

LVO Pty Ltd
ABN 99 111 256 912
14/220 Boundary St
Spring Hill Qld 4000
P +61 7 3832 2700
F +61 7 3832 1591
E brisbane@lvo.com.au
www.lvo.com.au



Proposed Residential Development Firetail Street, Tweed Heads South, NSW

Visual Impact Report

August 2013



Contents

1.	INTRODUCTION	4
1.1	Scope and Purpose of Report	4
1.2	The Proposed Development	4
1.2.1	The Site	4
1.2.2	Proposed Land Use and Built Form	4
1.3	Methodology	5
1.4	References	6
2.	THE SITE AND THE VISUAL CONTEXT	7
2.1	The Visual Context	7
2.1.1	The Local Area	7
2.1.2	The Public Realm	7
2.1.3	Frames of Reference.....	7
2.2	The Subject Site	9
2.3	Topography	10
2.3.1	Settlement Pattern	10
2.3.2	Built Form	12
2.3.3	Visual Features and Local Landmarks.....	15
2.3.4	Streetscapes.....	16
2.3.5	Open Space.....	19
2.4	Views	19
2.5	Character	21
2.5.1	<i>Defining Visual Characteristics of the Site and the Adjoining Area</i>	<i>22</i>
2.5.2	<i>Defining Visual Characteristics of the Surrounding Area</i>	<i>22</i>
3.	VISUAL IMPACT OF THE PROPOSED DEVELOPMENT	24
3.1	Visual Impacts	24
3.2	The Proposed Development	24
3.3	Site Planning	25
3.3.1	Landform.....	25
3.3.2	Access	25
3.3.3	Land Use and Building Configuration	25
3.3.4	Site Planning- Visual Impact Summary.....	26
3.4	Building Form	27
3.4.1	Building Height	27
3.4.2	Site Cover	27
3.4.3	Appearance (Visual Bulk and Activation).....	27
3.4.4	Summary of Visual Impact (Building Form).....	27
3.5	Landscaping	28
3.5.1	Landscaping- Summary of Visual Impact	29
4.	PLANNING SCHEME PROVISIONS RELATING TO VISUAL IMPACTS	30
4.1	The Tweed Local Environmental Plan 2000	30
4.1.1	– Clause 4 Aims of the Plan.....	30
4.1.2	Clause 11 – Zone Objectives	32
4.1.3	Clause 22(4)(f) – Development Near Designated Roads	33

4.2	State Environmental Planning Policies SEPP (North Coast Regional Environmental Plan) 1988	35
4.2.1	Clause 75: Tourism development.....	35
4.2.2	Guidelines of the SEPP	36
4.2.3	SEPP No 71 – Coastal Protection.....	37
4.3	The Draft Tweed Shire Local Environmental Plan 2012	37
4.4	The Tweed DCP 2008	38
5.	CONCLUSIONS	40

APPENDIX A: Supporting Imagery and Drawings

APPENDIX B: Photomontages of the Proposed Development

1. INTRODUCTION

1.1 Scope and Purpose of Report

- 1 This Visual Impact Report has been prepared by LVO Pty. Ltd. for Proportional Property Investment Ltd. The report is provided for the purpose of assisting the Tweed Shire with the assessment of a Development Application for a proposed tourist accommodation development at Firetail Street, Tweed Heads South in New South Wales.
- 2 The report provides an analysis of the proposed development's visual impacts in relation to its visual and statutory contexts and is to be read in conjunction with the drawings and other material submitted with the development application.

1.2 The Proposed Development

1.2.1 *The Site*

- 3 The site is located at Lot 1 Firetail Street, Tweed Heads South (refer to Appendix A, Figure 1). The site has an eastern frontage to the Pacific Highway. Access to the site will be from a new section of Kirkwood Road which will connect with Fraser Drive west of the site. The site is discussed and described in greater detail in Section 2 of the report.

1.2.2 *Proposed Land Use and Built Form*

- 4 The proposed development comprises 355 tourist accommodation units (a combination of seven unit types comprised of one, two and three stories). The proposal also incorporates communal facilities which includes swimming pools, barbeques, a kiosk, dining area, games room and administration offices. The design of the development is described in greater detail in Section 3 of the report however a summary of the development is listed below:
 - 71 x Type A units (1 bed dwelling – two storeys);
 - 32 x Type B units (2 bed dwelling – two storeys);
 - 16 x Type C units (2 bed dwelling (alternative design – two storeys);
 - 5 x Type D units (1 bed disabled dwelling – one storey);
 - 22 x Type RV-A units (1 bed RV space dwelling – two storeys);
 - 7 x Type RV-B units (2 bed RV space dwelling – two storeys);
 - 9 x Type E (2 bed duplex dwelling – three storey);
 - Communal Facilities including: swimming pools, barbeques, kiosk, dining area, games room and administration offices.

1.3 Methodology

- 5 Actual visual impacts occur within a visual context where they may affect its existing character and amenity. They are however regulated by a statutory context where they are assessed in relation to theoretical planning criteria. This report provides an analysis of the proposed development's visual impacts in relation to both the visual context and the theoretical statutory context.
- 6 Section 2 of the report describes the existing visual context and identifies its defining visual characteristics. Section 3 of the report provides an analysis of the proposed development's visual characteristics and their impacts in relation to the existing visual context. The analyses provided in Sections 2 and 3 are then used to inform the assessment provided in Section 4 of the report that addresses the provisions of the Tweed Local Environmental Plan 2000 (Tweed LEP) that are relevant to the proposed development and its visual impact.
- 7 The following methodology was used for the preparation of the report:
 - **Preliminary Review**

A desktop review of the site was undertaken based upon information provided by the project's consultant team, the Tweed LEP and Google Earth aerial photography. This information was used to identify potential planning issues, visual catchments and key elements for investigation as part of the site inspections.
 - **Site Inspections**

A site inspection was undertaken to observe and photograph the site and surrounding area to investigate:

 - The topography and existing urban structure of the local area
 - The streetscapes and sites most likely to be affected by the Proposal
 - Important vistas and view sheds
 - Other major influences on local character and amenity
 - **Contextual Analysis**

An analysis was undertaken of the visual and statutory planning contexts relevant to the assessment of visual impacts in a Development Application.
 - **Visual Impact Analysis**

The visual impacts of the proposed development were analysed in relation to the visual context and assessed for their likely impact upon the local area
 - **Statutory Planning Assessment**

The visual impacts were assessed in relation to the applicable provisions of the Tweed Local Environmental Plan 2000 (Tweed LEP).

1.4 References

8 The following documentation and references informed the preparation of this report:

- **Design Documentation**
 - The design drawings and information relied upon for the preparations of this report were prepared by Paul Ziukelis Architects and Deborah Carlile and Paul Mjatelski Pty Ltd.
- **Statutory Planning**
 - Tweed LEP 2000:
<http://www.tweed.nsw.gov.au/PlanDevBuild/PlanningTweedPlanningDocuments.aspx>
- **Urban Design**
 - Creating Places for People- An Urban Design Protocol for Australian Cities: www.urbandesign.gov.au/downloads/index.aspx/
 - New Zealand Urban Design Protocol:
www.mfe.govt.nz/publications/urban/design-protocol-mar05/urban-design-protocol-colour.pdf
 - The Value of Urban Design:
www.designcouncil.org.uk/Documents/Documents/Publications/CABE/the-value-of-urban-design.pdf
 - Fifteen Qualities of Good Urban Places:
www.goldcoast.qld.gov.au/planning-and-building/fifteen-qualities-of-good-urban-places-3774.html
 - The Image of the City (1960), Kevin Lynch
- **Other**
 - The Macquarie Dictionary

2. THE SITE AND THE VISUAL CONTEXT

2.1 The Visual Context

- 9 Visual impacts occur within an existing visual context where they can affect its character and amenity. This section of the report describes the existing visual context and identifies its defining visual characteristics.

2.1.1 The Local Area

- 10 Defining the local area relevant to the visual assessment of a proposed development can be a moot point and is subject to possible cognitive mapping considerations and statutory planning requirements. These issues are discussed below and also in Section 4 of the report in relation to the Tweed LEP's objectives and provisions. Notwithstanding these issues, the surrounding local area that may be affected by the visual impact of the proposed development is considered to be the area identified on Figure 2 in Appendix A. Actual inspections of the site and the surrounding area indicated that beyond this area direct visual connectivity to the site was very limited and therefore the outlook and local character beyond this area was unlikely to be affected by the proposed development.

2.1.2 The Public Realm

- 11 Although some individuals may experience the visual context from private properties with privileged views, the general public primarily experience the visual context from within the public realm where they form impressions in relation to its character and amenity. Within the scope of this report the public realm is considered to include the public road reserves, open spaces and public buildings. Additional views are sometimes also available from other "semi-public" spaces, such as private shopping centres or recreational and hospitality facilities.

2.1.3 Frames of Reference

- 12 The visual context is subject to "frames of reference" that structure the cognitive association of visual elements. The "local area" (as discussed above) provides one such frame of reference. Other "frames of reference" include the different contextual scales at which visual associations are established and influence the legibility, character and amenity of the urban environment. Within the scope of this report three contextual scales are considered relevant to the analysis of the visual context and the visual impact of the proposed development.

The Street Context

- 13 The “Street Context” provides a frame of reference for reviewing the visual relationship of new development (and in particular its facades) in relation to the adjoining pedestrian spaces, nearby buildings and public spaces within the same street. Elements of the development within this frame of reference are experienced in relative close proximity where, if compatible with the human scale they are more likely to facilitate positive visual engagement and contribute to the “activation” of adjoining pedestrian spaces.

The Neighbourhood Context

- 14 The “Neighbourhood Context”; provides a broader frame of reference that relates the appearance of a development as a whole to the appearance of other developments within the local area. As a frame of reference it evolves from the understanding gained after experiencing a number of streets in the local area. Within this context the relative appearance, size and scale of different buildings are compared for their visual compatibility and contribution to a shared character from which a unique “sense of place” may emerge. This frame of reference involves the consideration of developments not necessarily available to view at the same time. It therefore has greater recourse to memory and the need to consider developments separated in time and space. The neighbourhood context is relevant to the visual “legibility” of a development and its relationship to other developments (refer to 2.6.2 below) which informs the cognitive mapping of the local area to provide an understanding of its arrangement and functionality.

The City Context

- 15 The “City Context” provides a frame of reference that relates the significance of key developments or neighbourhoods to the city as a whole. Large or distinctive developments on prominent sites can contribute to the overall “image” of the city. Alternatively, the contribution that distinctive neighbourhoods make (or may potentially make) to the image of the city can be affected by the visual impact of an individual development through its influence on the neighbourhood’s character and legibility.

2.2 The Subject Site

- 16 The site is located in Tweed Heads South on the western side of the Pacific Highway. The site has an approximate area of 18.02 ha (18, 002m²) with a north-facing frontage to the Kirkwood Road extension (which is discussed further in Section 2.3.1 of this report) of approximately 347 metres, an eastern frontage to the Motorway of approximately 614 metres and a west facing frontage to detached residential development of approximately 529 metres (Refer Appendix A, Figure 2).
- 17 The subject site is referred to as Lot 1 Firetail Street, Tweed Heads South and is properly described as DP 1168904.
- 18 The site has an undulating topography with the slope generally rising to the midpoint of the site. The slope rises to form a ridgeline (at its highest point of RL 40 approximately) which dissects the site in an east - west direction. The greatest gradient change within the site occurs towards the north and south of the site where the slope falls towards these to boundaries which are much lower than the highest ridge with an approximate RL varying between 0 and 7 metres.
- 19 A State Environmental Planning Policy (SEPP) No 14 Wetland is located in the south east portion of the site and this part of the site will remain undeveloped with existing vegetation preserved (refer Appendix A, Figure 1).
- 20 The site is currently undeveloped and highly vegetated by mature native vegetation. The existing vegetation provides screening along each of the boundaries and limits views into the site from surrounding roads and existing residential development to the north and west (Refer Appendix A, Figure 4).
- 21 The natural topography of the existing site is much higher than adjoining land and also limits views into the existing site.
- 22 To the north of the site is the unformed road reserve of Kirkwood Road currently highly vegetated by mature stock vegetation. An extension of Kirkwood Road has begun which involves a borrow pit directly adjacent to the northern boundary of the subject site.

2.3 Topography

- 23 Although often complex, multi-faceted and subject to changing conditions the visual context is primarily influenced by the local topography and the relationship between its natural features (i.e. the landform and vegetation) and its cultural features (i.e. the settlement pattern and development).

2.3.1 Settlement Pattern

- 24 Given the absence of significant natural features (other than Terranora Creek which feeds from the Tweed River) the local settlement pattern is principally structured by the road network. The Pacific Highway serves as an organisational spine which dissects the local area into two districts – east of the Pacific Highway and west of the Pacific Highway. Views between these two districts are limited due to landscape buffers and acoustic barriers on either side of the Pacific Highway.
- 25 The principal road corridors which warrant consideration within the scope of this report are the Pacific Highway, road corridors west of the Pacific Highway and the existing Kirkwood Road which is located east of the Highway. The principal road corridors are: the Pacific Highway, Kirkwood Road, Dry Dock Road, Fraser Drive and the proposed Kirkwood Road Extension to run west of the Pacific Highway. (Refer Appendix A, Figure 2).
- 26 The visual context, as experienced from within these road corridors, is characterised as follows:

The Pacific Highway:

- The Pacific Highway forms the only existing adjacent road frontage to the site. It runs parallel to the eastern boundary of the subject site in a north south direction. Crossing Terranora Creek (north of the site) it connects the coastline in the north with rural open space in the south. Within the local area, views from the Pacific Highway are limited to the east and west as a result of the significant vegetation that screens the road frontage and an acoustic barrier on either side of the Highway north of the site and thus there will be limited to no views of the subject site from the Pacific Highway. (refer to Appendix A, Figure 5).

Kirkwood Road:

- Kirkwood Road is separated from the site by the Pacific Motorway.
- Kirkwood Road is an active suburban road that links residential and commercial development east of the Pacific Highway.

- Running from Minjungbal Drive in the southwest to Sunshine Avenue in the northeast, it supports medium density residential development to the north and south, and Tweed City Shopping Centre to the south of Minjungbal Drive. Development along Kirkwood Road varies in scale from large footprint commercial development in the south (Tweed City Shopping Centre), commercial/industrial development associated with the South Tweed Trade and Commerce area also in the South to smaller detached residential dwellings and open recreational space (Arkinstall Park) in the north (refer Appendix A, Figure 6).

Dry Dock Road:

- Dry Dock Road is a primary connector road which runs in an east west direction along Terranora Creek. At its most western-end development along this road is characterised by Boyds Bay Holiday Park on the north-western side and small scale residential development to the south-east. Travelling further east, development is limited to the south-eastern side as Terranora Creek borders this road until it ends at its meeting point with Fraser Drive. Development on the south-eastern side is comprised of small scale detached dwellings until its intersection with the Pacific Motorway when development changes to predominately short term accommodation parks. After this crossing with the Pacific Motorway several holiday parks front Dry Dock Road including the Tweed Billabong Holiday Park, The Palms Village Holiday Park, Colonial Tweed Caravan Park and River Retreat Caravan Park (refer Appendix A, Figure 7).

Fraser Drive:

- Fraser Drive runs in a north-south direction from Terranora Drive to Terranora Creek. It connects three suburbs – Terranora, Banora Point and Tweed Heads South.
- Travelling from the south of Fraser Drive development is largely comprised of small scale residential detached dwellings to the east with large parcels of open rural land and Terranora Creek to the west. Further north when travelling through Banora Point development seen from Fraser Drive is again detached residential dwellings to the east and a mixture of detached residential dwellings, open rural space and a Coles supermarket to the west. Upon its entry into Tweed Heads South the experience along this road changes to a rural open landscape with residential development beyond to the west, and large scale commercial beyond to the east. When Fraser Drive approaches the site, pockets of medium density residential dwellings are seen on both the eastern and western side of the road until its intersection with Dry Dock Road in the north with Colonial

Tweed Caravan Park to the west and Sullivan Memorial Park on the east (refer Appendix A, Figure 8).

Kirkwood Road Extension

- To the north of the site exists an undeveloped road reserve of Kirkwood Road. This road reserve will be redeveloped and form part of the Kirkwood Road Extension which will link the existing Kirkwood Road in the east with Fraser Drive in the west.
- The proposed Kirkwood Road extension will connect development east of the Pacific Motorway with development west of the Motorway. It will be a connector road supporting residential, industrial and commercial development east and west of the Pacific Motorway. Running along the northern fringe of the subject site it will provide access to the proposed development through its connection with the connector road to run parallel with the Pacific Highway (refer Section 2.3.4 below)
- A new roundabout will be incorporated as part of the extension and will link two access roads from the Pacific Motorway with the proposed Kirkwood Road extension. Part of this extension of Kirkwood Road will be constructed as part of the proposed development.
- It can be assumed that it will be a highly trafficked road which will link residential development on either side of the Motorway, be used as an access road to and from the Motorway and will be used as an alternative route for residents to Tweed City Shopping Centre.

2.3.2 Built Form

- 27 The local area is generally characterised by low rise residential development, several short-term accommodation parks to the north, north-east and north-west, and a mixture of retail and commercial/industrial development to the south and south-east.
- 28 Existing built form within the locality will be addressed against three contextual scales (as described in Section 2.1.3 of this report). These three contextual scales are addressed below.

The Street Context

- 29 The "Street Context" provides a frame of reference for reviewing the visual relationship of new development (and in particular its facades) in relation to the adjoining pedestrian spaces, nearby buildings and public spaces within the same street. Existing built form within the 'Street Context' is as follows:

- 30 Directly the north of the site is 'The Palms Village' a short stay accommodation. This park which is currently accessed from Dry Dock Road will adjoin the extension of Kirkwood Road. It is a gated development comprised of a mixture of one and two storey detached dwellings on 110 metre (approximate) blocks connected by a ring road.
- 31 To the east of the site lies the Pacific Highway which is a dual carriageway road approximately 39 metres wide including landscaped buffers of approximately 5 metres wide. Development beyond this highway is not considered to be within the street context (Refer Appendix A, Figure 5).
- 32 To the south of the site is a large rural property which operates as a function centre offering farm stay accommodation. This property is predominately open with a few pockets of mature vegetation which can be seen from Fraser Drive (Refer Appendix A, Figure 9).
- 33 To the west of the site exists detached residential dwellings in Firetail Court and Wren Court and a medium density townhouse development in Harrier Street. Both of these developments are accessed via Fraser Drive. These developments are residential in character and consist of dwellings 1 to 2 storeys high on 500 m2 blocks (approximate) (Refer Appendix A, Figures 10 and 11).

The Neighbourhood Context

- 34 The "Neighbourhood Context"; provides a broader frame of reference that relates the appearance of a development as a whole to the appearance of other developments within the local area. Existing built form within the neighbourhood context is understood to be as follows:
- 35 To the north of the site beyond the Palms Village Holiday Park is Terranora Creek. This Creek which feeds from the Tweed River separates Tweed Heads South from Tweed Heads. Terranora Creek wraps around Tweed Heads South from its connection with the Tweed River in the east to its connection with the Terranora Broadwater in the west. It distinguishes the local area from area inland and contributes to the areas image in relation to its coastal recreation lifestyle. It provides the local neighbourhood with a visible and distinctive "sense of place" through its proximity and connection with the area. Properties along Terranora Creek are generally short-term accommodation parks and medium density residential.

- 36 To the northeast of the site across the Pacific Highway with access from Holden Street which intersects with Dry Dock Road in the north lies another short stay accommodation park 'Big4 Tweed Billabong Holiday Park'. This development lies to the north-east of the subject site and is separated from the subject site by the Pacific Highway. It is a similar development in both scale and character to the Palms Village holiday park and consists of detached dwellings of 1 to 2 storeys on 100 m2 (approximate) blocks.
- 37 Adjoining this holiday park is a commercial/light industrial development to the east with access from Sunshine Avenue, and detached residential houses to the north east with Access from both Sunshine Avenue and Dry Dock Road.
- 38 A residential aged care development lies adjacent the Pacific Highway to the east of the subject site. This development has a large footprint in comparison to neighbouring residential development and is of a typical residential character with 1 to 2 storey dwellings on 400m2 to 500m2 blocks (approximately).
- 39 To the south east of the site (on the eastern side of the Pacific Highway) is an industrial/commercial area associated with the South Tweed trade and commerce area. This area consists of large industrial scale buildings with access from Greenway Drive. Greenway Drive crosses the Pacific Highway and connects this development with another large parcel of industrial/commercial development of a similar scale west of the Highway.

The City Context

- 40 The "City Context" provides a frame of reference that relates the significance of key developments or neighbourhoods to the city as a whole. Large or distinctive developments on prominent sites can contribute to the overall "image" of the city. Within this City Context, built form is considered to be as follows:
- 41 The city context is made of up residential and industrial/commercial development nestled within large parcels of open space. The area is predominately residential because of the density of residential development within the area, although it also ensues a coastal recreational characteristic because of its proximity to Terranora Creek, the Tweed River and the Terranora Broadwater. In the immediate context development is small scale residential and light industrial/commercial with no prominent landmarks or high-rise towers. Apart from large parcels of open undeveloped land on Fraser Drive including the subject site, vegetated open space is largely limited to the perimeter around Terranora Creek.

Summary:

- 42 Within the street context development is medium density residential development nestled within large parcels of open space. A mixture of short-term accommodation parks and residential development occupy the immediate surroundings.
- 43 Within the neighbourhood context, development is a mixture of medium density residential development, short term accommodation parks of residential scale and industrial development with large parcels of open space.
- 44 Within the city context there is a diverse urban fabric consisting of clusters of residential development to large parcels of commercial/industrial to open/rural land with few residential houses scattered throughout.
- 45 Within each of these three context scales there is the consistent element of residential built form and short-term holiday parks which characterises the area particularly to the area closest to Terranora Creek as a residential area with a coastal recreational lifestyle.

2.3.3 Visual Features and Local Landmarks

- 46 Particular elements in the settlement pattern through either their location and/or built form provide visual nodes and landmarks that assist to differentiate locations within the broader visual context (refer Appendix A, Figure 11). The following visual nodes are considered to be of the greatest significance in terms of their contribution to the character and legibility of the local and surrounding area:
- Terranora Creek is a visual feature. It enhances legibility within the immediate locality and also within the broader area. Development and streets/roads are orientated around Terranora Creek and the characteristics of the surrounding locality lend itself to support the Creek through their use and siting.
 - The Pacific Highway although not a landmark within the local area, acts as a visual feature as it creates a legible spine through the area. Although this area is dissected into 2 areas – east of the Highway and west of the Highway - development on either side is similar in scale and use.
 - Open undeveloped land on Fraser Drive directly adjacent the site to the south-west and across Fraser Drive to the west is a visual feature within the local area. The lands frontage to Fraser Drive gives it a local presence as it contributes to the

landscape amenity of the local area, although beyond the immediate local area has no visual impact.

- The Tweed City Shopping Centre on Minjungbal Drive to the south of the local area is visually prominent due to its street frontage and length of facade.
- There are no particularly prominent buildings within the local area as it is largely made up of small to medium scale built form. Rather the natural site features e.g. Terranora Creek and Pacific Highway provide legibility to the area and surrounding development.

2.3.4 Streetscapes

- 47 Within the local and surrounding areas the streetscapes with the exception of the Pacific Highway and open/vegetated land along Fraser Drive, are relatively ubiquitous and are typical of suburban residential areas found throughout the city, state and country.
- 48 Where visible, open spaces (both highly vegetated and open) provide some visual interest that assists to differentiate areas. Terranora Creek also provides visual interest and legibility which assists to differentiate Tweed Heads South from Tweed Heads as two distinct areas.
- 49 There are several streetscapes adjoining the site which will have an interface with the proposed development and could therefore be affected by the proposal's visual impacts. These are discussed below:

PACIFIC HIGHWAY

- 50 As discussed above the Pacific Highway is the principal road corridor through the local area. Beyond its frontage to the site, its character is largely consistent because of the landscaped edge between the road and development on either side which screens views of activity beyond. There will be limited views of the site and proposed development from the Pacific Highway because of the matured landscape buffer which separates the two. Visual impacts are not a concern from this road. Any views towards the proposed development will be consistent with development experienced along this interface further south and north of the site.

FRASER DRIVE

- 51 The only area where visual impacts are worth consideration from Fraser Drive are those looking towards the subject site across the open parcels of land to the north of the Townhouse Development on Fraser Drive. From Fraser Drive visual impacts will be

negligible because of the distance between Fraser Drive and the proposed development (approximately 500 metres), the screening provided by the landscaped perimeter of the proposed development, and existing mature vegetation within the land separating the proposed development from Fraser Drive. Glimpses of the proposed development will be limited and will be viewed within the context of the neighbouring residential development to the south.

KIRKWOOD ROAD EXTENSION

- 52 The proposed development will be visible from the proposed Kirkwood Road extension. The residential character of the existing Kirkwood Road on the western side of the Pacific Highway, and views experienced along this road are to residential development of a similar scale. The existing views towards residential development along Kirkwood Road will mean that the proposed development will be in character with the view experiences along this road.
- 53 The closest dwelling of the proposed development from Kirkwood Road will be 30 metres away. This significant setback will ensure that views of the built form will be less intense than if they were seen 10 metres away. Proposed landscaping along the edge of the proposed development which includes feature trees and screening shrubs will soften the built form when viewed from this road.
- 54 The impact of the proposed development from this road is not considered detrimental to the amenity of the local area due to the similar character of development experienced along this road, landscaping along the boundary, and the significant setback.

PROPOSED ACCESS ROAD TO RUN PARALLEL WITH PACIFIC HIGHWAY

- 55 The proposed access road is a future road to be constructed by the Tweed Shire Council. This road will run parallel with the Pacific Highway and provide access to the proposed development. Views from this road when travelling south are of the Pacific Highway to the east and the proposed development to the west.
- 56 The proposed development will provide an attractive residential character to the amenity of this road adding interest and diversity to the experience through its scale and difference to the adjacent Pacific Highway.
- 57 Only the most northern part of this road will have views towards the proposed development and these views will be limited to the rock batter which inclines upwards to the site, 10 dwellings sited beyond the batter to the west, and the communal facilities building.

- 58 Beyond the site to the south the experience will change to views of the Pacific Highway to the east and the preserved wetland to the west.
- 59 The proposed development will not have a negative impact on amenity when viewed from this road because of the adjacent Highway and its positive contribution to the residential character of the area.

FIRETAIL COURT

- 60 Firetail Court is a small residential street which provides access to residential properties directly adjacent the western boundary of the site.
- 61 When travelling east along this street the experience is initially comprised of one to two storey detached dwellings to the north and south, which changes after its meeting with Wren Court to open land to the south (belonging to the Farm Stay Accommodation site) and one block of residential detached dwellings to the north.
- 62 The landform rises to the east along Firetail Court. Only one block of residential development along Firetail Court sits upon this rise. West of this rise, residential development that is lower in grade than this rise will not have views into the site due to its lower siting (Refer Appendix A, Figure 12).
- 63 There are only three dwellings that sit at the most eastern end of this street, which will have direct views of the subject site.

WREN COURT

- 64 Wren Court is another residential street that provides access to residential properties directly adjacent the western boundary of the site.
- 65 Experience within this street is comprised of one to two storey detached dwellings on either side (Refer Appendix A, Figure 10).
- 66 The street ends at its meeting point with the western boundary of the subject site.
- 67 Although the subject site can be seen when travelling along this street the greatest opportunities for views will be from the most eastern end where the street meets the subject sites western boundary. There are only 4 properties within this portion of the street that have direct views of the subject site.

HARRIER STREET

- 68 Harrier Street is a residential street that provides access to the townhouse development and residential development adjacent the western boundary of the subject site.
- 69 Experiences within this street are detached dwellings on either side before its end at the subject sites western boundary (Refer Appendix A, Figure 11).
- 70 Development along this street is predominately 2 storey detached dwellings.

- 71 Views of the subject site when travelling along this street are limited to the end of the street where it adjoins the subject site.

2.3.5 Open Space

- 72 The open space within the local area has been generally identified and discussed above. In terms of their contribution to the visual context and the site the following characteristics are considered most relevant:

- **Open undeveloped land to the east of Fraser Drive directly adjacent the site to the south-west.** The proposed development of the subject site will not influence the overall visual impact on this land due to of the distance between it and the subject site and existing vegetation on the land that will partially screen views of the proposed development.
- **Open undeveloped land to the west of Fraser Drive.** This land coupled with open parcels of land to the east of Fraser Drive contributes to the overall amenity of Fraser Drive. It provides screening between Fraser Drive and residential development beyond.
- **The southern portion of the site which is to be conserved under the Wetland Management Act (SEPP No 14).** This land provides separation between the industrial development to the south and residential development to the north. It contributes to the landscape amenity of the local area and preservation of this parcel of land will ensure that the overall image and amenity of the local area is not compromised.
- There are several other smaller parcels of land nestled within the urban fabric of the surrounding locality. These include: Arkinstall Park to the north-east of the site, Tweed Crematorium and Memorial Gardens to the north-east of the site, Sullivan Memorial Park to the north-west of the site, and several other smaller parks and parcels of land which are privately owned. These pockets of open space contribute to the landscaped amenity of the local area and create a positive image for the locality.

2.4 Views

- 73 Although particular views of an area may be available from specific private properties, the general public's impression of a local area and its overall visual character is typically formed through their experiences from within the "public realm". Within the scope of this report the public realm is considered to include the public and semi-public spaces to which the public have access such as road reserves, the beach, parklands, public buildings and public squares.

- 74 Views of the site are limited to properties adjacent the site to the north, west, from the adjoining Pacific Highway, and from Fraser Drive. There is limited visibility of the site from the broader area. Site inspections were carried out of surrounding areas including Banora Point, Tweed Heads and Tweed Heads South. From each of these locations the subject site was not visible. This is discussed further within this section under the heading 'Broader Context'.
- 75 **The Palms Village.** Because of its close proximity to the proposed Kirkwood Road extension any views of the subject site will be seen looking across Kirkwood road which will be an active suburban road. Development within this short stay accommodation park is oriented to the north and thus views from these properties are not oriented towards the proposed development. A large portion of land approximately 80 metres wide will provide a landscaped buffer between this existing development and the proposed development. Landscaping along the northern boundary of the site which includes screening shrubs and feature trees will limit views of the proposed development.
- 76 The **Residential Development** adjacent the subject site to the west – Views to the subject site from within this development are limited due to the lower elevation of the proposed development (approximately 8 metres lower than Firetail Court and 5 metres lower than Wren Court), the significant setback which varies between 20 metres and 35 metres (approximately 20 metres between the closest property and the proposed development) and screening provided by landscaping along the property boundary.
- 77 The orientation of dwellings within this residential development are to the north and south, and thus views are not directed towards the proposed development. The direction of property views away from the proposed development will aid in providing privacy and ensuring limited visibility of the proposed is available from within the dwellings.
- 78 The only view towards the proposed development are those from Wren Court and Firetail Court road reserve, however visibility is limited to the end portion of both streets and will be screened by landscaping along the boundary of the site and further mitigated by the lower elevation of the proposed development.
- 79 Views from the **Townhouse Development** adjacent the site to the west are considered similar to those experienced from within the residential development (refer above). From within this development views of the subject site are limited to those from the most eastern portion of the street and the several properties adjoining the proposed

development. West of this eastern portion of the street, properties will not have views of the proposed development due to their orientation to the north-south and obstruction from neighbouring properties to the east that limit views to the subject site. From the properties immediately adjoining the development views of the site will be minimal due to the significant setback which includes a bio retention zone (20 metres at the closest point) between the closest property and the proposed development and screening along the boundary.

- 80 From the **Farm Stay Accommodation Property** to the south of the site there will be no impact on views due the preservation of the highly vegetated parcel of land preserved under the wetland management act, the significant distance between the accommodation building and the proposed development (approximately 300 metres) and existing mature vegetation that lies within the farm stay accommodation site. All of this will screen views towards the site and ensure that there is limited visibility of the proposed development and thus have negligible impact upon amenity.
- 81 From the **Pacific Highway** views into the site are limited due to the landscaped buffer on either side of the highway which provides screening of development beyond. When travelling along the Pacific Highway an existing matured landscape edge screens views in both directions and this edge will limit views into the site. Any view of the proposed development will be consistent with view opportunities from the Pacific Highway south of the subject site. South of the subject site when travelling along the Pacific Highway there are view opportunities towards residential development on ridges beyond and industrial development immediately adjacent the highway. Views of the proposed development will cause negligible impact on visual amenity due to its setback from the highway, landscaping between the highway and the proposed development, and its consistent character with development experienced further south.
- 82 There will be neither impact nor view available of the proposed development from properties on the eastern side of the Pacific Highway.
- 83 From the **broader locality** there is limited to no visibility available of the subject site. Site inspections were carried out to the highest points in Banora Point, Tweed Heads and Tweed Heads South. From each of these areas the subject site was not visible.

2.5 Character

- 84 The Macquarie Dictionary defines "character" as: *"the aggregate of qualities that distinguishes one person or thing from others"*. The visual character of a local area could therefore be considered to be the *aggregation of qualities* arising from the appearance

of the landform, vegetation, buildings, structures, infrastructure, land use and activity. This may include a common quality or feature shared by various elements or the distinctive quality or feature of a particular element that distinguishes the area through its visual prominence. Where the visual character of a local area has a greater degree of visual coherence and cohesiveness its character is likely to be more easily recognised and understood. It is also then more likely to engage observers and encourage positive interaction.

2.5.1 Defining Visual Characteristics of the Site and the Adjoining Area

85 Based upon the site investigation and analysis provided above in 2.4, the “*aggregate of qualities*” considered to define the visual character the local area includes:

- The surrounding area is characterised by detached residential development (both permanent and short-term accommodation), rural open space and industrial/commercial development.
- From within the site a residential character is experienced which is provided by the adjoining residential development and townhouse development to the west and the Palms Village Holiday Park to the north.
- Outside of these developments the character comprises the highly vegetated parcel of conservation land to the south-east which will be maintained under the State Environmental Planning Policy (SEPP) No 14 Wetland and the Pacific Highway to the east.
- The Firetail Court, Wren Court and Harrier Street frontage of the site to the west is characterised by 1-2 storey detached dwellings and 2 storey townhouses.
- Large parcels of open land characterise the areas adjacent to the site to the south-west. These areas contribute to the diverse urban fabric of the area as a predominately residential area with a coastal recreation lifestyle.

2.5.2 Defining Visual Characteristics of the Surrounding Area

- Terranora Creek to the north of the local area provides a legible edge that constrains the extent of development. This creek provides an active interface and view to Tweed Heads South, which contributes significant visual amenity to the local area. These views are however limited to the public spaces and properties with actual frontages to the creek and from the Pacific Highway and streets fronting the creek. General views from the inland areas are limited and therefore the creeks direct visual contribution to these areas is also limited.

- The landform adjoining Terranora Creek is essentially level with no significant high points.
- Due to the level terrain the settlement pattern is principally structured by the geometry of the street pattern that is organised around Dry Dock Road which forms an edge to Terranora Creek. Dry Dock Road runs in an east-west direction, parallel with the Terranora Creek with the connecting local streets running in a north-south direction.
- The settlement pattern is also impacted upon by the Pacific Highway which dominates the character of the local area and dissects the local area in an east-west direction.
- Within the settlement pattern the building typology is dominated by one and two storey detached dwellings. This suburban development form extends beyond the local and characterises much of the area.
- Variations of built form within the broader settlement pattern are primarily located along Minjunbal Drive and Greenway Drive. These variations include a shopping centre, and a large area of light industrial and commercial development.
- Open space also contributes to the character of the local area and is principally located west of the Pacific Highway and north of commercial/industrial development along Greenway Drive.
- Outside of this open space much of the local area has already been developed and is characterised by detached residential development and light industrial and commercial.
- Landscaping within the surrounding area is significant particularly along road and street frontages. It enhances the legibility of the roads and the local area.

Summary

- 86 The above elements visually define the character of the local area although many are similar to those of other adjoining and surrounding local areas. What is particular to the local area of the site is the presence of the Terranora Creek and the several large parcels of undeveloped land west of the Pacific Highway.
- 87 The proposed development will not inhibit or have any impact on views to or from the Terranora Creek. Visual connectivity from and to the creek will remain the same.
- 88 The proposed development although located within undeveloped land to the west of the Highway, will not have an affect on the open space character of the locality. Views of this land from adjoining properties will not be impacted.

3. VISUAL IMPACT OF THE PROPOSED DEVELOPMENT

3.1 Visual Impacts

- 89 Visual impacts affect a person's cognitive mapping of the built environment. Adverse visual impacts can cause confusion or create poor impressions of buildings, urban space and city form that can influence a person's actions and behaviour and may compromise their engagement with the built environment leading to a loss of social and economic opportunities. Positive impacts, on the other hand can enhance these opportunities and contribute to the long-term sustainability of the city. It is therefore important that new developments do not result in adverse visual impacts but positively contribute to the visual amenity and character of the local area and the general image of the city.

3.2 The Proposed Development

- 90 The design of the proposed development is illustrated in the architectural drawings. A summary of the proposed development's key statistics is provided below. The design of the proposed development is then discussed in relation to the likely visual impact of its Site Planning, Architecture and general Urban Design outcome.

71 x Type A Units (1 Bed dwelling – two storeys);

Height: 7.06 metres, 2-storey

32 x Type B units (2 bed dwelling – two storeys);

Height: 7.25 metres, 2-storey

16 x Type C units (2 bed dwelling (alternative design – two storeys);

Height: 7.25 metres, 2-storey

5 x Type D units (1 bed disabled dwelling – one storey);

Height: 4.06 metres, 1-storey

22 x Type RV-A units (1 bed RV space dwelling – two storeys);

Height: 7.06 metres, 2-storey

7 x Type RV-B units (2 bed RV space dwelling – two storeys);

Height: 7.25 metres, 2-storey

9 x Type E (2 bed duplex dwelling – three storey);

Height: 9.34 metres, 3-storey

Communal Facilities including: swimming pools, barbeques, kiosk, dining area, games room and administration offices.

Height: 6.21 metres, 1-storey

3.3 Site Planning

3.3.1 Landform

3.3.2 Access

- 91 Public vehicle access to the site is provided via the proposed new road accessed via the Kirkwood Road extension. This road will run parallel with the Pacific Highway.
- 92 Within the site, the internal driveway extends past the communal facilities where it connects with the primary ring road of the development which feeds to 3 smaller roads, which will provide access through the development. Visitor carparking is provided adjacent the western perimeter of the community facilities building and resident parking is provided at each dwelling.
- 93 Another entry/exit road will be connected with Harrier Street west of the site, however it is considered that this road will be an ancillary exit to the main entry/access point mentioned above and will not be used as a main entry or exit point.
- 94 All roads with the exception of the access/entry road that runs parallel with the Pacific Highway are located within the development and will not be visible from outside the boundaries of the development due to the landscaping provided along each of the boundaries.

3.3.3 Land Use and Building Configuration

- 95 Within the development dwellings are generally orientated to the north-east and south-west.
- 96 An entry circuit will connect the main communal facilities and dwellings to the north-east of the site. Beyond this entry circuit 3 smaller roads will connect the rest of the development.
- 97 Each dwelling is sited on a block of approximately 200m² with a setback of approximately 3 metres from the street. This 3 metre setback allows for a landscaped edge which will soften the built form when viewed from within the development and will also contribute to the landscaped amenity of the development.
- 98 The extensive earthworks of the site which includes maximum cuts of 27 metres in the centre of the site will ensure that adjoining existing development will not have views orientated towards the bulk of the proposed built form. Rather views from surrounding development particularly from properties on Firetail Court and Wren Court will be

orientated toward the upper storey of the two storey dwellings. This will reduce the visible scale and therefore impact of the proposed development on adjoining properties.

- 99 The orientation of the proposed development (to the north-south) will ensure that privacy is maintained from the adjoining residential properties to the west.
- 100 The significant setback to existing development on the western boundary of the site which at its closest point is 20 metres wide but is generally 25m to 35 metres wide will also aid in preventing any issues related to privacy/outlook. Landscaping along this edge will limit views into the site and aid in the maintenance of a landscaped character.
- 101 The grided layout, regularity of lot sizes and the incorporation of landscaped spaces within the development provide it with a character similar to that found in a typical residential development.

3.3.4 Site Planning- Visual Impact Summary

- 102 The planning and orientation of the site and the inclusion of endemic landscaping particularly around the boundaries will screen views of the site and provide a buffer between the proposed development and adjoining properties.
- 103 The lower elevation of the proposed development due to significant earthworks is key to maintaining privacy and ensuring views are minor from adjoining roads and residential development to the west.
- 104 Together the elevation, orientation and landscape along the perimeter work effectively to provide an outcome which will have little visual impact when viewed from surrounding areas. The residential character of the proposed development through its site planning also smooths the transition between it and neighbouring developments which are of a similar scale.

3.4 Building Form

3.4.1 Building Height

- 105 The scale of the proposed development varies from one storey to three stories is in fitting with surrounding development. One and two storey dwellings are located to the northern part of the site whilst the three storey dwellings are located to the south of the site. The location of these three storey dwellings to the south ensures that the adjoining residential developments to the west will not overlook or have views of these dwellings. Any view of the proposed development from these adjoining developments will be of the one or two storey dwellings which are of a similar residential scale.

3.4.2 Site Cover

- 106 The buildings of the proposed development will have a similar site cover to surrounding and adjacent residential development. The incorporation of pocket parks of varying sizes, communal facilities and walking tracks between the wetland and the proposed provide the development with a landscaped amenity which works to break up the built form and provide it with a residential character. The built form component of the site has a 71, 540m² site coverage with the landscaped area covering 108,462 m². This large proportion of landscaped area assists in retaining the landscaped character of the site and the open space character of the surrounding locality.

3.4.3 Appearance (Visual Bulk and Activation)

Visual Bulk

- 107 The proposal incorporates 7 different types of units. These units vary in height, scale and appearance. Many short-term accommodation parks consist of one type of built form of a consistent scale repeated throughout the site. By offering different heights and scales of dwelling (7 in total) the proposal provides an articulation within the streetscape which creates diversity and interest within the site.
- 108 Although, the built form of each of the unit types is similar in character, each has a residential aesthetic comprised of a sloped roof with overhang and recessed verandahs/entry porches.

3.4.4 Summary of Visual Impact (Building Form)

- 109 Articulation of the streetscape through the provision of seven different building types, and the residential scale of the built form contributes to the residential/suburban character of the development. The incorporation of a high volume of landscaped area to built form maintains the landscaped amenity of the site and the surrounding area.

3.5 Landscaping

- 110 The landscaping of the site is functional and mediates visual impacts to enhance the interface of the site with adjoining road frontages and sites. The visual impact of the landscaping is summarised as follows:

Adjoining Property Boundaries

- 111 The excavation of the site will necessitate rock batters to be put in place on the western, eastern and northern boundaries. These boundaries, as mentioned previously in the report, adjoin residential properties to the west and Palm Village holiday park to the north. Re-vegetation will occur at the base and top of these batters to include plant species endemic to the site (where possible to plant in soil pockets to the batter). Shade trees will also be provided to the rear of the dwellings which will screen the proposed built form when viewed from atop the rock batter (Refer Appendix A, Figure 13).
- 112 Due to the lower elevation (approximately 2 to 8 metres) and setback (approximately 20 to 35 metres from the residential development and the townhouse development to the west) views from adjoining properties to the proposed development will be limited (Refer Appendix A, Figure 14). The elevated height from properties along Firetail Court and Wren Court will mean views from these properties are not directed towards the bulk of the built form and this will reduce the scale of the built form when seen from these properties. The inclusion of landscaping within and around the rock batter will soften the face of the batter, screen these views towards the development and increase the landscaped amenity from of the site.
- 113 The setback and lower siting of the proposed development from adjoining properties will negate any visual impacts that the proposed development might cause. The only adjoining properties which impact might be of cause within the scope of this report is that to the residential and townhouse developments to the west. As already previously mentioned the orientation, significant setbacks, landscaped perimeters and lower elevation of the site will negate visual impacts and views into the proposed development.

Road Frontages

- 114 The significant setbacks from each of the road frontages will limit views of the proposed development. Integration of landscaping along the site boundaries will contribute to and reactivate these frontages and also enhance the landscaped amenity of the site and its frontages (Refer Appendix A, Figure 13).

Internal Driveway

- 115 The main access to the site will be from a connector road that leads from the Kirkwood Road extension. As previously discussed within Section 2.3.4 this road will run parallel with the Pacific Highway and views from this road when travelling south are of the Pacific Highway to the east and the proposed development to the west. Only the most northern part of this road will have views towards the proposed development and these views will be limited to the rock batter which inclines upwards to the site, 10 dwellings sited beyond the batter to the west, and the communal facilities building. Landscaping along this road includes tree planting to top of the batter with species endemic to the site and trees, shrubs and groundcovers to be planted (where possible) within the rock batter. The inclusion of a metal fence to the top of the batter will screen views to the 10 dwellings adjacent this road.

3.5.1 Landscaping- Summary of Visual Impact

- 116 The proposed landscaping demonstrates a considered response to the functionality and siting of the site. It provides effective screening along boundaries and to properties within the site. The use of endemic trees native to the site and the preserved wetland to the south will ensure a relationship is preserved between the site and landscaped areas in the surrounding locality. As a whole the incorporation of landscaping within the site and along the boundaries assist to maintain the landscaped character of the site and amenity of the area.

4. PLANNING SCHEME PROVISIONS RELATING TO VISUAL IMPACTS

- 117 As explained previously, the potential visual impact of the proposed development, relate to amenity and character. The extent of impact principally depends upon how visible the proposal is, in what context it is seen and its scale and appearance. The visibility of the proposed development from the surrounding area and broader area, coupled with the suitability of the development for its contextual settings are key considerations for addressing this development's visual impacts.
- 118 This section provides a summary of the relevant planning provisions as they relate to the proposed development and potential impacts on the visual environment.
- 119 The planning provisions that warrant consideration are those specified within the Joint Regional Planning Panel Report (JRPP No 2012NTH020) 8th February 2013. These provisions are:
- i. The Tweed Local Environmental Plan (Tweed LEP) 2000;
 - ii. The SEPP (North Coast Regional Environmental Plan) 1988; and
 - iii. the Draft Tweed LEP 2012 (although not adopted, some weight may be given to this document); and
 - iv. The Tweed DCP 2008 (the DCP).

The relevant provisions of each are considered below.

4.1 The Tweed Local Environmental Plan 2000

- 120 According to the Tweed Shire Council's website the LEP "is the primary planning tool used to control and guide the future development of land in the whole of the Tweed Shire...".

4.1.1 – Clause 4 Aims of the Plan

The vision of the plan is *"the management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced"*.

Response

- 121 The proposed development is considered to enhance the developed character of the Tweed Heads South locality. The proposals residential character demonstrated through its site planning, scale and built form complements the residential properties adjoining the site and those within the broader area. The appearances along each of the road

frontages are predominately of a residential character. Views of the proposed development from these roads will be within a setting of similar scale residential development, which will be contextually compatible within this setting. As specified within the Aims of the Plan (item d) the Tweed LEP is *"to encourage sustainable economic development of the area of Tweed compatible with the area's environmental and residential amenity qualities"*

It is our opinion that the proposed development is indeed compatible with the residential amenity qualities of the Tweed Heads South locality.

- 122 The provision of a development that provides tourist accommodation within close proximity to Terranora Creek is conducive to the economic viability of the local area. The new roads that are proposed as a part of the development (particularly the Kirkwood Road extension) will provide additional transport corridors linking development east and west of the Pacific Highway which currently are viewed as two distinct areas. This linkage will provide a more direct route to the Tweed Shopping Centre and adjacent commercial/industrial development for residents on the western side of the Pacific Highway.
- 123 As specified previously within this report, the proposed landscaping is a considered response to the functionality and siting of the site. It provides effective screening along boundaries to properties within the site.
- 124 The use of endemic trees native to the site and the preserved wetland to the south of the site will ensure that there is a relationship which is preserved between the site and landscaped areas in the surrounding locality. As a whole the incorporation of landscaping within the site and along the boundaries work to maintain the landscaped character of the site that contributes to the amenity of the area.
- 125 The preservation of the wetland area to the south-east of the site aids in maintaining the natural character (open space/landscaped integrity) of the area the proposed development will not be visible from the south when looking across this preserved highly vegetated parcel of land. The preservation of this wetland coupled with the adjoining undeveloped rural land of the Farm Stay Accommodation site to the south will maintain the rich ecological diversity that exists within the locality.
- 126 The proposed development will contribute to the cultural fabric of the surrounding area as it encourages an extension of the coastal/recreational character of Dry Dock Road. The proposed development will extend the coastal/recreational use associated with the Terranora Creek further south of Dry Dock Road. This will not only add to the cultural

richness of the area but will also aid in supporting the legibility of the creek as a key natural landmark within the locality. The proposed development is visually appropriate and its use will enhance the vibrancy of the local area and the coastal/recreation lifestyle.

4.1.2 Clause 11 – Zone Objectives

- 127 Within the Tweed LEP 2000 the subject site is part zoned 6(b) Recreation and part zoned 2(e) Residential Tourist. The majority of the site is zoned 6(b) and a small part of the site in the south western portion is zoned 2(e). The primary objective for these zones, as identified in the LEP is:

6(b) Primary Objective: *to designate land, whether in public or private ownership, which is, or may be used primarily for recreational purposes.*

6 (b) Secondary Objective: *to allow for other development that is compatible with the primary function of the zone.*

2(e) Primary Objective: *to encourage the provision of family orientated tourist accommodation and related facilities and services in association with residential development including a variety of forms of low and medium density housing and associated tourist facilities such as hotels, motels, refreshment rooms, holiday cabins, camping grounds, caravan parks and compatible commercial services which will provide short-term accommodation and day tourist facilities.*

2 (e) Secondary Objective: *to permit other development which has an association with a residential/tourist environment and is unlikely to adversely affect the residential amenity or place demands on services beyond the level reasonably required for residential use.*

- 128 According to Clause 8 – Consent Considerations, consent may be granted for development outside of its zoning if:

- a) It is satisfied that the development is consistent with the primary objective of the zone in which it is located, and*
- b) It has considered that those other aims and objectives of this plan (the TLEP) that are relevant to this development, and*

c) It is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.

Response

- 129 Within both of these zones a short-term accommodation park is a consent use. The local area particularly the area closest to Terranora Creek has a coastal/recreational lifestyle character. This is supported by developments along the rivers edge that include holiday parks and short-term accommodation parks. Although the proposed development will not be exclusively used for recreational purposes, its use as tourist accommodation is visually compatible with the primary function of this zone.
- 130 The proposed development is considered a compatible development for zone 2(e) through its primary use as tourist accommodation which is listed as an appropriate use.

4.1.3 Clause 22(4)(f) – Development Near Designated Roads

The objectives of this clause state:

(f) the development would not detract from the scenic values of the locality, particularly from the point of view of road users.

- 131 The scenic values of the locality are of a mixed character comprised of residential, short-term accommodation parks, commercial and light industrial with large parcels of vegetated and open space nestled between. The principal character of the surrounding area is residential. The location of the proposed development adjacent two existing residential developments in the west and within close proximity to a short-term accommodation park 'Palms Village' in the north allow the site to be viewed within a context of a similar character. This residential setting that the proposed development will be viewed within will ensure that the proposed development will not detract from the scenic values of the locality.
- 132 There is no visibility of Terranora Creek available from the site or beyond to the south and thus views to these natural features will not be affected by the proposed development. Views to open parcels of rural/vegetated land to the south-east, south and south-west will also not be lost by the siting of the proposed development.

As explained in Section 2.3.4 of this report there are several roads worth consideration in terms of visual impacts from the proposed development. These are addressed below.

Pacific Highway

- 133 There will be limited visibility of the proposed development from the Pacific Highway due to the landscaped edges of this roadway which provides screening to activity and development beyond. The limited views available will be seen across a landscaped buffer which provides setback and maintains the highly vegetated experience from this road. The combination of the significant setback and highly vegetated buffer will limit visibility of the proposed and maintain the vegetated edge to the roadway and will not cause unwarranted impacts on the scenic values of the locality.
- 134 Development east of the Pacific Highway does not currently have views available to the west of the Pacific Highway because of this landscaped buffer and hence there will be no detrimental impact to the scenic values from either of these locations.

Kirkwood Road

- 135 From Kirkwood Road the proposed development will be visible. However, from this road the proposed development will be seen from a distance of approximately 30 metres. This significant setback combined with proposed landscaping along the proposed development's boundary which includes feature trees and screening shrubs will soften views of the development when viewed from this road. The residential character of the proposed development is similar to scenic values experienced further south along this road, and thus this development is considered consistent with the view expected to be experienced from this road.

Fraser Drive

- 136 From Fraser Drive the only area where visual impacts are worth consideration are those looking towards the subject site across the open parcels of land to the north of the Townhouse Development. Views from this location are orientated across vegetated open land to glimpses of a residential development. The siting of the proposed development adjacent to two existing residential developments will ensure that any views are seen as part of a complementary setting. The distance between the road and the proposed development and the vegetated parcel of land which separates the two will limit visibility of the proposed development and maintain the existing vegetated/open character experienced from this road. Limited visibility of the proposed development seen across the large parcel of somewhat vegetated undeveloped land is not considered to reduce or affect the scenic values from this road.

Wren Court, Firetail Court and Harrier Street

- 137 Views of the proposed development from Wren Court, Firetail Court and Harrier Street are limited to the end points of these streets and the few properties within these streets. The limited views from these streets are therefore considered to be of minor significance due to their limited impact on relatively few people.

Broader Context

- 138 Within the broader context of Tweed Heads, Tweed Heads South and Banora Point and from the highest point in each of these locations the site was not visible and therefore the proposed development will have no impact on the scenic values of the locality when viewed from these areas.

4.2 State Environmental Planning Policies SEPP (North Coast Regional Environmental Plan) 1988

4.2.1 Clause 75: Tourism development

- 139 As the proposed development falls under the category of tourist accommodation, the provisions of Clause 75 of the North Coast REP are considered to be applicable to the development. Clause 75 states:

(1) The council must not grant consent to tourism development unless it is satisfied that:

- (a) Adequate access by road railway or water transport (or any combination of them) exists or will be provided to service the development, taking into account the scale of the development proposed, and*
- (b) If the proposal involves permanent residential accommodation, all social and community services reasonably required by those residents exist in close proximity to the development, and*
- (c) The development will not be detrimental to the scenery or other significant features of the natural environment, and*
- (d)*

Response:

The only applicable item to visual amenity is (c). *The development will not be detrimental to the scenery or other significant features of the natural environment.*

- 140 The proposed development although incurring bulk earthworks and removal of vegetation on the northern part of the site will not be detrimental to the scenery or other natural features of the local environment due to the preservation of the south-eastern part of the site as wetland, and the existing large parcel of rural land belonging to the Farm Stay Accommodation site to the south.
- 141 The preservation of these two large areas of undeveloped land will maintain the landscaped amenity of the local area.
- 142 The suitable landscaping provided within the site and along the boundaries and the excavation of the site will ensure that the proposed development does not present as a bulky large scale built form adjacent two parcels of open land. Rather the lower siting of the built form, and the endemic native trees and shrubs to be provided along the boundaries will ensure that the development will be screened appropriately and be compatible with the characteristics of this adjoining land.
- 143 It is for the above reasons that it is considered the development complies with item (c) of Clause 75.

4.2.2 Guidelines of the SEPP

Within the guidelines of the SEPP development is required to be *'sensitive to environmental features and provide a choice in development style and form'*

In terms of environmental factors, the guidelines also require the following to be satisfied:

'In hilly or undulating country, ridges should not be built on. When viewed from access roads, beaches, public reserves and waterways, the skyline should appear to be continuously vegetated'.

Response:

- 144 The development will provide for a lower siting of the built form and the provision of native vegetation along the boundaries. Where visible the residential scale of the built form is considered to be sensitive to the environmental features of the locality and provides a choice in development style and form.

- 145 Views of the subject site are not available from high points within the broader context. The site cannot be seen from the beach, public reserves or waterways. The only point where the site can be seen from is access roads and these roads have been addressed above in *terms of their compliance with **Clause 22(4)(f) – Development Near Designated Roads***. The only view towards the site from which the existing vegetated topography is visible is north of the Farm Stay Accommodation Site on Fraser Drive. From this location only a glimpse of the vegetation atop the ridge is available and this is seen beyond residential development. The removal of vegetation and the excavation of the site will have little impact on views from this road due to the rural character and undulating topography of the Farm Stay Accommodation site which breaks up the landscape in the immediate context.
- 146 The excavation of the northern part of the site and the removal of vegetation will have negligible impact on the amenity experienced from surrounding roads, beaches, public reserves and waterways.

4.2.3 SEPP No 71 – Coastal Protection

- 147 The proposed development is located within the coastal zone and therefore Clause 9 of SEPP No 71 applies. The applicable provision states:

(a) The suitability of the development given its type, location and design and its relationship with the surrounding area.

Response:

- 148 As discussed previously within this report, the proposed development is considered a suitable development for the local area. Located close to Terranora Creek in an area which is predominately made up of short-term accommodation parks and medium density residential development, it is in a suitable location considering its use and residential character.

4.3 The Draft Tweed Shire Local Environmental Plan 2012

As noted in the JRPP dated 8 February 2013:

Council's Draft Local Environmental Plan 2012 has been publicly exhibited and is applicable to the site.

The draft zones is RE2 – Private Recreation. The proposed development is best defined as tourist and visitor accommodation, which is permitted with consent under the Draft Local Environmental Plan.

Response

- 149 The proposed development through its built form, planning and siting is residential in character. Within the immediate surroundings development is comprised predominately of residential and tourist accommodation. This development will strengthen the residential/tourist image of the city and will be a positive contribution to the amenity of the local area and the legibility of Terranora Creek.

4.4 The Tweed DCP 2008

According to the Tweed Shire Council's website the DCP *"contains detailed guidelines that illustrate the controls that apply to a particular type of development or in a particular area. A DCP refines or supplements a regional environmental plan or local environmental plan..."*.

- 150 The part of the DCP which warrants consideration with regard to the scope of this report is Part A1 in so far as it refers to residential flat buildings. These provisions are considered below.
- 151 In so far as Part A1 refers to individual dwelling houses and matters relating to visual impacts and visual amenity, the following provisions are relevant:

1. Variation to Chapter 2, Design Control 1 – Public Domain Amenity (Streetscape) *Control E Facades visible from the public domain are to be well designed*

Response

- 152 With regard to Control E, as explained previously the proposed development is consistent in scale with other buildings in the local area, especially those located to the east of the Pacific Highway, it is consistent with the development pattern of the area and with the scale and character of surrounding houses.
- 153 The proposed development achieves consistency in terms of materials, form, and architectural style with a number of houses in the local area especially those along Terranora Creek.
- 154 Visibility of the proposed development's facades from the surrounding streets is limited due to significant earthworks and vegetation provided along the site boundaries. Any glimpses of the built form will be of a residential character that is compatible with developments within the immediate and broader locality.

1. Variation to Chapter 2, Design Control 1 – Public Domain Amenity (Public Views and Vistas)

Control A *The location and height of new developments is not to significantly diminish the public views to heritage items, dominant landmarks or public buildings from public places.*

Response:

155 As previously mentioned within this report the surrounding area is devoid of any significant local landmarks.

1. Variation to Chapter 2, Design Control 1 – Public Domain Amenity (Public Views and Vistas)

Control B *The location and height of new developments is to be designed so that it does not unnecessarily or unreasonably obscure public district views of natural features such as the water, ridgelines or bushland.*

Response:

156 The significant parcel of land in the southern part of the site will be retained as part of the proposal. Views to this parcel of land will not be obscured from adjoining development as the proposed development will be sited on excavated land which will ensure that views of this vegetated land will not be diminished.

157 The only significant natural feature other than the southern part of the site is considered to be Terranora Creek and views towards the creek are limited to development along Dry Dock Road and the Pacific Highway at its bridge crossing over the river.

5. CONCLUSIONS

- 158 The provisions of the Tweed LEP are clear and repetitive in their intents with respect to a number of specific outcomes:
- developed character is an important aspect which contributes to the city the must therefore be conserved and enhanced;
 - development has to be compatible with the primary functions of the zone and will not have an unacceptable impact on the community, locality or catchment;
 - the natural environment and ecological values are to be preserved and maintained; and
 - the scenic values of the local area and views from the local area will not be detrimentally affected.
- 159 These intended outcomes indicate local character, legibility and preservation of views to the natural environment are considered to be key factors for future development.
- 160 Although development within Tweed Heads South is varied and mixed, the density of residential development particularly along roads and streetscapes provides the area with a distinctive residential character.
- 161 The scale, density, built form and planning of the proposed development provides it with a residential character similar to development immediately adjacent and within the surrounding locality. The siting of the proposed within an area already characterised by residential development will enhance the legibility and residential character of the area.
- 162 In addition to the residential character, the close proximity of Terranora Creek which wraps around Tweed Heads South contributes a coastal recreational image to the area. Development along Terranora Creek is of short-term accommodation parks similar in use to the proposed development. Locating the proposed development just south of this area will support the legibility of the creek as a key natural landmark and will contribute to the coastal recreational image of the city.
- 163 The proposed development is located within two zones – 6(b) recreational purposes and 2(e) tourist accommodation. As specified within the JRPP the development complies with zoning 2(e). In terms of 6(b) the proposed development is considered to comply with the objectives of the zone as it is compatible with the primary objective. The character of the local area as described within this report is residential with a

coastal/recreation image. A development such as the proposed will support this image by encouraging tourists to visit Tweed Heads South and enjoy the recreational activities it has to offer. This quality of the proposed development is in our opinion compatible with the primary function of the zone.

- 164 Views from the local area are limited to the immediate area adjacent roads and streetscapes. There is limited connectivity within the local area in terms of views available. From the roads and streetscapes it is clear that the proposed development because of its lower elevation and proposed landscaping will not have impact on views from within the local area. The scenic values of the locality are comprised of open/vegetated land to the west and south of the site. Views to this land will not be affected by the proposed development and its built form. From high points in the broader locality including Tweed Heads, Tweed Heads South and Banora Point there are no existing views of the site available and thus the proposed development will not have any impact on views from these areas.
- 165 The natural character of the immediate locality is comprised of Terranora Creek to the north, open parcels of land on either side of Fraser Drive and the southern portion of the site which is to be preserved as wetland conservation land under the SEPP No 14. The proposed development will not diminish the natural character of the local area due to the limited views currently available to the site. The preservation of the southern portion of the site is key in maintaining the vegetated/open space character experienced from within the site and the Farm Stay Accommodation site to the south. Views and from Terranora Creek will not be impacted.
- 166 The proposed development in terms of visual impacts is consistent with the aims and objectives of the TLEP in that it is a suitable development for the area, is of a similar character to existing developments, it enhances economic vitality of the area through its engagement with the Terranora Creek and its use, it retains the ecological integrity through its preservation of wetland area to the south, setbacks and incorporation of native vegetation, and it enhances the cultural fabric of the area by adding to the coastal recreation lifestyle that characterises much of the area bordering Terranora Creek.
- 167 It is our opinion that the development will strengthen the image of Tweed Heads South as a residential area with a coastal recreational lifestyle.

- 168 The visual impacts of the proposed development are considered to be compatible with the existing visual context and satisfy the intents and objectives of the Tweed Local Environmental Plan.



APPENDIX A:

Proposed Residential Development
Firetail Street, Tweed Heads South, NSW

August 2013

(Confidential, Legal Professional Privilege Applies)



Figure 1: GE Aerial Indicating site location



Figure 2: Surrounding Local Area

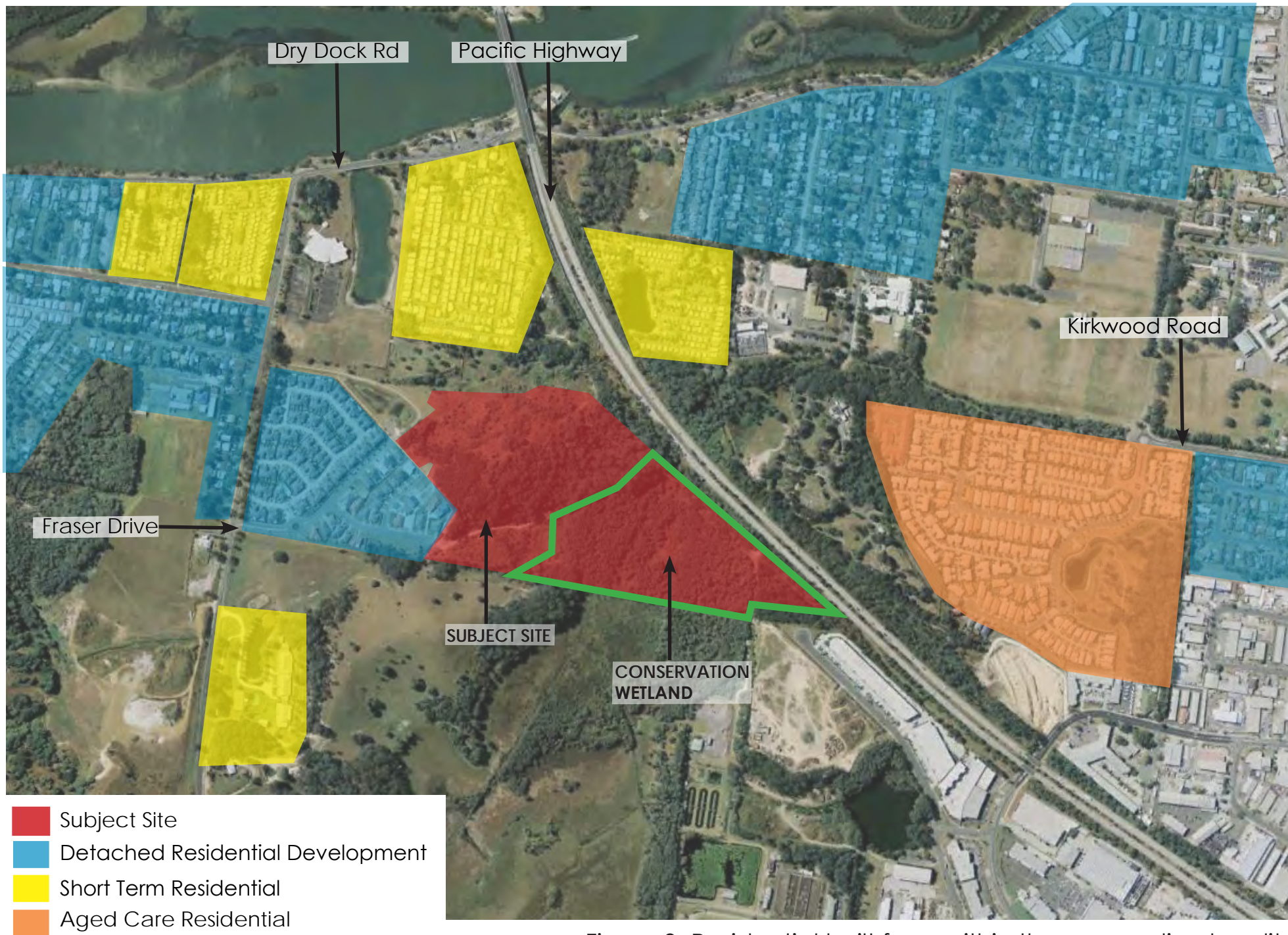


Figure 3: Residential built form within the surrounding locality



Figure 4: View from residential properties to the west of the site



Figure 5: Travelling north along Pacific Highway with subject site to west



Figure 6: Travelling north along Kirkwood Road



Figure 7: Travelling west along Dry Dock Road



RESIDENTIAL
DEVELOPMENT
WEST OF THE
SUBJECT SITE

Figure 8: Travelling north along Fraser Drive



Figure 9: Farm Stay Accommodation south of the site



Figure 10: Residential Development in Wren Court



Figure 11: Residential Development in Harrier Street



Figure 12: Looking west (down) Firetail Court



Figure 13: Landscape Masterplan (prepared by Deborah Carlile and Paul Majatelski Pty Ltd)



Figure 14: Section A-A (prepared by Deborah Carlile and Paul Majatelski Pty Ltd)



APPENDIX B:

Proposed Residential Development
Firetail Street, Tweed Heads South, NSW

August 2013

(Confidential, Legal Professional Privilege Applies)



Figure 1: GE Aerial indicating photomontage (PM) locations



Figure 2: **PM-1** View from Fraser Drive - BEFORE



Figure 3: **PM-1** View from Fraser Drive - AFTER



Figure 4: **PM-2** View from Harrier Street - BEFORE



Figure 5: **PM-2** View from Harrier Street - AFTER



Figure 6: **PM-3** View from Wren Court - BEFORE



Figure 7: **PM-3** View from Wren Court - AFTER



Figure 8: **PM-4** View from Firetail Court - BEFORE



Figure 9: **PM-4** View from Firetail Court - AFTER



Figure 10: **PM-5** View from Pacific Motorway - BEFORE



Figure 11: **PM-5** View from Pacific Motorway - WITH PROPOSED BEFORE EXCAVATION CUTS



Figure 12: **PM-5** View from Pacific Motorway - AFTER