

Tweed LEP 2000 Amendment No. 96 (Expansion of Tweed City Shopping Centre)

Proposal Title : Tweed LEP 2000 Amendment No. 96 (Expansion of Tweed City Shopping Centre)

Proposal Summary : The proposal seeks to rezone 1.37 ha of land at Tweed Heads South from 2(b) Medium Density Residential, 3(c) Commerce and Trade and 6(b) Private Recreation, to 3(b) General Business, to facilitate the expansion of the adjoining Tweed City Shopping Centre.

The land to be rezoned consists of a former service station site, three vacant sites previously used for residential purposes, and six lots each with a dwelling.

PP Number : PP_2012_TWEED_001_00 **Dop File No :** 12/09647

Proposal Details

Date Planning Proposal Received : 04-Jun-2012 **LGA covered :** Tweed

Region : Northern **RPA :** Tweed Shire Council

State Electorate : TWEED **Section of the Act :** 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street :

Suburb : **City :** **Postcode :**

Land Parcel : Lot 22 DP 23659, No 24 Kirkwood Rd; Lot 5 DP 830973, No 24A Kirkwood Rd; Lot 21 DP 23659, No 26 Kirkwood Rd; Lot 20 DP 23659, No 28 Kirkwood Rd; Lot 19 DP 23659, No 30 Kirkwood Rd; Lot 6 DP 1119624, No 38 Minjungbal Drive; Lot 13 DP 23659, No 42 Kirkwood Rd; Lot 12 DP 23659, No 44 Kirkwood Rd; Lot 11 DP 23659, No 46 Kirkwood Rd; Lot 2 DP 804871, No 48-50 Kirkwood Rd; Lot 8 DP 23659, No 52 Kirkwood Rd; Lot 1 DP 781517, No 58 Minjungbal Drive; Lot 2 DP 781518, No 60 Minjungbal Drive; Lot 1 DP 524806, No 62 Minjungbal Drive; Lot 2 DP 524806, No 64 Minjungbal Drive, Tweed Heads South.

DoP Planning Officer Contact Details

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Tweed LEP 2000 Amendment No. 96 (Expansion of Tweed City Shopping Centre)**Land Release Data**

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Far North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	1.37	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **Yes**

If Yes, comment : **There have been no meetings or communications with registered lobbyists.**

Supporting notes

Internal Supporting Notes : **The Department of Planning Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other departmental officers and lobbyists concerning the proposal.**

External Supporting Notes : **The Planning Proposal currently seeks to amend Tweed LEP 2000 to facilitate this matter. Alternatively, should the Tweed draft comprehensive LEP come into effect prior to the finalisation of this matter, the Planning Proposal will be facilitated as an amendment to the new Tweed comprehensive LEP.**

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Tweed LEP 2000.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

**1.1 Business and Industrial Zones
1.3 Mining, Petroleum Production and Extractive Industries
2.2 Coastal Protection
2.3 Heritage Conservation
3.1 Residential Zones
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
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

**SEPP No 22—Shops and Commercial Premises
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP No 60—Exempt and Complying Development
SEPP No 71—Coastal Protection
SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005
SEPP (Temporary Structures and Places of Public Entertainment)
2007
North Coast REP 1988**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Refer to discussion below**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping that has been provided is considered to be generally satisfactory for public exhibition purposes.**

It is noted that the draft zoning maps contained in the proposal currently do not identify the proposed zoning change of Part Lot 1 DP 524806, 58-62 Minjungbal Drive from 3(c) to 3(b). The maps at present only illustrate the proposed zoning change at the rear of this site from 6(b) to 3(b). The proposed zoning maps should be amended prior to exhibition to address this matter.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The RPA suggests a 14 day consultation period would be adequate. The proposal is consistent with the regional planning framework, is consistent with the surrounding land use pattern, presents no issues with regard to infrastructure provision, is not a principal LEP, and does not reclassify public land. The proposed 14 day exhibition period is therefore considered suitable.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation
to Principal LEP :

The principal LEP was placed on public exhibition in 2010. The majority of the land to be rezoned under this proposal was identified as R3 Medium Density Residential in the draft comprehensive Plan.

While the Planning Proposal currently seeks to amend Tweed LEP 2000 to facilitate this matter, it also provides details of the zone changes that would be required to facilitate this amendment should the new Tweed comprehensive LEP come into effect. This would involve rezoning the subject land from R3 Medium Density Residential to B3 Commercial Core.

Assessment Criteria

Need for planning
proposal :

Expansion of the existing Tweed City Shopping Centre onto the proposed subject lands is not possible without the proposed rezoning.

Consistency with strategic planning framework :

The proposal is considered to be consistent with actions and outcomes of the Far North Coast Regional Strategy. The Strategy identifies Tweed Heads as a Major Regional Centre that provides higher order retail services. The subject land is also within the Town and Village Growth Boundary within the Strategy.

The Tweed Urban and Employment Land Release Strategy does not address infill sites such as the subject land. The Tweed City Shopping Centre and the land to be rezoned is however identified in the 'Draft DCP 2008, Section B2 - Tweed City Centres', as a designated development site.

The proposal is considered to be consistent with all relevant SEPPs and section 117 Directions, except in relation to the following:

Section s117 Direction 3.1 Residential Zones

The proposal is inconsistent with this Direction as it reduces the permissible residential density of the land by rezoning it from 2(b) Medium Density Residential to 3(b) General Business. This inconsistency is considered to be justified as a matter of minor significance due to the small quantity of residential land involved (1.2ha) and as the residential lots are isolated from other residential areas and occupy only a small part of the urban block which is dominated by commercial uses.

Section s117 Direction 4.1 Acid Sulphate Soils

The proposal is inconsistent with this Direction as an acid sulphate soils study has not been prepared to support the amendment (on land having a probability of containing acid sulphate soils). This inconsistency is considered to be justified as a matter of minor significance due to the small quantity of land involved (1.37ha), as the land has already been developed for urban purposes, the extent of any proposed excavations on the land to be rezoned is not yet determined, and as this can be adequately addressed further at the Development Application stage.

Section s117 Direction 6.2 Reserving Land for Public Purposes

The proposal is inconsistent with this Direction as it seeks to rezone 700m² of land from 6(b) Recreation to 3(b) General Business without the approval of the Director General. This inconsistency is considered to be justified as a matter of minor significance as it is understood that the land is in private ownership and does not serve any recreational purpose for the general public.

Environmental social economic impacts :

An assessment of Aboriginal cultural heritage has found that the site is within a wider ceremonial area, and potential exists for cultural heritage material being found beneath the residential properties on Kirkwood Road. The assessment recommends that further consultation should occur with the Council's Aboriginal Advisory Committee (AAC) and Tweed Byron Local Aboriginal Land Council (LALC) before development application stage, and that management strategies should be put in place during the project to protect any heritage material. The recommendations in the assessment were drafted in consultation with the AAC and the LALC. This approach is considered to be satisfactory. It is noted that the Tweed LEP 2000 and the draft Comprehensive LEP also include provisions to protect Aboriginal Cultural Heritage.

The Planning Proposal identifies that the former service station site requires remediation under SEPP 55. The proposal notes that this process has already begun. It is understood that the site will be suitable for its intended future use once this remediation has been completed.

While the Planning Proposal confirms the site is not affected by the ARI 100 year flood event, it does advise that potential exists that the site could be affected by the probable maximum flood. It is considered that flooding issues can reasonably be addressed at development application stage.

As discussed above, acid sulfate soils have been identified as being potentially located on the land to be rezoned, which is mapped as disturbed terrain in Acid Sulfate Soils Risk mapping. For this reason it is recommended that the Council should consult with the Office of Environment and Heritage on this matter.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** Delegation : **DG**

Public Authority : **Office of Environment and Heritage**
Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Due to the location of the site on the Kirkwood Road / Minjungbal intersection and its proximity to the new Pacific Highway interchange, and its potential use to facilitate the redevelopment of the major adjoining shopping centre, it is considered that NSW Roads and Maritime Services should be consulted in relation to the proposal.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
planning proposal.pdf	Proposal	No
covering letter.pdf	Proposal Covering Letter	No
attachment 1 to 6.pdf	Proposal	No
attachment 7 cultural heritage due diligence assessment.pdf	Study	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 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
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions**

Additional Information : It is recommended that:

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 14 days;**
- 3. The Planning Proposal be completed within 6 months;**
- 4. That consultation be undertaken with the NSW Office of Environment and Heritage and the NSW Roads and Maritime Services;**
- 5. The Director-General's delegate agree the inconsistencies with s117 Direction 3.1 Residential Zones, 4.1 Acid Sulphate Soils and 6.2 Reserving Land For Public Purposes are justified as matters of minor significance; and**
- 6. Prior to exhibition the proposed zoning maps are be amended to include the rezoning of Part Lot 1 DP 524806, 58-62 Minjungbal Drive, from 3(c) to 3(b).**

Supporting Reasons : The Planning Proposal seeks to rezone 1.37ha of land to facilitate the expansion of the adjoining Tweed City Shopping Centre. The rezoning is consistent with the approved strategic planning framework applying to the land, and is likely to provide a positive economic outcome to the locality. The Planning Proposal is supported.

Signature:



Printed Name:

Craig Diss

Date:

7/6/2012