

9 February 2012

Creek Street Hastings Point- Concept Plan (MP06_0153)

PROJECT APPLICATION

This application seeks Concept Plan approval to subdivide Lot 156 Creek Street at Hastings Point. Hastings Point is located on the far north coast of New South Wales, approximately 25km south of Tweed Heads, within the Tweed local government area.

The site has a total area of 17.77ha. The proposed development footprint would occupy 3.66ha of the total site area. Surrounding development consists of:

- single detached dwellings and a caravan park to the north;
- medium density apartments, holiday flats and tourist units to the east; and
- Christies and Cudgen Creek estuary and Cudgen Nature Reserve to the South.

The proposal seeks approval to subdivide the site into 44 residential lots ranging in size from 450m² to 718m². An additional lot (6,373 m²) is proposed for a flood emergency access road and the existing dwelling already constructed on the site.

The main activities associated with the project include:

- Subdivision to create a total of 45 lots;
- Flood fill to 2.9m -3.88m AHD (requiring 53,000m³ of fill);
- Provision of an emergency access road;
- Stormwater and WSUD infrastructure; and
- Traffic works including a dedicated right hand turn out of Creek Street and provision of a pedestrian path along Creek Street.

DELEGATION TO THE COMMISSION

The project was referred to the Commission for determination under the terms of the Ministerial delegation dated 14 September 2011.

Mrs Gabrielle Kibble AO and Mr Joe Woodward were nominated as the Commission members for the project. Mrs Kibble AO chaired the Commission.

DEPARTMENT'S ASSESSMENT REPORT

On 2 February 2012, the Commission received the Director-General's Environmental Assessment Report. The report provided a detailed assessment of the issues including:

- Flooding;
- Ecological impacts; and
- Desired future character.

The Department exhibited the EA and PPR and received a total of 429 submissions on the project. The key areas of concern included flooding, storm water, biodiversity, traffic and earthworks.

The Department's report concluded that the Concept Plan be refused for the following reasons:

1. *The scale of the development and associated flood mitigation measures poses an unacceptable increase of the risk to life, health and property within this flood prone community;*

2. *The development is inconsistent with the aims and objectives of State Environmental Planning Policy No 14 – Coastal Wetlands and State Environmental Planning Policy 71 - Coastal Protection and is contrary to the objects of the EP&A Act. There is significant uncertainty whether ecological impacts can be avoided or minimised to acceptable levels;*
3. *The development is incompatible with both the adjoining natural and built environment; and*
4. *The proposal is not in the public interest.*

Meeting with Key Stakeholders

Proponent

On 8 February 2012, the Commission met with the proponent to discuss the proposal. The proponent was represented by Mr Adam Smith and Mr Noel O'Brien. The discussion focused on the following issues;

- Flooding;
- Emergency evacuation route; and
- Environmental issues including buffers from Endangered Ecological Communities.

Council

Tweed Shire Council was invited to meet with the Commission. Council declined the meeting request as Council is satisfied with the Department's recommendation to refuse the project.

Public Meeting

The Commission considers a public meeting is not necessary in this instance, given the Department's recommendation is consistent with the majority of public and agency submissions. Further, the Commission agrees with the Department's recommendation that the application be refused.

COMMISSION'S DETERMINATION

The Commission has carefully considered the Department's Assessment Report including the aerial photos on the Department's file, agency and public submissions.

The Commission agrees with the Department's recommendation that the proposal should be refused for the reasons outlined in the Department's assessment.



Gabrielle Kibble
Chair



Joe Woodward
Commission Member