

Council Reference:  
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Dear Madam

**Application for a site compatibility certificate - SCC\_2019\_TWEED\_001\_00**

With reference to your letter dated 23/7/2019 seeking comment on the site compatibility certificate for Nos. Lot 18 DP 627632 No. 27 and Lot 22 DP 1170438 No. 49 Elouera Terrace, Bray Park the following is provided:

**Flooding**

The majority of the rural site is flood prone, with the exception of a relatively small elevated portion adjacent to Elouera Terrace. The proposal concentrates on the area that is elevated above the 1% AEP flood, in order to comply with minimum habitable floor level requirements. The grading of the land and the local streets then allow for a permanent high level evacuation route for the site via Elouera Terrace. As such, it complies with the applicable requirements of DCP Section A3 – Development of Flood Liable Land.

However this proposal requires some special consideration of residual flood risk and hazard in larger flood events, given its location within the floodplain and the sensitive nature of its occupants:

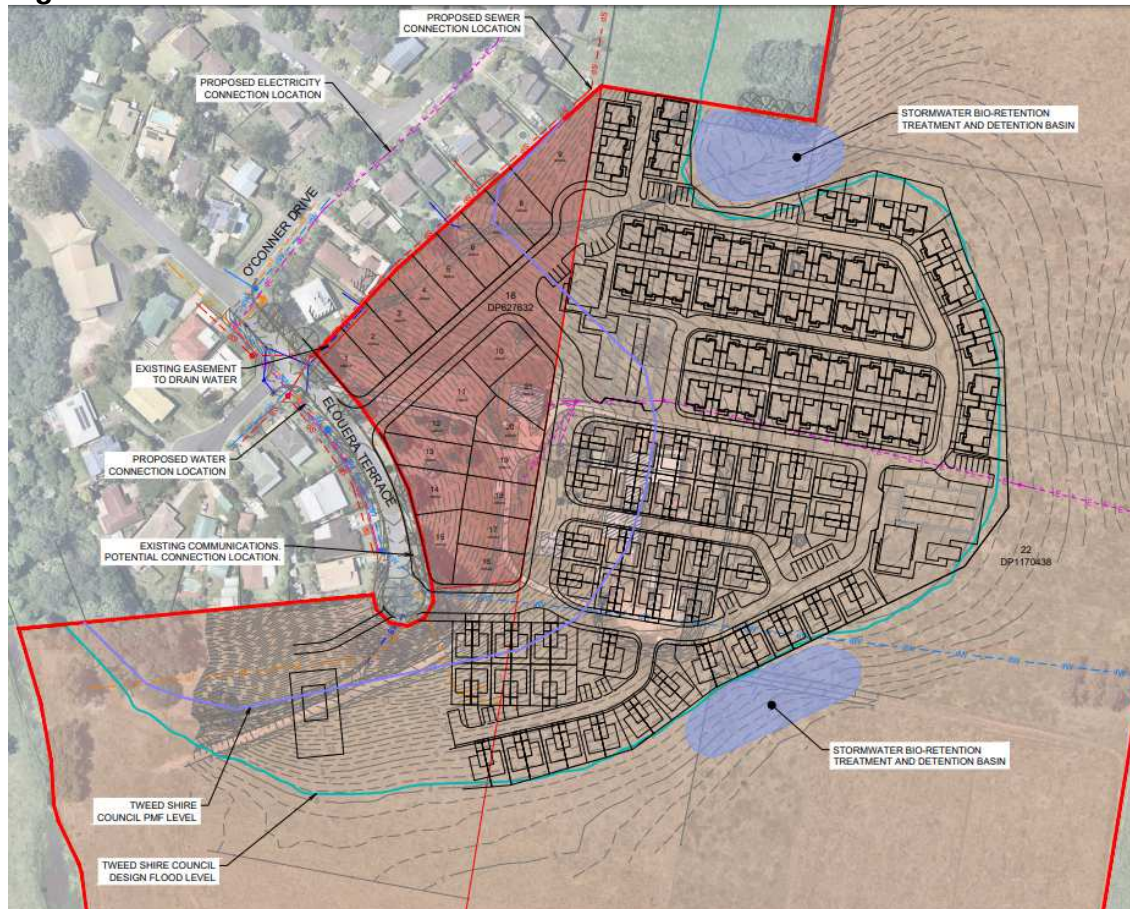
- a) The site plans (see Figure 1 below) show future residential subdivision on the R2 zoned portion of the land. This area is also the majority of the flood free land on the site, being above the PMF. A more appropriate process would be for the applicant to reconfigure their development proposal, to centralise the more sensitive, higher density land use (being aged housing) on the flood free portion, and then seek a planning proposal for the remaining land above the 1% AEP for other residential uses. Instead, the site design has been driven by the zoning boundaries and the use of the Seniors Housing SEPP in the RU1 zone, without due consideration of flood risk. Please note these comments are not to taken to assume any endorsement of a planning proposal.
- b) While the development site is above the 1% AEP, its affectation under a PMF magnitude flood would be up to 5.3m in depth. The site is located at the upper end of the Tweed Valley floodplain where the difference between extreme flood events is at its greatest. While by definition a PMF is at the extreme limit of probability, floods such as a 0.2% AEP (1:500) may have significant impacts on the safety of residents who have not evacuated. Flood impact assessments,

including hazard categorisation of the site during these larger but not inconceivable floods are necessary. For example, the Murwillumbah CBD flood study completed post-2017 flood estimated that 0.2% AEP flood levels could have been exceeded with only 4-6 hours more rainfall in the 2017 event. Given that this flood peaked in the middle of the night with limited warning of its actual intensity, a larger flood could prove catastrophic for such a sensitive land use. The site is adjacent to the main out of river flow path through the Bray Park basin in major floods, so it is likely that velocity will also be significant should a flood enter the site. While the applicant may consider these requirements to be onerous and above the minimum standards in DCP-A3, TLEP Clause 7.4 Floodplain Risk Management requires the consent authority to be satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from the land for residential care facilities. This Clause must be satisfied over and above the DCP guidelines.

- c) Aged care facilities pose specific evacuation problems, and the consequences of a failed evacuation in this location, given the site's flood exposures in extreme events as described above, would be catastrophic. This site is located at the upstream end of the Bray Park floodway, where the Tweed River breaks the natural and man-made levees. Warning time is limited, and flood behaviour can escalate extremely quickly. An evacuation to a suitable alternate care facility would take considerable time for the residents and support staff for 139 seniors houses, and require considerable staff and transport resources, which would need to be brought into Bray Park, which is readily isolated from other suburbs during even small flood events.
- d) The alternative to evacuation, being refuge in place, is particularly problematic in this location, given the large potential flood depths and velocities, and the requirements for such a facility containing sensitive residents, to remain completely operational and serviced for the duration of the event (refer DCP-A3 Clause A3.2.6(b) Notes 1 and 2). While such controls were envisaged to be capable of implementation in the Lower Tweed, where demand for facilities is higher and the flood behaviour is less extreme, even in a PMF, no approvals have been issued for a new facility designed around these requirements since these controls were introduced.
- e) Given the likely flood depths and velocities, recovery of this facility from an extreme flood would take considerable time, with residents having to find alternate accommodation and care.

The SCC application requires a Flood Response Assessment Plan (refer DCP-A3 Clause A3.2.6(b), Note 5), and a Flood Impact Assessment, including modelling results, for at least the 0.2% AEP flood, in order to properly assess the application. In the absence of this further information, the SCC application should not be supported in its current form.

**Figure 1**



## Traffic

A Traffic Impact Statement has been provided with the SCC. This assesses impacts and capacity for part of the local road network to cater for traffic generated by the development. The TIS focuses on the route along O'Connor Dr/Sylvan St for east bound traffic heading toward the Murwillumbah CBD. While this may be a primary route, there is a secondary route along Bellevue Avenue. This route has been discounted as only carrying 10% of development traffic, however this seems to overlook the local shops at Bray Park that would be an attractant to the residents, who will largely be car dependent, and as such, these impacts should also be assessed. This route has more significant topography impacting on sight distance, and potentially a more constrained intersection with Kyogle Road.

The TIS does not examine the alternative transport options that would be expected for this type of development, specifically pedestrian movements, and this needs to be reviewed in further detail. There are opportunities to connect Commercial Road to the site to provide a potential pedestrian/cycling link to the Murwillumbah CBD. Also, pedestrian connectivity to the Bray Park store needs to be examined.

Whilst it is accepted that Sylvan Road has adequate capacity to cater for the proposal, it needs to be acknowledged that the traffic increase will be significant in terms of percentages and research shows that this would result in a detrimental impact on existing adjacent residents. The estimated increase in traffic on Sylvan Road is 411 vehicles per day which is nearly a 60% increase from the current 720 vehicles per day.

Further information should be provided to address the expected existing residents' concerns and details of any proposed traffic calming devices.

The road network and intersections between the proposed development and the Bray Park shops should be examined in further detail

## Visual Impact

The site is currently grazing land with rural/farm infrastructure. The proposal in its final form is commensurate with a greenfield residential subdivision. The built form will include significant filling given the existing ground levels and the proposal to flatten the site, see Section 3.3 of the Engineering Assessment Report. With an approximate development footprint of 6 hectares and existing levels from approximately 8m to 15 m AHD significant visual change will result. The site is in the direct view line from the Tweed Regional Art Gallery. The west facing viewing balconies are a feature of the Gallery and provide an important and enhanced experience for visitors to enjoy the scenic outlook of the Tweed Valley.

The proposal will intrude into the view line and unnecessarily erode the visual outlook and appeal of the Art Gallery.

When viewed from other vantage points such as Bakers Road to the south of the site the proposal will disrupt the current transition from open grazing land to low density dwellings with established tree lines. The proposal will create a stark transition and will be visually intrusive.

The site is highly visible. It falls within seven Priority 1 and seven Priority 2 view sheds, as identified by the draft Tweed Scenic Landscape Strategy (dSLS), putting it within the most visible and therefore visually sensitive land in the Shire.

Table 1 – Viewshed data from the exhibited draft Tweed Scenic Landscape Strategy

### Summary

Name	Count	Area(hectares)	Length(km)
Priority 1 Viewsheds Applicable	7	202.69	N/A
Priority 2 Viewsheds Applicable	7	202.69	N/A
Landscape Character Units	2	28.96	N/A

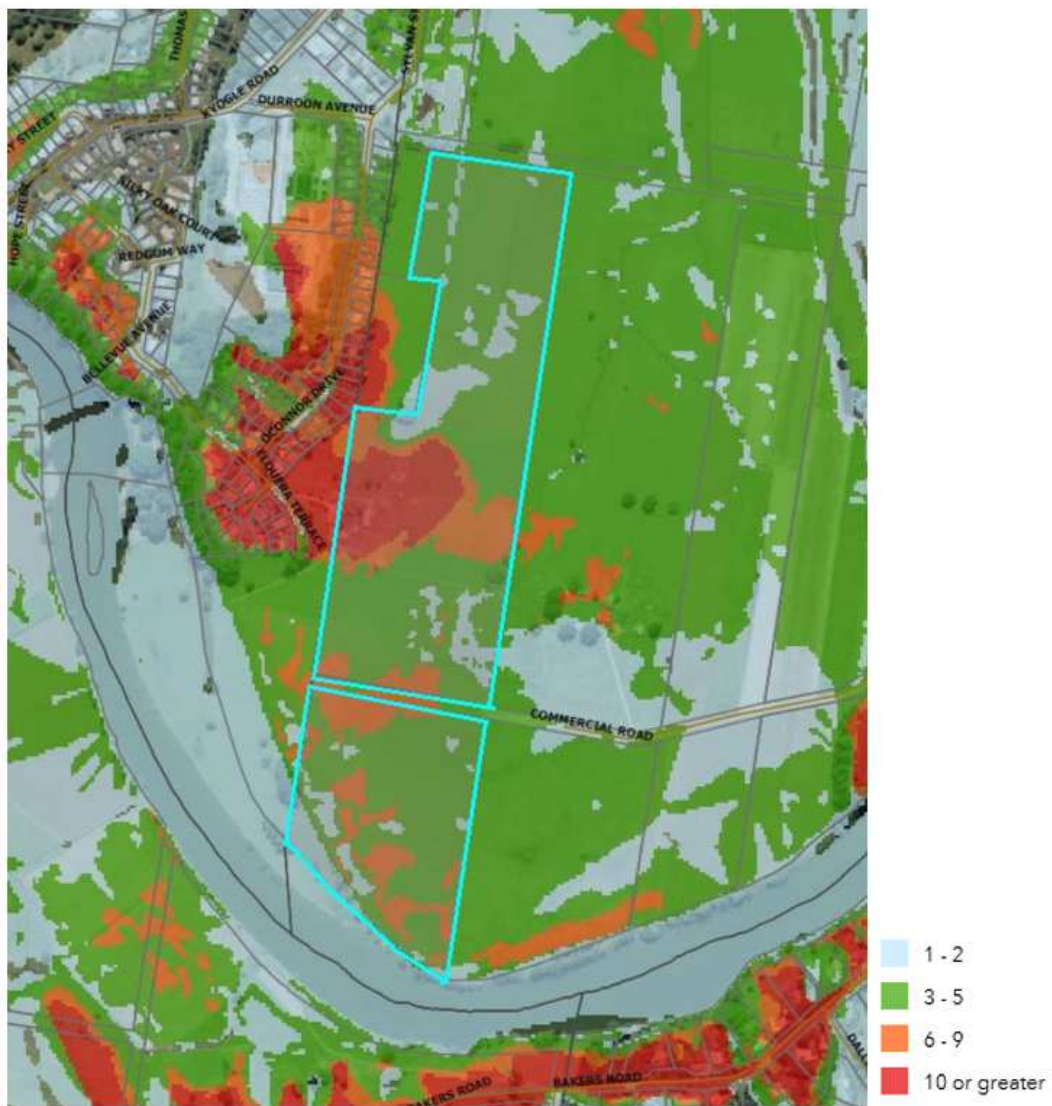
The indicative development footprint is presented in the application documents as Figure 21, shown below. This footprint correlates almost exactly with the most visible portion of the site as mapped by the Scenic Landscape Strategy Visibility Map (Figure 2).



**Figure 2 – draft Scenic Landscape Strategy Visibility Map**



**Figure 21 – Site Opportunities and SCC Footprint**



The development site which is the subject of this SCC is in the fore-ground to mid-ground of the view as seen from the observation and café deck at the Tweed Regional Art Gallery. This is considered a Priority 1 highly significant viewing location. The view itself is an exemplary example of the Tweed's rural hinterland, encompassing rolling rural hills, the meandering Tweed River, sugar cane fields, forested ridgelines of the caldera a striking view towards the summit of Wollumbin / Mount Warning.

Tourism is a significant driver of the Tweed Shire's economy, contributing an estimated \$278 million to Gross Regional Product, and a significant driver for attracting tourists to the region is the Tweed Regional Art Gallery and the spectacular setting within which it sits. The gallery attracts over 125,000 visitors annually.

Indicative photo montages are provided following showing the likely extent of the proposal footprint into the landscape as viewed from the gallery observation deck and café.

The site is also highly visible from Bakers Road, which is a Priority 2 viewing location under the dSLS, due to its high quality scenic experience, traffic volume as a dedicated tourist drive and identification as a highly valued visual experience through community consultation.

The expected visual intrusion into the foreground of the view as experienced from Bakers Road and Amarillo Drive intersection is shown on the images below. This location is a suitable stopping place for tourists to pull over to enjoy the view, which would be significantly altered by the proposal. Again, this view provides a similar landscape setting to the view experienced from the Art Gallery, which encompasses a primarily natural setting and many iconic landscape characteristics of the Tweed such as sugar cane, the Tweed River and the forested hills of the volcanic shield the caldera.

Development of the residential zoned land in and of itself will result in significant alteration of the visual environment, and the cumulative impact of development of the additional land as sought by the SCC is considered to be unacceptable due to its incompatibility with the iconic, high quality view experienced from the Tweed Regional Art Gallery and Bakers Road, as well as 12 other priority viewing situations identified under the draft Tweed Scenic Landscape Strategy through extensive community consultation.





Indicative footprint and extent of visual change to the landscape as viewed from the Margaret Olley Tweed Regional Art Gallery



Indicative footprint and extent of visual change to the landscape as viewed from the Margaret Olley Tweed Regional Art Gallery







Indicative footprint as viewed from 2 locations along Bakers Road near Amarillo Drive intersection

### **Agricultural Land**

It is considered that 139 Seniors Living dwellings located within and adjacent to Regionally Significant Farmland used for grazing and cane growing has the potential to create land use conflict and therefore the proposed development is not compatible with existing uses of land in the vicinity of the proposed development.

### **Water and Sewer Infrastructure**

#### **General**

The Tweed Shire Council Water and Wastewater Unit has not planned for a development of this size in the proposed location.

As outlined in more detail below, Council has identified that there are constraints within the existing sewerage and water supply systems for a development of this size.

#### **Sewerage System**

There is insufficient capacity in Tweed Shire Council's sewerage scheme for the proposed 139 dwellings for Senior Housing on rural land at Bray Park.

The proposed development is immediately upstream of Council's Bray Park Water Treatment Plant, which currently utilises the available capacity of the existing sewerage system in this catchment.

Council has identified where some capacity may be made available in the sewerage system downstream of the proposed development, and has engaged in discussions with other stakeholders on this matter.

Despite this, the existing sewerage system may not have capacity to accept the flows that are expected from the proposed development.

Should the panel agree that the development progress, the developer would be expected to quantify the flows from the development undertake a detailed modelling assessment to evaluate the availability and capacity of the existing sewerage system to accept design flows from the development and determine what system upgrades downstream of the proposed development will be required.

### **Water Supply**

There is currently insufficient capacity in Tweed Shire Council's water supply system to provide the commercial development fire flows required for Seniors Housing in this location.

Should the panel agree that the development progress, the developer would be expected to undertake a detailed modelling assessment to evaluate the availability and capacity of the existing water supply system to meet design flows for the development and determine what system upgrades will be required.

### **Concluding Comments**

The bulk, scale, built form and character will have a high impact on existing uses of land in the vicinity and infrastructure is not adequate during flood emergencies. A 60% increase in traffic in Sylvan Road will result in a high impact on existing residential use. Accordingly a site compatibility certificate for the proposal is not supported.

Yours faithfully

**Lindsay McGavin**  
**MANAGER DEVELOPMENT ASSESSMENT AND COMPLIANCE**