

Draft LEP Amendment No. **96**

**PLANNING PROPOSAL v.1**

**GATEWAY DETERMINATION**

(Tweed City Shopping Centre)

TSC File: PP11/0004

**May 2012**

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## Introduction

### Purpose

Tweed Shire Council (Council) has received a request to prepare a Planning Proposal from Urbis Pty Ltd on behalf of DEXUS Property Group ("DEXUS"), the manager of the Tweed City Shopping Centre. The Tweed City Shopping Centre is the key destination that forms part of Tweed Heads South, the region's major district retail centre as recognised within Council's Retail Strategy.

DEXUS has recently acquired several adjoining properties with the view to expanding the existing centre to increase the range of services provided to align with a centre of 'Major Regional' status. The request seeks a rezoning of these properties, in effect rationalising the site's zoning and enabling a coordinated and preferred approach to the site's long term development.

Council resolved on 13 December 2011 to amend the Tweed Shire Local Environmental Plan 2000 (LEP 2000) as follows:

**RESOLVED that:**

1. *A planning proposal be prepared for PP11/0004 - Stage 1, Tweed City Shopping Centre at Lot 22 DP 23659; No. 24 Kirkwood Road; Lot 21 DP 23659; No. 26 Kirkwood Road; Lot 20 DP 23659; No. 28 Kirkwood Road; Lot 19 DP 23659; No. 30 Kirkwood Road; Lot 6 DP 1119624; No. 38 Minjungbal Drive; Lot 13 DP 23659; No. 42 Kirkwood Road; Lot 12 DP 23659; No. 44 Kirkwood Road; Lot 11 DP 23659; No. 46 Kirkwood Road; Lot 2 DP 804871; No. 48-50 Kirkwood Road; Lot 8 DP 23659; No. 52 Kirkwood Road; Lot 1 DP 781517; No. 58 Minjungbal Drive; Lot 2 DP 781518; No. 60 Minjungbal; Lot 1 DP 524806; No. 62 Minjungbal Drive; Lot 2 DP 524806; No. 64 Minjungbal Drive - TWEED HEADS SOUTH, subject to the prior execution of a Costs and Expenses Agreement being executed*

Refer Attachment 1 – Copy of Council Resolution 13 December 2011, and Attachment 2 – Copy of Council Report 13 December 2011.

Council also resolved on 17 April 2012 to incorporate an additional lot into the planning proposal as follows:

**RESOLVED that Council endorses Lot 5 in DP 830973, No. 24A Kirkwood Road, Tweed Heads South, to be incorporated into the current planning proposal PP11/0004, Draft Tweed Local Environmental Plan 2000 Amendment No. 96, subject to the prior written landowners consent of that property being provided.**

Refer Attachment 3 – Copy of Council Resolution 17 April 2012, and Attachment 4 – Copy of Council Report 17 April 2012.

## Part 1 Objectives and Intended Outcomes

### Objectives

- Facilitate a change in zoning from 2(b) Medium Density Residential, 3(c) Commerce and Trade and 6(b) Private Recreation to 3(b) General Business.
- Enable the orderly expansion of the existing Tweed City Shopping Centre.

### Intended outcome

The proposal explains the intent and documents the justification for a LEP amendment enabling the expansion of the existing Tweed City Shopping Centre.

It is also noted that Council has formally exhibited the Draft Local Environmental Plan 2010 (Draft LEP 2010), consistent with the requirements and format of the Standard LEP Template. Under the Draft LEP 2010, this proposal would translate to the draft B3 Commercial Core zone.

Given the current zoning of the site, to consolidate the Tweed Heads South Business Centre, the rezoning of the residential, commerce and trade and recreation blocks is required. This will allow for the regularisation of the commercial zone in Tweed Heads South, providing greater opportunity for future expansion of the Tweed City Shopping Centre.

### Property details

The site contains the following parcels of land: *Lot 22 DP 23659; No. 24 Kirkwood Road; Lot 5 DP 830973; No. 24A Kirkwood Road; Lot 21 DP 23659; No. 26 Kirkwood Road; Lot 20 DP 23659; No. 28 Kirkwood Road; Lot 19 DP 23659; No. 30 Kirkwood Road; Lot 6 DP 1119624; No. 38 Minjungbal Drive; Lot 13 DP 23659; No. 42 Kirkwood Road; Lot 12 DP 23659; No. 44 Kirkwood Road; Lot 11 DP 23659; No. 46 Kirkwood Road; Lot 2 DP 804871; No. 48-50 Kirkwood Road; Lot 8 DP 23659; No. 52 Kirkwood Road; Lot 1 DP 781517; No. 58 Minjungbal Drive; Lot 2 DP 781518; No. 60 Minjungbal; Lot 1 DP 524806; No. 62 Minjungbal Drive; Lot 2 DP 524806; No. 64 Minjungbal Drive - TWEED HEADS SOUTH.*

The site has an area of about 13.2ha, and fronts Minjungbal Drive and Kirkwood Road. The site currently contains:

- the Tweed City Shopping Centre complex (Lot 6 DP1119624). The shopping centre is predominantly one level, with the exception of a multi-storey car park and cinema complex in the site's south western vicinity, and is the primary retail centre in Council's hierarchy. Underground car parking is also provided underneath the shopping centre;
- a vacant site previously used as a service station (Lot 1 DP524806);
- three vacant sites previously used for residential purposes (Lots 20 to 22 DP23659); and,
- residential dwellings (Lot 5 DP830973, Lots 8, 11 to 13 and 19 DP23659, and Lot 2 DP804871).

## Site context and setting

The site is located in Tweed Heads South identified in Council's Retail Strategy as the region's major district retail centre, with access afforded to the site from both the north and south along Minjungbal Drive. Minjungbal Drive also provides access to the Pacific Highway, approximately one kilometre south of the site. Kirkwood Road access will also be provided upon the completion of a project extending it to the Pacific Highway, scheduled for completion in June 2013.

The site's topography is virtually flat, with no discernible changes in grade over the site.

Surrounding the site, fronting Minjungbal Drive, to the north, south and west are a number of motor vehicle premises, bulky goods premises and service industry businesses. There is a fragmented cluster of retail uses west of Minjungbal Drive to the Pacific Highway, and also bulky goods premises on the western side of the Pacific Highway.

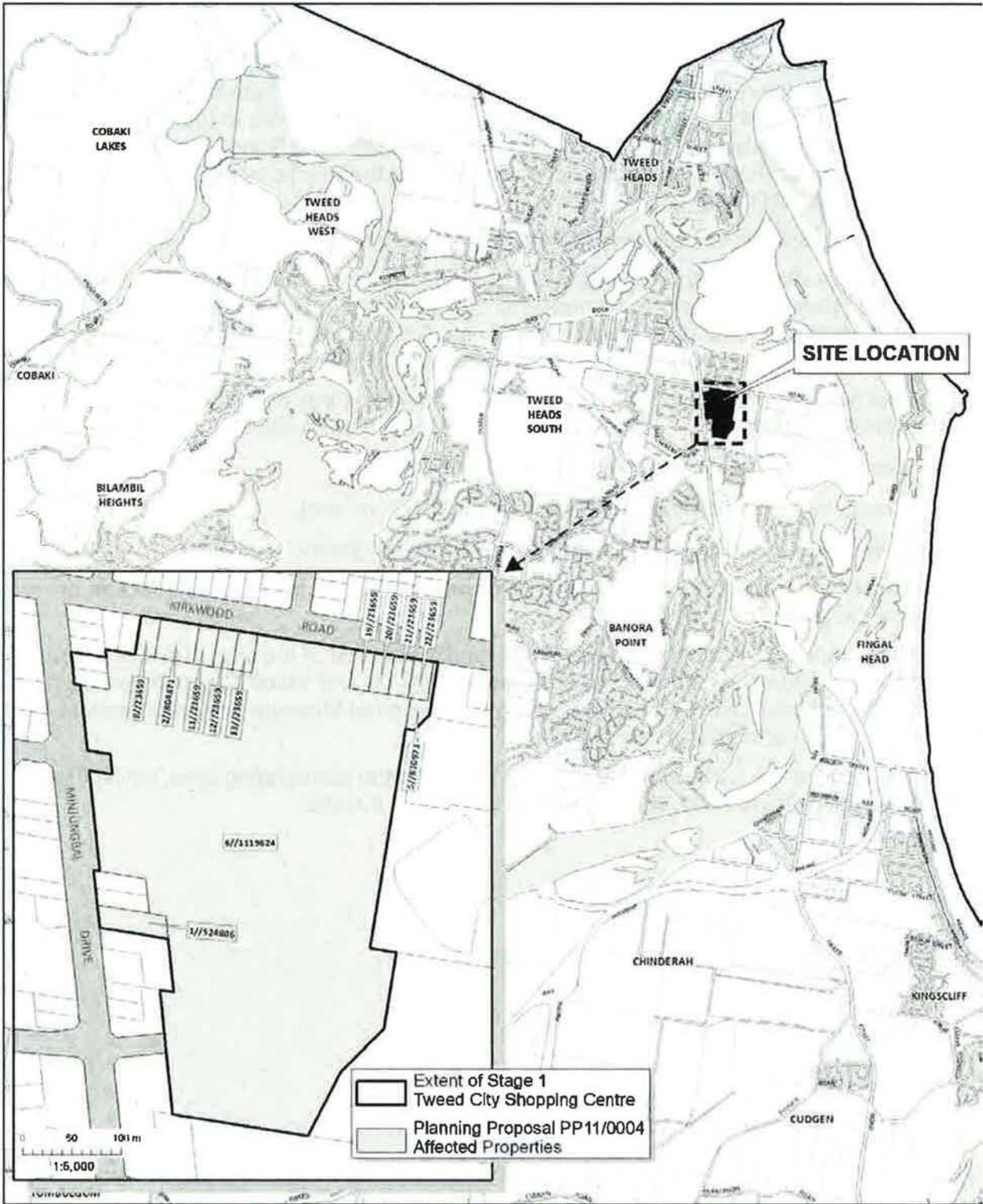
Residential neighbourhoods, generally consisting of single storey detached dwellings, are situated within walking distance of the site and are located to the site's:

- north, between Kirkwood Road and Water Street;
- south, between Soorley Street and Darlington Drive; and,
- west, between Minjungbal Drive and the Pacific Highway.

Tweed River High School is located to the north west of the site from the intersection of Minjungbal Drive and Kirkwood Road.

Open space generally dominates the land use landscape east of the site. Key uses east of the site comprise the Coolangatta-Tweed Heads Golf Club and associated holiday resort, and Ukerebagh Nature Reserve. The Minjungbal Aboriginal Museum is also situated in the south western corner of the Nature Reserve.

Figure 1 illustrates the location of the site with regard to the surrounding area, whilst Figure 2 illustrates the existing areas of each lot that comprises the site.



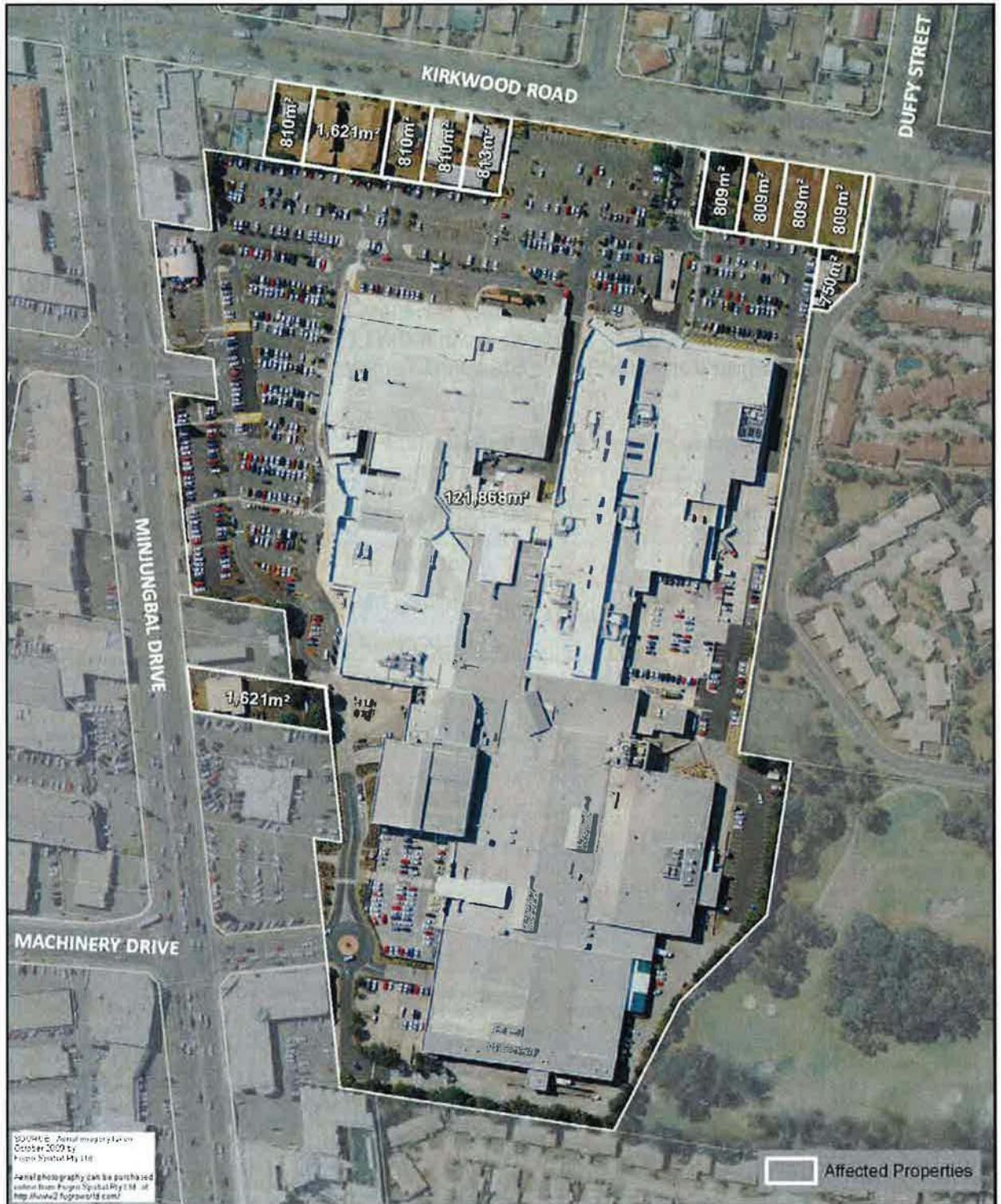
**Locality Plan**

**Figure 1**

Planning Proposal PP11/0004 Stage 1 Tweed City Shopping Centre  
 No 24-52 Kirkwood Road, Tweed Heads South (Lots 11-13 DP 23659, Lot 2 DP 804871, Lot 8 DP 23659, Lots 19-22 DP 23659, Lot 5 DP830973)  
 No.38 Minjungbal Drive, Tweed Heads South (Lot 6 DP 1119624) and No.62 Minjungbal Drive, Tweed Heads South (Lot 1 DP 524806)

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**Figure 1 Subject site locality plan**



Source: Aerial imagery taken October 2009 by Progress Spatial Pty Ltd  
 Aerial photography can be purchased online from Progress Spatial Pty Ltd at <http://www2.progressspatial.com>

**Aerial Photo - taken October 2009**

**Figure 2**

Planning Proposal PP11/0004 -- Stage 1 - Tweed City Shopping Centre  
 No.24-52 Kirkwood Road, Tweed Heads South (Lots 11-13 DP 23659, Lot 2 DP 804871, Lot 8 DP 23659, Lots 19-22 DP 23659, Lot 5 DP830973)  
 No.38 Minjungbal Drive, Tweed Heads South (Lot 6 DP 1119624) and No.62 Minjungbal Drive, Tweed Heads South (Lot 1 DP 524806)

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**Figure 2 Subject site properties and land areas**

## Zone Based Planning Controls

### Tweed Local Environmental Plan 2000

Under the LEP 2000, the site is currently zoned:

- 3(b) General Business.
- 2(b) Medium Density Residential.
- 6(b) Recreation.

A comparison of the key LEP controls between the LEP 2000 and the Standard Instrument (local environmental plans) Order 2006 (Standard Template LEP) is contained in Table 1. Figure 3 illustrates the current zoning of the site within the LEP 2000, whilst Figure 4 illustrates the zoning when translated to the Standard Template LEP.

**Table 1 Comparison between current LEP and Template LEP**

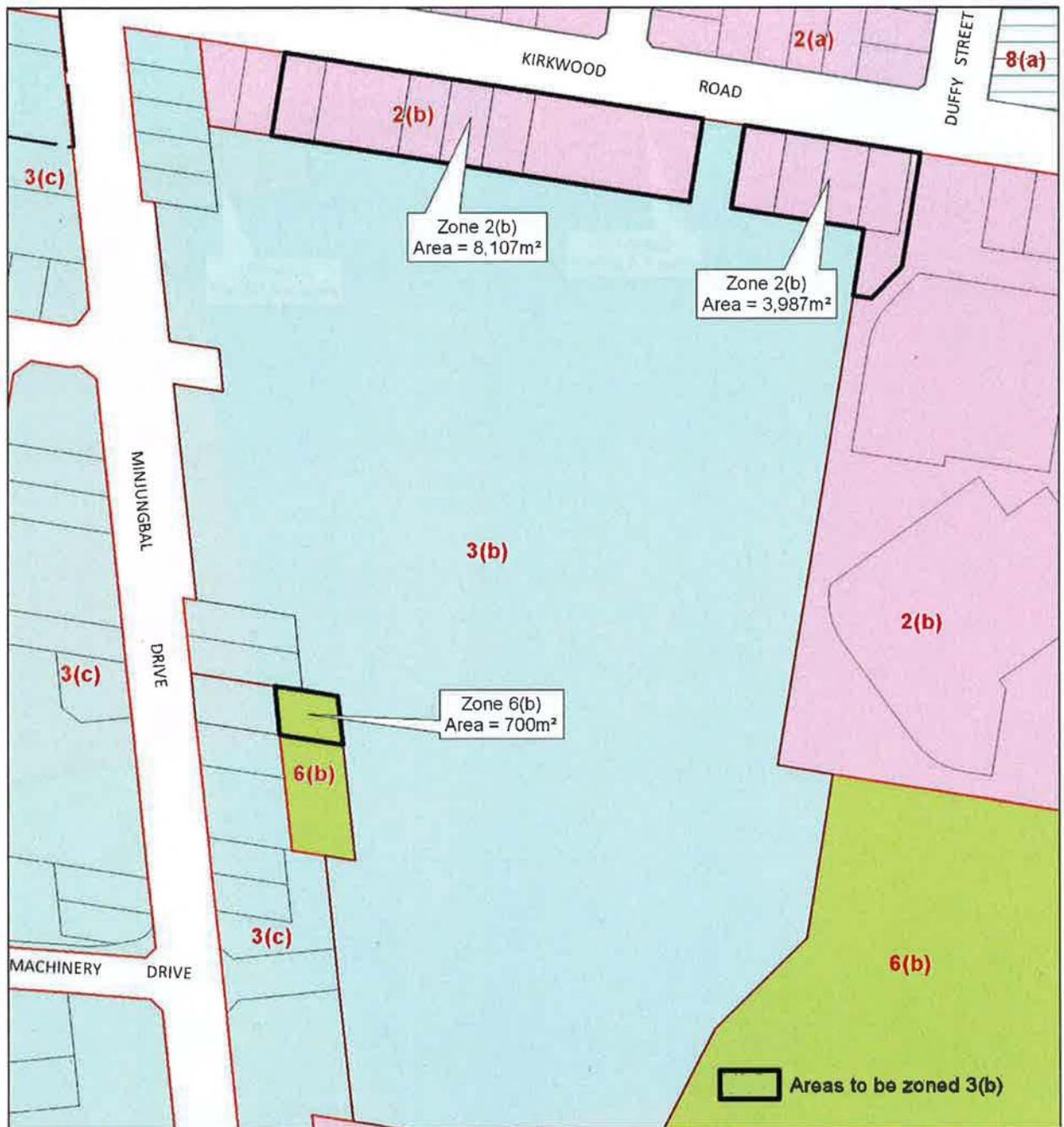
<b>3(b) General Business</b>			
LEP 2000		Standard Template LEP	
Lot size	N/A	Lot size	N/A
Building height	3 storeys	Building height	13.6m
Floor space ratio	N/A	Floor space ratio	2:1

<b>2(b) Medium Density Residential</b>			
LEP 2000		Standard Template LEP	
Lot size	N/A	Lot size	N/A
Building height	3 storeys	Building height	13.6m
Floor space ratio	N/A	Floor space ratio	2:1

<b>6(b) Private Recreation</b>			
LEP 2000		Standard Template LEP	
Lot size	N/A	Lot size	N/A
Building height	3 storeys	Building height	13.6m
Floor space ratio	N/A	Floor space ratio	2:1



**Tweed Local Environmental Plan 2000**

**Figure 3**

Planning Proposal PP11/0004 -- Stage 1 - Tweed City Shopping Centre  
 No.24 52 Kirkwood Road, Tweed Heads South (Lots 11 13 DP 23659, Lot 2 DP 804871, Lot 8 DP 23659, Lots 19 22 DP 23659, Lot 5 DP830973)  
 No.38 Minjungbal Drive, Tweed Heads South (Lot 6 DP 1119624) and No.62 Minjungbal Drive, Tweed Heads South (Lot 1 DP 524806)

ZONING	RESIDENTIAL	BUSINESS	INDUSTRIAL	ENVIRONMENTAL PROTECTION	NATIONAL PARKS & NATURE RESERVES
<b>RURAL</b> 1(a) Rural 1(c) Rural Living 1(b) Agricultural Protection 1(b) Agricultural Protection	2(a) Low Density Residential 2(b) Medium Density Residential 2(c) Townships 2(c) Urban Expansion 2(d) Village 2(e) Residential Tourist	3(a) Sub-Regional Business 3(b) General Business 3(c) Commerce & Trade 3(d) Waterfront Enterprise 3(e) Special Tourist 3(f) Local Primary Production	4(a) Industrial 4(b) Special Uses 4(c) Special Uses 4(d) Open Space 4(e) Recreation	7(a) Environmental Protection (Wetlands and Cultural Heritage) 7(b) Environmental Protection (Scenic / Escarpment) 7(c) Environmental Protection (Coastal Land) 7(d) Environmental Protection (Wetlands)	8(a) National Parks and Nature Reserves 8(b) Other
ADDITIONAL CONTROLS					
Clause 37 (Transmission Line Corridor) Clause 38 (Future Roads)	Clause 41 (Heritage Conservation Areas) Clause 52 (Existing and Future Queues)	Clause 52 (Minimum Lot Sizes) Clause 52 (Stormwater and FFI)	Clause 53 (Schedule Items) Clause 53 (Pollution)		

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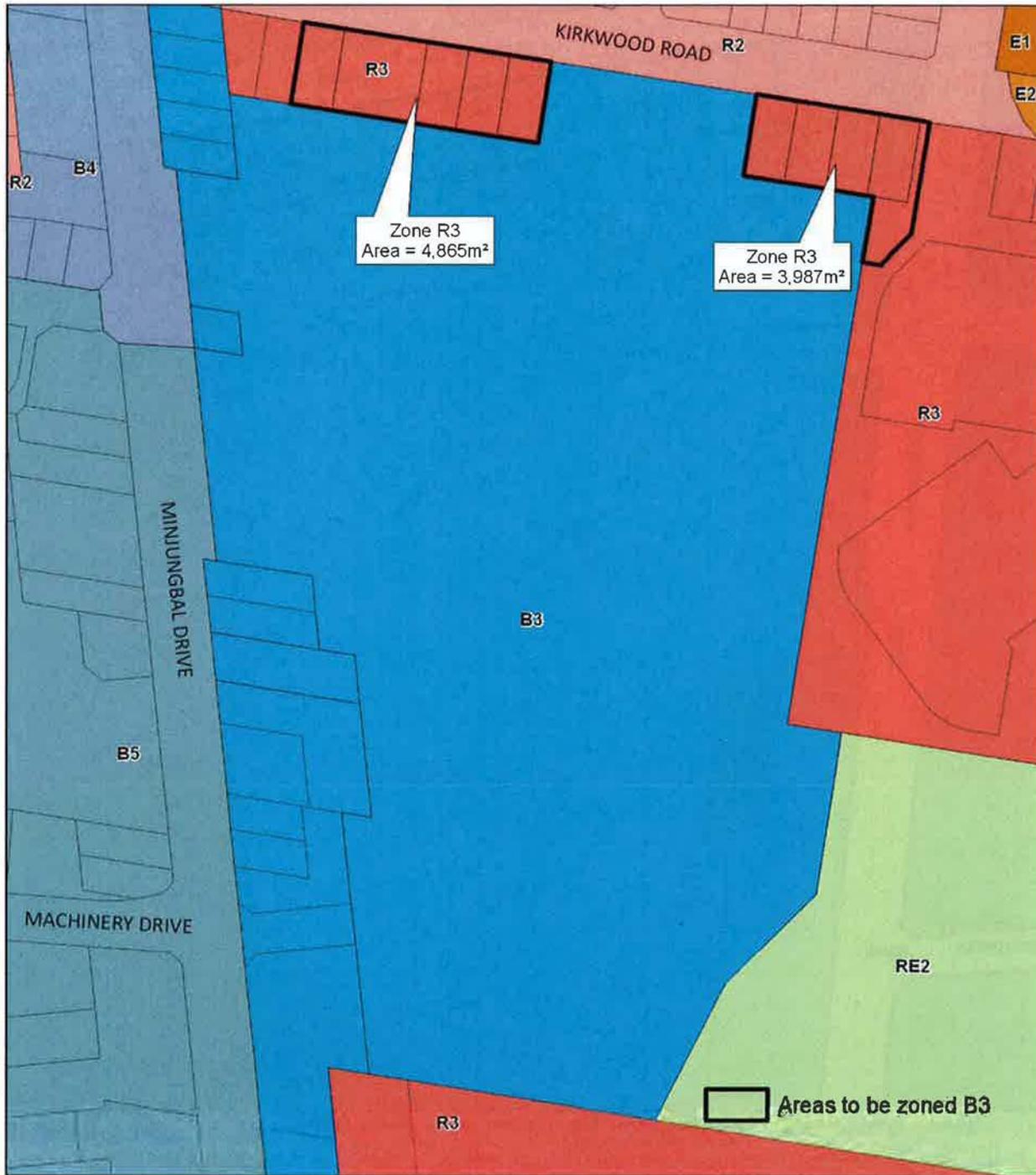
**Cadastral:** 24 April 2012  
 City and Property Management Authority (CPMA) & Local Shire Council  
 Boundaries shown should be consulted separately only.

**Scale:** 1:1000  
 Date: 24 April 2012  
 Author: [Name]  
 Checked: [Name]  
 Approved: [Name]

**City and Cultural Centre**  
 Tweed Shire Council  
 Tweed Heads NSW 2486  
 Phone: 07 5532 2222  
 Fax: 07 5532 2229  
 Website: www.tweedshire.nsw.gov.au

**TWEED SHIRE COUNCIL**

**Figure 3 Current Tweed LEP 2000 Zoning**



**Draft Tweed Local Environmental Plan 2010** Figure 4

Planning Proposal PP11/0004 - Stage 1 Tweed City Shopping Centre  
 No 24-52 Kirkwood Road, Tweed Heads South (Lots 11-13 DP 23659, Lot 2 DP 804871, Lot 8 DP 23659, Lots 19-22 DP 23659, Lot 5 DP830973)  
 No.38 Minjungbal Drive, Tweed Heads South (Lot 6 DP 1119624) and No.62 Minjungbal Drive, Tweed Heads South (Lot 1 DP 524806)

LAND ZONING		R1		R2		R3		RE2		B3	
B11	High/Lowland Centre	R1	General Residential Low Density Residential	R2	Medium Density Residential	R3	Large Lot Residential	RE2	Rural Landscape Village	B3	General Industrial
B12	Local Centre	R2	General Residential Medium Density Residential	R3	General Residential Large Lot Residential	RE2	Rural Landscape Village	B3	General Industrial	B3	General Industrial
B13	Commercial Core	R3	General Residential Large Lot Residential	RE2	Rural Landscape Village	B3	General Industrial	B3	General Industrial	B3	General Industrial
B14	Mixed Use	RE2	Rural Landscape Village	B3	General Industrial	B3	General Industrial	B3	General Industrial	B3	General Industrial
B15	Business Development	B3	General Industrial	B3	General Industrial	B3	General Industrial	B3	General Industrial	B3	General Industrial
		B3	General Industrial	B3	General Industrial	B3	General Industrial	B3	General Industrial	B3	General Industrial

**Legend:**  
 National Parks & Nature Reserves  
 Environmental Conservation  
 General Industrial  
 Public, Recreation  
 Private Recreation  
 Primary Production  
 Rural Landscape Village  
 Special Activities  
 Infrastructure  
 Tourist  
 Natural Waterways  
 Recreational Waterways  
 Walking Waterways  
 Unzoned Land  
 Deferred Matters

**Scale:** 1:10,000  
**North Arrow:** [Symbol]  
**Prepared by:** GDA  
**Date:** 23 April 2012  
**Author:** C. Lovell and Property Management Authority (SPERA)  
**Approved by:** Tweed Shire Council  
**Notes:** Boundaries shown should be considered approximate only.  
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 W www.tweedshire.gov.au  
 E info@tweedshire.gov.au

**Figure 4 Current Tweed LEP 2000 Zoning Translation to the Standard LEP Template Zoning**

## Part 2 Explanation of Provisions

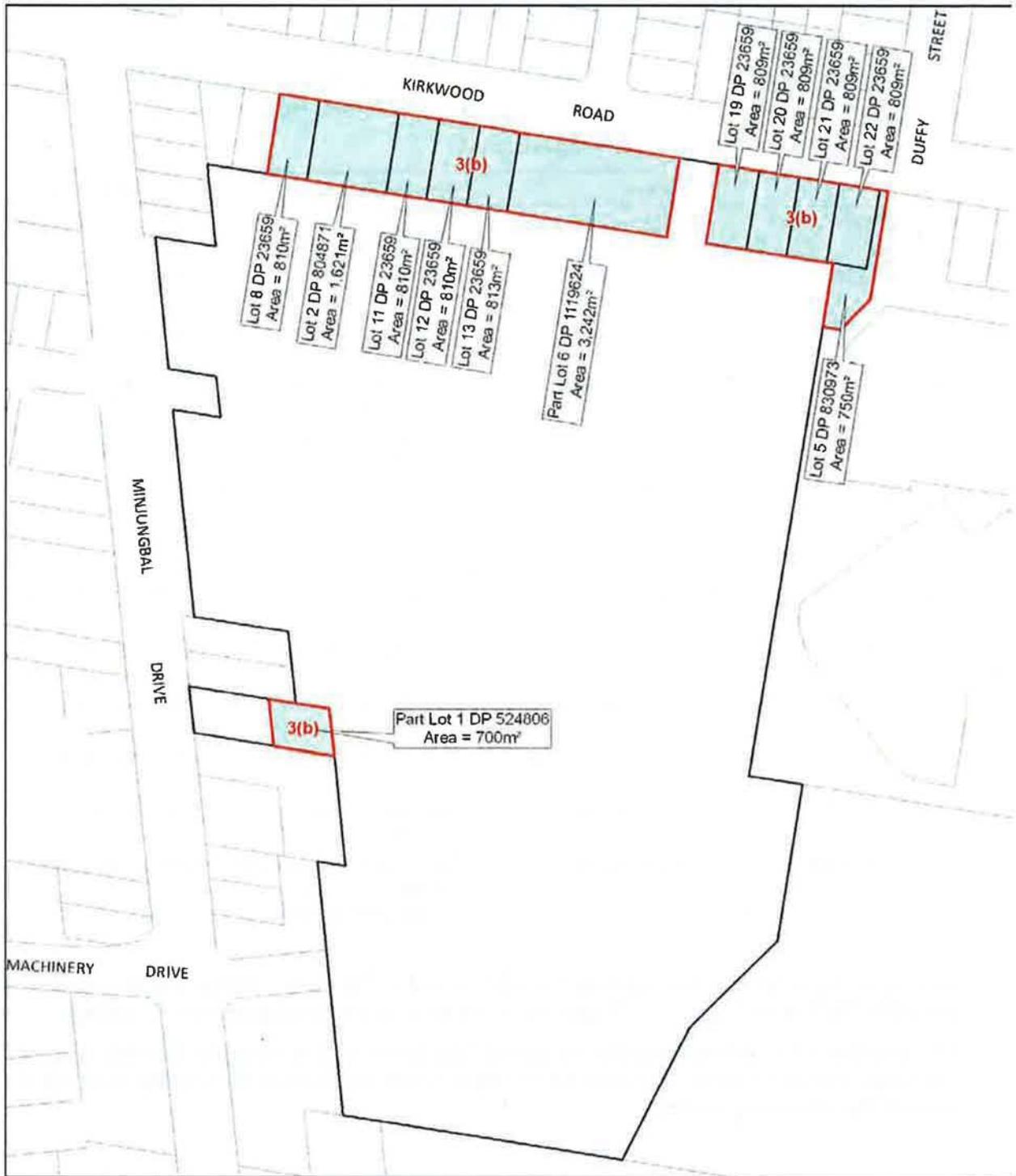
The intended outcome is to be achieved by an Amendment to the current LEP 2000 by rezoning the following lots listed in Table 2, to 3(b) General Business.

**Table 2 Lots affected by the Planning Proposal**

Site	Address	Current Zoning	Proposed Zoning
Lot 5 DP830973	24A Kirkwood Road	2(b) Medium Density Residential	3(b) General Business
Lot 22 DP23659	24 Kirkwood Road	2(b) Medium Density Residential	3(b) General Business
Lot 21 DP23659	26 Kirkwood Road	2(b) Medium Density Residential	3(b) General Business
Lot 20 DP23659	28 Kirkwood Road	2(b) Medium Density Residential	3(b) General Business
Lot 19 DP23659	30 Kirkwood Road	2(b) Medium Density Residential	3(b) General Business
Lot 6 DP1119624	38 Kirkwood Road	(part) 2(b) Medium Density Residential (part) 3(b) General Business	3(b) General Business
Lot 12 DP23659	42-44 Kirkwood Road	2(b) Medium Density Residential	3(b) General Business
Lot 13 DP23659	42-44 Kirkwood Road	2(b) Medium Density Residential	3(b) General Business
Lot 11 DP23659	46 Kirkwood Road	2(b) Medium Density Residential	3(b) General Business
Lot 2 DP804871	48-50 Kirkwood Road	2(b) Medium Density Residential	3(b) General Business
Lot 8 DP23659	52 Kirkwood Road	2(b) Medium Density Residential	3(b) General Business
Lot 1 DP 524806	58-62 Minjungbal Drive	(part) 3(c) Commerce and Trade (part) 6(b) Recreation	3(b) General Business

Zoning maps reflecting this approach are provided in Figure 5 – Proposed amendment to the LEP 2000, and Figure 6 – Proposed translation to the Standard LEP Template.

The addition of 12,044m<sup>2</sup> land (to be zoned 3(b) General Business) to the shopping centre (currently about 12.2ha), results in an increase of approximately 10% to the existing site area of the shopping centre.



**Tweed Local Environmental Plan 2000 - PROPOSED AMENDMENT Figure 5**

Planning Proposal PP11/0004 - Stage 1 - Tweed City Shopping Centre  
 No.24-52 Kirkwood Road, Tweed Heads South (Lots 11-13 DP 23659, Lot 2 DP 804871, Lot 8 DP 23659, Lots 19-22 DP 23659, Lot 5 DP830973)  
 No.38 Minjungbal Drive, Tweed Heads South (Lot 6 DP 1119624) and No 62 Minjungbal Drive, Tweed Heads South (Lot 1 DP 524806)

Affected Properties 3(b) General Business

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**Figure 5 Proposed amendment to the Tweed LEP 2000**



## Part 3 Justification

### Section A Need for the Planning Proposal

The Planning Proposal is justified as the future expansion of the Tweed City Shopping Centre, while possible given its current land holdings, requires the rezoning of the non 3(b) General Business land within the site to allow for a more 'regularly configured' site boundary, subsequently ensuring more suitable expansion.

The Tweed City Shopping Centre is recognised as the main retail centre within the region, and the Planning Proposal will assist in achieving the vision articulated in the Draft LEP 2010. The Draft Development Control Plan 2008 (Draft DCP 2008) that accompanies the Draft LEP 2010 seeks to create opportunities for Minjungbal Drive to be revitalised into a "dynamic street with a mixture of new retail, showcases and articulated facades" as identified under the Draft DCP 2008, Section B2 - Tweed City Centres, (adopted 13 December 2011).

#### *Is the Planning Proposal a result of any strategic study or report?*

Yes, at a regional level, the site is contained within the Far North Coast Regional Strategy (Regional Strategy) Town and Village Growth Boundary.

In addition, at a local level the site is also identified in the Draft DCP 2008, Section B2 - Tweed City Centres, as a designated development site, as depicted in Figure 7.

The location of the site for high order retail functions, and expansion of the existing shopping centre is also consistent with the objectives of the Council's Retail Strategy 2005.



Figure 7 Extract from Tweed City Centre Draft DCP 2008, Section B2.

***Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

Yes, while the majority of Lot 6 DP1119625 is appropriately zoned for the shopping centre use (with an area of approximately 12.2ha), the other lots are not. Accordingly, changes to the current urban zonings are required to enable the coordinated expansion of the shopping centre, and the consolidation of the Tweed Heads South business centre to occur.

While an enabling clause could be used as an alternative, it would bring no additional benefit and would only add to the ambiguity in the zoning schedule. Although a valid option in some cases, it is not seen to be the preferred approach in this instance given the desirability of securing the long-term identification and use of the site for commercial purposes.

A change in zoning will further rationalise the urban zones in this locality, is consistent with Council's strategic policy, and therefore is considered to be the most appropriate means of enabling the development of the land.

***Is there a net community benefit?***

To establish net community benefit the Department of Planning Guidelines (July 2009) includes the following advice in relation to the net community benefit assessment:

- *The Assessment should only evaluate the external costs and benefits of the proposal (ie. the externalities).*
- *Consideration must be given to changes that reflect a higher community benefit.*
- *The proposal should be assessed against the matters specified in the justification. The Assessment should evaluate the proposal against a base case or base cases including retaining the existing zoning on the land.*
- *The Draft Centres Policy includes guidance on conducting a Net Community Benefit Test that should be followed when assessing the net community benefit of a Planning Proposal. This guidance has been reproduced in the Department of Planning's Guidelines but adapted to suit all types of Planning Proposals.*
- *Because of the difficulty in assigning values to certain costs and benefits associated with Planning Proposals, the Net Community Benefit Test will not be a purely quantitative test.*

Table 3 identifies the key external costs and benefits of the Planning Proposal.

**Table 3 External costs and benefits**

<b>External Costs and Benefits</b>		
<b>Element</b>	<b>Cost</b>	<b>Benefit</b>
Change of land use and zoning	Part of the site to be rezoned contains residential development in the form of single and double storey dwellings, including various community-style residences ('Legacy Lodge'), situated adjacent to Kirkwood Road. The commercial business development of the site will result in the loss of approximately 8,850m <sup>2</sup> of residential land which is currently zoned for residential purposes.	The proposed change to the commercial zoning will enable a coordinated expansion of the Tweed City Shopping Centre, consolidate the Tweed Heads South Business Centre, and reinforce Tweed Heads as a Major Regional Centre for the Far North Coast. Given the residential lots are physically isolated from other residential areas in Tweed Heads South as a result of Kirkwood Road and the shopping centre, the change to commercial is not anticipated to set a precedent, and will enable uses more compatible with the overarching commercial character of the locality.
Infrastructure	The current land use utilises existing urban infrastructure.	The proposal will result in the more efficient use of existing urban infrastructure, and act as a catalyst for the provision of additional infrastructure if necessary (e.g. upgrade of local road network or public transport services) as a result of the expansion of the Tweed City Shopping Centre. The proposal will also allow for Draft DCP 2008, B2 – Tweed City Centres to be implemented, such as the provision of a public plaza adjacent to Minjungbal Drive.  The expansion will enable the shopping centre to grow into a Major Regional Centre, generating additional economic activity within the Tweed Heads South area, providing additional services and comparison shopping opportunities, resulting in a greater quality of life for residents.
Access	The commercial development of the site will result in the loss of approximately 8,850m <sup>2</sup> of 2(b) Residential land. This residential land is located directly adjacent to the commercially zoned Tweed City Shopping Centre, and is separated from neighbouring residential land by Kirkwood Road.	The proposed change to the commercial zoning will enable a coordinated expansion of the Tweed City Shopping Centre, and will result in the consolidation of the Tweed Heads South Business Centre. The upgrade to Kirkwood Road west of Minjungbal Drive will result in easier access to and from the shopping centre complex, improving access from the west and enabling economic growth.

Assessment of Net Community Benefit as guided by the Department of Planning and Infrastructure's *Guide to Preparing Planning Proposals* (July 2009) and found in the NSW Government's publication *Draft Centres Policy – Planning for Retail and Commercial Development* is addressed in Table 4, following:

**Table 4 Assessment of Net Community Benefit**

Criteria	Response
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?	<p>The site seeks to amend the LEP 2000 to allow appropriate development of the land. The draft Centres Policy, while not Government Policy, identifies as Principal 1 that retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres.</p> <p>The proposal for expansion of the shopping centre will facilitate the consolidation of the area's retail and commercial activities, and reinforce Tweed Heads as a Major Regional Centre. Minjungbal Drive allows for north-south access, and provides access to the Pacific Highway in the south. Minjungbal Drive also serves as the main route for public transport services that connect with the southern Gold Coast, ensuring a wide catchment for the business area.</p> <p>A bus interchange is located adjacent to the shopping centre's northern entrance and functions as a transit node.</p>
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	The site is situated within Tweed Heads South, part of the Tweed Heads Major Regional Centre as identified in the Regional Strategy.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The Planning Proposal is unlikely to create a precedent, as the area to be rezoned is owned by the shopping centre and will be used for the expansion of this retail and commercial hub. As discussed in Table 3 with respect to the element 'change of land use and zoning', the expansion is a logical outcome considering the additional lots are not contiguous to a residential neighbourhood and will not compromise the character of the residential area north of Kirkwood Road.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	No effects of spot rezonings within the locality have been considered, or are considered appropriate as the site is already designated within the Draft LEP 2010 for commercial activities (refer Part 3, Section A of the Planning Proposal).
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The Planning Proposal will facilitate the expansion of the Tweed City Shopping Centre, a major employer within the area.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	While the Planning Proposal removes residential land, the number of lots proposed to be rezoned from residential to commercial is minimal, and it is considered suitable for these to be replaced in more suitable areas within future planning decisions.

Criteria	Response
<p>Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?</p>	<p>The site contains the Tweed City Shopping Centre complex, located within a busy urban commercial, retail and bulky goods retailing area of the Shire. Surfside Buslines routes 601, 602, 603, 604, 605, 606, 607 and 608 provide regular north and south travelling public transport services to and from the site. A bus interchange is located immediately adjacent to the northern entrance to the shopping centre while bus stops are located on Minjungbal Drive.</p> <p>The north-south connection offered by Minjungbal Drive and the nearby Pacific Highway ensures access to the wider region. Upon completion of the Pacific Highway Upgrade through Banora Point to the south and the Minjungbal Drive interchange in late 2012, access to the Tweed Heads South area will be improved. In addition, the future upgrade of Kirkwood Road and Pacific Highway interchange will assist in strengthening access links to Tweed Heads South.</p> <p>Pedestrian footpaths are located along Minjungbal Drive and Kirkwood Road.</p> <p>The rezoning of the site will further consolidate the land on which the Tweed City Shopping Centre is located, allowing for further potential investment and expansion of the retail hub which the Centre provides. Any further expansion to the shopping centre will be subject to the required Development Application process.</p> <p>The proposal is unlikely to raise any negative impacts on the performance of road capacity or public transport. Any future expansion plans for the shopping centre may have an impact on the surrounding road network due to an increase in the number of car movements in the area, and may require traffic and parking impact assessments to be undertaken as part of a development application.</p>
<p>Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</p>	<p>The Planning Proposal is likely to result in a reduction in distances travelled by potential customers within the shopping centre's catchment. The increased range of services and goods available at a larger shopping centre results in a greater likelihood of meeting potential customer requirements for comparison shopping (which is currently only available at Robina Town Centre, or Pacific Fair, both of which are located at the Gold Coast)</p>
<p>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?</p>	<p>The current upgrade to the Pacific Highway just south of the site and Kirkwood Road interchange with the Pacific Highway west of the site will enable easier and safer access to and from Tweed Heads South including the shopping complex. Given the extent of these infrastructure projects, the benefit to Tweed Heads South area will be positive, and will assist in creating a centre of Major Regional status.</p>
<p>Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?</p>	<p>The Planning Proposal does not impact on land which is identified by State Government as being required to be protected. The majority of the land to be rezoned is residential, with minimal environmental values.</p>

Criteria	Response
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	Given the proposal seeks to rezone residential and recreation lots to general business land; it is considered the consolidated zoning will be compatible with the surrounding land uses.  As the site is located within an established commercial precinct, the rezoning will enable the consolidation of the shopping centre complex. This will allow for the improvement of the public domain, as identified in Part 3, Section A of the Planning Proposal, with the potential for the future development of a public plaza.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will allow for the future expansion of the Tweed City Shopping Centre, providing the opportunity to increase the centre's gross floor area and the number of retailers within the complex. This will allow for a greater amount of competition between retailers, and provide the community with a wider range of choice for shopping.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not applicable. The site is located within the Tweed Heads South Business Centre.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The extension of the General Business zoning into the adjoining lots equates to about a 10% increase in the overall site area of the Tweed City Shopping Centre. This increase will enable the centre to expand and be consistent with the purpose of a "Major Regional" Centre,  This will enable greater competition within the business centre due to an increase in the number of retailers and service providers, and will subsequently generate between 1,100-1,500 direct and 800-1,000 indirect jobs within the shopping complex.

## Section B Relationship to strategic planning framework

### ***Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

The Far North Coast Regional Strategy 2006-2031 (Regional Strategy) is the overarching framework that manages growth within the Far North Coast area, including the Tweed local government area.

The Regional Strategy 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 Regional Strategy 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 of the area and fosters opportunities for greater economic activity and diversification.

Within the Regional Strategy, the site is located in the identified Town and Village Growth Boundary of the Tweed region, within the existing urban footprint.

Rezoning the site for general business uses and the subsequent expansion of the Tweed City Shopping Centre would assist in achieving the aims of the Regional Strategy, in particular through:

- Assisting in the revitalisation of the Tweed CBD and surrounding areas, enabling it to provide a high level of services and employment.
- Assisting in the development of Tweed Heads as a major centre for tourism through the provision of a variety of retail services.
- Strengthening economic activity in the region, and the expansion of a major shopping centre complex will create the opportunity for population growth and therefore additional investment.

The rezoning of the site will allow for the consolidation of the Tweed Heads South Business Centre, as identified within the current LEP 2000.

Appendix A1 of the Regional Strategy contains Sustainability Criteria, which represent a clear, transparent list of matters that any new Planning Proposal is assessed against. Table 5 documents the Sustainability Criteria and how the Planning Proposal complies with the Criteria.

**Table 5 Assessment against Regional Strategy Sustainability Criteria**

Criteria	Measurable explanation of criteria	Response
<p><b>1. Infrastructure Provision</b></p> <p>Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way</p>	<ul style="list-style-type: none"> <li>Development is consistent with the outcomes of the Far North Coast Regional Strategy, any subregional strategy, regional infrastructure plan and relevant section 117 direction/s.</li> <li>The provision of infrastructure (utilities, transport, open space, and communications) is costed and economically feasible based on Government methodology for determining infrastructure development contributions.</li> <li>Preparedness to enter into development agreement.</li> </ul>	<p>The proposal is consistent with the outcomes for infrastructure provision, with no additional State infrastructure provisions arising from this proposal; The site, being located within the urban area of Tweed Heads South, benefits from access to existing services, including sewer, water, telecommunications, public transport and road infrastructure.</p> <p>Applicable section 94 contributions will be levied in accordance with Council's s94 plans at any development application stage.</p>
<p><b>2. Access</b></p> <p>Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided</p>	<ul style="list-style-type: none"> <li>Accessibility of the area by public transport and/or appropriate road access in terms of: <ul style="list-style-type: none"> <li>- Location/land use – to existing networks and related activity centres.</li> <li>- Network – the area's potential to be serviced by economically efficient transport services.</li> <li>- Catchment – the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/ transport patterns to make a positive contribution to achievement of travel and vehicle use goals.</li> </ul> </li> <li>No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.</li> </ul>	<p>The site contains the Tweed City Shopping Centre complex, located within a busy urban commercial, retail and bulky goods retailing area of the Tweed Shire. Surfside Buslines routes 601, 602, 603, 604, 605, 606, 607 and 608 provide regular north and south-travelling public transport services to and from the site.</p> <p>The north-south connection offered by Minjungbal Drive and the nearby Pacific Highway ensures convenient access to the wider region. Upon completion of the Pacific Highway Upgrade through Banora Point to the south and the Minjungbal Drive interchange in late 2012, access to the Tweed Heads South area will be improved. In addition, the future upgrade of Kirkwood Road and Pacific Highway interchange will assist in strengthening access links to Tweed Heads South.</p> <p>The rezoning of the site will further consolidate the land on which the Tweed City Shopping Centre is located, allowing for the provision of regional-level retail and service activities that service a wide catchment. Any further expansion to the shopping centre will be subject to the required Development Application process.</p> <p>The proposal is unlikely to raise any negative impacts on the performance of road capacity or public transport. Any future expansion plans for the shopping centre may have an impact on the surrounding road network due to an increase in the number of car movements in the area, and may require traffic and parking impact assessments to be undertaken as part of a Development Application.</p>
<p><b>3. Housing Diversity</b></p> <p>Provide a range of housing choices to ensure a broad</p>	<ul style="list-style-type: none"> <li>Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.</li> </ul>	<p>The proposal provides the opportunity for future retail development and does not include any foreseeable residential land uses or objectives. As described in Section A of the Planning Proposal, the location is considered more suitable for retail uses, an outcome consistent with the Draft DCP 2008 and the expected role of Tweed Heads as articulated through the Regional Strategy.</p>

Criteria	Measurable explanation of criteria	Response
population can be housed		
<p><b>4. Employment Lands</b></p> <p>Provide regional/local employment opportunities to support the Far North Coast's expanding role in the wider regional and NSW economies</p>	<ul style="list-style-type: none"> <li>Maintain or improve the existing level of sub-regional employment self-containment.</li> <li>Meets subregional employment projections.</li> <li>Employment-related land is provided in appropriately zoned areas.</li> </ul>	<p>The proposal will (upon future potential expansion of the Tweed City Shopping Centre) improve on the current level of sub-regional employment. Given the importance of the links between the Tweed and South East Queensland regions, the proposal will strengthen the economic activity within the Tweed area particularly.</p>
<p><b>5. Avoidance of Risk</b></p> <p>Land use conflicts, and risk to human health and life, avoided</p>	<ul style="list-style-type: none"> <li>No residential development within 1:100 floodplain.</li> <li>Avoidance of physically constrained land, e.g. <ul style="list-style-type: none"> <li>- High slope</li> <li>- Highly erodible.</li> </ul> </li> <li>Avoidance of land use conflicts with adjacent existing or future land use as planned under relevant subregional or regional strategy.</li> <li>Where relevant available safe evacuation route (flood and bushfire).</li> </ul>	<p>As the proposal seeks to rezone 2(b) Residential to 3(b) General Business, it is assumed no future residential development will occur on the site.</p> <p>As noted in Part 1 the site is generally flat and therefore the potential for erosion can be appropriately managed through subsequent construction activities.</p> <p>Land use conflicts will largely be avoided due to Kirkwood Road physically separating 3(b) General Business land from 2(a) Residential. The Kirkwood Road reserve width (approximately 30 metres) also assists in this respect.</p> <p>The rezoning will result in Residential 2(b) land adjacent to the site. However the potential impacts of a shopping centre use upon Residential 2(b) land can be effectively managed by considering issues in the Development Application process such as:</p> <ul style="list-style-type: none"> <li>Applying building heights in accordance with the LEP and building setbacks in accordance with the existing Development Control Plan (DCP 2008) and Draft Tweed City Centre DCP adopted 13 December 2011.</li> <li>Implementing fencing that provides appropriate privacy to residential land, and attenuates acoustic emissions from the shopping centre</li> <li>Ensuring hours of operation and lighting is appropriately managed to ensure a reasonable level of residential amenity.</li> </ul>
		<p><b>Flooding</b></p> <p>Council's DCP 2008, Section A3 indicates that the majority of the site is identified as being outside the inundated area of an ARI 100 year flood, however has the potential to be affected by a probable maximum flood under current conditions. Council's Climate Change Maps (Section A3 of DCP 2008) indicate a flood level contour across the north-western corner of the site of 2.6-2.7 metres AHD. The south-eastern corner has a flood level contour of 2.8 metres AHD.</p> <p>It is considered the risk of flooding can be adequately assessed during the Development</p>

Criteria	Measurable explanation of criteria	Response
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Application stage. In the event of flooding inundation the site can be evacuated to the south via Minjungbal Drive, away from the identified area of risk.



Criteria	Measurable explanation of criteria	Response
	<p>Property Boundaries</p> <ul style="list-style-type: none"> <li>Suburbs</li> <li>Surrounding Shires</li> <li>Flood level contour</li> <li>(Metres AHD)</li> <li>Inundation Areas</li> </ul>	<p>Inundation Areas (continued)</p> <ul style="list-style-type: none"> <li>8.5 to 9.0</li> <li>9.0 to 9.5</li> <li>&gt; 9.5</li> </ul> <p>Additional Areas Under PMF</p> <ul style="list-style-type: none"> <li>Additional areas inundated by PMF</li> <li>Major Waterways</li> </ul>
	<p>Property Boundaries</p> <ul style="list-style-type: none"> <li>Suburbs</li> <li>Surrounding Shires</li> <li>Flood level contour</li> <li>(Metres AHD)</li> <li>Inundation Areas</li> </ul>	<p>Inundation Areas (continued)</p> <ul style="list-style-type: none"> <li>4.0 to 4.5</li> <li>4.5 to 5.0</li> <li>5.0 to 5.5</li> <li>5.5 to 6.0</li> <li>6.0 to 6.5</li> <li>6.5 to 7.0</li> <li>7.0 to 7.5</li> <li>7.5 to 8.0</li> <li>8.0 to 8.5</li> </ul>
	<p>Property Boundaries</p> <ul style="list-style-type: none"> <li>Suburbs</li> <li>Surrounding Shires</li> <li>Flood level contour</li> <li>(Metres AHD)</li> <li>Inundation Areas</li> </ul>	<p>Inundation Areas (continued)</p> <ul style="list-style-type: none"> <li>4.0 to 4.5</li> <li>4.5 to 5.0</li> <li>5.0 to 5.5</li> <li>5.5 to 6.0</li> <li>6.0 to 6.5</li> <li>6.5 to 7.0</li> <li>7.0 to 7.5</li> <li>7.5 to 8.0</li> <li>8.0 to 8.5</li> </ul>

**Bushfire hazard assessment**

A small area of the north-eastern corner of the site is within the 100 metre buffer zone as defined by Council's Bushfire Prone Land map; however bushfire hazard is not considered to be a prohibitive issue for this proposal. In the event of a bushfire from the north-eastern direction the site can be evacuated to the north and south via Minjungbal Drive, away from the identified area of risk.





Criteria	Measurable explanation of criteria	Response
<p><b>Resources</b></p> <p>Natural resource limits not exceeded / environmental footprint minimised</p>	<p>to supply water and does not place unacceptable pressure</p> <ul style="list-style-type: none"> <li>• Demonstrates most efficient / suitable use of land <ul style="list-style-type: none"> <li>- Avoids identified significant agricultural land</li> <li>- Avoids productive resource lands – extractive industries, coal, gas and other mining, and quarrying.</li> </ul> </li> <li>• Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy-requires demonstration of efficient and sustainable supply solution.</li> </ul>	<p>The site is currently serviced by sewer and reticulated water, however the impact of the potential future expansion of the Tweed City Shopping Centre is yet to be quantified. Further studies should be done during the Development Assessment phase to ensure that the extension of these services can occur without unacceptable pressure on infrastructure capacity.</p> <p><b>Agricultural Land</b></p> <p>The site is located within a highly urbanised area, with no agricultural land in the vicinity.</p> <p><b>Resource lands</b></p> <p>The site does not contain any known productive resources.</p> <p><b>Energy</b></p> <p>The site is unlikely to result in an unacceptable impact of energy capacity/supply as it represents an expansion of the adjoining commercial and general business land uses. The required utilities and services should be easily augmented to service the additional lots.</p>
<p><b>7. Environmental Protection</b></p> <p>Protect and enhance biodiversity, air quality, heritage, and waterway health</p>	<ul style="list-style-type: none"> <li>• Consistent with government-approved Regional Conservation Plan (if available).</li> <li>• Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC). This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats.</li> <li>• Maintain or improve existing environmental condition for water quality: <ul style="list-style-type: none"> <li>- Consistent with community water quality objectives for recreational water use and river health (DEC and CMA).</li> <li>- Consistent with catchment and stormwater management planning (Catchment Management Authority and council).</li> </ul> </li> <li>• Protects areas of Aboriginal cultural heritage value (as agreed by DEC).</li> </ul>	<p><b>Flora and fauna</b></p> <p>The site is currently a highly urbanised built-up area, and there is no flora or fauna habitats situated within the proposal boundaries. The south-eastern boundary does abut a small area of Sclerophyll Forests/Woodlands on Sand Substrate and Alluvium.</p>

Criteria	Measurable explanation of criteria	Response

Criteria	Measurable explanation of criteria	Response
		<div style="margin-bottom: 10px;"> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ADD8E6; border: 1px solid black; margin-right: 5px;"></span> Estuarine Complexes</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #FFD700; border: 1px solid black; margin-right: 5px;"></span> Fore-dune Complex</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #FFA500; border: 1px solid black; margin-right: 5px;"></span> Heathlands</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #E0E0E0; border: 1px solid black; margin-right: 5px;"></span> Highly Modified / Disturbed</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #008080; border: 1px solid black; margin-right: 5px;"></span> Melaleuca and Swamp She-oak Forests</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #90EE90; border: 1px solid black; margin-right: 5px;"></span> Miscellaneous Map Units</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #006400; border: 1px solid black; margin-right: 5px;"></span> Rainforest and Riparian Communities</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #2E8B57; border: 1px solid black; margin-right: 5px;"></span> Sclerophyll Forests / Woodlands on Sand Substrates and Alluvium</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #800000; border: 1px solid black; margin-right: 5px;"></span> Sclerophyll Open Forests on Bedrock Substrates</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #4169E1; border: 1px solid black; margin-right: 5px;"></span> Sedgeland and Related Communities</li> </ul> </div> <p><b>Aboriginal Cultural Heritage</b></p> <p>An Aboriginal Cultural Heritage Due Diligence Assessment was undertaken by Everick Heritage Consultants, March 2012 and provided in Attachment 7.</p> <p>This assessment finds:</p> <ul style="list-style-type: none"> <li>No known Aboriginal objects or places were identified within the project area.</li> <li>Council's Aboriginal Advisory Committee makes no objection to the proposed rezoning</li> <li>The likelihood of significant Aboriginal cultural heritage being located within the site is low as a result of previous ground disturbance; however the site is situated within an immediate cultural landscape of high significance to the local Aboriginal people.</li> <li>Appropriate recommendations can be implemented to ensure all items of Aboriginal cultural heritage significance are identified and preserved, should those items be uncovered as part of subsequent construction activities.</li> </ul>
<p><b>8. Quality and Equity in Services</b></p> <p>Quality health, education, legal, recreational, cultural and community development and other government services are accessible</p>	<ul style="list-style-type: none"> <li>Available and accessible services.                             <ul style="list-style-type: none"> <li>- Do adequate services exist?</li> <li>- Are they at capacity or is some capacity available?</li> <li>- Has Government planned and budgeted for further service provision?</li> <li>- Developer funding for required service upgrade/access is available.</li> </ul> </li> </ul>	<p>The development of the site to allow for future expansion of the Tweed City Shopping Centre will create further employment opportunities within the area. The site currently has adequate services, with planned and currently occurring expansions of these services underway, notably the Pacific Motorway upgrade approximately one kilometre away.</p>

The Regional Strategy provides a range of aims, outcomes and actions which guide development within the Tweed. The consistency of the proposal against the Regional Strategy aims, outcomes and actions when preparing an LEP is contained in Table 6:

**Table 6 Assessment against Far North Coast Regional Strategy aims and actions**

<b>Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan</b>	
<b>Action</b>	<b>Assessment</b>
<b>Environment and Natural Resources</b>	
Local environmental plans will protect and zone land with State or regional environmental, agricultural, vegetation, habitat, waterway, wetland or coastline values.	The site is located in a pre-existing developed area, and will not affect any land with State or regional environmental, agricultural, vegetation, habitat, waterway, wetland or coastline values.
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.	The site is not located within the Environmental Assets and Rural Land area.
Local environmental plans will identify and zone land of landscape value (including scenic and cultural landscapes) to protect those values.	The site does not have any significant landscape values.
Local environmental plans will protect land identified as having extractive resources of regional significance (see Attachment 2).	The site does not contain areas of known extractive resources.
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.	The site is not adjacent to farmland, extractive resources, waterways, wetlands or areas of high biodiversity. The nearby Ukerebagh Nature Reserve will not be affected by the proposal, as Kirkwood Road and residential properties separate the reserve and the site.
Local environmental plans will: <ul style="list-style-type: none"> <li>include minimum subdivision standards for rural and environment protection zones</li> <li>include provisions to limit dwellings in the rural and environmental zones</li> <li>not include provisions to permit concessional allotments.</li> </ul>	The proposal does not seek to alter any rural or environmental protection zones.
Local environmental plans will include provisions to encourage habitat and corridor establishment in future zoning of Environmental Assets and Rural Land area.	The proposal does not seek to alter any rural or environmental protection zones.
Local environmental plans will include provisions to limit the creation of additional water rights on land fronting watercourses.	The proposal does not created additional water rights.
Local environmental plans will not rezone land within town water supply catchments and significant groundwater areas if this has the potential to reduce the quality and quantity of these assets.	The site does not fall within the town water supply catchment.

### Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan

Action	Assessment
Rezoning of land for future development within the catchments of coastal lakes (as defined in Schedule 1 of State Environmental Planning Policy No. 71—Coastal Protection) will consider the recommendation of any Coastal Lake Sustainability Assessment which has been prepared.	The site does not fall within a coastal lake catchment and is not restricted by SEPP 71 in this instance.
Subdivision and dwelling standard provisions in local environmental plans will reflect the objectives of the relevant zone and the Regional Strategy.	Existing standards in Tweed Local Environmental Plan 2000 and Draft Tweed Local Environmental Plan 2010 will apply.
<b>Cultural Heritage</b>	
Councils are to ensure that Aboriginal cultural and community values are considered in the future planning and management of their local government area.	As identified in Table 3, an Aboriginal Due Diligence Assessment has been undertaken. This assessment finds that the site has been highly modified as a result of urban activities, and therefore there is a low likelihood of encountering significant Aboriginal cultural heritage values on the site. The report makes recommendations for actions should any item or object be uncovered during works.
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 site.
The cultural heritage values of major regional centres and major towns that are to be the focus of urban renewal projects will be reviewed, with the aim of protecting cultural heritage.	There are no heritage listed items of local, regional or state significance on the site.
<b>Natural Hazards</b>	
In order to manage the risks associated with climate change, councils will undertake investigations of lands with the potential to be affected by sea level rise and inundation to ensure that risks to public and private assets are minimised.	Council Flood Maps indicate that flooding is not a constraint to rezoning, with the majority of the site being outside the modelled inundation area of an ARI 100 year flood. The site does however have the potential to be affected by a probable maximum flood under current conditions.
Local environmental plans will make provision for adequate setbacks in areas at risk from coastal erosion and/or ocean based inundation in accordance with Coastal Zone Management Plans. Until these plans are made by the Minister for Natural Resources, councils cannot zone land or approve new development or redevelopment in potential hazard areas, unless assessed within a risk assessment framework adopted by the council.	Not applicable as the site is not subject to coastal erosion.
Local environmental plans will zone waterways to reflect their environmental, recreational or cultural values.	Not applicable, as no waterway are located within or adjacent to the site.
Local environmental plans will zone areas subject to high hazard to reflect the capabilities of the land.	Not applicable, as there are no areas of high hazard over the site.

### Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan

Action	Assessment
<b>Settlement and Housing</b>	
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.	Not applicable. This proposal does not propose housing.
Local environmental plans will ensure that all new development reinforces existing urban and rural centres, towns and villages.	The site is conveniently located in the centre of the Tweed Heads South business area, and will reinforce Tweed Heads as a Major Regional Centre.
A land release staging program will be developed to ensure the orderly release of new housing.	Not applicable. No housing is proposed, nor can be proposed for the site once the land is rezoned 3(b) General Business.
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.	The State Infrastructure Strategy for NSW 2008-2018 (NSW Treasury) contains several investments for the Tweed area, including an upgraded electricity distribution centre, and the Banora Point Pacific Highway Interchange project, which is located directly south of the site. The rezoning is unlikely to increase the need for State infrastructure, over and above that already servicing the site.
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.	Not applicable. No housing is proposed, nor can be proposed for the site once the land is rezoned 3(b) General Business.
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.	Not specific to this proposal.
Local environmental plans generally should locate major health and educational facilities in urban areas.	Not applicable. Health and educational facilities are not proposed as part of this proposal.
Local environmental plans cannot use the Transition Zone in the Standard Instrument (Local Environmental Plans) Order 2006 to identify land for future urban investigation purposes.	The proposal does not use any transition zone for future urban investigation.
Local environmental plans will maintain interurban breaks between existing and new settlements.	Not applicable to this proposal.
<b>Town and Village Growth Boundary</b>	
The Town and Village Growth Boundary is defined by the Town and Village Growth Boundary Map	The proposal does not result in the modification of the Town and Village Growth Boundary, as defined under the Regional Strategy.
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.	Not applicable. The site is already developed and results in a change of zoning to allow for the consolidation of the 3(b) General Business zone within the Tweed Heads South business area.

### Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan

Action	Assessment
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.	The Tweed Urban and Employment Land Release Strategy was adopted in 2009, however tends to focus more on greenfield land release, rather than infill development. Given the nature of this Planning Proposal, it is considered that this Strategy does not affect the rezoning from 2(b) Residential to 3(b) General Business at the site.
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.	The Tweed Urban and Employment Land Release Strategy was adopted in 2009, however tends to focus more on greenfield land release, rather than infill development. Given the nature of this Planning Proposal, it is considered that this Strategy does not affect the rezoning from 2(b) Residential to 3(b) General Business at the site.
Planning for urban land must be integrated with the supply of relevant infrastructure and transport provision.	Not applicable. The site is located within an established urban area.
Any development proposed for greenfield sites in the non coastal area that is located outside of the Town and Village Growth Boundary will be subject to satisfying the Sustainability Criteria (Attachment 1).	Not applicable. The site is not a greenfield site.
<b>Settlement Character and Design</b>	
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.	Council has adopted the Tweed City Centres DCP, which applies to this area, and the proposal is consistent with the Plan's aims and objectives for this site.
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.	Any future development on the site will be subject to assessment under the Development Assessment process. Sufficient ability exists for the development to suit climatic conditions and complement the local character of the area.
New development should be designed to reflect and enhance the natural, cultural, visual and built character and values of the local and regional landscape.	Any future development on the site will be subject to the Development Assessment process. Sufficient ability exists for the development to complement the built character of the area.
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.	Not applicable. The site is not located within a coastal foreshore or riparian land area.
New and changing settlement areas should incorporate open space that is accessible to the public, which provides opportunities for recreation, nature conservation, social interaction, and for visual enhancement and amenity.	Not applicable. The site is located within an existing settled area.
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 will be consistent with the current LEP 2000 and Draft LEP 2010.
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	The site is located within the coastal zone, however by virtue of the site's setback from the coastal foreshore, and the height of the buildings being consistent with the LEP 2000, overshadowing of the coastal foreshore is will not

### Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan

Action	Assessment
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).	occur.
Local environmental plans and development control plans (and subsequent land release development) will be consistent with the Settlement Planning Guidelines, and the Government's <i>Coastal Design Guidelines for NSW</i> (2003) as applicable.	Capacity exists for the redeveloped shopping centre to be consistent with the Coastal Design Guidelines, and it is recommended this be assessed as part of the Development Application process.
<b>Water and Energy Resources</b>	
Councils are to complete Integrated Water Cycle Management Plans.	Council completed an Integrated Water Cycle Management Strategy in 2006, and is currently reviewing its Integrated Water Cycle Management Strategy in 2012 in accordance with the State Government's Office of Water requirements.
Local environmental plans will recognise and protect the regional water supply system through appropriate planning provisions.	The proposal is not within the catchment of the water supply; therefore, this action is not relevant to this proposal.
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.	Appropriate consultation with other services will be undertaken with service providers during the consultation phase of the Planning Proposal. There are no known capacity constraints considering the majority of the site is already developed for a shopping centre purpose.
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.	Water Sensitive Urban Design Principles will apply to any future development on the land to which this Planning Proposal applies.
<b>Regional Transport</b>	
Local environmental plans will provide for passenger interchanges in all major regional centres, major towns and towns. These interchanges will be well connected to pedestrian and cycle ways	A public transport interchange is located adjacent to the northern entrance of the shopping centre, and in addition bus stops are located on Kirkwood Road opposite the centre.
Land use and transport planning must be integrated to minimise the need to travel, and to encourage energy and resource efficiency.	Surfside Buslines provide regular north and south travelling public transport services to and from the site. As noted above, a public transport interchange within the centre and bus stops on Kirkwood Road provide the ability for trips to and from the centre to be taken via public transport.
Local environmental plans are to recognise and protect the regional transport network through appropriate planning provisions.	The proposal will not impact on the regional transport networks.
<b>Implementation</b>	
This Regional Strategy will be implemented primarily through local environmental plans, development control plans, the State Infrastructure Strategy and funds collected as development contributions.	This Planning Proposal is broadly consistent with the Regional Strategy and will be implemented through a LEP amendment.

### Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan

Action	Assessment
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 Attachment 3 of the FNCRS.	The Planning Proposal does not compromise the projects for the Tweed Heads area identified in section 6.4 of the State Infrastructure Strategy 2008-18.
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.	The proposal is considered to be consistent with the relevant provisions of the Regional Strategy as demonstrated in this table.
Where development or rezoning increases the need for state infrastructure, the Minister for Planning may require a contribution towards the provision of such infrastructure.	Not applicable. The rezoning does not create, or increase an existing need for state infrastructure

### ***Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?***

The Tweed Community Strategic Plan 2011-21 was adopted by Council on 14 December 2010. The plan is based on 4 key themes, Civic Leadership, Supporting Community Life, Strengthening the Economy, and Caring for the Environment.

This plan, prepared with extensive community consultation, provides the overarching framework and vision for the Tweed for the next 10 years.

The relevant objectives of the plan include:

*Objective 2.5 Provide vibrant and accessible town, community and business centres.*

*Objective 3.1 Expand employment, tourism and education opportunities.*

*Objective 3.4 Provide land and infrastructure to underpin economic development and employment.*

The proposal results in the consolidation of the Tweed Heads South Business Centre, allowing for the expansion of the Tweed City Shopping Centre. It is consistent with the Community Strategic Plan as:

- The shopping centre is accessible via private and public means of transport.
- The rezoning of the site and consolidation of additional lots into the shopping centre will enable greater development potential. The area will provide the opportunity to implement the Tweed City Centre vision and the relevant principles within the Draft DCP 2008, such a public plaza to be developed on the site in accordance with the Draft DCP 2008, Section B2.
- It results in temporary and permanent employment outcomes through the expansion and operation of a redeveloped shopping centre.
- It enables tourism opportunities, in providing a wider range of comparison shopping opportunities and services that enables the shopping centre to become a destination in its own right.

### ***Is the Planning Proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?***

This site is not subject to the application of *SEPP 14 Coastal Wetlands*, *SEPP 26 Littoral Rainforest* or *SEPP 71 Coastal Protection*.

The Planning Proposal is of a scale and nature that will not trigger the application of *SEPP (Major Development) 2007*.

The SEPPs, discussed in the following Table 7, apply to the site:

The Planning Proposal is of a scale and nature that will trigger the application of *Schedule 3 Traffic generating development to be referred to the RMS of the SEPP (Infrastructure) 2007*, as stated below.

**Table 7 Assessment against State Environmental Planning Policy**

<b>State Environmental Planning Policy Assessment</b>	
<b>State Environmental Planning Policy</b>	<b>Comments / Assessment</b>
<b>State Environmental Planning Policy (North Coast Regional Environmental Plan) 1988</b>	This Policy applies to the site and the following clauses are particularly relevant to this Planning Proposal:
Clause 32A – Coastal Lands	The site is subject to the NSW Coastal Policy 1997; however the site is not located on a dune, beach or headland.
Clause 38 – Urban Release Strategy	The site is within the Regional Strategy's urban growth area. Consistency with the Regional Strategy's sustainability criteria is addressed above.
Clause 39 – Retail, Commercial or Business Activities	The Planning Proposal is for the rezoning of residential land directly adjacent to the Tweed Heads South Business Centre (currently zoned 3(b) Business, which contains the Tweed City Shopping Centre).
Clause 40 – Principles for Urban Zones	The Planning Proposal will adopt the existing commercial zones within the LEP 2000.
Clause 45 – Hazards	Of the listed hazards, the site has the potential for acid sulphate soils. Although the site is already largely developed, an assessment of these soils should occur at the Development Assessment stage. It is considered unlikely acid sulphate soils will present a critical constraint to development as part of the site already contains underground car parking, and it is likely this hazard would have been addressed as part of the previous development of the shopping centre.
Clause 45A – Flood Liable Land	As noted in Table 3, DCP 2008 indicates the majority of the site is identified as being outside of the inundated area of the ARI 100 year flood, however has the potential to be affected by a probable maximum flood under current conditions. It is considered the risk of flooding can be adequately assessed during the Development Application stage. In the event of flooding inundation the site can be evacuated to the south via Minjungbal Drive, away from the identified area of risk.
Clause 47 – Principles for Commercial and Industrial Development	The Planning Proposal seeks to rezone residential land directly adjacent to the existing commercial land identified as the Tweed Heads South Business Centre under the Tweed City Centres DCP as adopted 13 December 2011.
Clause 50 – Height Controls	The Planning Proposal will result in commercial and business development of a similar height to the surrounding commercial and business areas.

<b>State Environmental Planning Policy Assessment</b>	
<b>State Environmental Planning Policy</b>	<b>Comments / Assessment</b>
Clause 58 – Servicing Urban Area	All necessary urban infrastructure is available in the immediate area, and will be at the cost of the developer dependent upon future expansion plans within the site boundaries.
<b>State Environmental Planning Policy No. 44 – Koala Habitat</b>	<p>This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. It requires the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat.</p> <p>The site does not contain any mapped primary or secondary Koala habitat areas.</p>
<b>State Environmental Planning Policy No. 55 – Remediation of Land</b>	<p>Lots 1 and 2 DP524806, Lot 2 DP781518 and Lot 1 DP81517 (58-62 Minjungbal Drive) have previously been used as the site for a service station. Subsequently, remediation is required to occur before the shopping centre expansion is carried out on these lots, in accordance with Part 7 of this SEPP.</p> <p>Council has been issued with written notification from the proponent advising that on-site environmental testing and works have commenced, and a Phase I site assessment is being prepared. This notification is contained in Attachment 8. (The results of the Phase I assessment may require additional assessments prior to development). As the expansion of the shopping centre will require a Development Application under the DCP 2008, this mechanism allows Council the opportunity to review and include relevant provisions dealing with the remediation of land in any subsequent approval.</p>
<b>State Environmental Planning Policy (Major Development) 2005</b>	<p>The Major Development SEPP applies to State significant projects and those to which Part 3A (now repealed) applied.</p> <p>The site is not affected by any Major Development criteria nor does the development proposed trigger any state significance.</p>
<b>State Environmental Planning Policy (Infrastructure) 2007 – Schedule 3</b>	<p>The SEPP for Infrastructure allows for greater flexibility in the location of infrastructure and service facilities along with providing consultation with the relevant public authorities during the assessment process.</p> <p>Under Part 104, a Development Application for any development listed in Schedule 3 which involves (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity, requires a referral to the Roads and Maritime Services for traffic generation.</p> <p>Schedule 3 identifies 'shops' greater than 2000m<sup>2</sup> and 'shops and commercial premises' greater than 4000m<sup>2</sup> when connecting to an unclassified road (any road), as requiring referral to the Roads and Maritime Services due to the traffic generating development type.</p> <p>A future Development Application will therefore need to address the SEPP for Infrastructure and subsequently undertake the relevant referral.</p>

## State Environmental Planning Policy Assessment

State Environmental Planning Policy	Comments / Assessment
<b>State Environmental Planning Policy No. 71 – Coastal Protection</b>	<p>The site is located within the Coastal Zone. Clause 8 of the SEPP sets out the relevant matters that should be considered in the preparation of a draft LEP. The matters relevant to the Planning Proposal are:</p> <p>The suitability of the development given its type, location and design and its relationship with the surrounding area. The site is suitable for general business purposes as a result of the predominant use of the site for retail purposes, and the limited environmental values of the site</p> <p>Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals. Table 3 includes a discussion of Aboriginal Cultural Heritage and lists appropriate recommendations for the identification and preservation of items of significance.</p> <p>The means to encourage compact towns and cities. The Planning Proposal is located within an existing centre designated for commercial development, and is well serviced by transport and infrastructure services.</p>
<b>State Environmental Planning Policy No. 60 – Exempt and Complying Development</b>	<p>This Policy does not apply to the Tweed local government area as listed in Schedule 1.</p>
<b>State Environmental Planning Policy No. 22 – Shops and Commercial Premises</b>	<p>This SEPP allows for the change of use from one kind of shop to another or one kind of commercial business to another, even if the change of use is prohibited under the local environmental planning instrument.</p> <p>The site and proposal are not affected by this SEPP, as there are no plans to change any shops or commercial businesses to other types which are prohibited under the Tweed LEP.</p>
<b>State Environmental Planning Policy (Temporary Structures) 2007</b>	<p>This SEPP provides for the erection of temporary structures, and the use of places for public entertainment while protecting public safety.</p> <p>The site and Planning Proposal are not affected by this SEPP, as no temporary structures are proposed, and any future temporary structures will be subject to the development assessment process.</p>

### ***Is the Planning Proposal consistent with applicable Ministerial Directions (s117 Directions)?***

Consistency with the s117 Directions (as per the update of 1 February 2012) is assessed in Table 8.

**Table 8 Consistency with s117(2) Ministerial Directions**

<b>S117 Direction</b>	<b>Application</b>	<b>Relevance to this Planning Proposal</b>	<b>Consistency with direction</b>
<b>1. Employment and Resources</b>			
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	This proposal seeks to expand the area of the Tweed Heads South Business Centre by rezoning Residential 2(b) and Recreation 6(b) land, to 3(b) General Business. This will provide the potential to increase the total potential floor space for employment and related public uses (by the future expansion of the Tweed City Shopping Centre), without removing land already designated for business purposes. In addition, the site is located within the Major Regional Centre designation of the State's Regional Strategy.	Consistent
1.2 Rural Zones	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). Under this direction a Planning Proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	This Planning Proposal does not affect any rural zones.	N/A
1.3 Mining, Petroleum Production and Extractive Industries	Applies when a relevant planning authority prepares a Planning Proposal that would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	The provisions of the Residential 2(b) and Recreation 6(b) zonings currently prohibit mining, petroleum and other extractive activities. By rezoning the lots to the 3(b) General Business zone of the LEP 2000, it does not take away any additional rights for mining, petroleum or other extractive activities that were originally there (as these activities are	Consistent.

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
		also prohibited under residential zones). Mining is subject to the controls of the SEPP Mining, Petroleum Production and Extractive Industries 2007.	
1.4 Oyster Aquaculture	Applies when a relevant planning authority prepares any Planning Proposal that proposes a change in land use which could result in: (a) adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate" and other land uses.	This Planning Proposal does not impact on a Priority Oyster Aquaculture Area.	N/A
1.5 Rural Lands	Applies when: (a) a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) a relevant planning authority prepares a Planning Proposal that changes the existing minimum lot size on land within a rural or environment protection zone.  A Planning Proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i> .  A Planning Proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i> .	This proposal does not affect any rural zoned land.	N/A
<b>2. Environment and Heritage</b>			
2.1 Environment Protection Zones	(4) A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive	The Planning Proposal does not impact on environmental protection zones or land	N/A

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	<p>areas.</p> <p>(5) A Planning Proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</p>	<p>identified for environmental protection purposes.</p>	
2.2 Coastal Protection	<p>Direction applies when a relevant planning authority prepares a Planning Proposal that applies to land in the coastal zone.</p>	<p>The site is located within the coastal zone. Compliance with coastal protection objectives are contained elsewhere in the Planning Proposal.</p>	Consistent
2.3 Heritage Conservation	<p>A Planning Proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	<p>The site contains no identified heritage items under the LEP 2000 or Draft LEP 2010.</p> <p>The proposal is supported by an Aboriginal Cultural Heritage Due Diligence report, provided in Attachment 7.</p> <p>This report finds:</p> <ul style="list-style-type: none"> <li>• No known Aboriginal objects or places were identified within the project area</li> <li>• Council's Aboriginal Advisory Committee makes no objection to the proposed rezoning;</li> <li>• the likelihood of significant Aboriginal cultural heritage being located within the site is low as a result of previous ground disturbance, however the site is situated within an immediate cultural landscape of high significance to the local Aboriginal people;</li> <li>• there are no historic (non-indigenous) listed cultural heritage places within the</li> </ul>	Consistent

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
		site; and <ul style="list-style-type: none"> <li>The report provides recommendations to ensure all items of Aboriginal cultural heritage significance are identified and preserved, should those items be uncovered as part of subsequent construction activities.</li> </ul>	
2.4 Recreation Vehicle Areas	A Planning Proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i> ): <ol style="list-style-type: none"> <li>where the land is within an environmental protection zone,</li> <li>where the land comprises a beach or a dune adjacent to or adjoining a beach,</li> <li>where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:               <ol style="list-style-type: none"> <li>the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985</i>, and</li> <li>the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i>.</li> </ol> </li> </ol>	The site is not located within an environmental protection zone, or does not comprise beach or dune adjacent to or adjoining a beach.	N/A
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1 Residential Zones	(3) This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within: <ol style="list-style-type: none"> <li>an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</li> <li>any other zone in which significant residential development is permitted or proposed to be permitted.</li> </ol>	This Planning Proposal seeks to expand the area of the Tweed Heads South Business Centre by rezoning 2(b) Residential and Recreation 6(b) land, to 3(b) General Business. The inconsistency with Direction 3.1 is justified as: <ul style="list-style-type: none"> <li>The Draft LEP 2010 identifies the lots</li> </ul>	Inconsistent, but justified by study prepared in support of Planning Proposal (part (b)) and the Regional Strategy (part c).

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	<p>(4) A Planning Proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>(a) broaden the choice of building types and locations available in the housing market, and</li> <li>(b) make more efficient use of existing infrastructure and services, and</li> <li>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>(d) be of good design.</li> </ul> <p>(5) A Planning Proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> <li>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</li> <li>(b) not contain provisions which will reduce the permissible residential density of land.</li> </ul>	<p>within a commercial zoning</p> <ul style="list-style-type: none"> <li>• The Regional Strategy identifies Tweed Heads as a Major Regional Centre. The expansion of the centre onto the additional lots allows the shopping centre to further develop and provide a higher level of services and comparison shopping to accommodate a wider catchment.</li> </ul>	
<p>3.2 Caravan Parks and Manufactured Home Estates</p>	<p>Applies when a relevant planning authority prepares a Planning Proposal.</p> <p>(1) In identifying suitable zones, locations and provisions for caravan parks in a Planning Proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</li> <li>(b) 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 (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</li> </ul> <p>(2) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a Planning Proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) take into account the categories of land set out in</li> </ul>	<p>This proposal does not impact upon any land that permits development for the purposes of a caravan park or manufactured home estates. The site is not used for caravan park purposes.</p>	<p>N/A</p>

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	<p>Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p>		
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	This proposal does not result in dwelling houses, nor does it alter the ability for home occupations to be carried out in other parts of Council's area.	N/A
3.4 Integrating Land Use and Transport	<p>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>(3) A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	<p>Adequate services exist within the locality. In particular, Tweed Heads South provides a wide range of education, health, recreational and community services which would be sufficient to service the site.</p> <p>The shopping centre generates frequent trips via private and public transport. The site is serviced by frequent bus routes provided by Surfside Buslines, a public transport provider, and the integration of public transport with the centre is assisted by a bus interchange adjacent to the building and bus stops on Minjungbal Drive.</p> <p>The Planning Proposal does not propose any traffic generating business, as this will be assessed at the development application stage. Under SEPP (Infrastructure) 2007 any proposal is required to be referred to the RMS if it meets the requirements under Schedule 3.</p>	Consistent
3.5 Development	Applies when a relevant planning authority prepares a Planning	This proposal does not create, alter or remove	N/A

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
Near Licensed Aerodrome	Proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	a zone or provision relating to land in the vicinity of a licensed aerodrome.	
3.6 Shooting ranges	This direction applies when a relevant planning authority prepares a Planning Proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	This proposal does not create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	N/A
<b>4. Hazard and Risk</b>			
4.1 Acid Sulphate Soils	<p>Applies when a relevant planning authority prepares a Planning Proposal that will apply to land having a probability of containing acid sulphate soils as shown on the Acid Sulphate Soils Planning Maps.</p> <p>(4) The relevant planning authority must consider the Acid Sulphate Soils Planning Guidelines adopted by the Director-General of the Department of Planning</p> <p>(5) When a relevant planning authority is preparing a Planning Proposal to introduce provisions to regulate works in acid sulphate soils, those provisions must be consistent with:</p> <p>(a) the Acid Sulphate Soils Model LEP in the Acid Sulphate Soils Planning Guidelines adopted by the Director-General, or</p> <p>(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulphate Soils Planning Guidelines.</p> <p>(6) A relevant planning authority must not prepare a Planning Proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulphate soils on the Acid Sulphate Soils Planning Maps unless the relevant planning authority has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid sulphate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community</p>	<p>The site is identified on the Draft LEP 2010 "Acid Sulphate Soils map as containing class 2 acid sulphate soils.</p> <p>The current LEP 2000 and the Draft LEP 2010 contain provisions to regulate the works undertaken on and in proximity to acid sulphate soils.</p> <p>Subsurface excavation may be required as part of the development (for instance underground car parking), however the exact location of any additional excavation is unknown.</p> <p>Given that acid sulphate soils can occur in areas lying below 5m AHD and parts of this site are below 5m AHD, it is recommended a Development Application provide further investigations once the location of excavation areas are known.. Further investigation may be required at development stage, at which time the acid sulphate soils may be managed in accordance with the Manual.</p> <p>It is noted underground car parking is already located within the site, and therefore it is likely that if additional excavation is required for a similar use, the works can be satisfactorily be conducted in accordance with statutory requirements.</p>	Consistent

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	<p>consultation in satisfaction of section 57 of the Act.</p> <p>(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a Planning Proposal that proposes an intensification of land uses on land identified as having a probability of acid sulphate soils on the Acid Sulphate Soils Planning Maps, the Planning Proposal must contain provisions consistent with paragraph (5).</p>		
4.2 Mine Subsidence and Unstable Land	<p>Applies when a relevant planning authority prepares a Planning Proposal that permits development on land that:</p> <p>(a) is within a mine subsidence district, or</p> <p>(b) has been identified as unstable in a study, strategy or other assessment undertaken:</p> <p>(i) by or on behalf of the relevant planning authority, or</p> <p>(ii) by or on behalf of a public authority and provided to the relevant planning authority.</p>	This proposal does not impact on any mine subsidence area.	N/A
4.3 Flood Prone Land	<p>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.</p> <p>(4) A Planning Proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>(5) A Planning Proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A Planning Proposal must not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p>	<p>The site for this planning proposal is identified as being outside the inundated area of an ARI 100 year flood, however has the potential to be affected by a probable maximum flood, under current conditions. Council's Climate Change Maps (Section A3) indicate a flood level contour across the north-western corner of the site of 2.6-2.7 metres AHD. The south-eastern corner has a flood level contour of 2.8 metres AHD.</p> <p>The lot currently zoned 6(b) Recreation is not affected by an ARI 100 year flood.</p> <p>Given the site is already highly developed any potential future flooding issues can be dealt with under the development assessment process.</p>	Consistent

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	<ul style="list-style-type: none"> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit a significant increase in the development of that land,</li> <li>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</li> <li>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</li> </ul> <p>(7) A Planning Proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>(8) For the purposes of a Planning Proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>		
4.4 Planning for Bushfire Protection	<p>Applies when a relevant planning authority prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>(4) In the preparation of a Planning Proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section</p>	<p>A small proportion of the site (its north-eastern corner) is situated within the 100 metre bushfire buffer zone to the nearby nature reserve. Given the site is located within a pre-established highly dense urban area, it is considered suitable for the Planning Proposal to allow for the rezoning of residential to commercial.</p>	Consistent

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	<p>57 of the Act, and take into account any comments so made,</p> <p>(5) A Planning Proposal must:</p> <ul style="list-style-type: none"> <li>(a) have regard to <i>Planning for Bushfire Protection 2006</i>,</li> <li>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</li> <li>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</li> </ul> <p>(6) A Planning Proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> <li>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> <li>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</li> <li>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</li> </ul> </li> <li>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the Planning Proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</li> <li>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</li> <li>(d) contain provisions for adequate water supply for firefighting purposes,</li> <li>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</li> <li>(f) introduce controls on the placement of combustible</li> </ul>		

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
	materials in the Inner Protection Area.		
<b>5. Regional Planning</b>			
5.1 Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The site is contained within the Town and Village Growth Boundary of the FNCRS. This Planning Proposal includes an assessment against the Regional Strategy's sustainability criteria (refer Part 3, Section B of the Planning Proposal). In summary the Planning Proposal is consistent with the Regional Strategy.	Consistent
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a Planning Proposal that applies to the hydrological catchment.	The proposal is not within the Sydney drinking water catchment.	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Applies (to Tweed) when a relevant planning authority prepares a Planning Proposal for land mapped as: (a) State significant farmland, or (b) regionally significant farmland, or (c) significant non-contiguous farmland, on the set of four maps held in the Department of Planning and marked "Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)". A Planning Proposal must not: (a) rezone land identified as "State Significant Farmland" for urban or rural residential purposes. (b) rezone land identified as "Regionally Significant Farmland" for urban or rural residential purposes. (c) rezone land identified as "significant non-contiguous farmland" for urban or rural residential purposes.	The site is contained within the Town and Village Growth Boundary within the Regional Strategy.	N/A
5.4 Commercial and Retail Development	Applies when a relevant planning authority prepares a Planning Proposal for land in the vicinity of the existing and/or proposed	This proposal is not within the alignment of the Pacific Highway, nor does it propose a highway	N/A

S117 Direction	Application	Relevance to this Planning Proposal	Consistency with direction
along the Pacific Highway, North Coast	alignment of the Pacific Highway.	service centre.	
5.8 Second Sydney Airport: Badgerys Creek	Planning proposals must not contain provisions that enable the carrying out of development, either with or without development consent, which at the date of this direction, could hinder the potential for development of a Second Sydney Airport.	Not relevant to this proposal.	N/A
<b>6. Local Plan Making</b>			
6.1 Approval and Referral Requirements	<p>A Planning Proposal must:</p> <ul style="list-style-type: none"> <li>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</li> <li>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> <li>(i) the appropriate Minister or public authority, and</li> <li>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),</li> </ul> <p>prior to undertaking community consultation in satisfaction of section 57 of the Act, and</p> </li> <li>(c) not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> <li>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</li> <li>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</li> </ul> </li> </ul>	The Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.	Consistent

<b>S117 Direction</b>	<b>Application</b>	<b>Relevance to this Planning Proposal</b>	<b>Consistency with direction</b>
6.2 Reserving Land for Public Purposes	(4) A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).	The Planning Proposal does not create, alter or reduce land reserved for a public purpose. There has been no request from the Minister or public authority to reserve land for a public purpose.	Consistent
6.3 Site Specific Provisions	<p>Applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out.</p> <p>(4) A Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> <li>(a) allow that land use to be carried out in the zone the land is situated on, or</li> <li>(b) 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 contained in that zone, or</li> <li>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</li> </ul> <p>(5) A Planning Proposal must not contain or refer to drawings that show details of the development proposal.</p>	<p>The Planning Proposal seeks to zone the site consistent with the requirements of the 3(b) General Business Zone as defined in the LEP. It does not seek to include additional uses beyond what is permitted with the land use table.</p> <p>The Planning Proposal does not contain or refer to schematic drawings.</p>	Consistent
<b>7. Metropolitan Planning</b>			
7.1 Implementation of the Metropolitan Strategy	This direction applies to Sydney metropolitan Councils only.	Not relevant to this proposal.	N/A

## Section C Environmental, Social and Economic Impact

***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?***

Council's Vegetation Management Plan Mapping identifies the site as mainly highly modified and disturbed. Subsequently it is highly unlikely that the Planning Proposal will impact on critical habitat or threatened species.

***Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?***

Flooding may impact a proportion of the site, as identified within Council's flood mapping. However as shown in Table 3, flooding risk generally applies to the residential lots fronting Kirkwood Road, but not the shopping centre itself. This is likely a product of the earthworks that have previously occurred in the development of the shopping centre, and the lack of previous development of the residential lots that would necessitate earthworks.

Acid sulphate soils may exist over the site, as a consequence of the existing levels over the site. However it is noted the shopping centre already contains an underground car park, and therefore it is assumed the risk of acid sulphate soils would have been assessed prior to the construction of this car park.

The former service station site on Minjungbal Drive will likely require remediation to enable the development to proceed. It is noted that testing and remediation have already commenced, and a Development Application provides the opportunity to assess contamination issues (along with flooding and acid sulphate soils) in further detail.

***How has the Planning Proposal adequately addressed any social and economic effects?***

As discussed elsewhere in this Report, the rezoning will result in the loss of approximately 8,850m<sup>2</sup> of residential land. However because of the isolation of these lots to other residential areas, and the land's location in association with the adjacent shopping complex, the benefits of the rezoning outweigh the costs.

Social, economic and environment issues are addressed in the Net Community Benefit Analysis contained in Part 3, Section A. In summary, the Planning Proposal will have positive social and economic benefits in that it will provide a greater range of retail choice within the Tweed Heads South business centre, and provide employment opportunities during construction and operation.;

## Section D State and Commonwealth Interests

***Is there adequate public infrastructure for the Planning Proposal?***

### Transport

As discussed elsewhere in this Report, Kirkwood Road is currently being upgraded between Minjungbal Drive and the Pacific Highway to relieve pressure on Minjungbal Drive. The upgrade, along with a new Pacific Highway interchange at Kirkwood Road will ensure that additional capacity exists within the transport network. Surfside Bus Lines operate various bus services from the subject site which provide public transport access throughout the Tweed and Gold Coast.

### Water Supply

Any future development on the site will have the ability to connect with the existing water network available within an established urban area, subject to the provisions of the local planning requirements. Where required, any redundant water supply connections can be removed.

#### Sewer

Any future development on the site will have the ability to connect with the existing sewer network available within an established urban area, subject to the provisions of the local planning requirements.

#### Power

The site is located within an established urban area and therefore electricity connections are readily available. Sufficient ability exists for the existing electricity supply to be augmented to accommodate additional lots that will be used for commercial purposes.

#### Telephone

The site is located within an established urban area and therefore telecommunications connections are readily available. Sufficient ability exists for the existing telecommunications supply to be augmented to accommodate the additional lots that will be used for commercial purposes.

In summary, given the location of the additional lots with respect to the existing shopping centre use, it is considered that all existing public infrastructure has adequate capacity to meet the additional demands generated by the Planning Proposal.

#### ***What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?***

If consultation is required with State or Commonwealth public authorities, it will be subject to any requirements stated within a Gateway Determination notice.

## **Part 4 Community Consultation**

### ***Assessment of Consultation Requirement***

The Gateway Determination will specify the community consultation that must be undertaken on this Planning Proposal. The consultation will be tailored to specific proposals generally on the basis of a 14 day exhibition period for low impact Planning Proposals and a 28 day exhibition period for all other Planning Proposals.

A 'Low Impact Planning Proposal' is defined in the Department's Guideline 'A guide to preparing local environmental plans' and means a Planning Proposal that, in the opinion of the person making the Gateway Determination:

- is consistent with the pattern of surrounding land use zones and/or land uses
- is consistent with the strategic planning framework
- presents no issues with regard to infrastructure servicing
- is not a principal LEP
- does not reclassify public land.

Having regard to the definition of Low Impact Planning Proposals in that it is consistent with the established land use pattern, the strategic direction for Tweed Heads as articulated through regional and local strategic documents, it is considered reasonable that the Planning Proposal be defined as a Low Impact Planning Proposal.

### ***Summary and Conclusions***

The Planning Proposal involves an expansion of the existing Tweed City Shopping Centre into adjacent areas currently zoned for residential or recreation purposes, forming an expanded 'site'. The expansion results in an increase of the shopping centre's site area of approximately 10%, to 13.3912 ha.

The site is located within Tweed Heads South, which forms part of the Major Regional Centre designated in the Regional Strategy. At a local level, the site is designated for commercial development through the Draft LEP 2010. It is well-served by public transport and is accessed via Minjungbal Drive and Kirkwood Road, the former of which interchanges with the Pacific Highway.

The Planning Proposal complies with the high level strategic provisions, and through the provision of detailed documentation at the Development Application stage, will have the ability to comply with detailed provisions pertaining to the site.

It is considered the Planning Proposal is consistent with the definition of a 'Low Impact Planning Proposal' which requires a 14 day exhibition period.

The Planning Proposal will assist in enabling Tweed Heads functions as the Far North Coast's Major Regional Centre and as such an amendment to the LEP is recommended.