

Draft Tweed LEP Amendment Number 21

PLANNING PROPOSAL
Version - GATEWAY

225 Terranora Road
Lot 16 DP 865265
Banora Point

April 2017

Council File PP10/0006

THIS PAGE IS BLANK

Introduction	5
Purpose of the Planning Proposal	5
Process for amending the LEP	5
Structure and content of this planning proposal	6
Council resolutions and State determinations	6
Site context and background	7
Desired outcome	7
Planning controls – Present zoning Tweed LEP 2014 and Tweed LEP 2000.....	7
Part 1 Objectives or intended outcomes	11
Part 3 Justification	13
Section A Need for the planning proposal.....	13
Section B Relationship to strategic planning framework	13
Section C Environmental, social and economic impact.....	15
Section D State and Commonwealth interests.....	17
Part 4 Mapping	19
Part 5 Community consultation.....	20
Part 6 Project timeline.....	21
Summary and conclusions	22
APPENDICES.....	23
Appendix 1: Maps – Land Application map – Existing and Proposed.....	23
Appendix 2: Maps – Land zoning – Existing and Proposed	23
Appendix 3: Maps – Lot size – Existing and Proposed	23
Appendix 4: Maps – Height of Buildings – Existing and Proposed	30
Appendix 5: Maps – Floor Space Ratio – Existing and Proposed	32
Appendix 6: Acid Sulfate Soils – Existing and Proposed.....	34
Appendix 7: Consistency with the North Coast Regional Plan 2036	36
Appendix 8: Consistency with Settlement Planning Guidelines: Mid and Far North Coast Plans (2007).....	40
Appendix 9: Consistency with the Far North Coast Regional Strategy 2006	44
Appendix 10: Consistency with Council’s Community Strategic Plan	51
Appendix 11: Consistency with applicable State Environmental Planning Policies	53
Appendix 12: Consistency with applicable Section 117 Local Planning Directions.....	55
Appendix 13: Council Report – 17 November 2016	60
Appendix 14: Information Checklist	90

Introduction

Purpose of the Planning Proposal

Council has received a request from Planit Consulting Pty Ltd on behalf of Wrenn Pty Ltd, to prepare a Planning Proposal for the rezoning of Lot 16 DP 856265 (No. 225) Terranora Road, Banora Point (refer to Figures 1 and 2).

The intended outcome of the Planning Proposal is to:

- Define an area within the lot that is suitable for large lot residential subdivision, creating no more than two (2) lots and two (2) dwelling entitlements;
- Ensuring protection and rehabilitation of the ecologically and visually significant parts of the site to achieve a net environmental benefit.

The above outcome will be achieved through amendments to the Land Zoning and associated overlay maps of the Tweed LEP 2014. A planning agreement would also be sought as a mechanism to achieve the desired environmental benefits.

The specifics of the amendments are discussed in Part 2 'Explanation of Provisions' and illustrated within Part 4 'Mapping' of this Planning Proposal.

Process for amending the LEP

Preparation of a planning proposal initiates a process established by the NSW Department of Planning and Environment (DPE) known as the 'Gateway' process for the making or amendment of Local Environmental Plans (LEPs).

The steps in the process are summarised in Table 1 below, with the opportunity for the proposal to be revised as it progresses through the Gateway process.

Stage	Explanation
Planning Proposal	We are at this stage. Council has prepared a document explaining the effect of and justification for the making, or amending of the LEP. Once endorsed by Council, the planning proposal is submitted to the DPE for consideration.
Gateway	The DPE as a delegate for the Minister for Planning determines whether the planning proposal should proceed. If the proposal is to proceed, DPE issues a 'Gateway determination' stipulating requirements, including what additional investigations will be required, government agencies that must be consulted and the duration of public exhibition, apart from other matters that may be required.
Community consultation	With all additional investigations completed and the original planning proposal revised, the planning proposal is publicly exhibited.
Assessment	Submissions received during public exhibition are considered and the planning proposal revised as appropriate prior to Council resolving whether to proceed and forward the proposal to DPE to have the amendment to the LEP finalised or request the Minister to determine that the matter not proceed.
Drafting	Once returned to DPE, Parliamentary Counsel prepares a draft local environmental plan to amend Council's LEP.
In effect	Once agreed by Council, the amending plan is published in the Government Gazette and the amended LEP becomes effective.

Table 1: Summary of Gateway Process

Structure and content of this planning proposal

This Planning Proposal presents an explanation of and strategic justification for amendment of the LEP in accordance with the Department of Planning and Environment's document 'A guide to preparing planning proposals', and 'A guide to preparing local environmental plans', and is structured in accordance Section 55 of the *Environmental Planning and Assessment Act 1979*, as summarised in Table 2.

Part	Title	Explanation
1	Objectives or intended outcomes	A statement of the objectives and intended outcomes of the proposed instrument
2	Explanation of provisions	An explanation of the provisions that are to be included in the proposed instrument
3	Justification	The justification for those objectives, outcomes and the process for their implementation
4	Mapping	Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
5	Community consultation	Details of the community consultation that is to be undertaken on the planning proposal
6	Project timeline	The anticipated time timeline to amend the local environmental plan

Table 2: Structure of this Planning Proposal

Council resolutions and State determinations

Council, at its meeting of 17 November 2016 considered a report on a Planning Proposal request, described by the proponent as a 'rezoning to allow large lot residential development', necessitating a rezoning of part of the land from 7(d) Environmental Protection (Scenic/Escarpment) under *Tweed Local Environmental Plan 2000* to R5 Large Lot Residential under *Tweed Local Environmental Plan 2014* to permit residential lots of 0.4ha or greater. The most current iteration of the Proponent's proposal comprises a 16 lot community title subdivision in which many of the lots depicted on their 'concept plan' are closer to 0.25ha.

At the meeting of 17 November 2016, Council resolved:

That, in respect of Planning Proposal PP10/0006 for Lot 16 DP 856265 at 225 Terranora Road, Banora Point, the Council endorses that:

1. *The planning request for a zoning redefinition prepared by Planit Consulting Ltd is not supported in so far as it relates to the general extent of the proposed rezoning;*
2. *A reduced area of rezoning definition and subdivisional capability is supported to the extent that it permits only a two lot subdivision, and for the purpose of residential use;*
3. *The Proponent is to confirm their acceptance of the reduced area for rezoning investigation and two lot subdivision capability within 21 days of the date of this resolution taking effect;*
4. *On receipt of the Proponent's acceptance the Director Planning and Regulation is to prepare and submit a Planning Proposal for a Ministerial Gateway Determination for a zoning redefinition based on the reduced land area and restricted subdivision capability, but not before the compliance matters relating to the illegal dwelling(s) and imported fill material have been concluded to the Councils satisfaction; and*
5. *Should the Proponent fail to confirm their acceptance within the time required or notifies of their non-acceptance at any prior time the Director Planning and Regulation pursuant to s.10A*

of the Environmental Planning and Assessment Regulation 2000 is to notify the proponent that their planning request is not supported.

6. *The Director Planning and Regulation is to take all necessary and reasonable measures to ensure that any breach of planning laws in respect of the illegal dwelling(s) and imported fill material are rectified in accordance with those laws and where appropriate the land is to be reinstated to its natural condition prior to those works or buildings occurring.*

A copy of the report can be seen in Appendix 13.

The applicant has confirmed their acceptance of the reduced area for rezoning definition and subdivisional capability as set out in point 2 of this resolution. Compliance matters referred to in point 4 have been resolved.

Site context and background

The site is described as Lot 16 DP856265 (No. 225) Terranora Road, Terranora.

The site lies off Terranora Road, and is accessed via a battle-axe handle as shown in Figure 1. It has previously been operated as a hard rock quarry. The quarry is no longer operational and has been maintained under grass. Site improvements comprise a shed that was previously identified as an illegal dwelling.

The allotment extends from Terranora Road to the north, to River Road which runs along the banks of the Tweed River to the south.

The total area of the allotment is approximately 10.04 hectares. The area of cleared land formerly occupied by the quarry covers approximately 3.6 hectares and is highly visible. This cleared land is located on the northern portion of the property and is the subject of this planning proposal request.

The site is not connected to Council's reticulated water and sewer systems.

Council is in receipt of a request to prepare another planning proposal seeking a similar outcome on land within the escarpment in proximity to the site. The other planning proposal relates to land at Winchelsea Way, Terranora. The location of this land in relation to the subject site is illustrated in Figure 3.

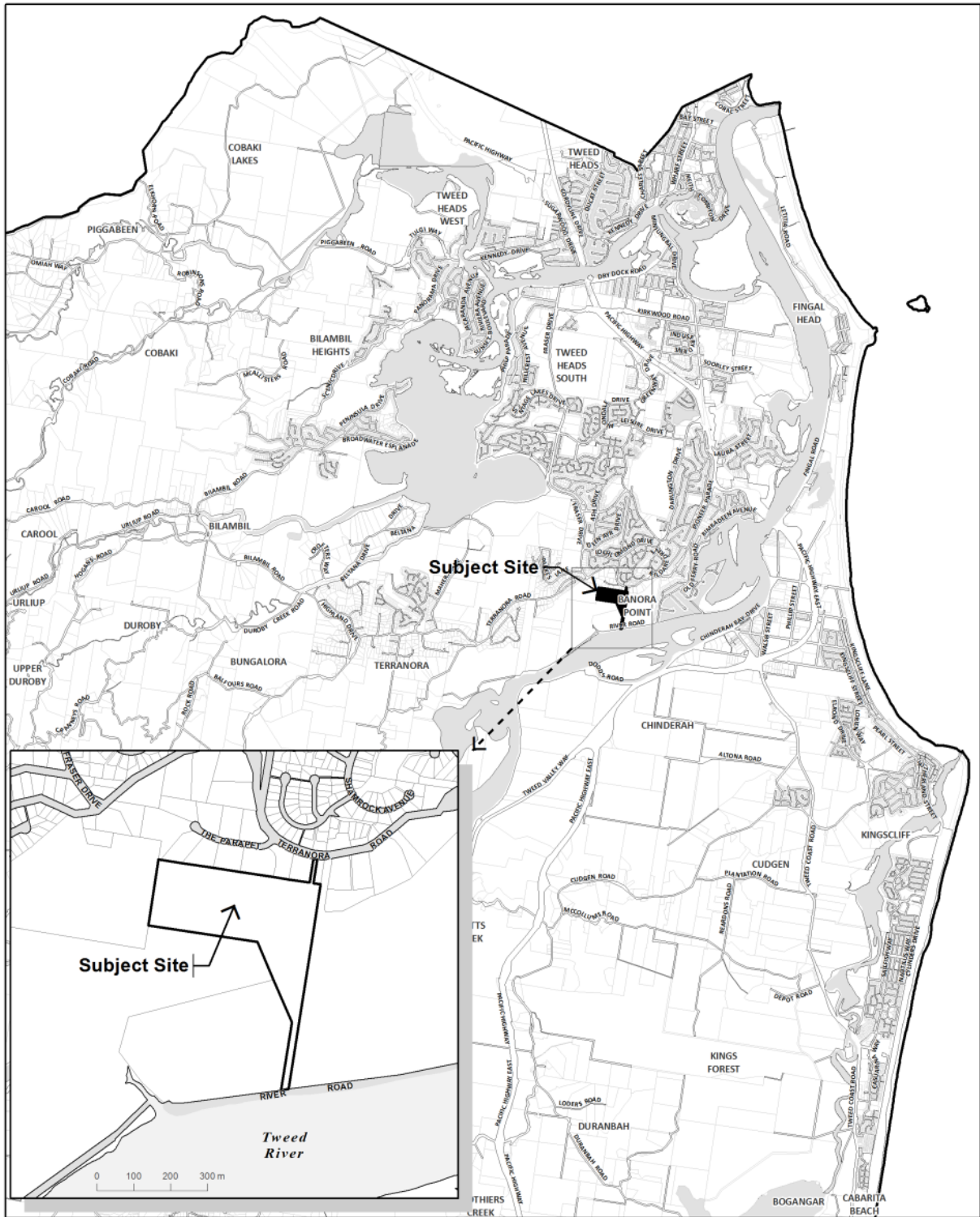
Desired outcome

Following rezoning of the subject land it is proposed to enable the subdivision of the total property into two (2) lots, giving each lot a dwelling entitlement.

Planning controls – Present zoning Tweed LEP 2014 and Tweed LEP 2000

The majority of the site is a Deferred Matter under Tweed LEP 2014, which means that the 7(d) Environmental Protection (Scenic/escarpment) zone under Tweed LEP 2000 still applies. A small area of the north eastern corner is zoned R5 Large Lot Residential, and a small area on the southern access is zoned RU2 Rural Landscape under Tweed LEP 2014, as seen in Figure 4.

The area of land subject of this request covers the northern portion of the property (the site) which is zoned 7(d) Environmental Protection (Scenic/Escarpment) zone under the Tweed LEP 2000. It is adjacent to the land zoned R5 Large Lot Residential under the Tweed LEP 2014. The land under investigation is the predominantly cleared land formerly occupied by the quarry.



pp no. | 10/0006
revised | 15/09/2016

1:75,000 @ A4 Portrait
0 0.5 1 1.5 Km
DO NOT SCALE
COPY ONLY - NOT CERTIFIED
Map Projection: Universal Transverse Mercator
Horizontal Datum: Geodetic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56

Civic and Cultural Centre
3 Tumbulgum Road
Murwillumbah NSW 2484
PO Box 816
Murwillumbah NSW 2484
T | (02) 6670 2400 | 1300 292 872
F | (02) 6670 2429
W | www.tweed.nsw.gov.au
E | planning@tweed.nsw.gov.au

Locality Plan Planning Proposal

Affected Properties: Lot 16 DP 856265
No.225 Terranora Road, Terranora

Cadastre:
Base Data 13/09/2016
© Land and Property Information (LPI)
Addendum Data 15/09/2016
© Tweed Shire Council
Boundaries shown should be
considered approximate only.

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dig before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.
Filepath: Z:\ESRIP\POLICIES & STRATEGIES\PLANNING PROPOSALS\TEMPLATES\LocalityPlan_75k.mxd Author: J. Batchelor - Strategic Planning & Urban Design Unit Date Printed: 15 September, 2016

Figure 1 – Site Locality Plan



Figure 2 - Aerial View of the site and surrounds (2015)

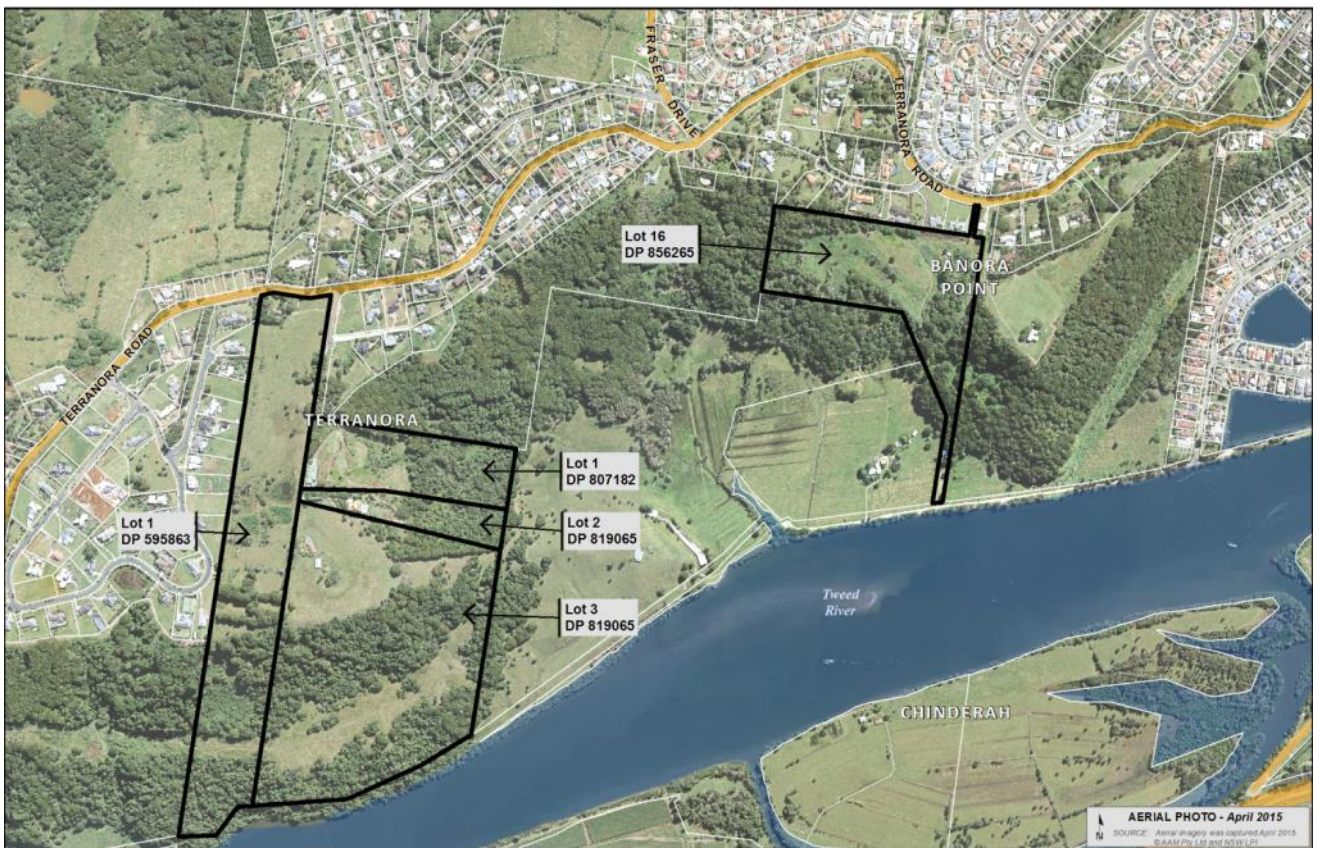
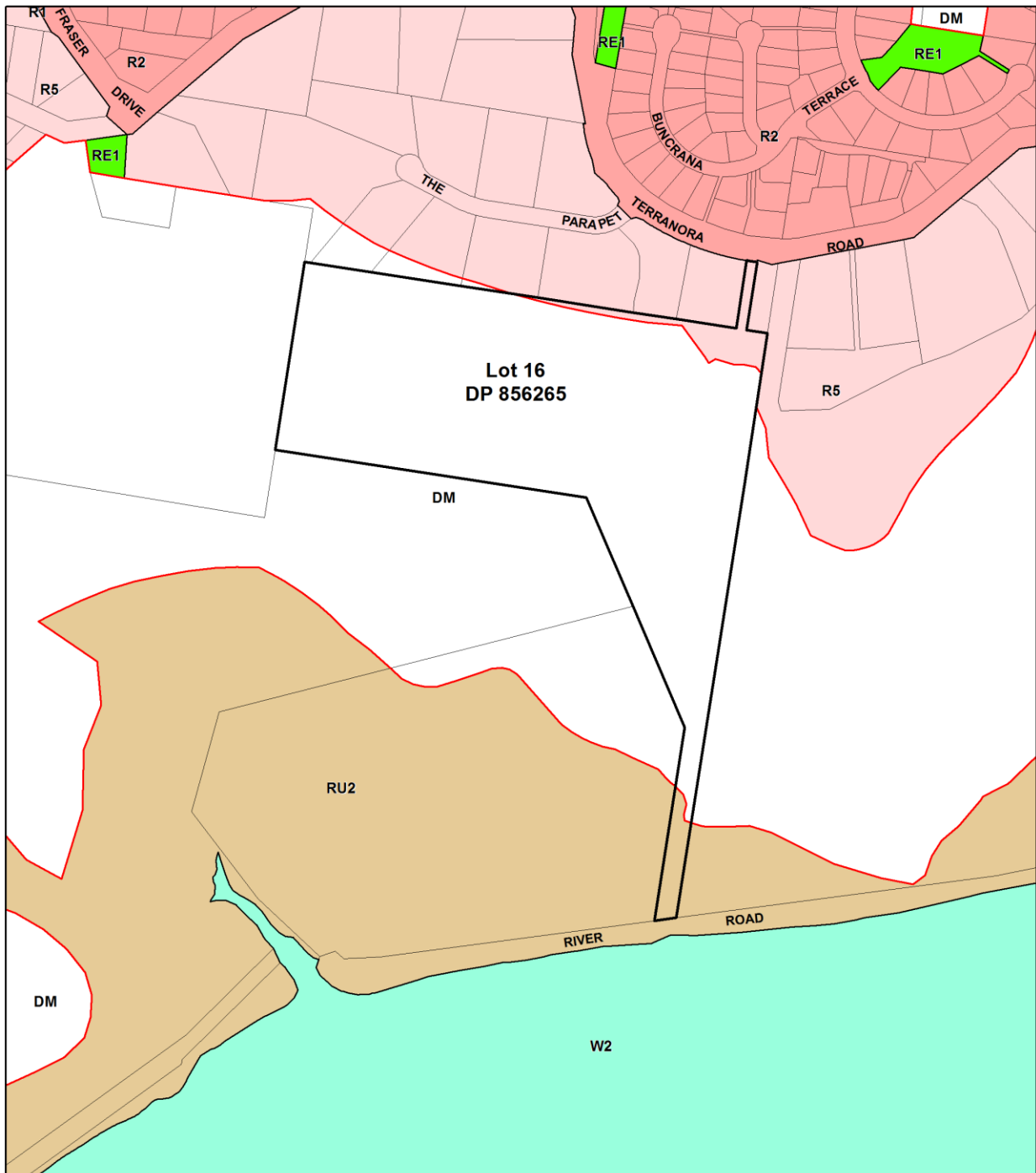


Figure 3: Aerial image of the locality showing the location of land subject of planning proposal requests at 225 Terranora Road and Winchelsea Road



Tweed Local Environmental Plan 2014

Zone									
B1	Neighbourhood Centre	E1	National Parks & Nature Reserves	R5	Large Lot Residential	SP1	Special Activities	DM	Deferred Matter
B2	Local Centre	IN1	General Industrial	RE1	Public Recreation	SP2	Infrastructure	MD	SEPP (Major Development) 2005
B3	Commercial Core	IN4	Working Waterfront	RE2	Private Recreation	SP3	Tourist	TCC	Tweed City Centre LEP 2012
B4	Mixed Use	R1	General Residential	RU1	Primary Production	W1	Natural Waterways		
B5	Business Development	R2	Low Density Residential	RU2	Rural Landscape	W2	Recreational Waterways		
B7	Business Park	R3	Medium Density Residential	RU5	Village	W3	Working Waterways		

1:5,000 @ A4 Portrait
 0 20 40 60 80 100 M
 DO NOT SCALE
 COPY ONLY - NOT CERTIFIED
 Map Projection: Universal Transverse Mercator
 Horizontal Datum: Geodetic Datum of Australia 1994
 Grid: Map Grid of Australia, Zone 56

TWEED SHIRE COUNCIL
 Civic and Cultural Centre
 3 Tumbulgum Road
 Murwillumbah NSW 2484
 PO Box 816
 Murwillumbah NSW 2484
 T | (02) 6670 2400 | 1300 292 872
 F | (02) 6670 2429
 W | www.tweed.nsw.gov.au
 E | planning@tweed.nsw.gov.au

Tweed Local Environmental Plan 2014

LAND ZONING MAP

Affected Properties:
 Lot 16 DP 856265 - No.225 Terranora Road, Banora Point

Council File |PP10/0006
 revised |06/10/2016

Cadastre: 06 October, 2016
 © Land and Property Information (LPI) and Tweed Shire Council.
 Boundaries shown should be considered approximate only.

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dig before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.
 Filepath: Z:\ESRI\PRU\POLICIES & STRATEGIES\PLANNING PROPOSALS\PP10-0006 225 Terranora Road\MXD\LNZ_Proposed.mxd
 Author: J Batchelor - Strategic Planning & Urban Design Unit
 Date Printed: 06 October, 2016

Figure 4: Tweed LEP – Zoning

Part 1 Objectives or intended outcomes

The intended outcomes of this planning proposal are to:

- Define a suitable R5 zoning boundary and facilitate the rezoning of part of Lot 16 DP 856265 Terranora Road, Banora Point from 7(d) Environmental Protection (Scenic/Escarpment) zone under the TLEP 2000 to R5 large lot Residential under the Tweed LEP 2014.
- Limit the future subdivision of the property to a maximum of two (2) lots creating two (2) dwelling entitlements.
- Achieve a net environmental benefit by offsetting the two lots with the rehabilitation of the property.

Part 2 Explanation of provisions

The intended outcomes of rezoning part of the site to R5 Large Lot Residential and limiting the number of lots will be achieved by:

1. Amending the following map sheets:

Map sheet		Current	Proposed change
LZN_022	Landuse Zone	Deferred Matter	R5 –Large Lot Residential. The boundary would be ratified following additional studies.
LSZ_022	Minimum Lot Size	Not Mapped	At this stage ‘Y’ – 1 hectare (this would be reviewed prior to exhibition following additional studies to limit the number of lots to 2 and ensure that each lot has suitable area for on-site sewage management and appropriate bushfire buffers).
HOB_022	Height of Building	Not Mapped	‘J’ – 9 metres (to be reviewed following detailed visual analysis)
FSR_022	Floor Space Ratio	Not Mapped	‘E’ – 0.55
ASS_022	Acid sulfate soils	Not Mapped	5 – Class 5

2. A planning agreement would be sought to achieve net environmental benefit.

Part 3 Justification

This part of the planning proposal is split into the following sections

Section A	Need for the planning proposal
Section B	Relationship to strategic planning framework
Section C	Environmental, social and economic impact
Section D	State and Commonwealth interests

Information provided under each section is presented as a response to questions listed in the Department of Planning and Environment's document 'A guide to preparing planning proposals'.

Section A Need for the planning proposal

Question 1: Is the planning proposal a result of any strategic study or report?

The planning proposal has been prepared in response to a request from the landowner who wishes to develop part of the site for large lot residential development, and is not the result of any strategic study or report.

Question 2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The current 7(d) Environmental Protection (Scenic/Escarpment) zone does not allow further subdivision. To allow the proposed development, a change of zone is seen as the most appropriate means of facilitating the desired outcome.

Section B Relationship to strategic planning framework

Question 3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy or district plan or strategy (including any exhibited draft plans or strategies)?

North Coast Regional Plan 2036

The recently adopted North Coast Regional Plan 2036 (NCRP) is the strategy framework that manages growth on the North Coast. The Plan guides the NSW Government's land use planning priorities and decisions to 2036. It is not a detailed step-by-step approach to all land use planning. Rather, it provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions.

The Vision of the Plan is to create 'the best region in Australia to live, work and play thanks to its spectacular environment and vibrant communities'. To achieve this vision the NSW Government has acknowledged the importance of the environment and the opportunities of the Pacific Highway, South East Queensland and the region's cities and centres and set the following regionally focused goals:

- The most stunning environment in NSW
- A thriving, interconnected economy
- Vibrant and engaged communities
- Great housing choice and lifestyle options

The Plan contains a series of Directions and Actions aimed at achieving this vision.

Rezoning the site to enable subdivision to create two (2) lots is considered consistent with the relevant directions and actions of the NCRP.

Appendix 7 provides an assessment of the proposal with the relevant provisions of the Plan.

Settlement Guidelines: Mid and Far North Coast Regional Plans (2007)

A resource document used in the preparation of the NCRP is the Settlement Guidelines: Mid and Far North Coast Regional Plans (2007). An assessment of the proposal against the relevant provisions of this document is provided in Appendix 8.

Far North Coast Regional Strategy 2006

The FNCRS was the overarching framework that managed growth within the Far North Coast, prior to the recent adoption of the NCRP 2036. This document is being addressed with the Planning Proposal as the land that is proposed to be rezoned is a 'deferred matter' that is still affected by the Tweed LEP 2000.

The FNCRS identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes.

Among other things, the FNCRS aims to manage the region's projected population growth sustainably and protect the region's unique environmental assets, cultural values and natural resources. This is planned to occur through responsive future development that retains the regional identity and local character, and fosters opportunities for greater economic activity and diversification.

Rezoning the site to enable subdivision to create two (2) lots and rehabilitate the remainder of the land is considered consistent with the objectives, and settlement and housing provisions of the FNCRS.

Appendix 9 provides a comparison of action is within the FNCRS and an assessment by the proponent of compliance

Question 4: Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

The Tweed Community Strategic Plan 2013/2023 (CSP) was prepared based on extensive community consultation, and provides the overarching framework and vision for the Tweed for the next 10 years.

The plan is based on four key themes, Civic Leadership, Supporting Community Life, Strengthening the Economy, and Caring for the Environment. Within each theme are key objectives.

Appendix 10 provides an assessment of consistency with the relevant objectives within each of the four themes.

Question 5: Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?

State Environmental Planning policies (SEPPs) deal with matters of State or regional environmental planning significance. They are made by the Governor on the recommendation of the Minister for Planning and may be exhibited in draft form for public comment before being published as a legal document.

The following SEPPs, discussed further in Appendix 11, apply to the subject site:

- SEPP 55 – Remediation of Land, and
- SEPP 71 – Coastal Protection.
- SEPP – Rural Lands

Because the site was a working quarry and areas have been filled without approval, a contamination assessment will be required prior to determining whether the planning proposal should be placed on public exhibition.

No other inconsistencies are considered sufficient to prevent the planning proposal from proceeding.

Question 6: *Is the planning proposal consistent with applicable Ministerial Directions (s117 Directions)?*

Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979* apply to planning proposals lodged with the Department of Planning.

The following 117 Directions, discussed further in Appendix 12, apply to the subject site:

- 1.2 Rural Zones;
- 1.5 Rural Lands;
- 2.1 Environment Protection Zones;
- 2.2 Coastal Protection;
- 2.3 Heritage Conservation;
- 3.1 Residential Zones;
- 3.2 Caravan parks and manufactured home estates;
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport;
- 4.1 Acid Sulfate Soils;
- 4.3 Flood Prone Land;
- 4.4 Planning for Bushfire Protection;
- 5.1 Implementation of Regional Strategies;
- 5.10 Implementation of Regional Plans;
- 6.1 Approval and Referral Requirements, and
- 6.3 Site Specific Provisions.

No inconsistencies are considered sufficient to prevent the planning proposal from proceeding.

Section C Environmental, social and economic impact

Question 7: *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The site has been extensively modified by previous quarrying activities, with the remainder of the land undergoing some natural regeneration. The land proposed to be rezoned to R5 would be limited to that land forming what was the base of the quarry.

The rezoning request was accompanied by a Terrestrial Flora and Fauna Assessment (January 2015) which related to the more intensive subdivision proposal and concluded that there is unlikely to be a significant impact on critical habitat or threatened species, populations or ecological communities, or their habitats. This report was reviewed by Councils Natural Resource Management Unit and the proposed preliminary zone boundary determined following this review.

Any future development of the site would be subject to a development application accompanied by a detailed development specific ecological assessment.

Question 8: *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

Any application for development of the site will be assessed in accordance with Council's existing procedures, guidelines and requirements, and any approval will likewise require appropriate consideration of potential adverse environmental impacts on the site or adjoining land and water

bodies, in particular, the Tweed River to the south of the site, remnant bushland, visual impact and scenic amenity.

Scenic amenity

The site is shielded from long views from the north and Terranora Road due to the significant cut on the northern boundary; however, the site will be highly visible to adjoining properties.

The site is also highly visible from the west when viewed from properties on Winchelsea Way and Nassau Avenue, and is clearly visible from elevated land and dwellings adjoining the eastern boundary, and from Tweed Valley Way or when approaching Tweed Heads on the Pacific Highway.

While roof tops of adjoining dwellings are visible from most vantage points, the escarpment is not dominated by any particular development. Approval for the construction of any dwellings will need to ensure that visual impact and scenic amenity are fully considered and any potentially adverse impacts ameliorated through appropriate conditions of consent, and where appropriate, secured through the use of a planning proposal at the rezoning stage.

The significance of the scenic value of the escarpment and the visual impact of development on the site and locality has been addressed in the Tweed Scenic Landscape Evaluation 1995, Tweed DCP section A5 – Subdivision Manual, in previous correspondence to the landowner, Tweed LEP 2000 and 2014, and through a restriction on use of land to the north, as registered on the Land's Title and discussed in the Council report of 17 November 2016.

Contamination

In its 2015 request, the proponent presented a soil contamination report dated 30 April 2002. Since that report was prepared, changes have occurred in the requirements for assessing contamination since that time.

In preparing a planning proposal, State Environmental Planning Policy 55 Clause 6 requires Council to consider whether the land is contaminated, and if the site is contaminated, whether the land is suitable in its contaminated state, and if not, if the land requires remediation to make it suitable for any purpose which land in that zone is permitted to be used and that the planning authority is satisfied that the land will be remediated prior to the land being used for that purpose.

Given that the site was operated as a quarry, the potential extent of any contamination from former operation of the site, and fill has not been adequately addressed, but would be an essential requirement prior to consideration for public exhibition.

Water supply

The site is not connected and will not be connected to Council's reticulated water supply system. The proponent proposes to utilise water harvesting from roof areas of each dwelling.

Waste water disposal

The proponent has provided a Preliminary Effluent Disposal Assessment which has not addressed the site specific issues relevant to understanding the potential of the site to accommodate development as proposed.

In particular, no mention is made of the previous operation of the site as a quarry and advice from the proponent that "ultimately, some importation of fill will be required to satisfy effluent disposal concerns".

No mention is made of the depth to bedrock and the potential for seepages from upslope currently affecting the site to influence the absorptive capacity of what is assumed to be minimal soil cover on the site, especially in winter when evaporation will be lowest on this southern aspect.

While it is proposed that a depth of 150mm of loam topsoil be provided on all irrigation areas, the soil depth to bedrock in effluent disposal areas would have to be significantly greater than 150mm in order to satisfy the performance requirements for land application system design when assessed in accordance with AS/NZS 1547/2012. The potential for seepages from upslope on to the effluent

disposal areas and the impact of seepages on the performance requirements for land application system design when assessed in accordance with AS/NZS 1547/2012' would have to be addressed.

Further investigation of effluent disposal capability of the site will be required prior to exhibition of the planning proposal.

Geotechnical stability of the site

Aerial imagery from 1962 shows the quarry site at what appears to be the early stages of operation. The image appears to show deeply incised drainage lines leaving the southern boundary of the site which do not appear in later imagery suggesting that a significant amount of fill has been deposited in these former drainage lines which will need to be addressed in the planning proposal. A recent site investigation revealed an actively eroding vertical wall approximately 10 metres in height at this location supporting concerns about the potential extent of fill in this location.

No history of the quarry operation has been provided by the proponent but given the potential for hard rock at the surface or for significant fill to have occurred a geotechnical assessment of the site to validate ability to be developed for residential purposes will be essential prior to finalising exhibition of the planning proposal request.

Rehabilitation of actively eroding land (failed or unstable slopes and land surfaces) to prevent further erosion from the site and consequent sedimentation of downslope water courses, including the Tweed River should be addressed.

Bush fire

A preliminary bush fire assessment has been provided with the rezoning request (for a larger scale proposal) which indicates that dwellings can be sited on the land, with the required asset protection zones provided, without impacting on the vegetated areas of the property. An updated assessment would be required for the two (2) lot proposal.

To ensure that the proposal proceeds with certainty about outcomes such as potential visual impacts and the location of development, it is proposed that building envelopes and land suitable for onsite disposal of effluent be identified prior to public exhibition.

Question 9: How has the planning proposal adequately addressed any social and economic effects?

Primary social impacts relate to the potential visual impacts which are discussed above.

Potential impacts on Aboriginal cultural heritage will need to be further investigated prior to exhibition of the Planning Proposal, noting that the land has been highly modified by prior quarrying activities.

Section D State and Commonwealth interests

Question 10: Is there adequate public infrastructure for the planning proposal?.

Transport

Council is satisfied that access from Terranora Road is suitable for 2 dwellings.

Water Supply

The site is not connected and will not be connected to Council's reticulated water supply system. The proponent proposes to utilise water harvesting from roof areas of each dwelling.

Sewer

The site is not connected to reticulated sewerage. On-site effluent disposal is proposed.

The proponent has provided a Preliminary Effluent Disposal Assessment which has not addressed the site specific issues relevant to understanding the potential of the site to accommodate development as proposed.

Further investigation of effluent disposal capability of the site will be required if this planning proposal proceeds further.

Power & Telecommunications

Power and telecommunications are available to the site. A minor extension of infrastructure connectors will be required.

Question 11: What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This planning proposal is presented for a Gateway determination and as such this section of the planning proposal will be further addressed once a Gateway determination has been provided. However, it is anticipated that the NSW Rural Fire Service will need to be consulted during the public exhibition period of the planning proposal.

Part 4 Mapping

Current and proposed development standards applying to the land can be viewed as listed below:

Appendix 1 – Land Application Maps

Appendix 2 - Land Zoning Maps

Appendix 3 – Lot Size Maps

Appendix 4 – Height of Buildings Maps

Appendix 5 - Floor Space Ratio Maps

Appendix 6 – Acid Sulfate Soils Maps

All other maps remain unchanged.

The proposed zoning and development standards applying to the land would be reviewed following additional studies being undertaken.

Part 5 Community consultation

This part of the planning proposal may be revised following receipt of the Department of Planning and Environment's Gateway determination to reflect community consultation requirements as stipulated in the determination.

This planning proposal is considered to be low impact and as such, it is proposed that this planning proposal be placed on public exhibition for a period of 14 days and made available for viewing as listed below:

- Council offices at Tweed Heads and Murwillumbah;
- Notice in Council's weekly newspaper, the Tweed Link, and
- Online at Council's website: www.tweed.nsw.gov.au.

Part 6 Project timeline

The following project timeline has been prepared with the assumption that the project would commence once a Gateway determination is issued, but may be amended following assessment by the Department of Planning and Environment to provide the necessary level of confidence that the proposed amendments to *Tweed Local Environmental Plan 2014* will be finalised within a reasonable time.

Project timeline	
Benchmark	Anticipated Deadline
<ul style="list-style-type: none"> Council resolution to proceed for a Gateway determination (Subject to Proponents acceptance of reduced area for rezoning investigation) 	17 November 2016
<ul style="list-style-type: none"> Anticipated commencement date (date of Gateway determination) 	May 2017
<ul style="list-style-type: none"> Anticipated timeframe for the completion of required technical information 	July 2017
<ul style="list-style-type: none"> Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) 	August 2017
<ul style="list-style-type: none"> Commencement date for public exhibition period 	September 2017
<ul style="list-style-type: none"> Completion date for public exhibition period 	October 2017
<ul style="list-style-type: none"> Dates for public hearing (if required) 	October 2017
<ul style="list-style-type: none"> Timeframe for the consideration of submissions 	November 2017
<ul style="list-style-type: none"> Date of submission to the Department of Planning and Environment to finalise the LEP 	November 2017
<ul style="list-style-type: none"> Anticipated date RPA will make the plan (if delegated) 	December 2017
<ul style="list-style-type: none"> Anticipated date plan is published and effective 	December 2017

Summary and conclusions

The planning proposal seeks the rezoning of part of Lot 16 DP 856265 Terranora Road, Terranora.

The proposal involves rezoning part of the subject site from Environmental Protection 7(d) (Scenic Escarpment) zone under the Tweed LEP 2000 to R5 large lot Residential under the TLEP 2014. The proposal would facilitate the subdivision of the site into two (2) allotments. The actual boundary of the R5 zone would be ratified upon completion of additional studies.

Review of this request has raised a number of issues which remain unresolved. These include issues associated with contamination, landfill, geotechnical stability, the suitability for onsite disposal of effluent, appropriate location for dwellings in terms of visual impacts and buffers and whether there should be any limitation on dwelling design.

The site lies within the escarpment along the southern side of Terranora Road which has been identified as being significant to the scenic amenity of the location, the Tweed Valley and Tweed's identity more generally.

This planning proposal appears to have strategic merit if a net environmental benefit can be achieved, and is recommended for referral for a Gateway determination.

APPENDICES

Appendix 1: Maps – Land Application map – Existing and Proposed

Appendix 2: Maps – Land zoning – Existing and Proposed

Appendix 3: Maps – Lot size – Existing and Proposed

Appendix 4: Maps – Height of Buildings – Existing and Proposed

Appendix 5: Maps – Floor Space Ratio – Existing and Proposed

Appendix 6: Acid Sulfate Soils – Existing and Proposed

Appendix 7: Consistency with the North Coast Regional Plan 2036

Appendix 8: Consistency with Settlement Planning Guidelines: Mid and Far North Coast Plans (2007)

Appendix 9: Consistency with the Far North Coast Regional Strategy 2006

Appendix 10: Consistency with Council’s Community Strategic Plan

Appendix 11: Consistency with applicable State Environmental Planning Policies

Appendix 12: Consistency with applicable Section 117 Local Planning Directions

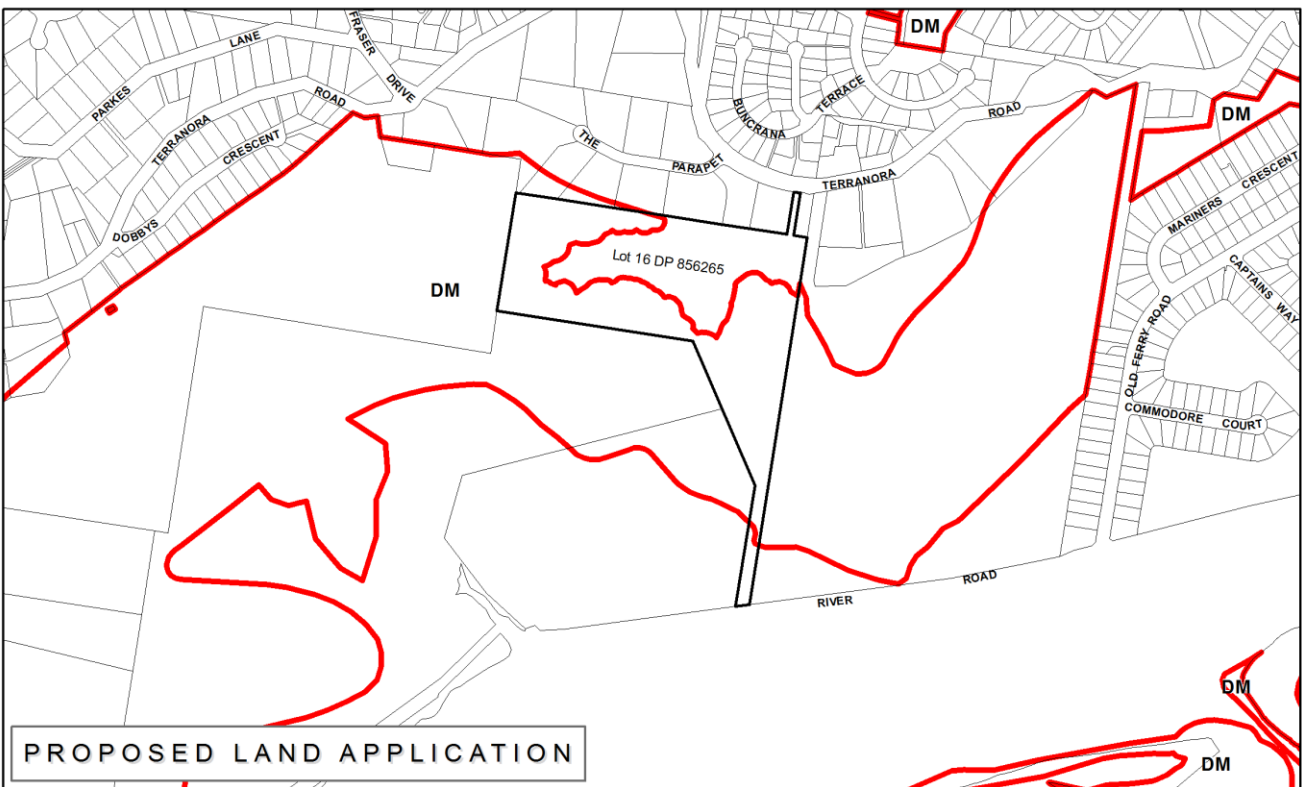
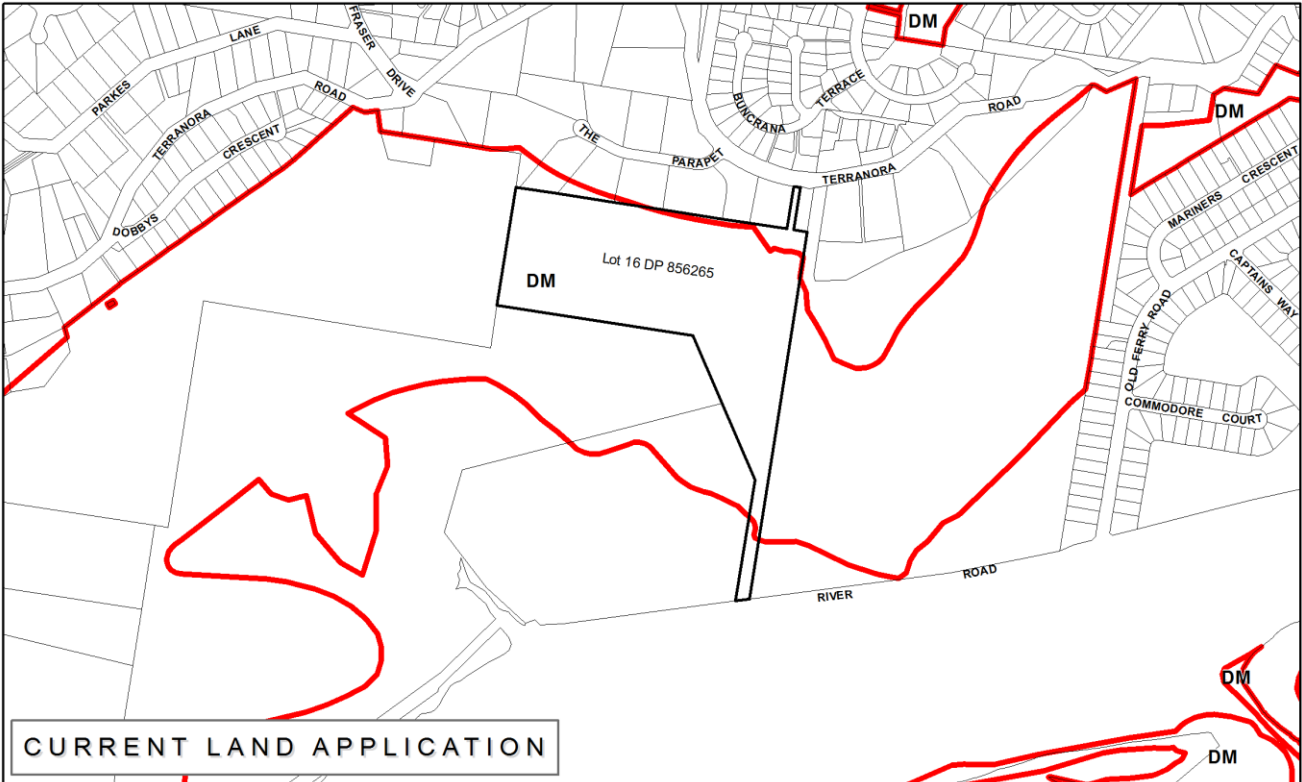
Appendix 13: Council Report – 17 November 2016

Appendix 14: Information Checklist

Appendix 1:

Land Application Maps

(Existing and approximate location of proposed)



Tweed Local Environmental Plan 2014
Land Application

Included DM Deferred

1:10,000 @ A4 Portrait
0 50 100 150 200 M
DO NOT SCALE
COPY ONLY - NOT CERTIFIED
Map Projection: Universal Transverse Mercator
Horizontal Datum: Geostic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56

Civic and Cultural Centre
3 Tumbulgun Road
Murwillumbah NSW 2484
PO Box 816
Murwillumbah NSW 2484
T | (02) 6670 2400 | 1300 292 872
F | (02) 6670 2429
W | www.tweed.nsw.gov.au
E | planning@tweed.nsw.gov.au

Tweed Local Environmental Plan 2014
DRAFT Planning Proposal

Rezoning
Affected Property:
Lot 16 DP 856265
No.225 Terranora Road, Terranora;

Council File | PP10/0006
Revised | 20/04/2017

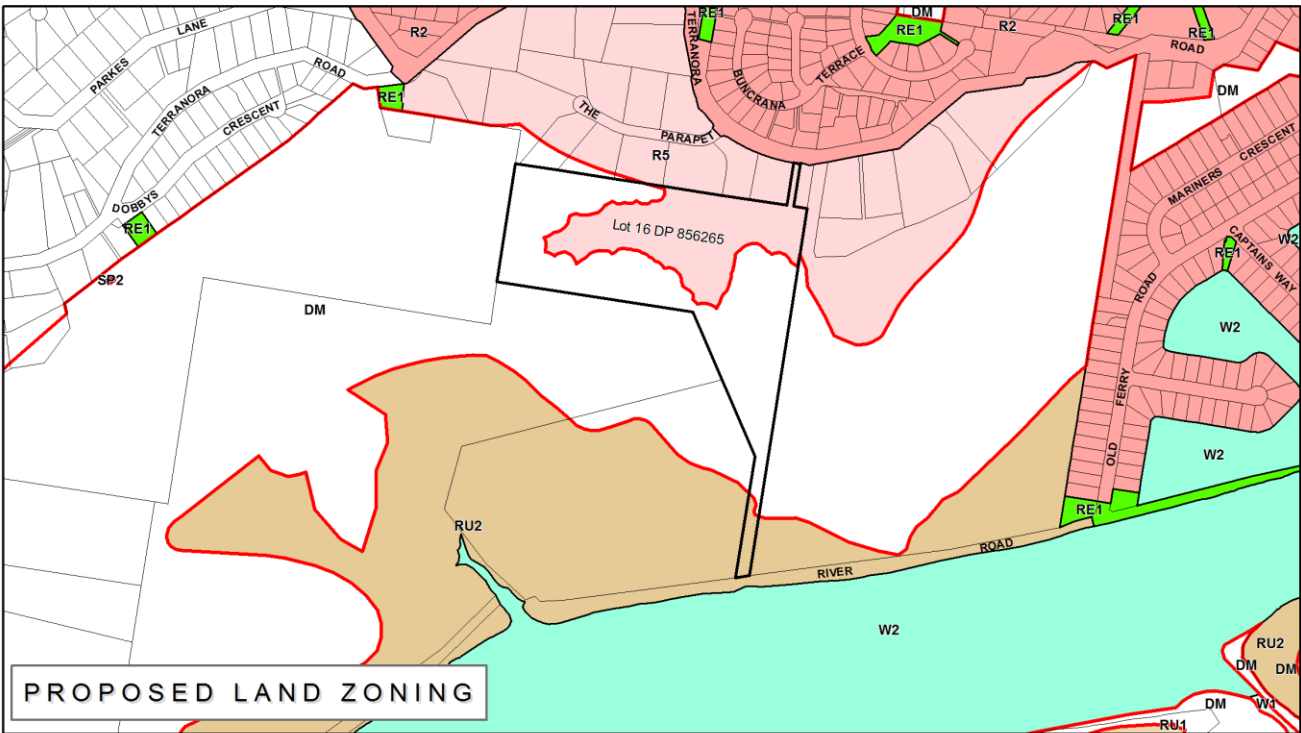
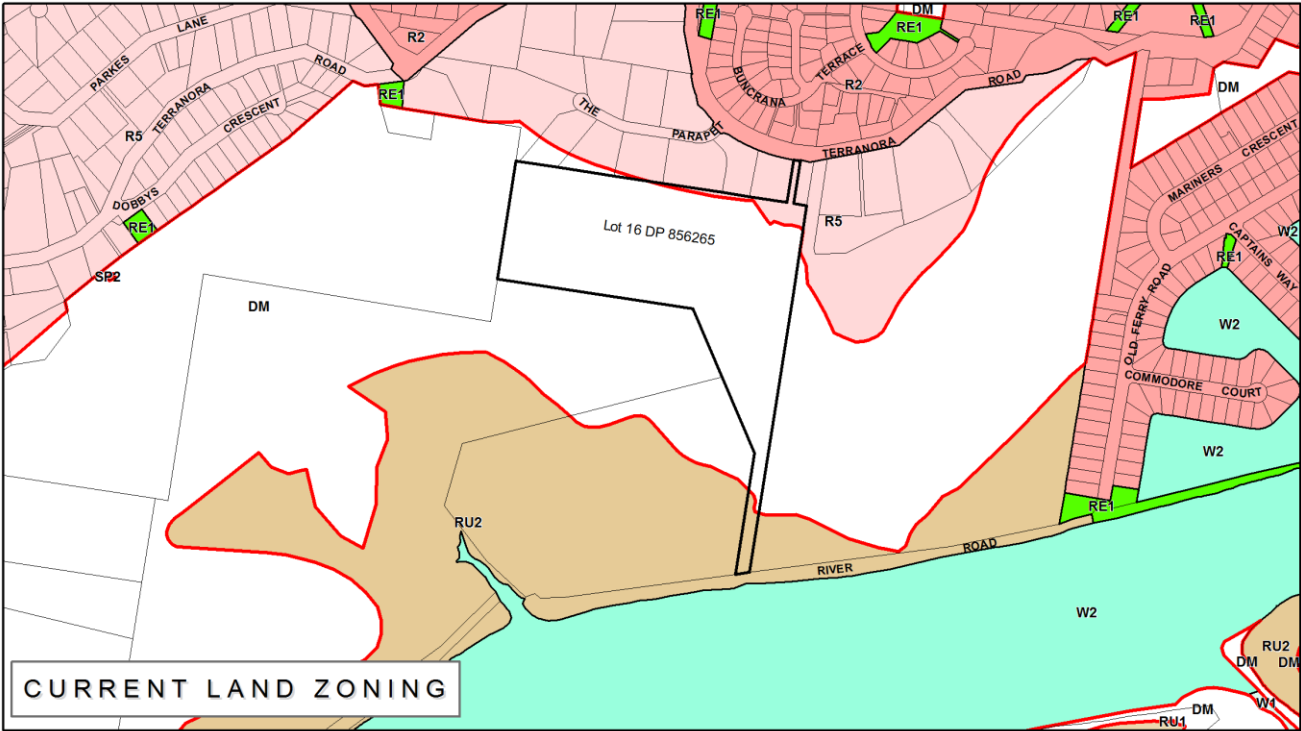
Cadastre: 20 April, 2017
© Land and Property Information (LPI) and Tweed Shire Council.
Boundaries shown should be considered approximate only.

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all Liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.
Filepath: Z:\ESRI\PRU\POLICIES & STRATEGIES\PLANNING PROPOSALS\PP10-0006\225 Terranora Road\MXD\LAP_CurrentProposed.mxd Author: J Batchelor - Strategic Planning & Urban Design Unit Date Printed: 20 April, 2017

Appendix 2:

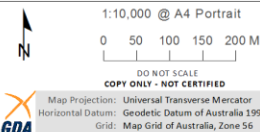
Land Zoning Maps

(Existing and approximate location of proposed)



Tweed Local Environmental Plan 2014
Land Zoning

B1 Neighbourhood Centre	E1 National Parks and Nature Reserves	R5 Large Lot Residential	SP1 Special Activities	DM Deferred Matter
B2 Local Centre	IN1 General Industrial	RE1 Public Recreation	SP2 Infrastructure	MD SEPP (Major Development) 2005
B3 Commercial Core	IN4 Working Waterfront	RE2 Private Recreation	SP3 Tourist	TCC Tweed City Centre LEP 2012
B4 Mixed Use	R1 General Residential	RU1 Primary Production	W1 Natural Waterways	
B5 Business Development	R2 Low Density Residential	RU2 Rural Landscape	W2 Recreational Waterways	
B7 Business Park	R3 Medium Density Residential	RU5 Village	W3 Working Waterways	



TWEED
SHIRE COUNCIL
Civic and Cultural Centre
3 Tumbulgum Road
Murwillumbah NSW 2484
PO Box 816
Murwillumbah NSW 2484
T | (02) 6670 2400 | 1300 292 872
F | (02) 6670 2429
W | www.tweed.nsw.gov.au
E | planning@tweed.nsw.gov.au

Tweed Local Environmental Plan 2014
DRAFT Planning Proposal

Rezoning
Affected Property:
Lot 16 DP 856265
No.225 Terranora Road, Terranora.

Council File | PP10/0006
Revised | 20/04/2017

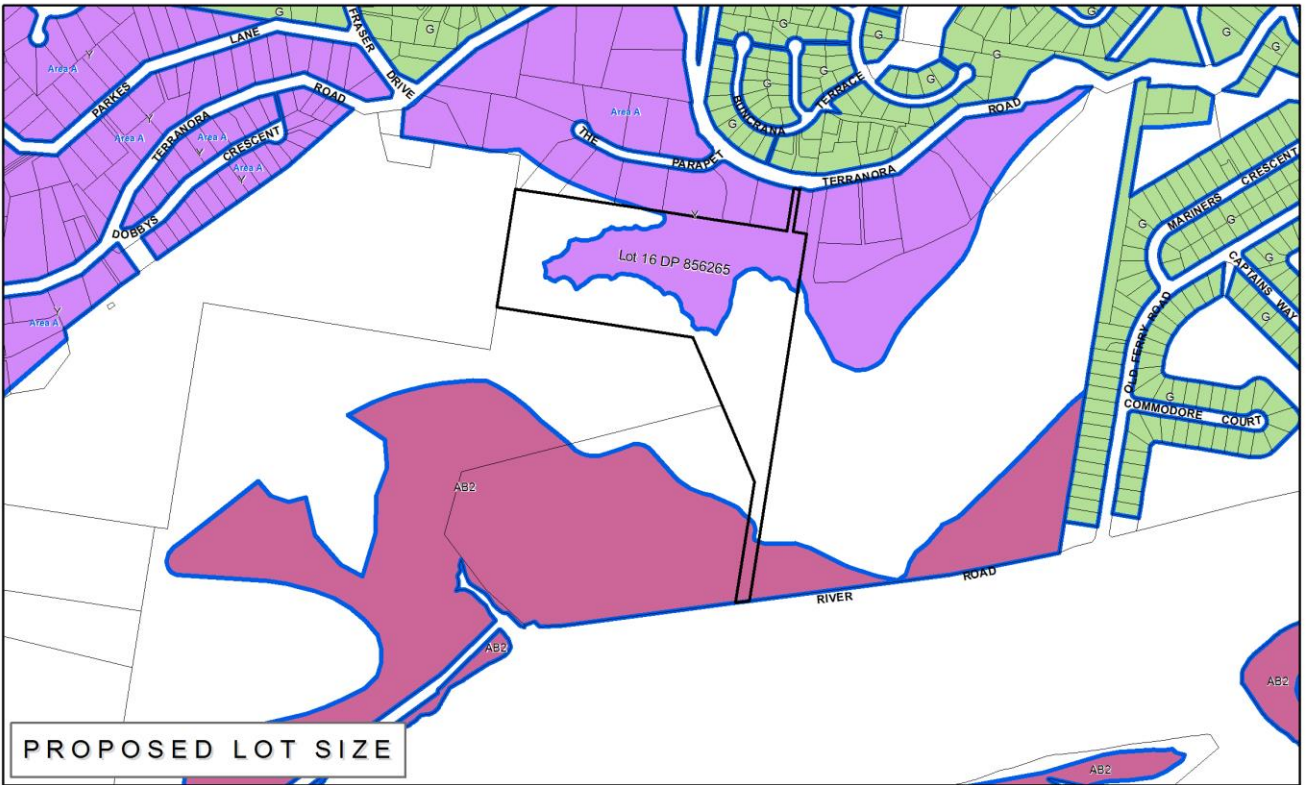
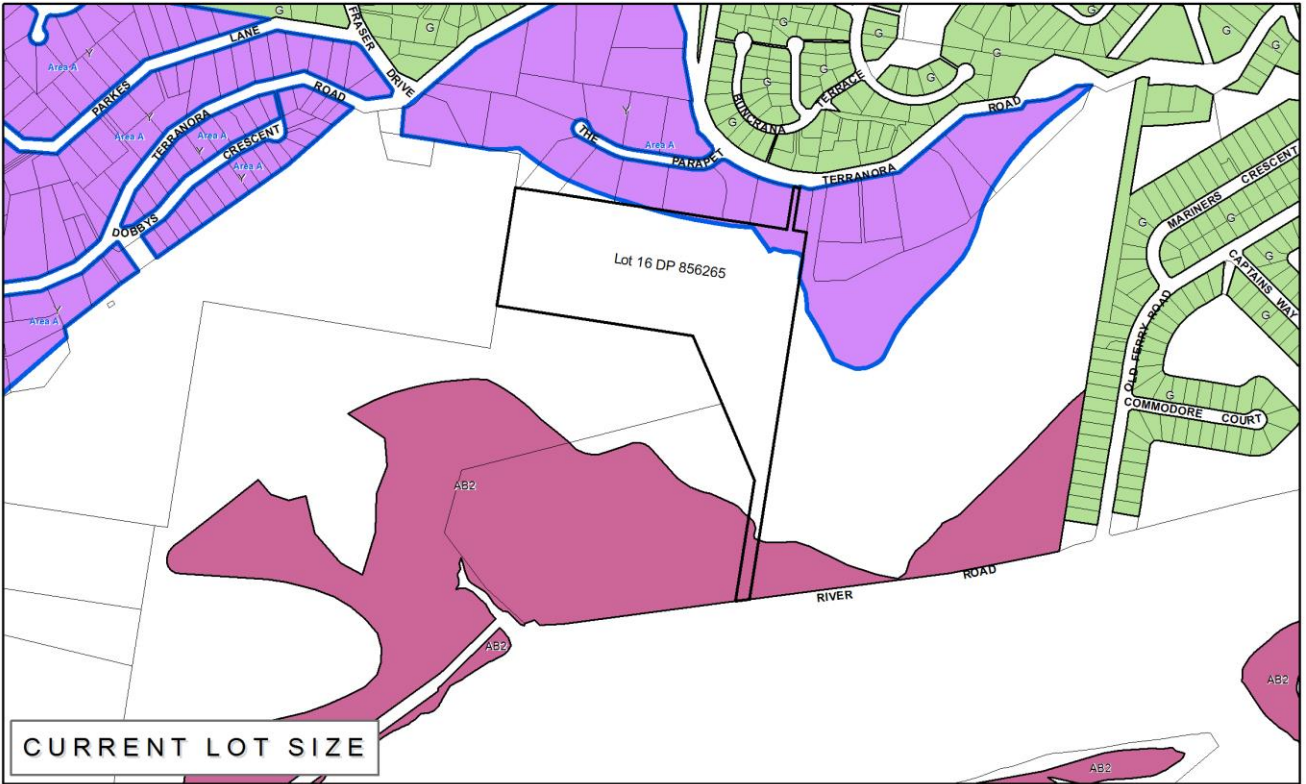
Cadastre: 20 April 2017
© Land and Property Information (LPI) and Tweed Shire Council.
Boundaries shown should be considered approximate only.

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.
Filepath: Z:\ESR\PRU\POLICIES & STRATEGIES\PLANNING PROPOSALS\PP10-0006\225 Terranora Road\MXD\LZN_CurrentProposed.mxd Author: J Batchelor - Strategic Planning & Urban Design Unit Date Printed: 20 April, 2017

Appendix 3:

Lot Size Maps

(Existing and approximate location of proposed)



Tweed Local Environmental Plan 2014

Lot Size

Minimum Lot Size (sq m)

E 350	Q 700	Y 1ha	AB1 10ha	Area A Refer to Clause 4.2A(2)
G 450	V 2000	Z 4ha	AB2 40ha	

1:10,000 @ A4 Portrait
 0 50 100 150 200 M
 DO NOT SCALE
 COPY ONLY - NOT CERTIFIED
 Map Projection: Universal Transverse Mercator
 Horizontal Datum: Geoidetic Datum of Australia 1994
 Grid: Map Grid of Australia, Zone 56

TWEED
 SHIRE COUNCIL
 Civic and Cultural Centre
 3 Tumbulgum Road
 Murwillumbah NSW 2484
 PO Box 816
 Murwillumbah NSW 2484
 T | (02) 6670 2400 | 1300 292 872
 F | (02) 6670 2429
 W | www.tweed.nsw.gov.au
 E | planning@tweed.nsw.gov.au

Tweed Local Environmental Plan 2014
DRAFT Planning Proposal

Rezoning
Affected Property:
 Lot 16 DP 856265
 No.225 Terranora Road, Terranora;

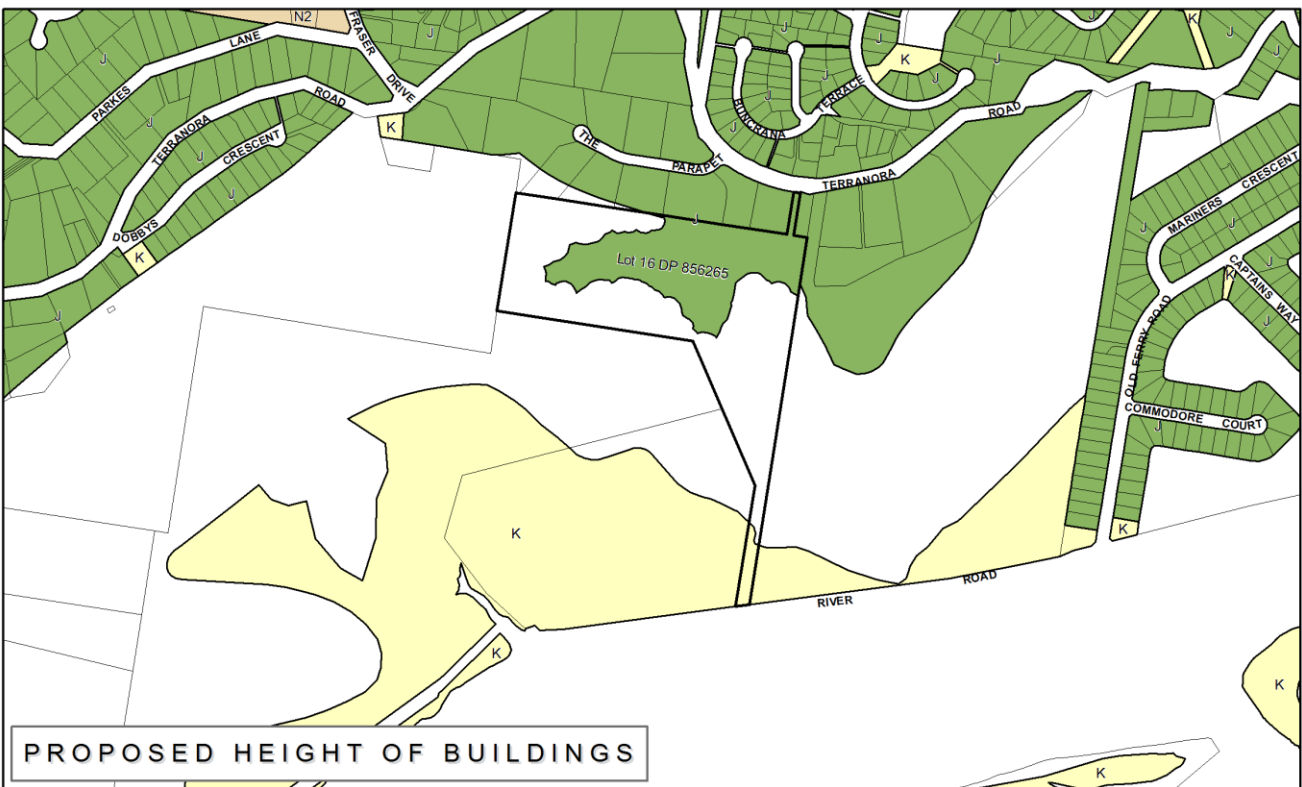
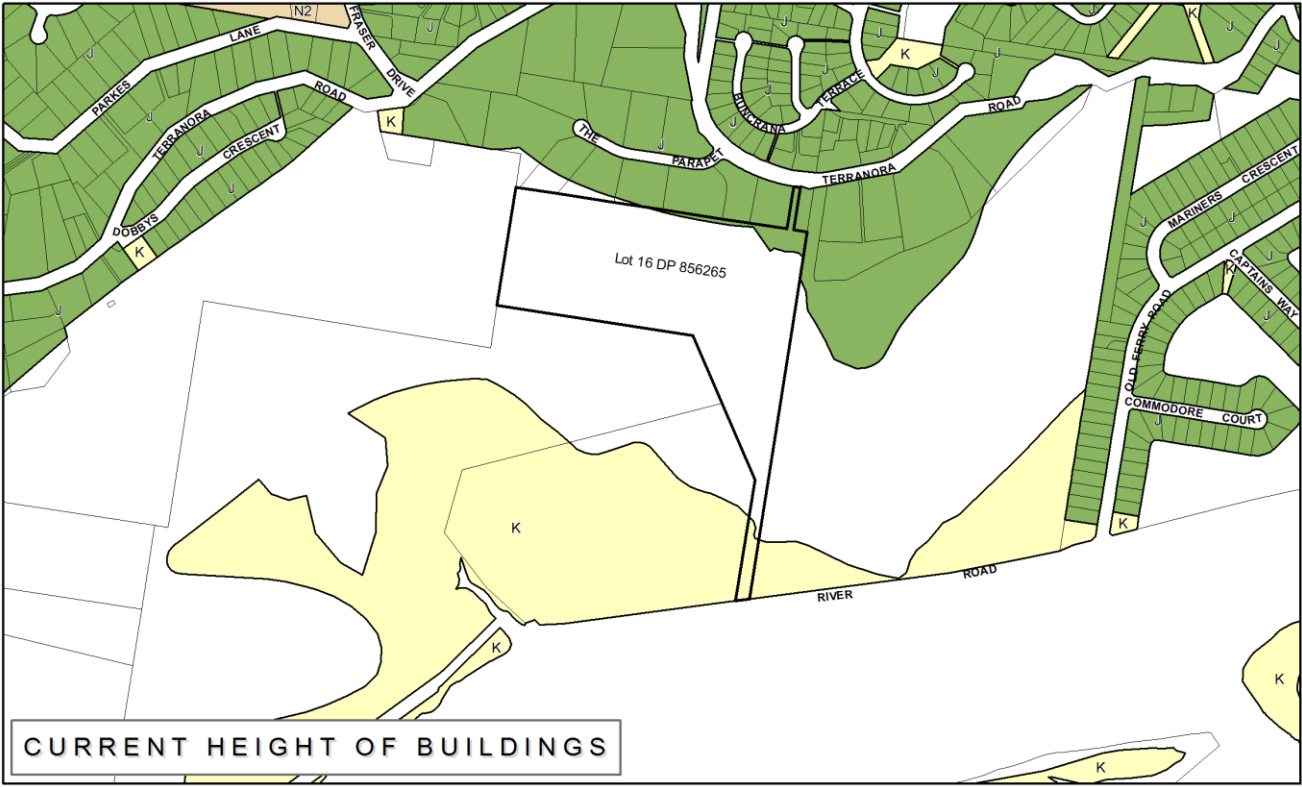
Council File |PP10/0006
 Revised |20/04/2017

Cadastre: 20 April, 2017
 © Land and Property Information (LPI) and Tweed Shire Council.
 Boundaries shown should be considered approximate only.

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before you Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.
 Filepath: Z:\ESRI\PRU\POLICIES & STRATEGIES\PLANNING PROPOSALS\PP10-0006 225 Terranora Road\MXD\LSZ_CurrentProposed.mxd Author: J.Batchelor - Strategic Planning & Urban Design Unit Date Printed: 20 April, 2017

Appendix 4:

Height of Buildings Maps (Existing and approximate location of proposed)



Tweed Local Environmental Plan 2014
 Height of Buildings
 Maximum Building Height (m)

I 8	K 10	M 12.2	N2 13.6	W 40	21
J 9	L 11	N1 13	N3 14		

Maximum Building Height (RL)
 Heights shown on map in RL(m)

1:10,000 @ A4 Portrait
 0 50 100 150 200M
 DO NOT SCALE
 COPY ONLY - NOT CERTIFIED
 Map Projection: Universal Transverse Mercator
 Horizontal Datum: Geostic Datum of Australia 1994
 Grid: Map Grid of Australia, Zone 56

TWEED
 SHIRE COUNCIL
 Civic and Cultural Centre
 3 Tumbulgum Road
 Murwillumbah NSW 2484
 PO Box 816
 Murwillumbah NSW 2484
 T | (02) 6670 2400 | 1300 292 872
 F | (02) 6670 2429
 W | www.tweed.nsw.gov.au
 E | planning@tweed.nsw.gov.au

Tweed Local Environmental Plan 2014
DRAFT Planning Proposal
 Rezoning
 Affected Property:
 Lot 16 DP 856265
 No.225 Terranora Road, Terranora;

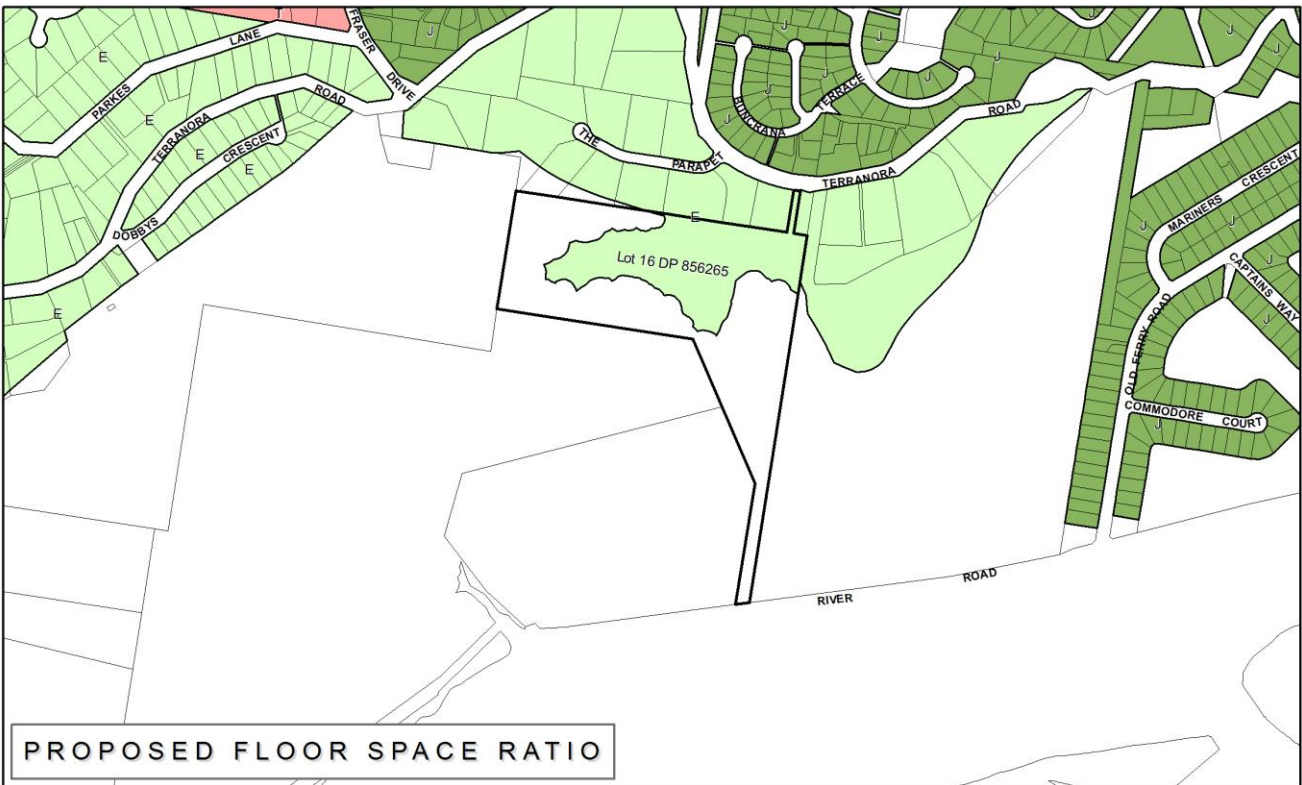
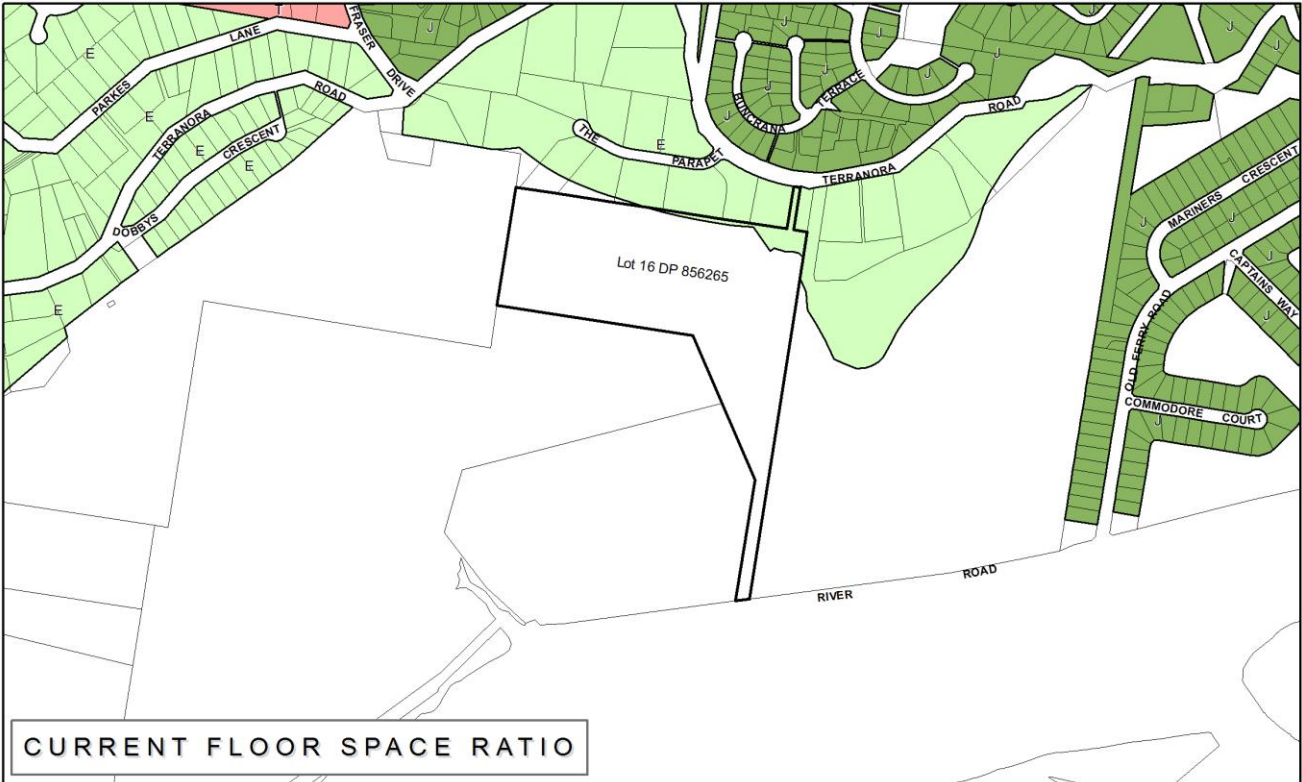
Council File | PP10/0006
 Revised | 20/04/2017
 Cadastre: 20 April 2017
 © Land and Property Information (LPI) and Tweed Shire Council.
 Boundaries shown should be considered approximate only.

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all Liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.
 Filepath: Z:\ESRI\PRU\POLICIES & STRATEGIES\PLANNING PROPOSALS\PP10-0006\225 Terranora Road\MXD\H08_CurrentProposed.mxd Author: J Batchelor - Strategic Planning & Urban Design Unit Date Printed: 20 April, 2017

Appendix 5:

Floor Space Ratio Maps

(Existing and approximate location of proposed)



Tweed Local Environmental Plan 2014

Floor Space Ratio
Maximum Floor Space Ratio (n:1)

- D 0.5
- E 0.55
- F 0.6
- J 0.8
- N 1
- P 1.2
- S1 1.75
- S2 1.85
- T 2

1:10,000 @ A4 Portrait
0 50 100 150 200 M
DO NOT SCALE
COPY ONLY - NOT CERTIFIED
Map Projection: Universal Transverse Mercator
Horizontal Datum: Geostatic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56

Civic and Cultural Centre
3 Tumbulgum Road
Murwillumbah NSW 2484
TWEED
SHIRE COUNCIL
PO Box 816
Murwillumbah NSW 2484
T | (02) 6670 2400 | 1300 292 872
F | (02) 6670 2429
W | www.tweed.nsw.gov.au
E | planning@twecms.tweed.nsw.gov.au

Tweed Local Environmental Plan 2014
DRAFT Planning Proposal

Rezoning
Affected Property:
Lot 16 DP 856265
No.225 Terranora Road, Terranora;

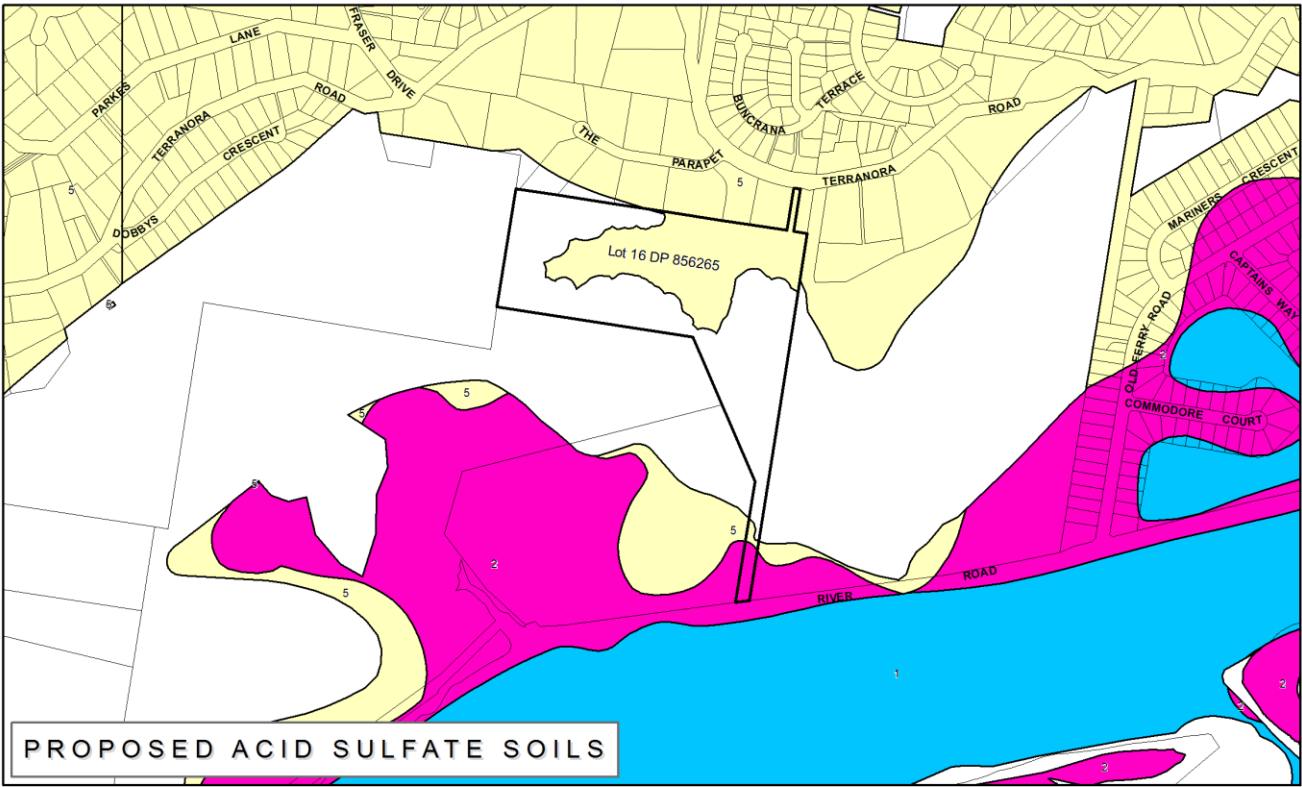
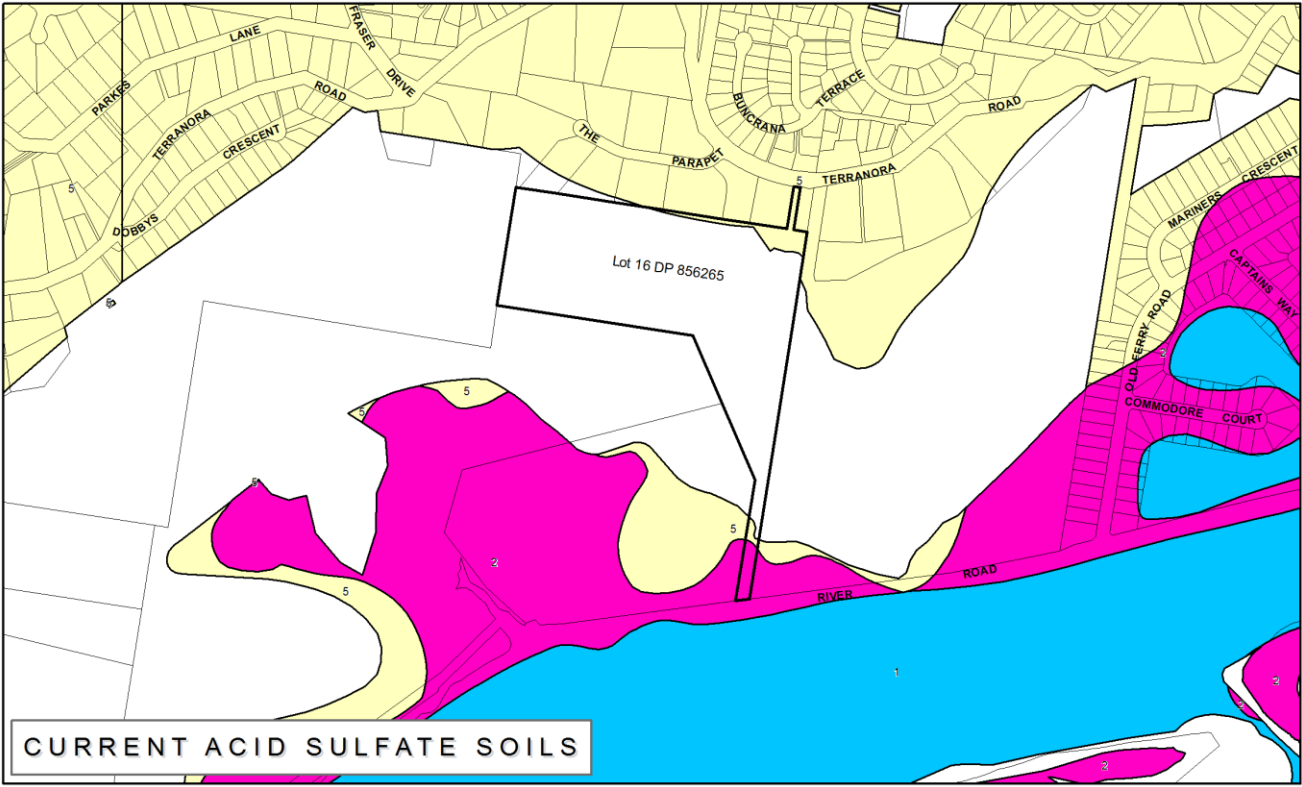
Council File | PP10/0006
Revised | 20/04/2017

Cadastre: 20 April, 2017
© Land and Property Information (LPI) and Tweed Shire Council. *Boundaries shown should be considered approximate only.*

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all Liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.
Filepath: Z:\ESRI\PRU\POLICIES & STRATEGIES\PLANNING PROPOSALS\PP10-0006\225 Terranora Road\MXD\FSR_CurrentProposed.mxd Author: J Batchelor - Strategic Planning & Urban Design Unit Date Printed: 20 April, 2017

Appendix 6:

Acid Sulfate Soil Maps Maps (Existing and approximate location of proposed)



Tweed Local Environmental Plan 2014
Acid Sulfate Soils

- Class 1
- Class 2
- Class 3
- Class 4
- Class 5

1:10,000 @ A4 Portrait
0 50 100 150 200 M
DO NOT SCALE
COPY ONLY - NOT CERTIFIED
Map Projection: Universal Transverse Mercator
Horizontal Datum: Geostic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56

TWEED
SHIRE COUNCIL
Civic and Cultural Centre
3 Tumbulgum Road
Murwillumbah NSW 2484
PO Box 816
Murwillumbah NSW 2484
T | (02) 6670 2400 | 1300 292 872
F | (02) 6670 2429
W | www.tweed.nsw.gov.au
E | planning@tweed.nsw.gov.au

Tweed Local Environmental Plan 2014
DRAFT Planning Proposal

Rezoning
Affected Property:
Lot 16 DP 856265
No.225 Terranora Road, Terranora;

Council File | PP10/0006
Revised | 20/04/2017

Cadastre: 20 April, 2017
© Land and Property Information (LPI) and Tweed Shire Council. Boundaries shown should be considered approximate only.

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all Liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before you Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.
Filepath: Z:\ESRI\PRU\POLICIES & STRATEGIES\PLANNING PROPOSALS\PP10-0006\225 Terranora Road\MXD\ASS_CurrentProposed.mxd Author: J Batchelor - Strategic Planning & Urban Design Unit Date Printed: 20 April, 2017

Appendix 7:

Assessment of Consistency with North Coast Regional Plan 2036

Consistency with North Coast Regional Plan 2036

Goal 1: The most stunning environment in NSW

Direction/Action		Response
Direction 1: Deliver environmentally sustainable growth		
1.1	Focus future urban development to mapped urban growth areas.	The site is adjacent to an existing urban area but is not part of a mapped urban growth area. The proposal is a minor extension of an existing large lot residential area and does not represent significant urban growth. The variation principles of the Policy are met for this proposal.
1.4	Prepare land release criteria to assess appropriate locations for future residential, commercial and industrial uses.	N/A – Minor extension of residential land consistent with adjoining uses to the north.
Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments		
2.1	Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value.	The planning proposal only affects land disturbed by past quarrying activities.
2.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	Consistent.
Direction 3: Manage natural hazards and climate change		
3.1	Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.	No impact from climate change anticipated due to the elevation of the site. Further investigation is required with respect to geotechnical stability.
3.2	Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated	Relevant site specific investigations have been undertaken in this regard and would be reviewed as part of the planning proposal process.
Goal 2: A thriving, interconnected economy		
Direction 11: Protect and enhance productive agricultural lands		
11.1	Enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour.	The land is not identified as prime agricultural land, and it is not adjacent to important farmland.
11.3	Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.	As above.
Direction 13: Sustainably manage natural resources		
13.1	Enable the development of the region's natural, mineral and forestry resources by directing to suitable locations land uses such as residential development that are sensitive to impacts from noise, dust and light interference.	The proposal would not impact on these identified resources.
13.2	Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.	The land was previously used for quarrying. The site is not identified as having significant construction material resources.
Goal 3: Vibrant and engaged communities		
Direction 16: Collaborate and partner with Aboriginal communities		
16.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning	Aboriginal cultural heritage investigations will be required prior to public exhibition of the planning

Consistency with North Coast Regional Plan 2036

	process, including the development of engagement protocols.	proposal.
16.2	Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans.	As above.
Direction 17: Increase the economic self-determination of Aboriginal communities		
17.2	Foster closer cooperation with Local Aboriginal Land Councils to identify the unique potential and assets of the North Coast communities.	As above.
Direction 18: Respect and protect the North Coast's Aboriginal heritage		
18.1	Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities.	Aa above.
18.2	Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified.	As above
18.3	Develop local heritage studies in consultation with the local Aboriginal community, and adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	As above
18.4	Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas, where culturally appropriate, to inform planning strategies and local plans to protect Aboriginal heritage.	As above.
Direction 19: Protect historic heritage		
19.1	Ensure best-practice guidelines are considered such as the <i>Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance</i> and the <i>NSW Heritage Manual</i> when assessing heritage significance.	As above
19.2	Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls.	As above
19.3	Deliver the adaptive or sympathetic use of heritage items and assets.	As above
Direction 20: Maintain the region's distinctive built character		
20.1	Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the <i>North Coast Urban Design Guidelines</i> (2009).	Any future development of the site for housing would need to satisfy Tweed DCP Section A1 – Residential and Tourist Development Code.
Direction 21: Coordinate local infrastructure delivery		
21.2	Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.	Infrastructure provision has been assessed elsewhere in this report.
Goal 4: Great housing choice and lifestyle options		
Direction 22: Deliver greater housing supply		
22.1	Deliver an appropriate supply of residential land within local growth management strategies and	Minor increase in the supply of residential land for large lot housing development. This is not

Consistency with North Coast Regional Plan 2036

	local plans to meet the region's projected housing needs.	identified within a local growth management strategy but is a minor variation of an existing urban boundary.
Direction 23: Increase housing diversity and choice		
23.2	Develop local growth management strategies to respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place.	The proposal would facilitate an additional housing choice.
Direction 24: Deliver well-planned rural residential housing areas		
24.1	Facilitate the delivery of well-planned rural residential housing areas by: <ul style="list-style-type: none"> • identifying new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment; and • ensure that such proposals are consistent with the <i>Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies</i> (2007) or land release criteria (once finalised). 	Minor increase in the supply of residential land for large lot housing development. This is not identified within a local growth management strategy but is a minor variation of an existing urban boundary. The consistency with the <i>Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies</i> (2007) is addressed in Appendix 8 and is considered to be satisfactory.
24.2	Enable sustainable use of the region's sensitive coastal strip by ensuring new rural residential areas are located outside the coastal strip, unless already identified in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment.	As above.
Direction 25: Deliver more opportunities for affordable housing		
25.1	Deliver more opportunities for affordable housing by incorporating policies and tools into local growth management strategies and local planning controls that will enable a greater variety of housing types and incentivise private investment in affordable housing.	Affordable housing provision is not proposed.

Appendix 8:

Consistency with Settlement Planning Guidelines : Mid and Far North Coast Plans (2007)

Consistency with Settlement Planning Guidelines: Mid and Far North Coast Regional Plans (2007)		
Planning Principles		Response
Location		
1	Future urban settlement should be located predominantly within the agreed growth areas.	The site is adjacent to an existing urban area but is not part of a mapped urban growth area. The proposal is a minor extension of an existing large lot residential area and does not represent significant urban growth. It is considered that the variation principles of the Policy are met for this proposal.
2	Future settlement, where permitted by the regional strategies and outside the agreed growth areas, must be located to minimise environmental impacts and be sustainable. Such settlement must satisfy the sustainability criteria contained in Appendix 1 of the Regional Strategies.	The proposal is a minor increase in large lot residential housing, not a future settlement area. The investigations that have been and will be undertaken will ensure that environmental impacts are minimised.
Land suitability (environment, natural resources, hazard)		
3	Future development should be located on land that is suitable for the development and capable of supporting the proposed uses.	The investigations that have been and will be undertaken will ensure that the land is capable of supporting the intended use.
5	Future development should avoid areas of environmental significance, significant natural and/or economic resource, potential hazard, high landscape or cultural heritage value, or potential increased risk associated with impacts of climate change.	As above.
6	Future development adjoining land with the above values should incorporate buffers as necessary to help protect those values and to avoid future land use conflict.	Appropriate buffers will be determined as part of investigations that are required, particularly in relation to bushfire.
Land release		
7	Future development should be strategically planned by providing a timely release of adequate and appropriately located land to address the specific dwelling targets and housing mix identified in the regional strategies. Future rural residential development should be planned for as part of council's total dwelling targets	Consistent, this is not a major land release.
Settlement form and hierarchy		
9	Future development should: <ul style="list-style-type: none"> <input type="checkbox"/> strengthen the hierarchy of settlement identified in the regional strategies, support and maintain strong multi-functional business centres, minimise urban sprawl, and maximise infrastructure and service efficiencies; <input type="checkbox"/> be planned to create communities within the hierarchy of settlement. Consideration should be given to the ultimate geographical extent and population target for each community that is to be formed or built upon, and the staging/timing by which it is proposed to reach that position; <input type="checkbox"/> provide for a mix of houses, jobs and open space; <input type="checkbox"/> be appropriately located in relation to its scale, nature or type of development; the ability to provide the necessary infrastructure and services; the need 	Not applicable due to the minor nature of the proposal.

	for access and to ensure effective traffic management; □□in the case of residential development, provide for a variety of dwelling types and a choice in location, form and affordability; and □□enable mixed uses and home-based employment in residential or village zonings where appropriate.	
10	Future rural residential development should be planned so any new opportunities strengthen the settlement hierarchy identified in the regional strategies. It should be located close to existing centres and away from areas that may in the future have values for urban expansion.	The land is located close to existing urban areas and is satisfactory with respect to the relevant considerations.
11	Future rural residential development should be clustered to encourage a sense of community and for the efficient provision of services. Fragmented development over the landscape will not be permitted.	The land is adjacent to existing large lot housing and would form part of this community.
12	Future development, particularly at the residential/agricultural and the residential/industrial interfaces, should be planned for and managed so any potential conflict is minimised in relation to adjacent land uses.	The site is not adjacent to significant farmland or industrial land.
Urban design and heritage		
13	Future development should recognise, protect and be compatible with any unique topographic, natural or built cultural features essential to the visual setting, character, identity, or heritage significance of the area or settlement that it is to be located in.	The modest scale of the proposal will enable these characteristics to be recognised and the ultimate development appropriately designed to be compatible with the environmental qualities of the site and its surrounds.
14	Future development should reflect high quality design that is compatible with the local and regional attributes which make up the region's character, such as climate, landscape, history, topography, and existing built environment.	This would need to be considered as part of the future development application for subdivision and dwelling design.
15	Future development should be designed to ensure there is public access to an adequate supply of appropriately located public open space and recreation areas, to provide for a range of recreational uses and visual amenity.	Satisfactory. The site is adjacent to an existing urban where open space facilities are available.
16	Future development should contribute to an open space network across the local government area that is designed to: □□encourage and maintain pedestrian movement and public access to community resources or public places (such as watercourses, beaches etc.); and □□to reflect each site's natural features and requirements for drainage and water quality maintenance, and nature conservation and biodiversity protection.	There would be no impact on open space networks.
17	Future development should encourage walkability and allow for easy access to public places, local shops, services and transport and lead residents to the service centre.	Satisfactory. The proposal is a minor extension of an existing large lot residential area.
18	Aboriginal cultural and community values should be considered in the planning for future development.	Cultural heritage investigations will be required before the planning proposal is exhibited.
Infrastructure provision		
19	Future development should only be permitted where it can be provided with adequate, cost effective physical and social infrastructure to match	Satisfactory. This issue has been discussed in the body of this Planning Proposal report.

	the expected population for each settlement. In rural areas this may require the development being able to provide standalone services.	
20	Future development should strengthen the efficient use of infrastructure, services and transport networks and not overburden existing services elsewhere.	Refer to discussion above.
21	Future development should be designed and located to minimise the need to travel; to maximise opportunity for efficient public transport and pedestrian access options; and to encourage energy and resource efficiency.	As above.
22	Future development should be designed and located to have well connected and accessible urban areas increasing the opportunity for public transport, cycling and walking for residents and visitors.	As above.
23	Future development should be designed and located to avoid placing further local traffic demand on the Pacific Highway.	Existing transport infrastructure is satisfactory for the proposal.
24	Future development should not contribute to ribbon/strip development or impact on the safety and efficiency of major or arterial roads.	Satisfactory. This has been assessed by Council engineers and Terranora Road is considered satisfactory to cater for traffic from 2 lots.
26	Future development should be designed and located to maximise total water cycle management and minimise impacts on the environment.	This would be a development application consideration.

Appendix 9:

Consistency with Far North Coast Regional Strategy 2006

Consistency with Far North Coast Regional Strategy 2006 (Applicable Provisions)	
Action	Consistency
Environment and Natural Resources	
<ul style="list-style-type: none"> • Local environmental plans will protect and zone land with State or regional environmental, agricultural, vegetation, habitat, waterway, wetland or coastline values. 	<p>A change to an environmental protection zone is proposed only in the disturbed former quarry area. Adjacent land to the south and west, which is environmentally significant, would retain its environmental protection zone. An aim of this planning proposal is to facilitate rehabilitation/regeneration of areas outside of the proposed R5 zone.</p>
<ul style="list-style-type: none"> • Local environmental plans will not zone land within the Environmental Assets and Rural Land area to permit urban purposes, other than rural residential development. Existing and future rural residential development will be located in this area, but not where it conflicts or coincides with the attributes or values listed above. 	<p>The proposed rezoning represents a logical and efficient use of the existing land to facilitate a minor expansion of the large lot residential area of Banora Point.</p>
<ul style="list-style-type: none"> • Local environmental plans will identify and zone land of landscape value (including scenic and cultural landscapes) to protect those values. 	<p>The future development of the site would be limited to 2 lots and careful planning would be required to ensure dwellings are suitably located and designed to result in acceptable impacts on the landscape.</p>
<ul style="list-style-type: none"> • Local environmental plans will protect land identified as having extractive resources of regional significance (see Appendix 2). 	<p>The land does not contain areas of extractive resources.</p>
<ul style="list-style-type: none"> • New development adjoining or adjacent to farmland, extractive resources, waterways, wetlands, and areas of high biodiversity value will incorporate buffers to avoid land use conflict. 	<p>Buffers to surrounding vegetated areas would be determined as part of more detailed analysis, prior to exhibition of the planning proposal.</p>
<ul style="list-style-type: none"> • The Department of Primary Industries and the Department of Planning will assist local government with the development of appropriate subdivision standards for rural zones. 	<p>Not applicable. No changes to current standards are proposed.</p>
<ul style="list-style-type: none"> • Local environmental plans will: <ul style="list-style-type: none"> > include minimum subdivision standards for rural and environment protection zones > include provisions to limit dwellings in the rural and environmental zones > not include provisions to permit concessional allotments. 	<p>It is proposed that all provisions in the Tweed Local Environmental Plan 2014 and Tweed LEP 2000 will apply in respect of the rural and environmental protection zones.</p>

Consistency with Far North Coast Regional Strategy 2006 (Applicable Provisions)	
Action	Consistency
<ul style="list-style-type: none"> Local environmental plans will include provisions to encourage habitat and corridor establishment in future zoning of Environmental Assets and Rural Land area. 	As above.
Cultural Heritage	
<ul style="list-style-type: none"> Councils are to ensure that Aboriginal cultural and community values are considered in the future planning and management of their local government area. 	An assessment regarding Aboriginal cultural heritage would be undertaken prior to exhibition of the planning proposal.
<ul style="list-style-type: none"> Councils and the Department of Planning will review the scope and quality of the existing statutory lists of heritage items and ensure that all places of significance are included in the heritage schedules of local environmental plans. 	There are no listed heritage items on the subject land.
Natural Hazards	
Settlement and Housing	
<ul style="list-style-type: none"> Local environmental plans, local growth management strategies and other statutory planning controls will align with the Regional Strategy's settlement network (as shown on the Housing Map) to contain the spread of urban development, efficiently utilise existing services and infrastructure, and protect areas of high conservation value. 	The proposal is not inconsistent with this provision in that it involves a minor 'rounding off' of the Town and Village Growth Boundary.
<ul style="list-style-type: none"> Local environmental plans will ensure that all new development reinforces existing urban and rural centres, towns and villages. 	As above. The proposal involves a minor 'rounding off' of the Town and Village Growth Boundary.
<ul style="list-style-type: none"> New development must be located in a manner that prevents ribbon or strip development along major roads and does not impact on the safety and efficiency of arterial roads. 	The proposal would utilise an existing access point from Terranora Road. Council is satisfied of the suitability of this access point and the potential impact of traffic generated from the proposal.
<ul style="list-style-type: none"> Where development or a rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution towards the provision of such infrastructure. 	Not required.
<ul style="list-style-type: none"> Councils will plan for a range of housing types of appropriate densities, location and suitability that are capable of adapting and responding to the ageing of the population. 	The proposal will provide for, and facilitate a range of housing choices, contributing to housing stock and lifestyle choice in the Tweed.
<ul style="list-style-type: none"> Local government will consider a range of affordable housing strategies, including forms of low cost housing, suitable zonings and development controls to improve housing choice, and specific schemes. These strategies must be consistent with relevant State policies. 	Council has not prepared a housing strategy at this stage.

Consistency with Far North Coast Regional Strategy 2006 (Applicable Provisions)	
Action	Consistency
<ul style="list-style-type: none"> Local environmental plans will maintain interurban breaks between existing and new settlements. 	<p>The proposed rezoning does not affect interurban breaks between new settlements.</p>
Town and Village Growth Boundary	
<ul style="list-style-type: none"> The Town and Village Growth Boundary is defined by the Town and Village Growth Boundary Map (see sheets 1 to 6 at back of document). 	<p>The site is not within the Town and Village Growth Boundary (TVGB). Rezoning the land for large lot residential use to allow development of the site would not be inconsistent with the vision, land use strategy, policies, outcomes or actions of the FNCRS, given that:</p> <ul style="list-style-type: none"> A part of the site is already zoned for large lot residential purposes The site is located in area containing existing large lot residential development and undeveloped land which is also zoned for large lot residential development The development would be limited to the existing disturbed former quarry area.
<ul style="list-style-type: none"> No land in the Coastal Area will be released other than land identified within the Town and Village Growth Boundary or within an approved rural residential release strategy. 	<p>As above.</p>
<ul style="list-style-type: none"> Councils will prepare a Local Growth Management Strategy prior to zoning further land for urban, commercial and industrial uses in accordance with the Settlement Planning Guidelines. 	<p>Council has not finalised a Local Growth Management Strategy at this stage.</p>
<ul style="list-style-type: none"> Councils will demonstrate through the Local Growth Management Strategy how dwelling targets (Table 1) for each local government area will be met in local environmental plans. 	<p>Council has not finalised a Local Growth Management Strategy at this stage.</p>
<ul style="list-style-type: none"> Planning for urban land must be integrated with the supply of relevant infrastructure and transport provision. 	<p>Council has prepared an infrastructure strategy (Tweed Development Program, 1996) and that Program together with Council's Section 94 Contribution Plans in relation to roads (Section 94 Plan No. 4) ensures that there is a timely and equitable provision of transport infrastructure to service new developments. The future development of the site will attract the relevant section 94 contributions.</p>

Consistency with Far North Coast Regional Strategy 2006 (Applicable Provisions)	
Action	Consistency
Settlement Character and Design	
<ul style="list-style-type: none"> • Councils should prepare desired character statements for their localities that include provisions (through a development control plan) to ensure that new development enhances the desired character. 	A character statement or DCP for the locality has not been prepared. Any future development of the site would need to be in accordance with the shire-wide adopted Tweed DCP provisions relating to subdivision and residential development.
<ul style="list-style-type: none"> • New buildings should be designed to maximise adaptability to meet changing demographic needs and alternative future uses. 	This is a future DA consideration.
<ul style="list-style-type: none"> • New development should be designed to respond to the subtropical climate of the Region through best practice in water and energy efficient design, and use of landscaping and building materials. 	As above.
<ul style="list-style-type: none"> • New development should be designed to reflect and enhance the natural, cultural, visual and built character and values of the local and regional landscape. 	As above.
<ul style="list-style-type: none"> • New and changing urban areas should provide access to natural features such as coastal foreshore and riparian land in a manner that is consistent with the maintenance of their ecological values. 	The site will not change access to the Tweed River.
<ul style="list-style-type: none"> • Local environmental plans will set building heights in urban areas that reflect the landscape character, function and hierarchy of the future settlement and visual and cultural amenity of its location. 	Building height controls for the site will be reviewed following further detailed visual analysis.
<ul style="list-style-type: none"> • Local environmental plans for areas subject to the NSW Coastal Policy (NSW Government 1997) will incorporate provisions to achieve the outcomes of the Coastal Policy in respect to overshadowing. Generally, development on urban land in Tweed Heads, Kingscliff, Byron Bay and Ballina will not result in the beach or adjoining open space being overshadowed before 3.00 p.m. midwinter (standard time) or 6.30 p.m. midsummer (daylight savings time). For other beaches or waterfront open space in the Region, development will not result in overshadowing before 4.00 p.m. midwinter or 7.00 p.m. midsummer (daylight saving time). 	The subject land is within the coastal zone and future structures will not overshadow open space.

Consistency with Far North Coast Regional Strategy 2006 (Applicable Provisions)	
Action	Consistency
Water and Energy Resources	
<ul style="list-style-type: none"> In preparing local environmental plans councils will liaise with water and energy providers and make provision for any regional gas, water and electricity infrastructure corridors that may be required. 	<p>Appropriate consultations will be undertaken with service providers during the consultation phase of the Planning Proposal however there are no known capacity constraints. Water supply for future housing would be by roof water capture and use of rainwater storage tanks. Connection to reticulated supply is not practical.</p>
<ul style="list-style-type: none"> All future development is to apply water sensitive urban design principles, including the use of dual use reticulation systems in releases of adequate scale, and meet storm water management targets that support the environmental values of the catchments. 	<p>Water Sensitive Urban Design Principles will be considered in any future Development Application for the site.</p>
Implementation	
<p>This Regional Strategy will be implemented primarily through local environmental plans, development control plans, the State Infrastructure Strategy and funds collected as development contributions.</p>	<p>Noted.</p>
<p>The State Infrastructure Strategy 2006–07 to 2015–16 identifies infrastructure projects in the short to medium-term that (among other things) support population growth and demographic change in the Far North Coast. A list of projects from this Strategy is contained in Appendix 3.</p>	<p>The State Infrastructure Strategy for NSW 2006/2007 – 2015/2016 (NSW Treasury) identifies certain infrastructure required for the north coast including</p> <ul style="list-style-type: none"> - Tweed Heads Breast Screening – new facilities; - Tweed Heads Hospital Clinical Education and Research Institute; - Banora Point Public School – new hall/gymnasium (completed); - Group Homes for new clients Tweed Heads; - Bus facility improvements Tweed Heads; - Intersection improvements Tweed Heads; - Pacific Highway Banora Point Deviation including Sexton Hill (State/Federal funding) (completed); - Various electricity transmission and substation requirements.
<p>The Regional Strategy sets out the agreed position of the NSW Government on the future of the Far North Coast Region. The Regional Strategy is recognised by the State Infrastructure Strategy as a long term planning strategy to be used by State agencies and public trading enterprises to understand the future infrastructure needs of the Region.</p>	<p>The proposal is considered to be consistent with the relevant provisions of the Far North Coast Regional Strategy, as discussed above.</p>

Consistency with Far North Coast Regional Strategy 2006 (Applicable Provisions)	
Action	Consistency
Where development or rezoning increases the need for state infrastructure, the Minister for Planning may require a contribution towards the provision of such infrastructure.	See above.
Funds collected from contributions from major developments will be used for regional infrastructure, consistent with the State Infrastructure Strategy, and approved biodiversity outcomes.	See above.
Funds collected by councils through section 94 contributions plans and levies will be used to fund local infrastructure and achieve any local biodiversity outcomes.	As above.

Appendix 10:

Consistency with Council's Community Strategic Plan

Consistency with relevant objectives of Tweed Community Strategic Plan 2013/2023

Relevant Objective	Response
Civic Leadership	
1.2 Improve decision making by engaging stakeholders and taking into account community input.	The planning proposal will be exhibited for public comment, and any community and government authority submissions taken into consideration in decision making.
1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economically viable agricultural land	The additional recommended studies will determine an appropriate boundary for large lot residential development. The proposal meets this objective by limiting the number of additional dwellings to an appropriate location.
Supporting Community Life	
2.2 Improve opportunities for housing choice	The proposal would facilitate further housing opportunities on large lots close to an existing urban area.
Strengthening the Economy	
3.2 Retain prime agricultural land, farm viability, manage rural subdivision and associated landscape impacts	The proposal would not impact on prime agricultural land. Limiting the proposal to 2 lots minimises potential landscape and environmental impacts.
3.3 Maintain and enhance the Tweed lifestyle and environmental qualities as an attraction to business and tourism	
Caring for the Environment	
4.1 Protect the environment and natural beauty of the Tweed	The investigations to be undertaken aim to ensure that potential environmental impacts identified and can be appropriately managed through both the planning proposal process and subsequent development application.
4.2 Conserve native flora and fauna and their habitats.	
4.3 Maintain and enhance Tweed's waterways and its catchments	

Appendix 11:

Consistency with applicable State Environmental Planning Policies

Consistency with relevant State Environmental Planning Policies (SEPPs)

SEPP	Consistency
SEPP 14 – Coastal Wetlands	The subject land does not contain or adjoin and mapped coastal wetlands.
SEPP 44 – Koala Habitat	The subject land does not contain potential koala habitat.
SEPP 55 – Remediation of Land	A site contamination assessment was undertaken in 2002. Changes have occurred since that time for assessing potential contamination. A preliminary contamination assessment will be required prior to determining if the planning proposal should be placed on public exhibition.
SEPP 71 – Coastal Protection	The proposal seeks to rezone part of the site. Any subsequent works for subdivision or dwelling construction would be limited to the existing disturbed areas, approximately 400m from the foreshore area. Clause 8 of the SEPP sets out the relevant matters that should be considered in the preparation of a LEP. Matters relevant to the Planning Proposal include the suitability of the development given its type, location and design and its relationship with the surrounding area. The site is suitable for large lot residential development in the disturbed former quarry area
SEPP (Exempt and Complying Development Codes) 2008	Provisions of the SEPP will continue to apply.
Rural Lands SEPP	The cleared modified area is not currently used for agriculture and adjoins residential development to the north west, north and north east. The land slopes steeply to the south. The proposal is consistent with this SEPP

Appendix 12:

Consistency with applicable Section 117 local planning directions

Consistency with relevant section 117(2) Ministerial Directions

Employment and Resources

1.2 Rural Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).	The objective of this direction is to protect the agricultural production value of rural land.	The direction requires that a planning proposal must not rezone land from a rural zone to a residential zone. An inconsistency is justified due to the minor nature and significance of the proposal.
--	--	---

1.5 Rural Lands

This direction applies to all planning proposals to which <i>State Environmental Planning Policy (Rural Lands) 2008</i> applies	The objectives of this direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.	The cleared modified area is not currently used for agriculture and adjoins residential development to the north west, north and north east. The land slopes steeply to the south. The proposal is consistent with SEPP (Rural Lands) 2008 and this Direction.
---	--	--

Environment and Heritage

2.1 Environment Protection Zones

A LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas and shall not reduce the environmental protection standards that apply to the land.	The objective of this direction is to protect and conserve environmentally sensitive areas.	The proposed rezoning area has been significantly disturbed by previous quarrying activities. The adjacent areas to the south will retain its current environmental protection zone. The environmental protection standards on the areas outside the disturbed footprint would not be reduced.
---	---	--

2.2 Coastal Protection

This Direction applies when a relevant planning authority prepares a Planning Proposal that applies to land in the coastal zone.	The objective of this direction is to implement the principles in the <i>NSW Coastal Policy 1997</i> .	<p>The site is located within the coastal zone, and is subject to the <i>NSW Coastal Policy 1997</i>; however, the rezoning site is separated from Tweed river by Scenic Escarpment land.</p> <p>The site is located adjacent to an urban area and is not subject to ocean waves.</p> <p>There is no significant erosion, coastal process threats or hazards to the site.</p>
--	--	---

2.3 Heritage Conservation

A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area.	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>The site is heavily disturbed and contains no identified heritage items under Tweed LEP 2014.</p> <p>Aboriginal cultural heritage investigations will be required prior to public exhibition.</p>
---	--	--

3. Housing, Infrastructure and Urban Development

3.1 – Residential Zones

<p>A planning proposal must encourage a variety and choice of housing types to provide for existing and future housing needs, efficiently use existing infrastructure and services and minimise the impact of residential development on the environment.</p>	<p>The objective of this direction is to broaden the choice of building types and locations, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development on the urban fringe, and be of good design.</p>	<p>The proposal provides an alternative large lot housing choice. Water and sewer services will be via on site provision and not impact on public services. Other infrastructure is capable of accommodating the development and does not represent a significant increase in demand. An increase in density above 2 lots is not proposed due to environmental constraints.</p>
---	---	---

3.2 – Caravan parks and manufactured home estates

<p>This Direction provides that the relevant planning authority must retain provisions that permit development for the purpose of a caravan park to be carried out on land, and retain the zonings of existing caravan parks or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument that would facilitate the retention of the existing caravan park.</p>	<p>The objectives of this direction seek to provide for a variety of housing types, and opportunities for caravan parks and manufactured home estates</p>	<p>No change is proposed to existing provisions relating to caravan parks and manufactured home estates.</p>
---	---	--

3.3 Home Occupations

<p>This direction requires that planning proposal must permit home occupations without developing consent.</p>	<p>The objective of this direction is to encourage the carrying out of low impact small businesses in dwelling homes</p>	<p>No changes to existing provisions are proposed.</p>
--	--	--

3.4 Integrating Land Use and Transport

<p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts improving access to housing, jobs and services by walking, cycling and public transport, reducing dependence on cars, and travel demand including the number of trips, especially by car.</p>	<p>Adequate services exist in the locality. Public transport services are available along Terranora Road which links to Tweed Heads South and Banora Point where there are a range of health facilities and shopping facilities available.</p>
--	--	--

4. Hazard and Risk

4.1 Acid Sulfate Soils

<p>This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps</p>	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid</p>	<p>The site is identified as being Class 5 Acid Sulfate Soil land. Tweed LEP 2014 clause 7.1 contains provisions to regulate works undertaken on</p>
--	---	---

held by the Department of Planning and Environment.	sulfate soils.	and in proximity to acid sulfate soils.
---	----------------	---

4.3 Flood Prone Land

This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land	(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	The land proposed to be rezoned is not flood prone.
--	--	---

4.4 Planning for Bushfire Protection

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	The objectives of this direction are to protect life, property and the environment from bushfire hazards by discouraging the establishment of incompatible land uses in bushfire zone areas, and to encourage sound management of bushfire prone areas.	The proponent has prepared a bushfire hazard assessment which indicates that dwellings can be sited in the existing cleared area and appropriate asset protection zones provided without further clearing. Consultation will be required with NSW Rural Fire Service following the gateway determination.
--	---	---

5. Regional Planning

5.1 Implementation of Regional Strategies

Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	Compliance of the proposal with the NCRP 2036 is contained in Appendix 7.
---	--	---

6. Local Plan Making

6.1 Approval and Referral Requirements

This Direction provides that a LEP shall minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or Public Authority, not contain these provisions unless Council has obtained approval from the relevant Authority and not identify development as designated development unless certain prerequisites can be met	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
--	---	---

6.3 Site Specific Provisions

A LEP that amends another environmental planning instrument in order to allow a particular development proposal shall either allow that land use to be carried out in the zone that the land is situated on or rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already existing or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal planning instrument being amended.

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The planning proposal does not propose a Schedule 1 site specific development provisions.

Appendix 13:

Report – Council meeting 17 November 2016

TWEED SHIRE COUNCIL
MEETING TASK SHEET

User Instructions

If necessary to view the original Report, double-click on the 'Agenda Report' blue hyperlink above.

**Action Item - PLANNING COMMITTEE MEETING Thursday, 17 November
2016**

Action is required for Item 1 as per the Planning Committee Recommendation outlined below.

ATTENTION:

PLEASE NOTE THE ADOPTION OF THE COMMITTEE RECOMMENDATIONS BY COUNCIL AT ITS MEETING HELD Thursday, 17 November 2016 (Minute No 519 Refers)

TITLE:

Cr R Cooper

Cr W Polglase

RECOMMENDED that, in respect of Planning Proposal PP10/0006 for Lot 16 DP 856265 at 225 Terranora Road, Banora Point, the Council endorses that:

1. The planning request for a zoning redefinition prepared by Planit Consulting Ltd is not supported in so far as it relates to the general extent of the proposed rezoning;
2. A reduced area of rezoning definition and subdivisional capability is supported to the extent that it permits only a two lot subdivision, and for the purpose of residential use;
3. The Proponent is to confirm their acceptance of the reduced area for rezoning investigation and two lot subdivision capability within 21 days of the date of this resolution taking effect;
4. On receipt of the Proponent's acceptance the Director Planning and Regulation is to prepare and submit a Planning Proposal for a Ministerial Gateway Determination for a zoning redefinition based on the reduced land area and restricted subdivision capability, but not

before the compliance matters relating to the illegal dwelling(s) and imported fill material have been concluded to the Councils satisfaction; and

5. Should the Proponent fail to confirm their acceptance within the time required or notifies of their non-acceptance at any prior time the Director Planning and Regulation pursuant to s.10A of the *Environmental Planning and Assessment Regulation 2000* is to notify the proponent that their planning request is not supported.

6. The Director Planning and Regulation is to take all necessary and reasonable measures to ensure that any breach of planning laws in respect of the illegal dwelling(s) and imported fill material are rectified in accordance with those laws and where appropriate the land is to be reinstated to its natural condition prior to those works or buildings occurring.

The Motion was **Carried**

FOR VOTE - Unanimous

[Agenda Report](#)

TITLE:

SUBMITTED BY: Strategic Planning and Urban Design

FILE REFERENCE: PP10/0006

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- | | |
|-------|--|
| 1 | Civic Leadership |
| 1.5 | Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land |
| 1.5.2 | Land use plans and development controls will be applied and regulated rigorously and consistently and consider the requirements of development proponents, the natural environment and those in the community affected by the proposed development |

SUMMARY OF REPORT:

This report seeks Council's endorsement of an approach to proceed with consideration of a request to prepare a planning proposal for Lot 16 DP 856265 at 225 Terranora Road, Banora Point that was first received in April 2015.

The Proponent's application form stated described the proposal as a 'rezoning to allow large lot residential development', necessitating a rezoning of part of the land from 7(d) Environmental Protection (Scenic/Escarpment) under *Tweed Local Environmental Plan 2000* to R5 Large Lot Residential under *Tweed Local Environmental Plan 2014* to permit residential lots of 0.4ha or greater. The most current iteration of the Proponent's proposal comprises a 16 lot community title subdivision in which many of the lots depicted on their 'concept plan' are closer to 0.25ha.

Whilst the site comprises an area of cleared land it was previously operated as a hard rock quarry, and in addition to the potential for significant scenic impact from its development within the escarpment, there other significant matters that Council must be satisfied can be adequately addressed, including:

1. Water supply
2. Waste water disposal;
3. Potential for contamination from quarry operations and fill material;
4. Geotechnical stability of the land, and
5. Compliance action in respect of the illegal dwellings and fill material deposited on the land.

The impact on the scenic landscape amenity, essential infrastructure, and history of past activity and planning approvals for this land are discussed in detail within the report. On that basis of that initial assessment Council officers are of the view that an appropriate planning response for this land, in part to better ensure an appropriate level of management and rehabilitation, is to allow a rezoning to permit a land subdivision of no more than 2 lots.

Further, as there are two illegal dwellings and fill material deposited on the land without the necessary planning approval it is recommended that compliance action on these matters be finalised prior to the planning rezoning request being further considered or advanced.

A second planning proposal has been received for a similar change of zoning off Winchelsea Way approximately one kilometre to the west, which is also reported to the November 2016 Planning Committee meeting.

While both planning proposals seek to extend the R5 Large Lot Residential zone to cover grassland within the escarpment, an assessment of the cumulative impact on the scenic amenity of the locality and value of the escarpment in defining the identity of the Tweed is required, along with confirmation of Council's position on development within or adjoining the escarpment.

The Minister for Planning's administrative review procedures for 'Rezoning Review', are available to the Proponent as the planning request has been with Council in excess of 90 days; and it is in the best interest of all parties therefore that the officer's report documents the matters and issues and provides an opinion on the suitability of the proposal requested should the Proponent wish to seek a review.

The premise for the drafting of the recommendations reflect the report's conclusion that an appropriate planning response would limit rather than maximise development of the land, and therefore not support the extent of the Proponent's development proposal in either the original request nor subsequent amendment proposing a 100% increase in density. They are drafted such that support for a rezoning by Council is conditional upon the proponent affirming the reduced investigation area of the proposal, and subject to the compliance matters being concluded.

RECOMMENDATION:

In respect of Planning Proposal PP10/0006 for Lot 16 DP 856265 at 225 Terranora Road, Banora Point, the Council endorses that:

- 1. The planning request for a zoning redefinition prepared by Planit Consulting Ltd is not supported in so far as it relates to the general extent of the proposed rezoning;**
- 2. A reduced area of rezoning definition and subdivisional capability is supported to the extent that it permits only a two lot subdivision, and for the purpose of residential use;**
- 3. The Proponent is to confirm their acceptance of the reduced area for rezoning investigation and two lot subdivision capability within 21 days of the date of this resolution taking effect;**
- 4. On receipt of the Proponent's acceptance the Director Planning and Regulation is to prepare and submit a Planning Proposal for a Ministerial Gateway Determination for a zoning redefinition based on the reduced land area and restricted subdivision capability, but not before the compliance matters relating to the illegal dwelling(s) and imported fill material have been concluded to the Councils satisfaction; and**
- 5. Should the Proponent fail to confirm their acceptance within the time required or notifies of their non-acceptance at any prior time the Director Planning and Regulation pursuant to s.10A of the *Environmental Planning and Assessment Regulation 2000* is to notify the proponent that their planning request is not supported.**
- 6. The Director Planning and Regulation is to take all necessary and reasonable measures to ensure that any breach of planning laws in respect of the illegal dwelling(s) and imported fill material are rectified in accordance with those laws and where appropriate the land is to be reinstated to its natural condition prior to those works or buildings occurring.**

REPORT:

On 7 May 2015 a request was received for Council to prepare a planning proposal for part of Lot 16 DP 856265 at 225 Terranora Road from 7(d) Environmental Protection (Scenic/Escarpment) under *Tweed Local Environmental Plan 2000* (Tweed LEP) to allow for large lot residential development.

This report seeks Council's endorsement of an approach to proceed with consideration of this planning proposal and compliance matters.

Council is in receipt of two requests to prepare planning proposals seeking a similar outcome on land within the escarpment in close proximity to each other. This report should be read in conjunction with the report for planning proposal PP16/0002 Winchelsea Way, Terranora, also presented to the November 2016 Planning Committee Meeting.

The site and surrounding environment

The site lies off Terranora Road, and is accessed via a battle-axe handle as shown in Figure 1 and has previously been operated as a hard rock quarry (Figure 2). The quarry is no longer operational and has been maintained under grass as seen in Figure 3.

While the total area of the allotment is approximately 10.04 hectares, the area of cleared land formerly occupied by the quarry covers approximately 3.6 hectares and is highly visible.

The allotment extends from Terranora Road to the north, to River Road which runs along the banks of the Tweed River to the south.

The majority of the site is zoned Deferred Matter under Tweed LEP 2014, which means that the 7(d) Environmental Protection (Scenic/escarpment) zone under Tweed LEP 2000 still applies. A small area of the north eastern corner is zoned R5 Large Lot Residential, and a small area on the southern access is zoned RU2 Rural Landscape under LEP 2014, as seen in Figure 4.

The area of land subject of this request covers the northern portion of the property (the site) which is predominantly cleared land and formerly occupied by the quarry. The site lies within the escarpment surrounding the Tweed Valley, to the south of Terranora Road.

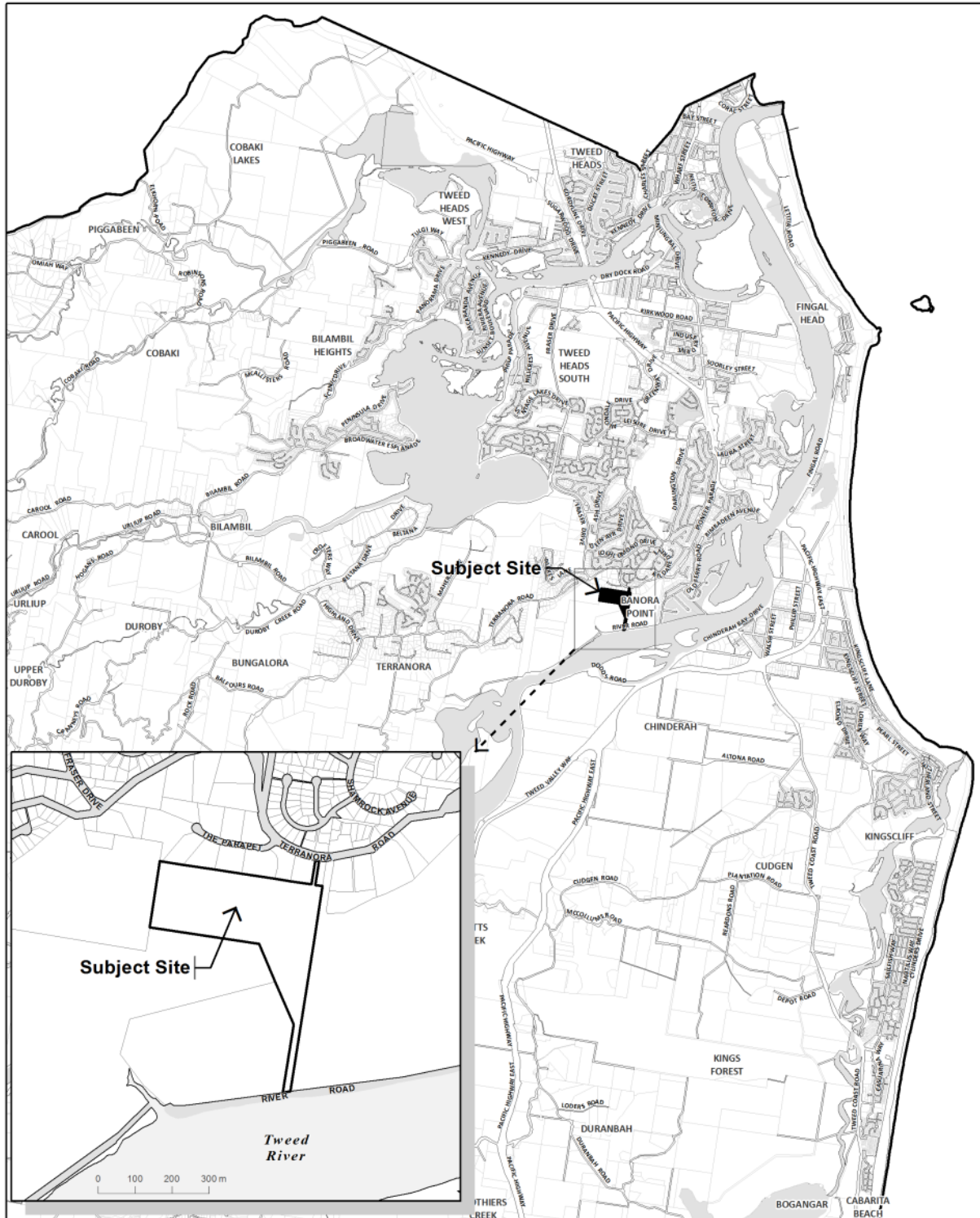
The site is not and is seemingly incapable of being connected to Council's reticulated water and sewer systems.

The request

The proponent has requested that Council support a rezoning of the site which would require the site to be rezoned to R5 Large Lot Residential under Tweed LEP 2014. The site is currently zoned 7(d) Environmental Protection (Scenic/Escarpment) under Tweed LEP 2000. Current and proposed zonings can be seen in Figures 4 and 5 respectively.

The original request of May 2015 proposed that Building Heights, Floor Space Ratio, Acid Sulfate Soil and Minimum Lot Size maps be amendment to reflect standard LEP 2014 provisions for the R5 zone; however, the proponent is subsequently seeking a minimum lot size of 2000 square metres in a 16 lot community title development, as seen in Figure 6.

Figure 1: Locality Plan



pp no. | 10/0006
revised | 15/09/2016

1:75,000 @ A4 Portrait
0 0.5 1 1.5 Km
DO NOT SCALE
COPY ONLY - NOT CERTIFIED
Map Projection: Universal Transverse Mercator
Horizontal Datum: Geodetic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56
GDA

Civic and Cultural Centre
3 Tumbulgum Road
Murwillumbah NSW 2484
PO Box 816
Murwillumbah NSW 2484
T | (02) 6670 2400 | 1300 292 872
F | (02) 6670 2429
W | www.tweed.nsw.gov.au
E | planning@tweed.nsw.gov.au

Locality Plan Planning Proposal

Affected Properties: Lot 16 DP 856265
No.225 Terranora Road, Terranora

Cadastral:
Base Data 13/09/2016
© Land and Property Information (LPI)
Addendum Data 15/09/2016
© Tweed Shire Council
Boundaries shown should be
considered approximate only.

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dig before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.
Filepath: Z:\ESRIP\PROJ\POLICES & STRATEGIES\PLANNING PROPOSALS\TEMPLATES\LocalityPlan_75k.mxd Author: J. Batchelor - Strategic Planning & Urban Design Unit Date Printed: 15 September, 2016

Figure 2: Aerial photo of quarry in operation in 1987 (Terranora Road in top right corner)

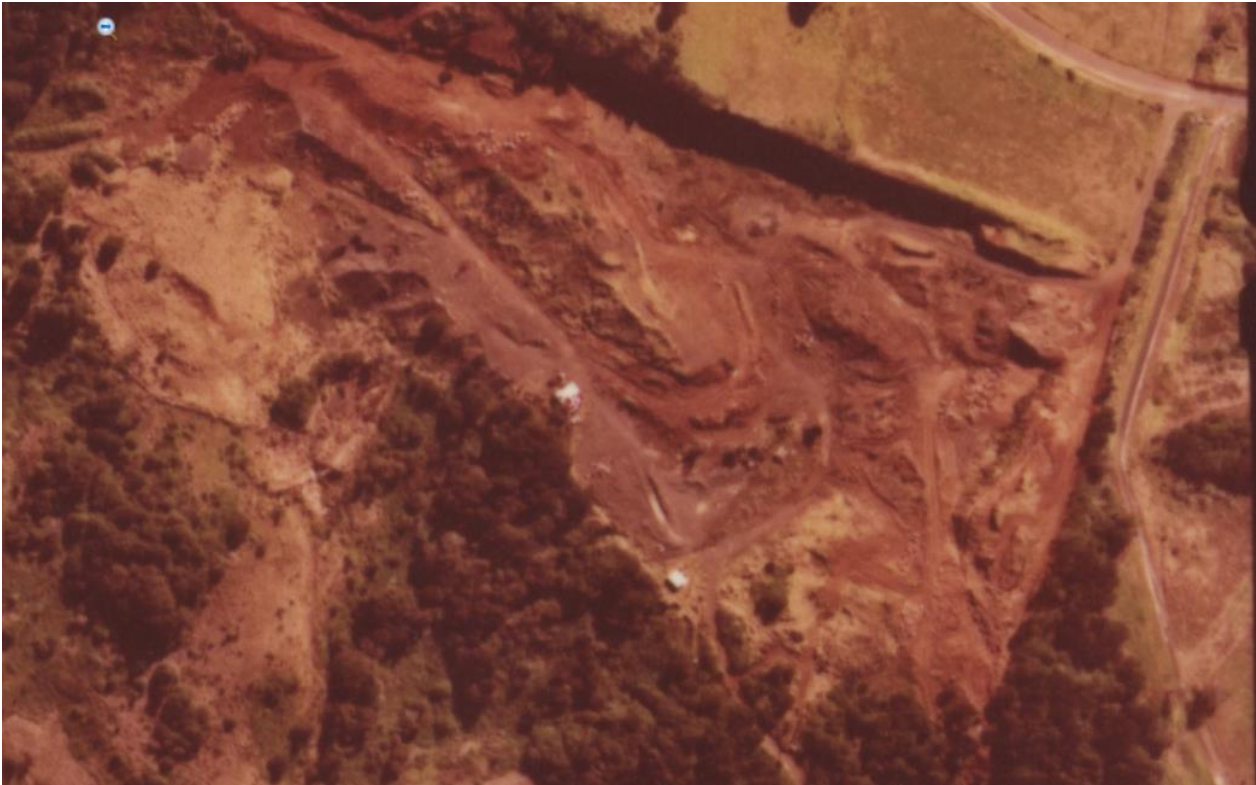
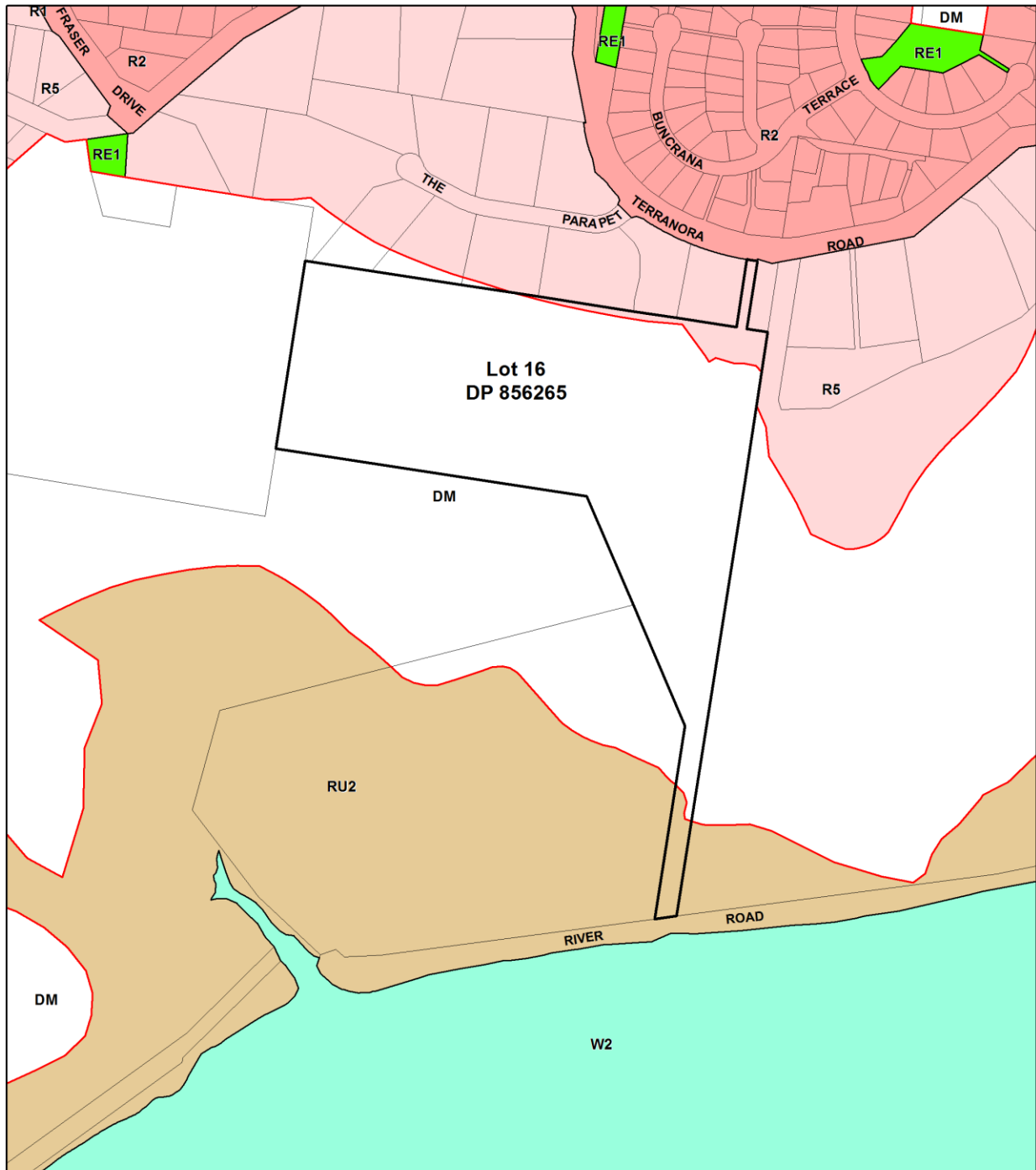


Figure 3: 2015 aerial image showing subject site, escarpment and locality



Figure 4: Tweed LEP 2014 – zoning



Tweed Local Environmental Plan 2014

Zone

B1 Neighbourhood Centre	E1 National Parks & Nature Reserves	R5 Large Lot Residential	SP1 Special Activities	DM Deferred Matter
B2 Local Centre	IN1 General Industrial	RE1 Public Recreation	SP2 Infrastructure	MD SEPP (Major Development) 2005
B3 Commercial Core	IN4 Working Waterfront	RE2 Private Recreation	SP3 Tourist	TCC Tweed City Centre LEP 2012
B4 Mixed Use	R1 General Residential	RU1 Primary Production	W1 Natural Waterways	
B5 Business Development	R2 Low Density Residential	RU2 Rural Landscape	W2 Recreational Waterways	
B7 Business Park	R3 Medium Density Residential	RU5 Village	W3 Working Waterways	

1:5,000 @ A4 Portrait
 0 20 40 60 80 100 M
 DO NOT SCALE
 COPY ONLY - NOT CERTIFIED
 Map Projection: Universal Transverse Mercator
 Horizontal Datum: Geoidetic Datum of Australia 1994
 Grid: Map Grid of Australia, Zone 56

TWEED CIVIC AND CULTURAL CENTRE
 3 Tumbulgum Road
 Murwillumbah NSW 2484
 PO Box 816
 Murwillumbah NSW 2484
 T | (02) 6670 2400 | 1300 292 872
 F | (02) 6670 2429
 W | www.tweed.nsw.gov.au
 E | planning@tweed.nsw.gov.au

Tweed Local Environmental Plan 2014

LAND ZONING MAP

Affected Properties:
 Lot 16 DP 856265 - No.225 Terranora Road, Banora Point

Council File |PP10/0006
 revised |06/10/2016

Cadastre: 06 October, 2016
 © Land and Property Information (LPI) and Tweed Shire Council.
 Boundaries shown should be considered approximate only.

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all Liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.
 Filepath: Z:\ESR\PRU\POLICIES & STRATEGIES\PLANNING PROPOSALS\PP10-0006 225 Terranora Road\MXD\LN_Proposed.mxd
 Author: J Batchelor - Strategic Planning & Urban Design Unit
 Date Printed: 06 October, 2016

The issues

The location of the site within the scenic escarpment and previous operation as a hard rock quarry presents some unique issues for consideration including:

1. Scenic amenity;
2. Access from Terranora Road;
3. Potential for contamination from quarry operations and fill material;
4. Water supply and waste water disposal;
5. Geotechnical stability and suitability;
6. Minimum lot size and lot yield;
7. Defining the vegetation boundary, and
8. Illegal dwellings and fill.

1. Scenic amenity

The site is shielded from long views from the north and Terranora Road due to the significant cut on the northern boundary (see Figure 9); however, the site will be highly visible to adjoining properties.

The site is also highly visible from the west when viewed from properties on Winchelsea Way and Nassau Avenue, and is clearly visible from elevated land and dwellings adjoining the eastern boundary, and from Tweed Valley Way or when approaching Tweed Heads on the Pacific Highway.

While roof tops of adjoining dwellings are visible from most vantage points, the escarpment is not dominated by any particular development. The potential impact of 16 dwellings is considered likely to have a significant impact on both the visual amenity of the site and the character of the locality and not consistent with the objectives of the current 7(d) zone and the proposed R5 zone as discussed below.

The significance of the scenic value of the escarpment and the visual impact of development on the site and locality has been addressed in the *Tweed Scenic Landscape Evaluation 1995*, *Tweed DCP section A5 – Subdivision Manual*, in previous correspondence to the landowner, *Tweed LEP 2000 and 2014*, and through a restriction on use of land to the north, as registered on the Land's Title.

2. Tweed Scenic Landscape Evaluation 1995

In 1995 Catherine Brouwer prepared the Tweed Scenic Landscape Evaluation which pointed out that the natural landscape of the Tweed is frequently open to wide views and is highly legible and for this reason the landscape plays a dominant and important role in the Shire identity and image.

Brouwer notes that residential expansion is significantly changing the landscape character particularly in the coastal hillslopes which are parts of the landscape that have high visibility and prominence and therefore changes could significantly affect the scenic amenity of the Shire.

Brouwer goes on to point out that these characteristics that give the Tweed landscapes their high scenic quality and prominence are amongst the major reasons it has a high sensitivity to change of its visual character and loss of scenic quality.

3. Tweed LEP 2000 and 2014

The majority of the site is currently zoned 7(d) Environmental Protection (Scenic/escarpment), under Tweed LEP 2000, and Deferred Matter under Tweed LEP 2014, until the guidelines provided in the Department of Planning and Environment's (DP&E) document '*Northern Councils E Zone Review – Final Recommendations Report*' are implemented through an amendment to Tweed LEP 2014.

The current zoning reflects the high visibility of the escarpment. While environmental and scenic protection zones under Tweed LEP 2000 will ultimately be translated into the Tweed LEP 2014, the intention of the 7(d) zone is clear with the primary objective of the zone being:

“to protect and enhance those areas of particular scenic value to the area of Tweed, minimise soil erosion from escarpment areas, prevent development in geologically hazardous areas, and maintain the visual amenity of prominent ridgelines and areas.”

With the exception of rural workers’ dwellings, emergency service facilities, environmental facilities, and refreshment rooms, all residential development is prohibited.

While the proponent is proposing the use of the R5 Large Lot Residential zone, the intent of LEP 2000 is clearly to restrict residential development and applies to the zone affecting this site and the majority of land along the escarpment.

The DP&E guidelines for implementation of the E-zone review have advised that while issues relating to scenic protection may be identified in a development control plan or scenic protection strategy, councils on the Far North Coast will not be permitted to apply mapped planning controls for scenic protection in LEPs.

As such, the ability to carry the intent of the current 7(d) zone into Tweed LEP 2014 will be limited. Notwithstanding this, should further investigations support a change in zoning, and Council agrees that the use of the R5 Large Lot Residential zone can apply to at least part of the site, the objectives of the zone provide some guidance on the desirable outcomes for this zone, as listed in part below:

“To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality”, and “To maintain the rural and scenic character of the zone.”

While the intentions of both current and proposed zones raise scenic amenity as a consideration, the planning proposal has not adequately addressed the objectives of Council’s LEPs.

A Visual Impact Assessment (VIA) has been provided by the proponent which demonstrates the extensive views across the Tweed Valley and further south to the coast. With such views obvious when looking south, the ability of the site to be visible when viewed from the south would be equally obvious.

The VIA discusses view fields but poorly represents the potential visual impact of 16 dwellings within the escarpment and provides no discussion regarding the significance of the site, previous advice to the landowner, the location within the escarpment and the significance of the escarpment to the character not only of the location but to the Tweed and its identity more broadly.

A Scenic Landscape Strategy (SLS) is currently being prepared by the Strategic Planning and Urban Design Unit which will provide guidance in the assessment of proposals which may affect scenic amenity; however, while the strategy has not been completed, the visibility of the site is considered high and therefore the intensity and type of development will have a significant bearing on the impact of development.

For reference the draft SLS is being modelled on the methodology prepared for the Visual Management System for NSW Coast (Tweed Pilot) March 2004, which was a pilot visual landscape plan prepared for the Tweed coastline between NSW Planning and Tweed Council. It serves as an excellent resource document both for the current SLS under preparation and for any landscape visual analysis required in association with proposed development, including land rezoning.

Apart from other constraints which may affect the site, the potential for development of this site to significantly impact on the scenic landscape and identity of the Tweed more generally is considered significant and must be taken into consideration when determining the suitability of the site for the proposed development, the intensity and character of any development, and will require further detailed investigations should Council resolve to proceed with this proposal.

4. *Tweed DCP section A5 – Subdivision Manual*

While relating more specifically to subdivision, Tweed DCP 2008 provides guidance on restrictions to development that should be considered at the rezoning stage as well, particularly when a rezoning is sought to specifically facilitate land subdivision. The introduction to Section A5 – Subdivision Manual notes that the Tweed contains highly significant scenic and coastal environmental values and lists the retention of the Tweed's environmental and scenic values as a primary focus of all Council's decision making.

One of the key policies and actions listed in the DCP includes the avoidance of "urban sprawl", where Council will encourage local identity and preserve scenic and environmental qualities of urban areas.

The DCP also states that:

- *The neighbourhood and subdivision design should protect the landscape character of the locality by contributing to the scenic amenity of the landscape and the distinct identity of the area, and*
- *Neighbourhood and subdivision design must protect the visual landscape character of the locality.*

When considering constraints affecting a site, the DCP requires the integration of subdivision with the surrounding rural environment and need to complement existing scenic rural landscapes. Roads and dwelling platforms must be sensitive to the landscape of the area and must not occupy ridgelines and prominent locations that detract from the scenic quality and external views of the locality.

5. *Previous advice to the proponent*

In response to an earlier SEPP 1 appeal by the landowner to vary the minimum lot size for the property to create a two lot subdivision, the proponent was advised on 13 May 1999, that the location of the proposed dwelling "is likely to result in significant visual impacts ..." The matter of scenic impact has long been identified as a significant issue for any level of development of the site.

6. *Restriction on use of land to the north*

While not directly affecting to the subject site, creation of a restriction on use of land immediately to the north of the site provides guidance on the intended use of land within the scenic escarpment covering land subject of this request.

Deposited Plan 716222 registered on 26 August 1985 for subdivision of land immediately north of the site shows a restriction on use which applies to properties on The Parapet and Terranora Road as seen in Figure 7.

The restriction on use applies to land south of a line marked as "x-x-x" on the DP and burdens those properties such that no dwelling house or other permanent structure (other than boundary fencing) can be erected on any part of the land southerly of the line.

The location of the line appears to closely match the current boundary of the 7(d) Environmental Protection (scenic/landscape) zone as seen in Figure 8.

In the Engineer's Subdivision Report to Council of 4 April 1984 it was noted that the escarpment lies along the southern boundary and is protected by an area of 7(e) Rural Environmental Protection – Escarpment zoning which is intended to protect the escarpment and skyline from the intrusion of dwelling houses, visible from the south (i.e. from the main Tweed Valley) and limits the number of dwellings permissible to one per forty hectares.

Scenic amenity of the immediate location, the escarpment and Tweed Valley was considered of such significance at the time that it was seen as appropriate to secure protection of the escarpment by registering restrictions on the Land's Title.

It was clearly the intent of Council at that time to protect the scenic amenity of the Terranora escarpment which contains the property subject of this report. This intent has been carried forward in Tweed LEP 2000, with scenic amenity being identified as significant to the character of the Tweed.

Tweed Link notice of development consent for rural residential development along Terranora Road

In September 2002, an article was published in the Tweed Link advising of a 56 lot rural residential subdivision along Terranora Road Terranora. The Council officers' planning report recommended that there be a greater separation between the development and the scenic escarpment, and Council resolved to ask the developer to provide a plan for ongoing management of vegetation, particularly camphor laurel in the scenic escarpment area of the subdivision. Again, in the early stages of the development of Terranora, scenic amenity was considered a high priority in determining development applications.

Figure 7: Extract from DP 716222 showing restriction on use applying to land immediately north of the site. No dwelling house or other permanent structure (other than boundary fencing) can be erected on any part of the land southerly of the line marked "x-x-x"

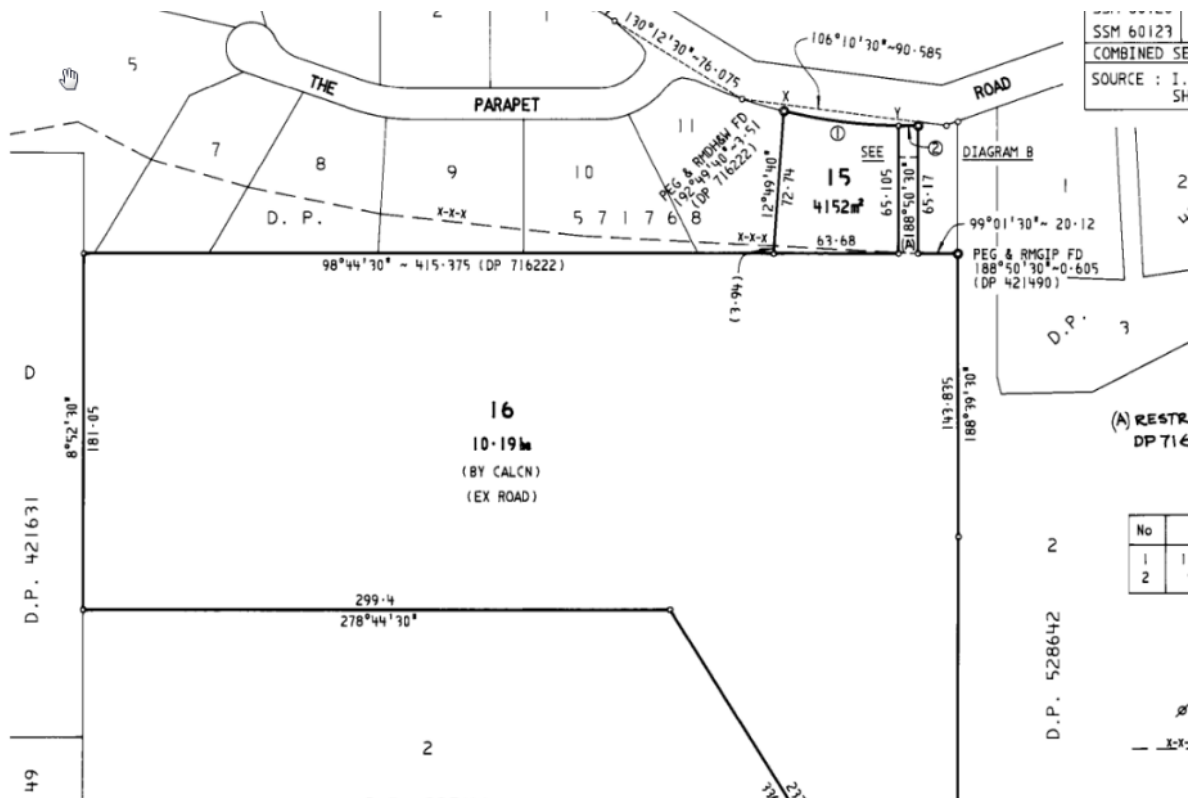


Figure 8: LEP 2014 showing zone boundary of Deferred Matter zoning under Tweed LEP 2014, currently 7(d) Environmental Protection (Scenic/Escarpment)

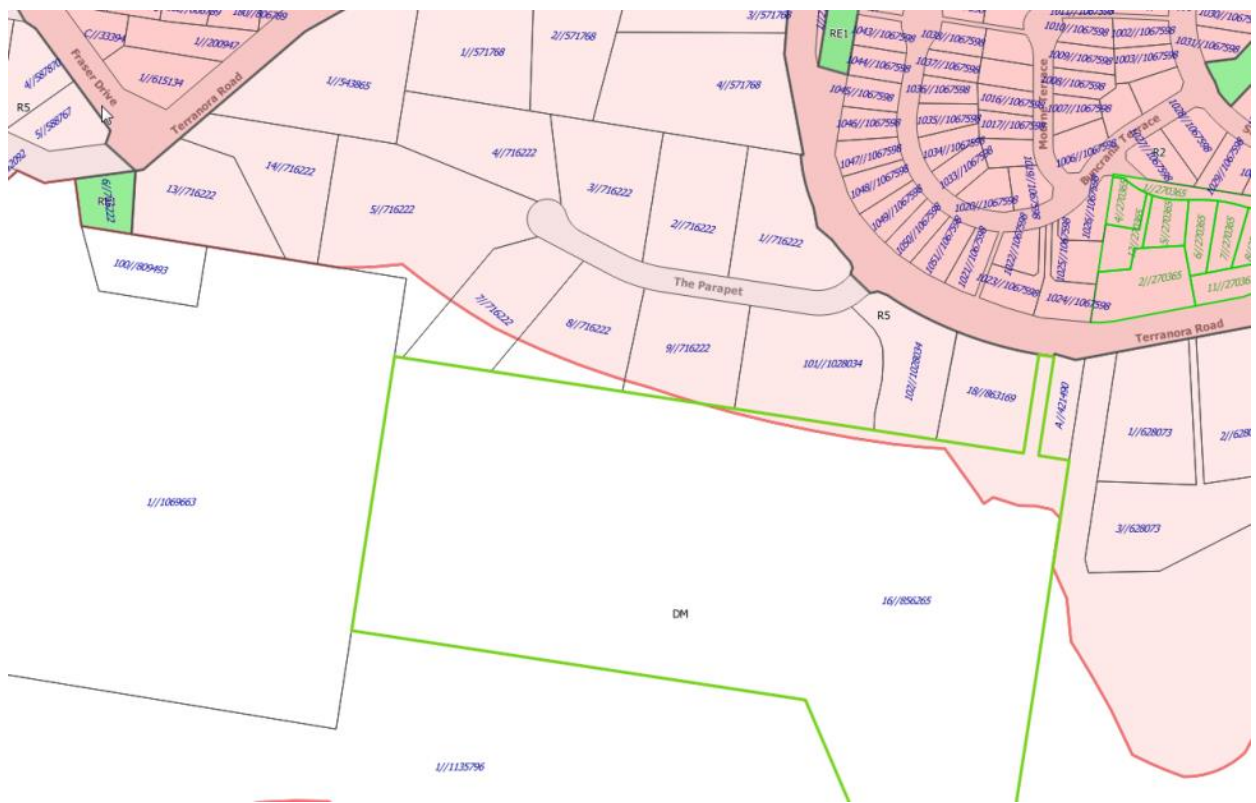
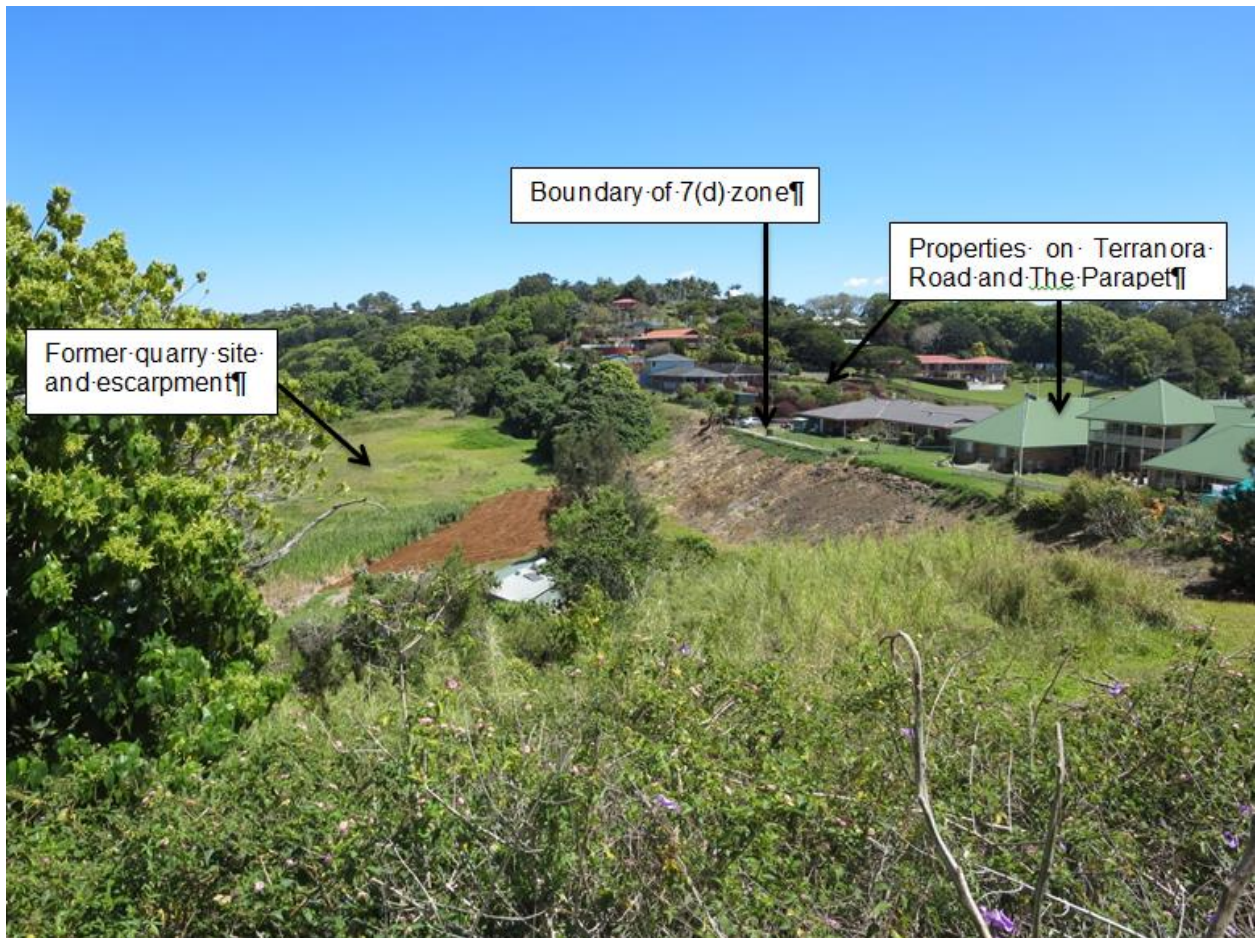


Figure 9: View of the site from the east showing adjoining properties on The Parapet and Terranora Road



7. Cumulative impact

Council is in receipt of two planning proposals seeking an extension of the R5 Large Lot Residential zone into land currently zoned 7(d) Environmental Protection (Scenic/Escarpment) in close proximity to each other as seen in Figure 10 below. The other request being Planning Proposal PP16/0002 Winchelsea Way, Terranora, which is also reported to the November 2016 Planning Committee Meeting.

In addition Council has received a verbal request from a landowner further west regarding subdivision of land also in the escarpment.

The potential for ongoing requests for development of land within the 7(d) zone can be expected to continue as pressure for scarce development opportunities grows.

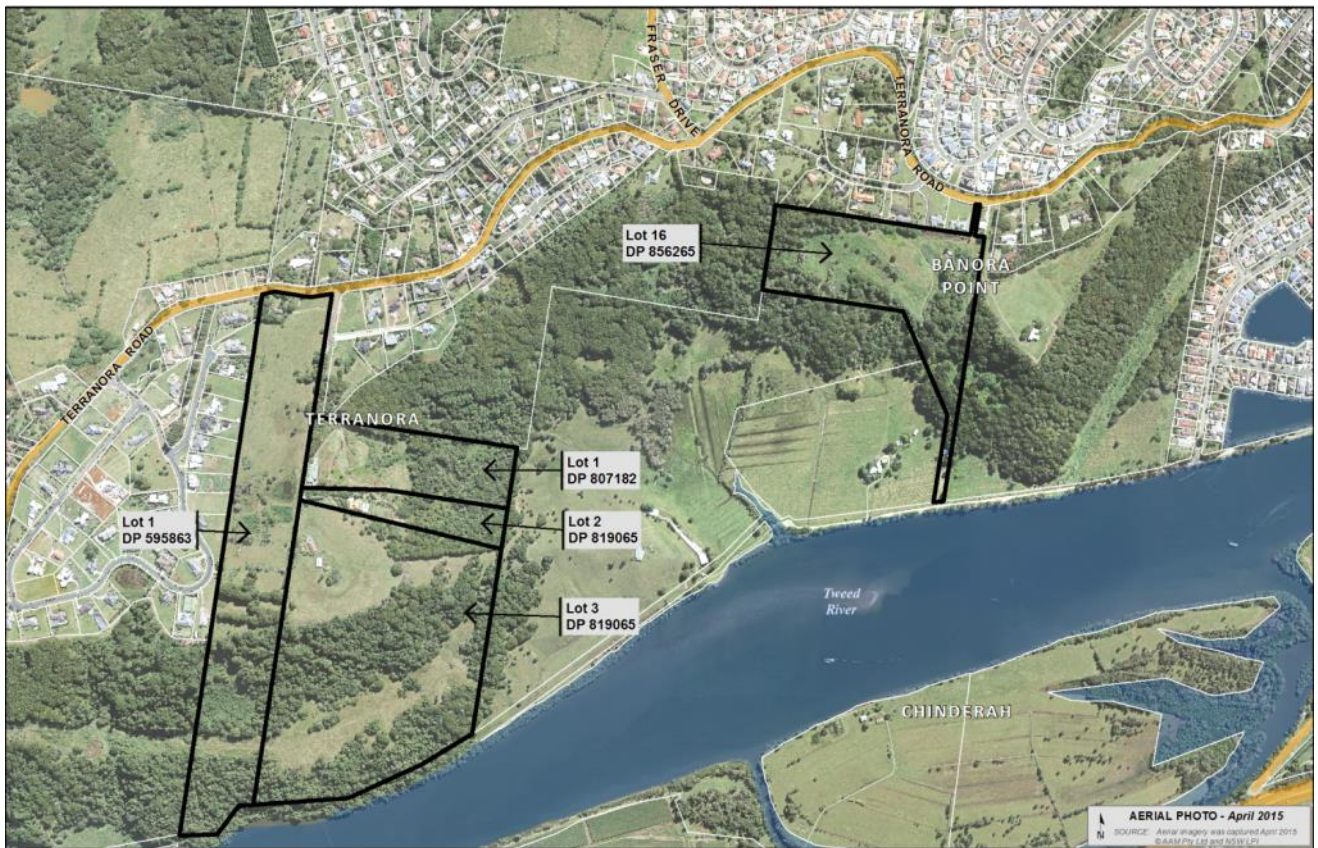
While a Scenic Landscape Strategy is currently being prepared, Council has no over-arching strategy to manage the potential cumulative impact of such proposals, but given that all three enquiries relate to the same landform (the escarpment to the south of Terranora Road), it is considered important that the scenic impact of such proposals be considered in the broader more strategic context rather than as isolated proposals.

The significance of the escarpment has long been recognised and enforced with tight restrictions on development imposed to protect scenic amenity, and while the two sites subject of current planning proposal requests appear as logical extension into cleared land, the view from the ground can present a much different perspective as Figure 9 shows.

Should Council resolve to proceed with these planning proposals on the basis that limited development may be possible, it is proposed that investigations must identify the potential cumulative impact on the scenic amenity of the escarpment, and provide details of how such impacts

will be ameliorated, the style of development and specific controls addressing location of dwellings, building form and material, compliance with Council's LEPs, DCP and other requirements for protection of scenic amenity.

Figure 10: Aerial image of the locality showing the location of land subject of planning proposal requests at 225 Terranora Road and Winchelsea Road



8. Defining of the vegetation boundary

One of the features of the site which will influence the extent of potential development is the boundary associated with the existing vegetation and its location within the scenic escarpment which defines the northern boundary of the Tweed Valley.

Notwithstanding the significance of scenic amenity of the escarpment, and the potential for the site to be revegetated to establish vegetation typical of adjoining land, and enhance the scenic and environmental qualities of the escarpment; this report has taken into consideration the current state of the site.

Council's Natural Resource Management Unit has undertaken a field investigation and identified a vegetation boundary as seen in Figure 11. The area of land contained outside of the defined limit of vegetation influence (including vegetation buffers) is approximately 3.57 hectares, but does not include asset protection zones.

The proposed extension of the R5 boundary would reduce the area of land zoned 7(d) and extend the potential area of land that might be suitable for uses other than environmental protection within the escarpment.

Any development of the site will need to address all constraints affecting the site and not be limited solely to consideration of the location of existing vegetation.

Figure 11: Proposed vegetation boundary (derived by Council officers)



9. Width of the access handle and development potential

Access to the site is provided through a 10 metre wide battle-axe handle from Terranora Road which provides access to both 225 Terranora Road and 227 Terranora Road.

Should subdivision of the site be possible, a common right of way access would be required to service any increased density of development. Tweed DCP 2008 Section A5 states that a maximum of five properties may use a common right of way access.

While the proponent proposes that a Community Title subdivision be created, and that the width of the access is sufficient to accommodate a “community title road”, DCP Section A5 also states that standards for street and lot layout for community title subdivision are the same as for conventional subdivisions.

As such, while this report proposes a maximum two lot subdivision capability, and notwithstanding other constraints affecting the site, a maximum lot yield for the site based solely on limitations imposed by the allotment’s access to Terranora Road is limited to not more than five allotments.

10. Contamination

In its 2015 request, the proponent presented a soil contamination report dated 30 April 2002. Apart from the brevity of the report, changes have occurred in the requirements for assessing contamination since that time.

In preparing a planning proposal, State Environmental Planning Policy 55 Clause 6 requires Council to consider whether the land is contaminated, and if the site is contaminated, whether the land is suitable in its contaminated state, and if not, if the land requires remediation to make it suitable for any purpose which land in that zone is permitted to be used and that the planning authority is satisfied that the land will be remediated prior to the land being used for that purpose.

Given that the site was operated as a quarry, the potential extent of any contamination from former operation of the site, and fill has not been adequately addressed, but would be an essential requirement prior to consideration for public exhibition.

11. Water supply

The site is not connected and will not be connected to Council's reticulated water supply system. The proponent proposes to utilise water harvesting from roof areas of each dwelling.

Council's standard requirement for a roof catchment water supply source for domestic purposes where Council's reticulated supply is unavailable is 15 kilolitres per bedroom.

Calculations provided by the proponent appear to be sufficient for a 3 bedroom dwelling; however, if dwelling sizes were to exceed 3 bedrooms the volume of rainwater for domestic use would need to be increased proportionately unless acceptable detailed water balancing indicates that the proposed 50kl for domestic use would be appropriate.

12. Waste water disposal

The proponent has provided a Preliminary Effluent Disposal Assessment which has not addressed the site specific issues relevant to understanding the potential of the site to accommodate development as proposed.

In particular no mention is made of the previous operation of the site as a quarry and advice from the proponent that "ultimately, some importation of fill will be required to satisfy effluent disposal concerns".

No mention is made of the depth to bedrock and the potential for seepages from upslope currently affecting the site to influence the absorptive capacity of what is assumed to be minimal soil cover on the site, especially in winter when evaporation will be lowest on this southern aspect.

While it is proposed that a depth of 150mm of loam topsoil be provided on all irrigation areas, the soil depth to bedrock in effluent disposal areas would have to be significantly greater than 150mm in order to satisfy the performance requirements for land application system design when assessed in accordance with AS/NZS 1547/2012. The potential for seepages from upslope on to the effluent disposal areas and the impact of seepages on the performance requirements for land application system design when assessed in accordance with AS/NZS 1547/2012' would have to be addressed.

Further investigation of effluent disposal capability of the site will be required should Council resolve to proceed with this planning proposal.

13. Geotechnical stability of the site

Aerial imagery from 1962 (see Figure 12) shows the quarry site at what appears to be the early stages of operation. The image appears to show deeply incised drainage lines leaving the southern boundary of the site which do not appear in later imagery (see Figure 2) suggesting that a significant amount of fill has been deposited in these former drainage lines which will need to be addressed in the planning proposal. A recent site investigation revealed a actively eroding vertical wall approximately 10 metres in height at this location supporting concerns about the potential extent of fill in this location.

No history of the quarry operation has been provided by the proponent but given the potential for hard rock at the surface or for significant fill to have occurred a geotechnical assessment of the site to validate ability to be developed for residential purposes will be essential prior to finalising consideration of the planning proposal request.

Rehabilitation of actively eroding land (failed or unstable slopes and land surfaces) to prevent further erosion from the site and consequent sedimentation of downslope water courses, including the Tweed River should be addressed with any development of the site.

Figure 12: Aerial photo 1962 showing early stages of quarry operation



14. Previous correspondence and history of the site

The property has been the subject of a number of development applications and rezoning requests post operation of the quarry as noted below.

On *15 May 1999* the proponent lodged an objection pursuant to State Environmental Planning Policy 1 – Development Standards seeking a reduction in the minimum lot size to allow subdivision of the property into two lots, one split zone lot of one hectare and the second lot to cover the remnant of 9.19 hectares. The then Department of Urban Affairs and Planning (DUAP) refused to grant concurrence on the basis that the application was not supported by adequate planning reasons to justify a reduction in the development standard for the 7(d) zone.

The Department advised that the area is subject of a number of environmental constraints and that the most appropriate means of addressing the future of this area is through the Local Environmental Planning process.

On *23 October 2000* an amended SEPP 1 appeal was received on behalf of the landowner providing an amended concept creating one lot of approximately 4000 square metres entirely within the 1(c) Rural Living zone and a residual block of 9.79 hectares covering the remainder of the site zoned 7(d) Environmental Protection (scenic/escarpment) and 1(a) Rural. Both lots were to be connected to Council's reticulated sewerage system.

On *18 December 2000* correspondence was received from DUAP providing concurrence for the two lot subdivision but noted that concurrence did not extend to a dwelling on the larger remnant block predominantly zoned 7(d).

On 11 July 2002 the landowner lodged an application to amend Tweed LEP 2000 clause 53 Development of Specific Sites to permit a 12 lot community title subdivision (DA5440/872). No evidence of any action nor amendment relating to this application has been sighted.

On 31 July 2002 the proponent was advised of Development Consent No. 0152/2001DA for the erection of a dwelling on the proposed residual allotment to be connected to Council's reticulated sewerage system by a private pressure system. No evidence of any action relating to this approval has been sighted.

On 3 September 2002 the proponent was advised of Development Consent No. DA K99/0355 for a 2 lot rural subdivision providing that lot 1 had a minimum area of 4000 square metres, was entirely within the 1(c) Rural Living zone, and that both lots be connected to Council's reticulated sewerage system. Similarly no evidence of any action relating to this approval has been sighted.

On 28 October 2004 an application was received requesting a rezoning of the site in support of a 30 lot community title development connected to Council's reticulated water and sewerage systems. No action was taken in relation that request.

On 1 February 2010 the landowner wrote to Council advising of their desire to construct a single dwelling on the property; however there is no evidence indicating that this was progressed.

On 22 September 2010 a planning proposal was lodged with Council seeking an extension of the 1(c) Rural Living zone under Tweed LEP 2000, over land predominantly covered by the former quarry operation and presented a concept plan showing a 10 lot subdivision connected to Council's reticulated sewerage and water systems. This proposal was deferred until revised environmental protection areas were implemented through the then advertised Draft Tweed LEP 2010.

On 7 May 2015 a planning proposal was lodged over the same area of land for a rezoning of part of the property to allow large lot residential development creating nine (9) lots with a minimum lot size of 4000 square metres with the residual land possibly held under a community title arrangement. This is the current proposal subject of this report.

On 9 August 2016 additional material was provided proposing a 16 lot community title subdivision with allotments having a minimum of 2000 square metres (0.2ha).

15. *Minimum lot size and lot yield*

The proponent's request of May 2015 was for the application of the appropriate development provisions which included a minimum lot size for allotments not connected to Council's reticulated sewerage system of one (1) hectare (10,000m²) in the R5 zone; however, concept plans presented with the request showed an indicative subdivision layout with 9 lots of about 4000 square metres and one residual lot containing the majority of vegetation. This was updated in May 2016 with additional information provided showing 15 lots of 2000 square metres and one residual lot containing vegetation.

Clause 4.2A(1) of Tweed LEP 2014 provides the opportunity for creation of allotments smaller than the minimum lot size in the R5 zone where the lot size would not jeopardise the semi-rural character and environmental values of the area, and a sewerage system is in place which ensures no harm to humans or the natural environment; however, clause 4.2A(2) limits the minimum lot size for lots which are connected to a water reticulation system and Council's sewage reticulations system, to not less than 4000 square metres.

16. *Illegal dwellings*

The property contains two buildings which appear to have been at some time operated as residential dwellings. One dwelling lies on the northern portion of the property near the former quarry site, and appears to be a converted garage, with the second more substantial dwelling contained within the access handle approximately 100 metres off River Road to the south.

Council has no record of the legality of these dwellings and the landowner has previously been notified, in correspondence dated 10 May 2000, that works being undertaken on a shed in what appeared to be an intention to convert the shed to a habitable building must cease.

It is proposed that both structures are to be decommissioned for any residential purpose, unless approved by Council, and that should this planning proposal proceed, that it not be made until such time as this action is completed.

17. Imported fill without planning permission

In the past few months a substantial amount of fill has been deposited on the property, both as unconsolidated fill on the old quarry site (see Figure 13), and as an elevated access to the dwelling located off River Road, extending from River Road a distance of approximately 100 metres across the floodplain (see Figure 14).

The converted shed to the north lies within the 7(d) Environmental Protection (Scenic/Escarpment) zone, which required development consent under Tweed LEP 2000 for earthworks. No consent has been issued for earthworks on this site.

The house and access from River Road are contained within the RU2 Rural Landscape where fill is prohibited. The illegal filling of land and the potential impact of fill within the floodplain of the Tweed River will require further and separate consideration by Council officers.

Figure 13: Fill on former quarry site off Terranora Road



Figure 14: Fill of access to dwelling off River Road



It is proposed that all outstanding matters relating to the imported fill be satisfactorily resolved before proceeding further with the planning proposal.

OPTIONS:

- 1. Proceed with the planning proposal on the basis of not more than two allotments, consistent with previous development consent of 2002 conditional upon further investigations supporting the ability of development to not adversely impact scenic amenity or the environment and on completion of the compliance action, or**
- 2. Proceed with investigations to assess the ability of the site to be developed for limited rural residential development, including detailed geotechnical and scenic impact assessment, on the basis of a greater lot yield not exceeding five allotments, on completion of the compliance action, or**
- 3. Not support the planning request and proceed with the compliance action.**

Council officers recommend Option 1.

CONCLUSION:

Review of this request has raised a number of issues which are considered significant and remain unresolved.

The planning proposal has not adequately addressed the former use of the site as a hard rock quarry and associated issues of contamination, landfill, geotechnical stability, and suitability for onsite disposal of effluent.

The site lies within the escarpment along the southern side of Terranora Road which has been identified as being significant to the scenic amenity of the location, the Tweed Valley and Tweed's identity more generally.

The sensitivity of the landscape to development of any level is well documented and has been raised in previous correspondence to the landowner, but has not been adequately addressed in this proposal and will be a major factor determining the future use of the site.

When the quarry ceased operation, revegetation with indigenous species would have 'filled in' a gap in the vegetation on the escarpment; however the site has been kept in a mown state limiting the potential for re-establishment of tree species.

Lack of trees should not be considered a primary factor in determining the suitability of a site for residential development; however, while the site has been kept in a grassed state, its location within the scenic escarpment makes it a significant site.

While development consent for adjoining and nearby residential land has made specific reference to the need for protection of the escarpment and clear separation of housing development from the escarpment, to the point of having restrictions on use registered on title, Council has previously issued a development consent for a two lot subdivision of the site if the properties were connected to Council's reticulated water and sewer systems.

While the landowner has previously been advised that any level of development would have significant impacts on the scenic amenity, a two lot subdivision is considered an appropriate planning response providing that further investigations support this outcome, and the location, form and features of the house, including colour and visual impact are adequately addressed.

Council officers recommend that limiting the development of land to a two lot subdivision is an appropriate planning response because it reflects an actual constraint of the land when viewed against the visual landscape importance of the Terranora escarpment, which collectively with other unique landscape management units is the defining natural feature of the Tweed. The integrity of the Tweed's landscape is vital now and for the longer-term benefit it provides to the Tweed economy through tourism, and which has been cumulatively impacted over a long period through site by site development that individually have previously been perceived as imperceptible.

The Officers also recommend that no further action be taken with the planning proposal until such time that the compliance action for the illegal dwelling(s) and imported fill is concluded.

COUNCIL IMPLICATIONS:

- a. Policy:**
Corporate Policy Not Applicable
- b. Budget/Long Term Financial Plan:**
Not Applicable
- c. Legal:**
Not Applicable.
- d. Communication/Engagement:**
Consult-We will listen to you, consider your ideas and concerns and keep you informed.
Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

Appendix 14:

Information checklist

INFORMATION CHECKLIST					
STEP 1: REQUIRED FOR ALL PLANNING PROPOSALS (under s55 (a)-(e) of the EP&A Act)					
• Objectives and intended outcome	✓		• Explanation of provisions		✓
• Mapping (including current and proposed zones)	✓		• Justification and process for implementation (including compliance assessment against relevant Section 117 Direction/s)		✓
• Community consultation (agencies to be consulted)	✓				
STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS (Depending on complexity of planning proposal and nature of issues)					
PLANNING MATTERS OR ISSUES	TO BE CONSIDERED	N/A	PLANNING MATTERS OR ISSUES	TO BE CONSIDERED	N/A
Strategic Planning Context			• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)		✓
• Demonstrated consistency with relevant Regional Strategy	✓		• Sea level rise		✓
• Demonstrated consistency with relevant Sub-regional, Strategy		✓	Urban Design Considerations		
• Demonstrated consistency with or support of relevant DG endorsed local strategy		✓	• Existing site plan (buildings, vegetation, roads, etc)	✓	
• Demonstrated consistency with Threshold Sustainability Criteria		✓	• Building mass/block diagram study (changes in building height and FSR)		✓
Site Description / Context			• Lighting impact		✓
• Aerial photographs	✓		• Development yield analysis (potential yield of lots, houses, employment generation)	✓	
• Site photos / photomontage	✓		Economic Considerations		
• Traffic and Transport Considerations	✓		• Economic impact assessment		✓
• Local traffic and transport	✓		• Retail centre hierarchy		✓
• TMAP		✓	• Employment land		✓
• Public transport	✓		Social and Cultural Considerations		
• Cycle and pedestrian movement	✓		• Heritage Impact	✓	
Environmental Considerations			• Aboriginal archaeology	✓	
• Bushfire hazard	✓		• Open space management		✓
• Acid Sulfate soils	✓		• European archaeology		✓
• Noise impact		✓	• Social & cultural impacts	✓	
• Flora and/or fauna	✓		• Stakeholder engagement	✓	
• Soil stability, erosion risk. Sediment control, landslip assessment, and subsidence	✓		Infrastructure Considerations		
• Water quality	✓		• Infrastructure servicing and potential funding arrangements	✓	
• Stormwater management	✓		Miscellaneous / Additional Considerations Undertaken		
• Flooding	✓		• Structure and Staging		✓
• Land/site contamination	✓		• Aboriginal Cultural Heritage Due Diligence	✓	
			• Flora and Fauna	✓	
			• Bushfire	✓	
			• Traffic	✓	
			• Geotechnical / Engineering	✓	
			• Stormwater Management	✓	
			• Contaminated Land and declaration	✓	



Customer Service | 1300 292 872 | (02) 6670 2400

tsc@tweed.nsw.gov.au
www.tweed.nsw.gov.au

Fax (02) 6670 2429
PO Box 816
Murwillumbah NSW 2484