-site Banksia species at the south-eastern corner of the site. Other existing on-site vegetation will be cleared.

### **SITE:**

The subject site is located approximately 750 metres north of the commercial centre of Kingscliff located in the Tweed Shire. Kingscliff is located approximately 10 kilometres south of Tweed Heads and the Queensland / New South Wales border.

The subject site is a triangular allotment bounded by Kingscliff Street, Marine Parade and Pearl Street. It is described as Lot 701 DP1002309. The site has an area of approximately 3,794m<sup>2</sup>.

The Marine Parade frontage of the site is approximately 103 metres and faces north-east, the frontage to Kingscliff Street is approximately 116 metres and faces south-west. The Pearl Street frontage is approximately 57 metres long and faces north-west. All frontages have upright kerb and gutter.

Whilst the site appears to be relatively flat, the applicant has undertaken a survey of the site and found that levels range from RL7.15m AHD at the south-eastern end of the site to RL 4.60m AHD at the south-western corner of the site. It includes common garden species on the site as well as Banksia and Acacia species on the south-eastern corner which whilst part of the site, present as a park.

The site is currently improved with the existing Kingscliff Police Station, associated impound / car parking area and two single detached dwellings.

The surrounding land uses are residential in character consisting of new multi-dwelling residential flat buildings, as well as more traditional low –set coastal dwellings. The surrounding zoning is 2(b) Medium Density Residential. The beach foreshore and associated park dominate the streetscape, located on the eastern side of Marine Parade, across the road from the site.



**Figure 1 - View of the site from the south**

**REPORT:**

**Applicant:** UGL Services  
**Owner:** NSW Police Force  
**Location:** Lot 701 DP 1002309; Pearl Street KINGSCLIFF  
**Zoning:** 5(a) Police  
**Cost:** \$8,000 000.00

**BACKGROUND:**

The NSW Police Force have reviewed a number of different sites for the Byron Tweed Command Station, which have sizing and location requirements. The sites considered by the NSW Police are outlined below.

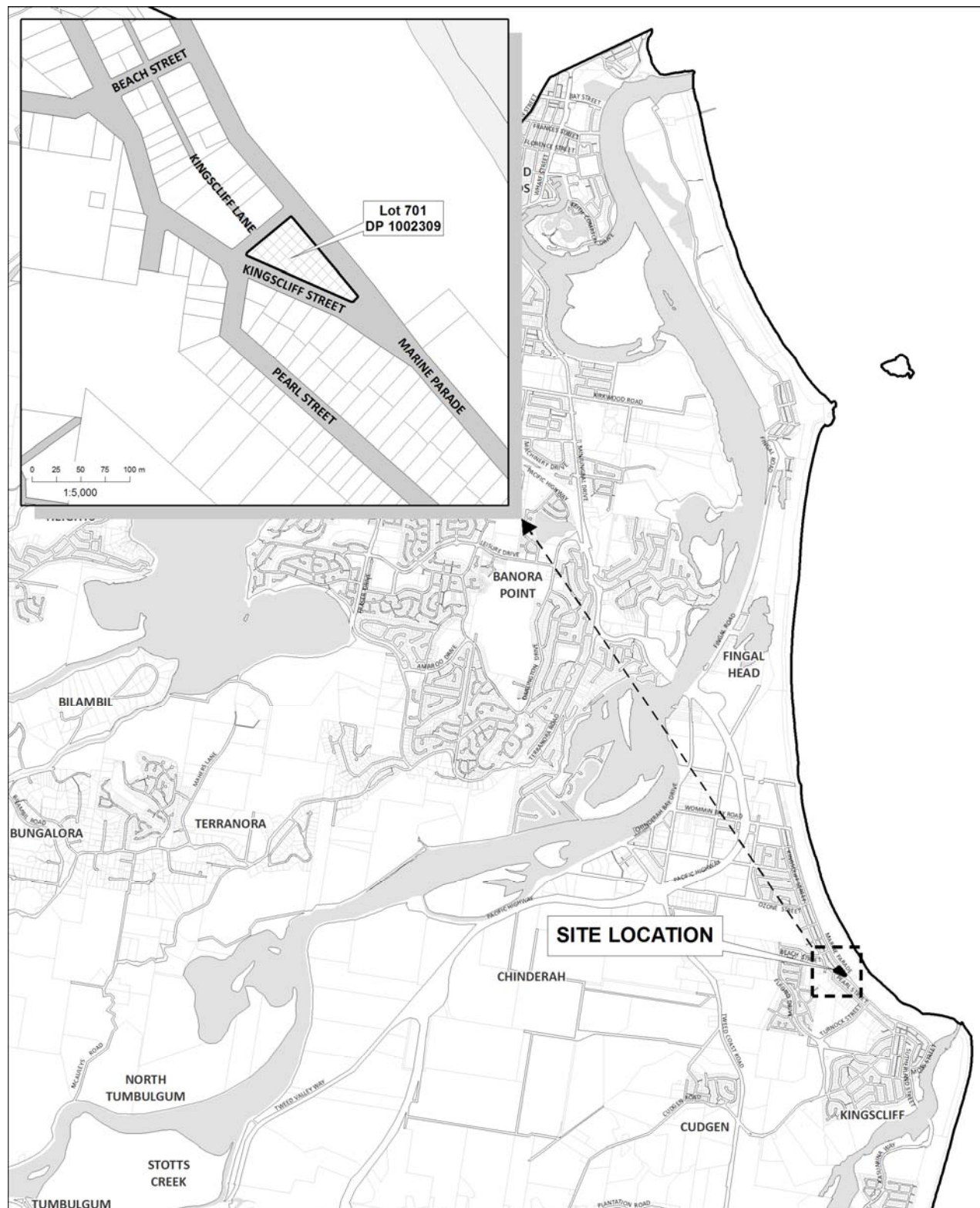
OPTIONS	COMMENTS
<b>Option 1 – 254 Old Bogangar Road (Tweed Coast Road) King Forrest</b>	<ul style="list-style-type: none"> <li>▪ Smallest site investigated (2,653sqm).</li> <li>▪ Location was too far away from a major commercial/residential area, which impacts not only Police Operational Requirements (such as response times, access to areas north, south and west).</li> <li>▪ Although potential for development in the area, the timescale for this did not fit into the Police's timescale requirements.</li> </ul>
<b>Option 2 – Cudgen Road Site</b>	<ul style="list-style-type: none"> <li>▪ Central location with good access to freeway, Kingscliff, Casuarina, Cabarita and Tweed Heads. Therefore allowing the Police Response Time Requirement to be easily met. Enhancing the current/future Policing Operations in the region.</li> <li>▪ Public Access (Buses etc) readily available due to the close proximity of the TAFE.</li> <li>▪ Site available provides the NSWPF to meet current and future Police requirements for the whole region.</li> <li>▪ Significant issues raised by government agencies to farmland protection classification over the land.</li> </ul>
<b>Option 3 – Tweed Coast Road, Cabarita (Corner of Sandal Wood Road)</b>	<ul style="list-style-type: none"> <li>▪ Owned by Dept of Lands and was earmarked for subdivision and sell as residential. Dept of Lands against selling to NSWPF.</li> <li>▪ Also the location has only reasonable access to the freeway, the above point was the deciding factor.</li> </ul>
<b>Option 4 – Dept of Lands Site in North Pottsville</b>	<ul style="list-style-type: none"> <li>▪ Same reasons as for Option 3.</li> </ul>
<b>Option 5 – Dept of Lands Site in Central Pottsville</b>	<ul style="list-style-type: none"> <li>▪ Same reasons as for Option 3.</li> <li>▪ Other options were considered and reviewed in the Pottsville area, but direction came from NSWPF that Pottsville was simply too far away from where they need to operate in a central location.</li> </ul>

**Source: 'Statement of Environmental Effects', Newton Denny Chapelle, (May 2011, page 9)**

It is noted that the applicant has also lodged an application for subdivision at Cudgen Road, Cudgen (Lot 13 DP868620). The subdivision application was proposed to allow the proposed construction of the Kingscliff West Police Station. This site is predominately zoned 1 (b1) Agricultural Protection and concurrence from the Department of Planning was required for subdivision (and SEPP 1 objection). The Department of Planning did not provide concurrence and the matter remains unresolved.



## SITE DIAGRAM:



### Locality Plan

Lot 701 DP1002309  
Pearl Street, Kingscliff

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dig before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.

Cadastral: 01 September, 2011  
© Land and Property Management Authority (LPMA) & Tweed Shire Council.  
Boundaries shown should be considered approximate only.

0 0.5 1 Km  
1:50,000 @ A4 Portrait  
DO NOT SCALE  
COPY ONLY - NOT CERTIFIED



Map Projection: Universal Transverse Mercator  
Horizontal Datum: Geocentric Datum of Australia 1994  
Grid: Map Grid of Australia, Zone 56

Civic and Cultural Centre  
3 Tumbulgum Road  
Murwillumbah NSW 2484

PO Box 816  
Murwillumbah NSW 2484

T | (02) 6670 2400 | 1300 292 872

F | (02) 6670 2429

W | www.tweed.nsw.gov.au

E | planning@tweed.nsw.gov.au



**TWEED**  
SHIRE COUNCIL

Date Printed: 01 September, 2011



## **CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:**

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

#### **Tweed Local Environmental Plan 2000**

##### **Clause 4 - Aims of the Plan**

The aim of the Tweed Local Environmental Plan 2000 (LEP) is to manage growth so that the natural and developed character of the Tweed Shire is retained, and economic vitality, ecological integrity and cultural fabric is enhanced, in accordance with the 'Tweed Shire 2000+ Strategic Plan'.

The aims of the plan also seek to provide planning provisions for land management whereby certain development should be restricted or encouraged in different zones.

The zone contemplates a police station at the site, however there is concern that development is inconsistent with the character of Kingscliff given its large size, commercial appearance and nature of the use.

##### **Clause 5 - Ecologically Sustainable Development**

The development is considered to comply with clause 5 which seeks to promote the four principles of ecological sustainable development.

##### **Clause 8 - Zone objectives**

The subject site is zoned 5(a) Special Purposes and includes red lettering 'Police'.

The primary objective of the Special Purposes zone is as follows:

“ to identify land which is developed or is proposed to be developed, generally by public bodies, for community facilities and services, roads, railways, utilities and similar things”.

The secondary objective is to “provide flexibility in the development of the land, particularly if it is not yet or is no longer required for the relevant special use”.

The proposal complies with the intent of the zone as it provides for a public building to be used as a police station.

##### **Clause 15 - Essential Services**

The site is currently adequately serviced with water, sewer, power and telecommunications.

##### **Clause 16 - Height of Building**

The maximum height permissible at the site is three storeys. The proposed building has a height of two storeys, with each level having a floor to ceiling height of 3.6 metres. The proposal also includes a rooftop plant and associated screening. The rooftop plant adds 3.6 metres to the height of the building, however the building is defined as a two storey building and complies with the three storey height limit.

The overall height of the building is 11.5 metres (including rooftop plant and equipment).

#### Clause 17 - Social Impact Assessment

The purpose of clause 17 is to ensure that development does not have an adverse social or economic impact. The consent authority is required to consider a socio-economic impact statement if there may be an impact.

Section A13 – Socio Economic Impact Assessment (Council's Development Control Plan) provides guidance on when a socio-economic impact assessment should be submitted and what it should address.

Whilst the Statement of Environmental Effects (SEE) submitted with the application states that a socio-economic impact (SEI) is not required, A13 states that a SEI should be submitted when a place of employment for over 25 persons is provided. The proposal results in employment of 88 staff members, thus a SEI should be submitted.

Notwithstanding, it is noted that the proposal will provide public benefit through provision of local jobs and an essential community service. Besides these benefits, it is considered that there are impacts on the public realm as the proposal exhibits overdevelopment and large scale development. This is discussed in greater detail below.

#### Clause 35 - Acid Sulfate Soils

The site is identified on Council's mapping as having Class 5 potential acid sulfate soils. Council's Environmental Health Officer has reviewed the proposal and considers that the proposed works are not anticipated to lower the water table below 1 metre AHD on the adjacent Class 2 land and the proposal is considered to comply with clause 35.

#### Clause 22 – Development Near Designated Roads

The subject site is bounded on its south-western frontage by Kingscliff Street which is identified as a designated road.

The intent of clause 22 is to ensure the safety of designated roads as well as the scenic attractiveness of the area of the Tweed, as well as reduce the potential impact from traffic noise on development adjacent to designated roads.

The applicant has submitted a Traffic Impact Assessment addressing this clause.

The traffic analysis undertaken by the applicant has demonstrated that the traffic impacts on the external road network are minimal and the performance of intersections will remain under the required thresholds.

Whilst it is considered that the development will have car parking impacts, it is not considered that the development will, because of its appearance, result in a traffic hazard.

Whilst Council's Engineers have raised concern with car parking, concern has not been raised with the proposed access points to the site, traffic generation or traffic noise.

The proposal is consistent with this clause.

#### Clause 34 – Flooding

The aim of this clause is to minimise future potential flood damage by ensuring that compatible development occurs on flood liable land and to minimise the adverse effect of flooding on the community.

The proposed site is identified in Council's mapping as being affected by Probable Maximum Flood (PMF) inundation areas.

The proposal is defined as a critical development and is required to be located on land above PMF RL7.9m AHD level. The ground floor of the proposal is at RL 7 metres AHD.

The applicant was requested to provide a case for exceptional circumstances to justify non-compliance with this requirement. This justification has not been provided in the SEE which states that "given the elevated nature of the subject land, the proposed building is unlikely to implicate the existing nature of the flood hazard or amplify the risk associated with property damage or human life within the surrounding vicinity". This is not considered adequate justification.

#### Clause 36 – Coastal Erosion Outside Zone 7 (f)

The objective of this clause is to protect land that may be subject to coastal erosion. The consent authority is required to consider the likelihood of the proposed development being affected or affecting the behaviour of the sea, beach or dune and the likelihood of the proposed development adversely affecting the landscape or scenic quality of the locality and the potential impacts of the climate change including sea level rise.

The subject site is affected by the existing Coastal Erosion Hazard 100 year maximum line and the Draft Coastal Hazard 2100 line.

The submitted SEE does not address this clause.

Whilst the Draft Coastal Erosion Hazard lines have been exhibited, the associated Draft Development Control Plan is not yet adopted and the Council has not yet determined the types of development affected by the Draft Coastal

Hazards Development Control Plan. If the proposal is approved, a statement of risk acknowledgement should be provided from the proponent.

#### Clause 39 Remediation of Contaminated Land

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

The SEE was supported by a Preliminary Site Assessment prepared by Precise Environmental Pty Ltd dated December 2010. The report does not identify any historical potentially contaminating land uses.

Council's Environmental Health Officers have identified that the existing structures were built on site prior to the 1990s and potential contamination may exist from building materials (lead paint and asbestos) and from the application of organochlorine pesticides beneath structures.

If the proposal is approved, conditions will be required to ensure that further investigations are undertaken prior to removal of the slab material and disturbance of the soil. In the event of contamination is found a remediation action plan is to be prepared and provided to Council for approval.

If the application is approved, conditions in this regard are required to ensure compliance with the State Environmental Planning Policy 55 – Remediation of Land (addressed below).

#### Clause 39A Bushfire Protection

The northern most corner of the site is identified as being Bushfire Prone (buffer) area, due to the adjoining vegetation along the ocean foreshore.

The intent of this provision is to minimise bushfire risk to built assets and people and to reduce bushfire threat to ecological assets.

It is not considered that the development is likely to impact on implementation of bushfire control strategies. Whilst it proposes a greater amount of infrastructure and built form, the proposal is not considered to increase fuel areas significantly. It does not include any residential.

It is considered that the proposal complies with the bushfire protection clause.

#### Clause 47 Advertising Signs

The applicant has indicated that a single pole sign and wall sign is proposed which does not adversely affect the locality in terms of appearance, size, illumination or overshadowing. Dimensions of the proposed signage have not been provided and it has not been assessed in this regard.

### **State Environmental Planning Policies**

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

The proposal has been assessed against the North Coast Regional Environmental Plan and is considered to comply with the objectives. Relevant clauses are discussed below.

#### Clause 32B: Coastal Lands

The proposal is considered to comply with clause 32B as it does not impede on access to the foreshore and does not result in any shadow on the foreshore.

#### Clause 33: Coastal hazard areas

Whilst the site is affected by the existing and draft Coastal Erosion Hazard lines, the proposal does not include any disturbance to the adjoining foreshore area.

### **SEPP No. 55 - Remediation of Land**

As identified above, the proposal includes demolition of buildings constructed prior to 1990 and there is a risk that contaminated materials may be exposed during construction. In the event of approval, conditions are recommended to ensure that risk is limited in this regard.

### **SEPP No 71 – Coastal Protection**

The site is within the Coastal Zone and clause 8 matters for consideration are relevant.

The proposal is generally consistent with the matters for consideration as it does not impede public access to the foreshore nor result in any loss of view or overshadowing. The proposal will not have any impact on flora or fauna.

There is concern that the scale and nature of the proposal are incompatible with the surrounding area as discussed in greater detail below.

The SEE does not address the coastal hazard constraints as identified above.

### **SEPP (Major Projects) 2005**

The estimated cost of works for the proposal exceeds \$5 million dollars and pursuant to Part 3 of this SEPP, the development is to be determined by the Joint Regional Planning Panel.

### **SEPP (Infrastructure) 2007**

The applicant has addressed SEPP (Infrastructure) and identified that the proposal is defined as a 'public administration building', which specifically includes police station as part of the definition. Clause 76 of this SEPP requires that development consent is obtained.

The proposal could also fall into the category of an 'emergency service facility' under the SEPP, however due to the specific mention of 'police station' in the

definition of 'public administration building', the later definition is considered more suitable.

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

Council's Draft Local Environmental Plan 2010 has been publicly exhibited and is applicable to the site.

The draft zone is SP2 – Infrastructure - Emergency Services Facility.

A police station is permitted with consent under the Draft Local Environmental Plan which allows for development for the purpose of emergency services.

Notwithstanding the Draft LEP, the SEPP (Infrastructure) sets out levels of assessment required for infrastructure projects.

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

Relevant sections of the DCP are addressed below.

**A2-Site Access and Parking Code**

Council's initial assessment of the proposal identified major shortfall of car parking for the proposal as 80 spaces were considered necessary for staff, customers and servicing. This was consistent with the car parking estimates provided by the applicant at that time. The initial plans indicated that only 12 spaces were proposed on site for operational vehicles.

Amended Plans and Traffic Report

Council Officers subsequently advised the applicant of the significant concerns with lack of on-site car parking (correspondence dated 7/7/11).

In response to these concerns, the applicant provided a revised Transport and Traffic Assessment and revised design plans to justify parking demand and provision. The revised Transport and Traffic Assessment purports:

- The "practical parking demand" (based on maximum number of staff concurrently present on the site) supersedes the incompatible rates contained in Table 4.9 of DCP-A2;
- For security and safety reasons, Police policy precludes on site customer parking;
- A total of 106 staff will be employed, with a maximum "major shift" of 48 concurrent staff on a weekday;
- Assuming 80% of staff drive to work, the development has a practical demand of 39 parking spaces for staff;
- A parking assessment has also been completed using the "office" staff parking rate from DCP-A2, based on a GFA that excludes unstaffed areas, and applying the 20% reduction for ESD. This equates to 41 staff parking spaces, but this is not as relevant as the analysis based on practical demand (based on staff numbers).



- 34 on-site spaces are proposed on the amended plans, including 2 Police Service Vehicle spaces, plus an indented bay on Marine Parade for 6 First Response spaces and 1 Disabled space, to a total of 41 spaces, which exceeds the 39 space requirement;
- There is abundant kerbside and public off-street parking in the area, with capacity for approximately 215 vehicles;
- While weekend demand for public parking is higher, practical demand of the development is reduced with decreased staffing levels on weekends;
- Police Operational Vehicles consist of 5 Highway Patrol Vehicles, 1 Mobile Police Station, 6 Police Push Bikes and 4 Police Motor Bikes.

### Assessment

Council's Engineers agree that the proposed police station development does not fit easily into the various definitions of DCP-A2 (the most relevant being "office" or "public building"), and that provision of staff car parking based on the maximum number of staff concurrently present on the site at any time is an appropriate alternative.

It is difficult to verify the staffing levels provided by the applicant; however these seem reasonable and are on par with the "office" scenario that has been included based on GFA.

The submitted amended plans depict the following on-site parking provisions:

#### Basement Level

14 marked car spaces  
 2 marked car spaces within wash bay  
 2 marked car spaces / 1 disabled access space  
 1 Police Service Vehicle (Mobile Police Station) – operational vehicle  
 Bike Parking (Motor Bikes?)  
 Bike Store (Push Bikes?)

*Sub -Total: 19 max – 17 min*

#### Ground Floor Level

13 marked car spaces within holding yard  
 1 marked car space in gated yard  
 1 Police Service Vehicle – operational vehicle

*Sub - Total: 15*

Of this total of 34 spaces, 2 are clearly for operational vehicles and are not staff car parking. The holding yard has also been designated for impounded or crash victim vehicles, so these 13 spaces are also not considered to be staff car parking.

In the worst case where the basement disabled space is being utilised, and operational vehicles are utilising the wash bay, only 16 on site car parks can be considered to be designated on site staff car parking (15 in the basement including the disabled space and 1 space at ground level). This is a shortfall of **23 spaces**.

The applicant's assessment identifies the provision of 6 First Response spaces and 1 disabled access space in an indented parking bay on the Marine Parade frontage as credit towards parking provisions for the development. This is not supported as this replaces an existing parking zone for police vehicles, and there is no net increase in parking space provision as the indented parking bay maintains the same parallel parking arrangement.

### Customer Car Parking

No figures for expected customer numbers have been provided with the Transport and Traffic Assessment. The application cites a Police policy, whereby customer car parking is not to be provided on site for safety and security reasons. While these concerns are understandable, this does not automatically equate to provision of customer car parking in the public realm. Such provisions should still be made on private land, either in a reconfigured site which adequately addresses the safety and security arrangements, or on a separate parcel. Due to the location of the development site, surrounding land uses, and the proposed development extent, provision of on-site customer car parking does not appear feasible, and therefore, the development cannot satisfy the requirements of DCP-A2.

In assessing the required number of customer parking spaces, the development can either be assessed under the DCP-A2 rates (for "office" or "public building" categories), or can be determined by way of assessment of expected patronage or of similar developments. As no analysis of customer car parking has been provided by the applicant, the DCP-A2 rates are considered more suitable for assessment.

DCP-A2 Table 4.9 combines staff and customer parking rates for "offices" and "public buildings". As above, and based on the applicant's GFA calculations, the site requires 41 combined on-site parking spaces. Given provision of 16 on site spaces, this increases the development's total parking shortfall to **25 spaces**.

The "availability" of 215 on street car spaces in the vicinity of the development site is disputed, as many of the areas identified in Marine Parade and Kingscliff Street are street frontages for residential development, and the areas on the eastern side of Marine Parade are considered to provide parking for members of the public to utilise the foreshore parks and the beach, as well as surrounding development. "Privatisation" of these public parking areas in favour of the development is not supported, and is contrary to DCP-A2.

The site is also outside of the area covered by Contributions Plan CP23 – Offsite Car Parking, so payment of developer contributions in lieu of providing on-site parking is not an available option.

Based on the above assessment, the development has a shortfall of 25 on site car parking spaces, and it does not comply with Development Control Plan Section A2 – Site Access and Parking Code.

### **A3-Development of Flood Liable Land**

As stated above, the proposal is considered an 'essential community facilities and critical services development' in accordance with Section A3.

The site is identified as being affected by the Probably Maximum Flood and as it is a critical development needs to be located above PMF (RL7.9mAHD). The applicant was advised this in a pre-lodgement meeting, and requested to provide justification demonstrating exceptional circumstances (such as servicing existing flood prone communities where no practical alternative exists). The SEE does not address this matter.

#### **A4 – Advertising Signs Code**

The proposal includes a building identification sign, a pole sign and a flag pole.

The proposed number of signs are acceptable.

The dimensions of the signs are not specified and assessment against Section A4 has not been undertaken. If the proposal is approved, conditions will be required to ensure compliance with the signage size limitations in Section A4.

The proposed flag pole should not extend higher than the proposed roof.

#### **A11-Public Notification of Development Proposals**

The proposal was notified for 14 days from 8 June 2011 to 23 June 2011.

During this time, a total of 5 submissions were received, one in support of the proposal and 4 submissions objecting to the proposal.

The issues raised by objectors are summarised and addressed in the table below.

<b>Issue</b>	<b>Officer Comment</b>
<b>Strategic Location</b> – It is considered that the police station should be located at Chinderah or another place that would enable police to have a better response time to all surrounding areas.	Strategic planning of emergency services, particularly with regards to location and scale and function of facilities is a matter for State Agencies.
Another submitter has concerns that the direct routes out of Kingscliff north or south may be congested during special events, adding several minutes to response times.	Notwithstanding, despite the existing zoning, it is considered that the site is not large enough to accommodate the proposed station and it's regional function. Furthermore, given that the facility is proposed to service a wide area (Tweed Byron Local Area command Police Station operating 24 hours 7 days a week for 'major shifts') it would seem logical to
It is considered that more suitable, sites are available, with better access to the Pacific Highway.	

Issue	Officer Comment
<p>It is also considered that sale of the current police, ambulance and fire sites would bring sufficient revenue to provide for an 'emergency super centre'.</p> <p>The emergency services should be located in a more central, accessible location to the whole coastal hinterland and Tweed area.</p>	<p>provide the station closer to the Pacific Highway to service a wider area.</p>
<p><b>Scale and Appearance</b> – The building is considered commercial in nature, too large and “unattractive” for Marine Parade. Concern is raised with the air conditioning units on the top of the building. The proposal will impose on the existing green space provided at the south-eastern corner of the site with the 'holding bay'.</p>	<p>Council officers do not consider that the proposed air conditioning units will result in an unacceptable amenity to the adjoining residential area.</p> <p>The scale and nature of the proposal is of concern, as discussed in greater detail below.</p>
<p><b>Holding Bay</b> - It is considered that the holding bay will have a visual impact on the streetscape and will have impacts on amenity and safety.</p>	<p>The holding bay will present as a garage and will be fenced and gated. Details on the elevations indicate that fencing would be approximately 1.8 metres high. The proposed holding area will intrude into a portion of the existing landscaped area, although the south-eastern most part of the corner will remain as is.</p>
<p><b>Traffic and Access</b> – There is concern that the traffic assessment is flawed. There is concern that the access to the basement from Pearl Street is dangerous.</p> <p>There is also concern that increased traffic on local streets due to the police station will result in safety issues for pedestrians.</p>	<p>Council's Engineers have not raised concerns with regard to traffic and access impact.</p>
<p><b>Parking</b> – There is concern that the parking assessment is unsatisfactory as it does not take into consideration parking for special events, investigations or training. Nor does it take into consideration future expansion.</p>	<p>There is a shortfall of car parking provided on-site and the impact of this is considered to be unacceptable.</p>

Issue	Officer Comment
<p>There is concern that parking does not account for customers and relies on on-street and other public car spaces. There is concern that this will impact on the ability of the public to access the foreshore and foreshore parks.</p> <p>There is also concern that increased use of the adjoining unsealed, on-street parking spaces will require constant maintenance at cost to rate payers.</p>	
<p><b>Local Amenity</b> - There is concern that the sound of sirens will have an impact on Kingscliff and quiet coastal and tourist amenity.</p> <p>There is concern that the proposal is out of character and not suitable for surrounding residential use.</p>	<p>Whilst the impact of sirens has not been assessed, as identified above, the building scale combined with the nature of the use is considered to be out of character with the surrounding land uses.</p>
<p><b>Flooding</b> – One objector considers that the site is unsuitable due to flooding and has witnessed the isolation of Kingscliff due to flooding in previous floods (when Wommin Bay Road cut north and south bound traffic).</p>	<p>The applicant has not addressed PMF flooding issues.</p>
<p><b>Beach locality</b>– There is concern that the beachfront location is not appropriate for this type of building.</p> <p>There is concern with risk of coastal erosion.</p>	<p>The applicant has not addressed risk of coastal erosion.</p>
<p><b>Site Suitability</b> - As above, there is concern that the site does not provide sufficient room for future expansion.</p>	<p>The proposal is large for the available land on site and does not allow for on-site car parking or future expansion.</p>

### A13-Socio-Economic Impact Assessment

A socio-economic impact assessment was not provided with the proposal.

The proposal provides a community service and employment for 88 staff.

There are concerns about the scale and size of the proposal given size of the site and surrounding residential / tourist and coastal character. This is discussed in greater detail below.

#### **B4-West Kingscliff**

This section of the DCP is concerned with higher order, strategic planning issues including road hierarchy for West Kingscliff, residential density areas, pedestrian networks, open space designation and drainage issues.

Section B4.3.2 of B4 addresses matters to be considered in assessing non-residential development within residential areas. One of the relevant matters identified is provision of adequate car parking, which as identified above, is not considered adequate.

#### **B9-Tweed Coast Strategy**

Section B9 is a broader planning strategy for the Tweed Coast seeking to accommodate anticipated development, protect the environmental and coastal values and ensure coordination of infrastructure provision.

Section B9.5.9 of B9 deals with car parking and identifies the need to provide additional public car parking. It identifies a requirement for public car parking within each individual development at South Kingscliff of 300 car spaces per kilometre of ocean foreshore for public use (TSC.5.25).

Section B9.6.6 deals with emergency services and identifies that with growing population along the Tweed Coast, there will be a need to increase emergency services, including police services. It is anticipated in the plan that the longer term needs of these will have to seek upgraded facilities as their current sites are limited. It is stated that “the major site determinant is accessibility”.

Various objectors have raised concerns that the current site does not have optimal accessibility to serve the broader area intended. The SEE does not adequately demonstrate that B9 has been addressed in this regard.

Strategy TSC.S.6.11 states “investigate site emergency services adjacent to Tweed Coast Road on present Sewerage Treatment Plant site.”

It does not appear that this site has been considered in the SEE.

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

##### Clause 92(b) Applications for demolition

The proposal includes demolition. If the proposal is approved, appropriate conditions in relation to demolition will be required.

##### Clause 93 Fire Safety Considerations



This clause is not applicable as the proposal does not result in a change of use in an existing building.

Clause 94 Buildings to be upgraded

This clause does not apply as the proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building.

- (a) (v) **Any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#))**

Tweed Shire Coastline Management Plan 2005

The Tweed Shire Coastline Management Plan provides Council with an integrated management planning framework that aims for a balance between the long term use of the coastline and its conservation.

This plan provides management actions for the South Kingsliff foreshore area (table 3.7). Those that are relevant to the proposal include the requirement for new development to provide public parking spaces. Car parking shortfalls will be contrary to the Tweed Shire Coastline Management Plan 2005.

Tweed Coast Estuaries Management Plan 2004

This plan covers the estuaries of Cudgen, Cudgera and Mooball Creeks situated south of the Tweed River mouth between Kingscliff and Wooyung. The proposal does not directly impact on these waterbodies.

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

The proposal does not directly impact on these waterbodies.

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

Context and Setting

The subject site is located on Marine parade, which is the main entry access into Kingscliff from the north.

The streetscape displays a predominately coastal character on the eastern side of Marine Parade due to the foreshore parks, coastal vegetation, pedestrian footpaths and beach access.

Development on the western side of Marine Parade displays a distinctive residential / tourist character. Whilst some of the existing residential buildings are three storeys and of relatively large scale, they do not front Marine Parade at this location and their long axis is perpendicular to Marine Parade, rather than parallel with Marine Parade.



**Figure 2 - Marine Pde approaching Kingscliff. Site to the right of the photo.**



**Figure 3 - View of Marine Parade looking North (site to the left\_**

It is noted that the design for the building has attempted to respect the surrounding coastal residential fabric through incorporation of different roof modulations on the Marine Parade façade. It features fenestration of building and roof forms to break down the scale, height, form and mass of the building. The façade includes features such as a recessed public entry, semi open slatted privacy screen and textured materials.

Whilst these design features are acknowledged, the east, west and south elevations depict articulated expanses of blockwork and cladding. When combined with the non-residential nature of the use, orientation of the building (long axis parallel with Marine Parade) fencing, signs and vehicle holding yard, it is considered the proposal will impose significantly on the existing streetscape character.

#### Access, Transport and Traffic

Despite the concerns with car parking raised above, Council's Engineers have not raised issue with the traffic impacts and proposed access arrangements.

#### Flora and Fauna

No significant clearing is proposed and the proposal and it is proposed within a highly disturbed area. It is not likely to have an impact on flora or fauna in this regard.

#### Stormwater

Whilst the stormwater concept is satisfactory, the discharge points to Marine Parade require re-design. If the proposal is approved, conditions are required in this regard.

#### Road Widening

The applicant is proposing to widen the road pavement along Marine Parade frontage. Justification is required as to why this is necessary since on-street parking is already available in this location.

If the proposal is approved, dedication of land for road widening should be conditioned to ensure that an appropriate footpath area is created. Relocation of services will also be required. Amendments to the design are required in this regard.

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

#### Scale

It is considered that the site is not large enough to accommodate the proposed development given the inability of the applicant to provide for adequate staff parking or customer parking on or adjacent to the site.

#### Context

It is considered that the large, non-residential building is out of character with the surrounding residential and coastal character.

#### Flooding

The applicant has not demonstrated that the site is suitable in terms of potential PMF events.

#### Coastal Hazard

The applicant has not demonstrated that the site is suitable in terms of potential threat of future coastal erosion.

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

Council received five submissions in relation to the proposal, one of which was in support. The issues raised in the objections are outlined above.

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

It is acknowledged that the proposal provides an important community facility and serves the public interest. There is concern that the impact on the locality in terms of character and car parking will be detrimental to the local public interest.

#### **OPTIONS:**

1. The Joint Regional Planning Panel refers the application to the Minister with reasons why the proposal should be refused.
2. The Joint Regional Planning Panel approves the proposal with conditions. Note that the consent authority must not impose a condition on its consent to a Crown development application except with the approval of the applicant or the Minister.

#### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

In the event of a recommendation for refusal, section 89 of the EP&A Act states that the consent authority must not refuse a Crown development but must refer it to the Minister with reasons for the proposed determination.

In the event of a recommendation for approval, section 89 of the EP&A Act also states that conditions must not be imposed on a Crown development application without approval of the applicant or the Minister.

#### **POLICY IMPLICATIONS:**

N/A

#### **CONCLUSION:**

Council has received a development application of a police station at Marine Parade Kingscliff.

The proposal is not supported due to insufficient on-site car parking. It is not considered that the site is suitable to accommodate the size and scale of police station proposed.

#### **RECOMMENDATION:**

That Development Application DA11/0257 for demolish existing Police Station and construct new two (2) storey Police Station (JRPP) at Lot 701 DP 1002309; Pearl Street KINGSCLIFF, be refused as the proposal is inconsistent with 79C of the Environmental Planning and Assessment Act 1979 as follows:

- 79C(1) (a) (iii) Development Control Plan - The proposal is inconsistent with Councils Development Control Plan Section A2 – Site Access and Parking Code due to significant shortfall in provision of on-site car parking.
- 79C(1) (a) (v) coastal zone management plan – The proposal is inconsistent with the Tweed Coastline Management Plan 2005 which seeks to ensure provision of public parking spaces is included with development.

- 79C(1) (c) suitability of the site – it is not considered that the site is suitable for the proposed scale of the development and it will result in impacts on the character of the locality.
- 79C(1) (d) submissions – the matters raised in the submissions have not been adequately addressed and are unable to be conditioned.