

Draft Tweed LEP Amendment Number 19

PLANNING PROPOSAL Version - GATEWAY

Winchelsea Way

**Lot 1 DP 595863, Lots 2 & 3 DP 819065, and Lot 1 DP 807182
Winchelsea Way, Terranora**

April 2017

Council File PP16/0002

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Introduction

Purpose of the Planning Proposal

Council has received a request from DAC Consulting Pty Ltd on behalf of four adjoining landowners to prepare a Planning Proposal for the rezoning of part of each property, being Lot 1 DP 595863, Lots 2 & 3 DP 819065, and Lot 1 DP 807182, Winchelsea Way, Terranora; see Figures 1 & 2. That part of the co-joined properties subject of this planning proposal will be referred to as 'The site' in this document.

It is proposed to alter the boundary separating land currently zoned R5 Large Lot Residential under Tweed LEP 2014, and 7(d) Environmental Protection (Scenic/escarpment) under Tweed LEP 2000 resulting in an increase in the area of R5 zoned land, facilitating an expansion of large lot residential development.

Process for amending the LEP

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

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

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

Table 1: Summary of Gateway Process

Structure and content of this planning proposal

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

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

Table 2: Structure of this Planning Proposal

Council resolutions and State determinations

On 17 November 2016 Council resolved that the planning proposal to rezone the site be forwarded to the DPE for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979*. A copy of the report can be seen in Appendix 11.

Council's resolution supported a recommendation that the area of investigation be reduced to that land lying above a line approximating the 110 to 120 AHD contours thereby restricting the potential for development within the escarpment below. The proponent, on behalf of all landowners, has formally acknowledged acceptance of the revised footprint for investigation, as seen in Figure 3.

Site context and background

The site is located off Winchelsea Way, Terranora approximately five kilometres west of Tweed Heads South.

The site comprises part each of four co-joined properties; three of the properties are accessed using a gravel lane off Winchelsea Way and contain dwellings. The fourth, Lot 1 DP 595867, has frontage to Terranora Road, and has an approved development application for a community title subdivision consisting of 18 allotments of not less than 4000 square metres each, with common access separately from Winchelsea Way.

The site comprises two distinct landforms; namely, cleared grazing and arable land on the more elevated flatter land to the west above the escarpment, and steeper predominantly vegetated land to the east within the escarpment surrounding the Tweed River Valley, as seen in Figure 2.

The site enjoys views predominantly to the east and south east across the Tweed River and beyond to the coast, with the upper cleared areas subject of this proposal also visible from adjoining properties and Terranora Road.

The site is not identified in the Far North Coast Regional Strategy 2006 – 2031 (FNCRS) as lying within a Town and Village Growth Boundary as seen in Figure 4.

On 24 September 2004 a planning proposal was lodged with Council to correct a “cartographic anomaly” in relation to the location of the 7(d) Environmental Protection (Scenic/escarpment) zone boundary, to reflect the current location of clearing within the escarpment. The request was not proceeded with.

Planning controls – Present zoning Tweed LEP 2014

The site is currently zoned DM Deferred Matter under Tweed LEP 2014 and 7(d) Environmental Protection (Scenic/escarpment) under Tweed LEP 2000.

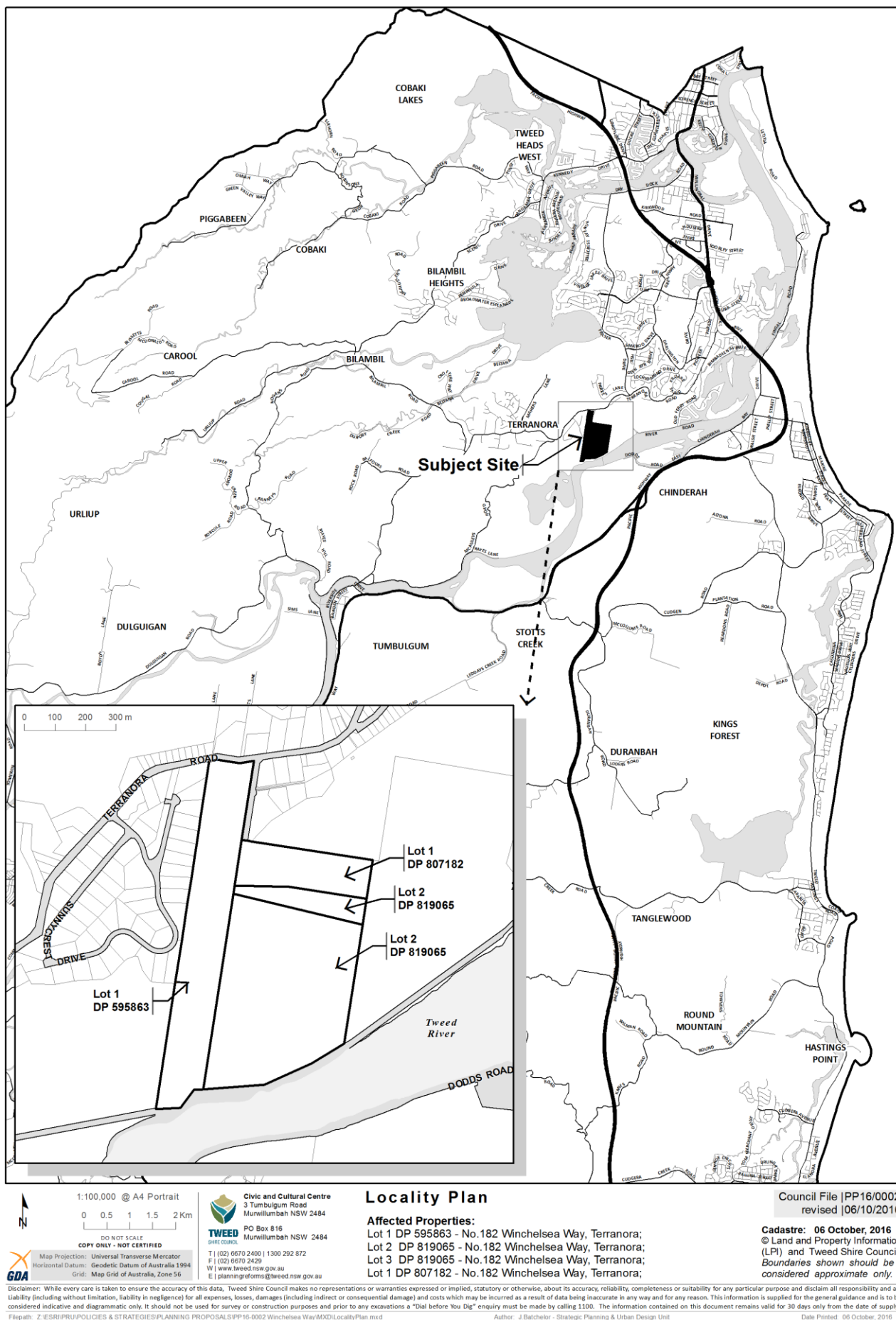


Figure 1 – Site Locality Plan

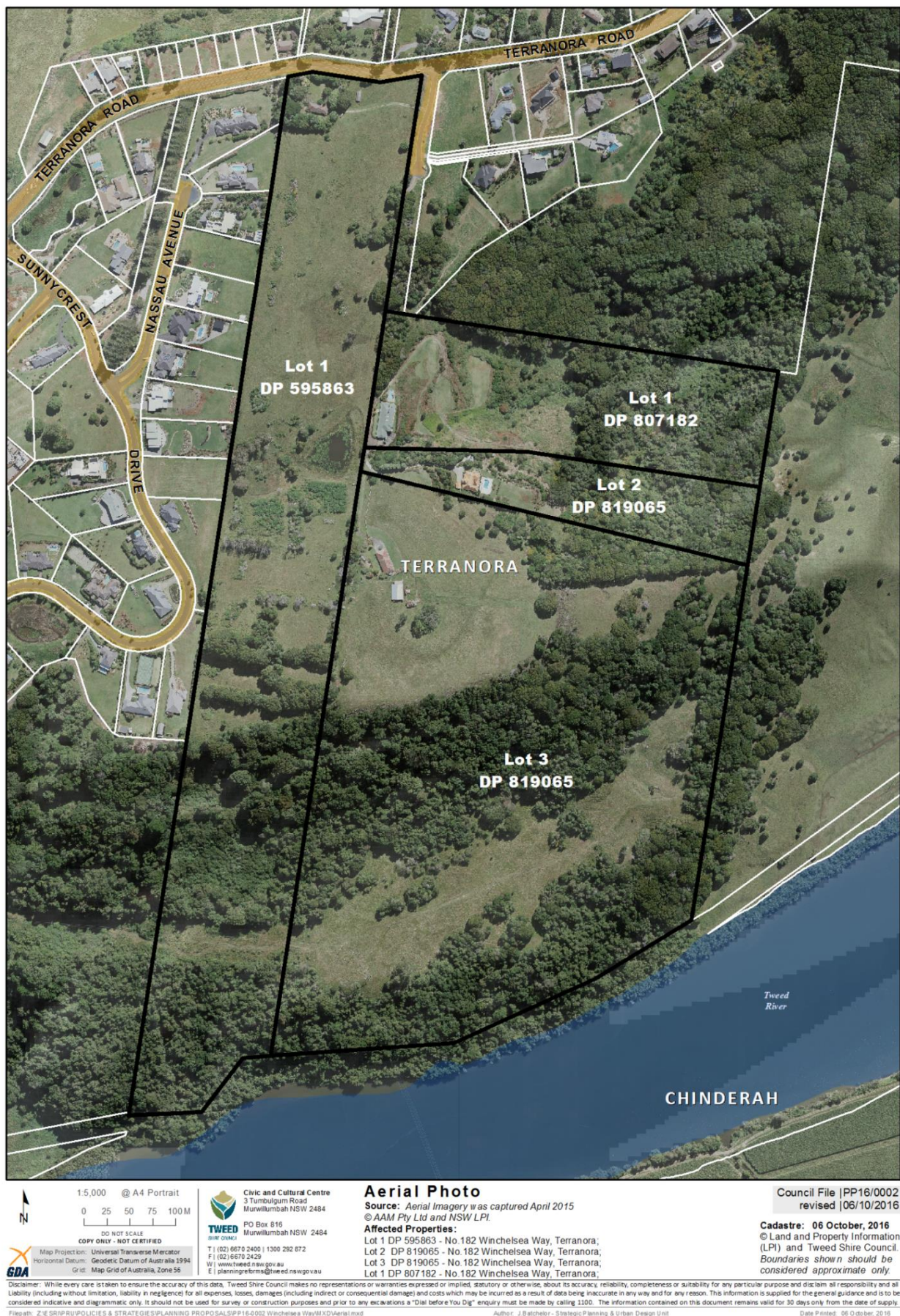


Figure 2 - Aerial View of the site and surrounds

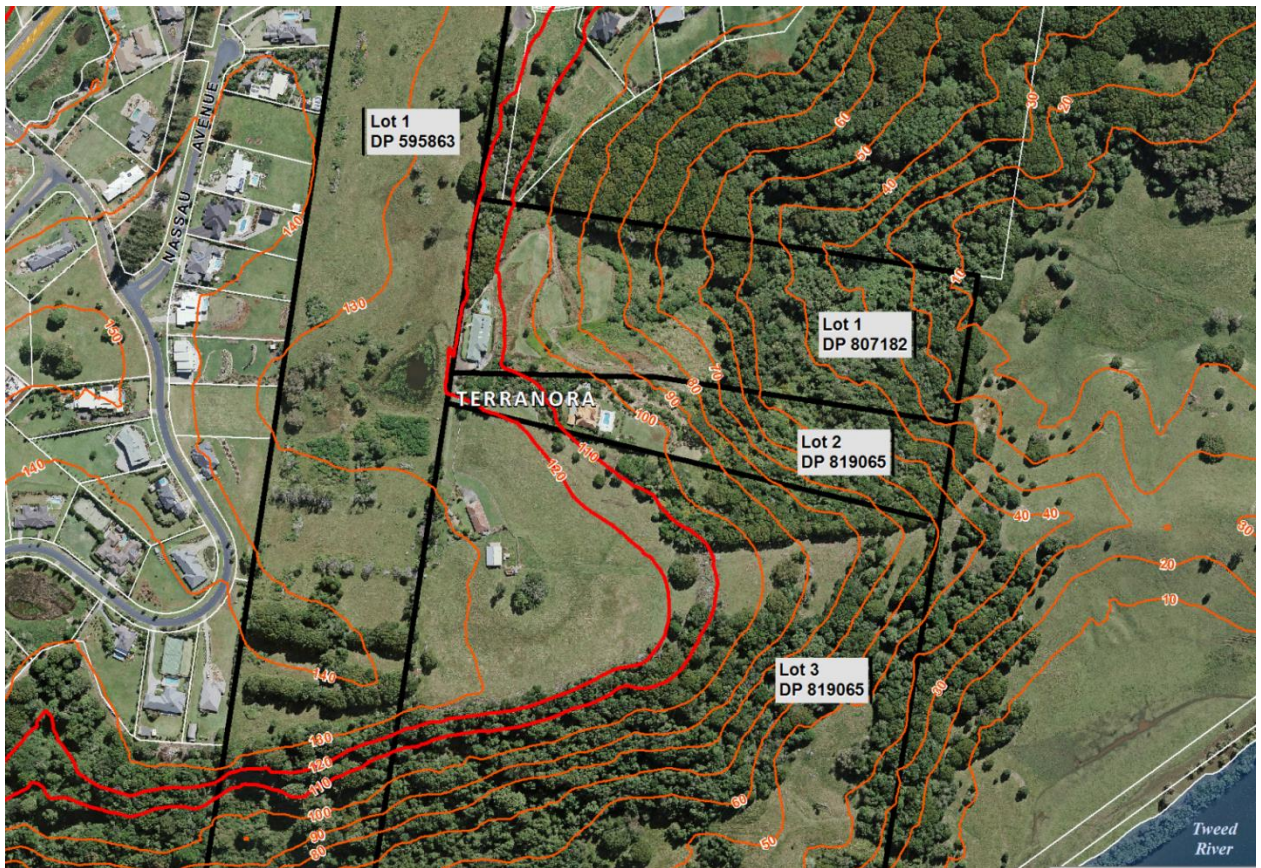


Figure 3: Aerial image showing the 110 and 120 AHD contours highlighted as an approximate boundary for investigation on cleared land above

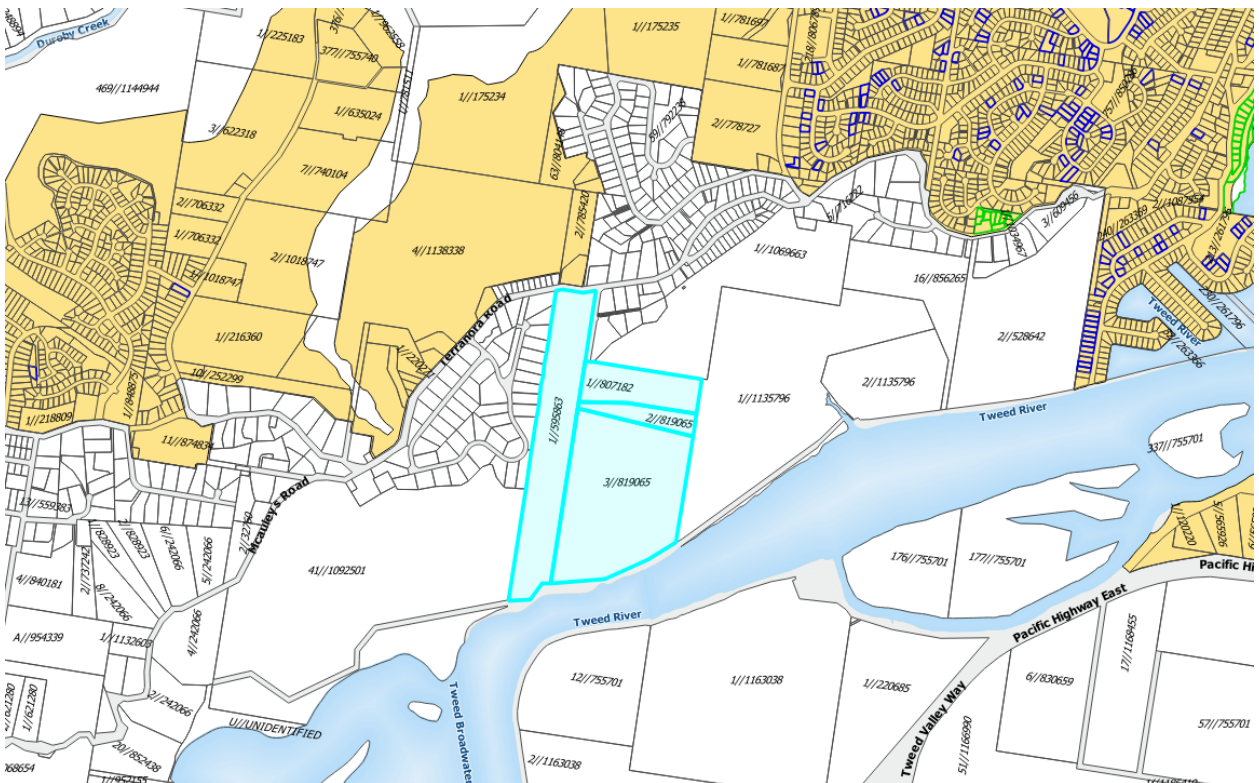


Figure 4: Subject site sitting outside the Town and Village Growth Boundary (Far North Coast Regional Strategy 2016)

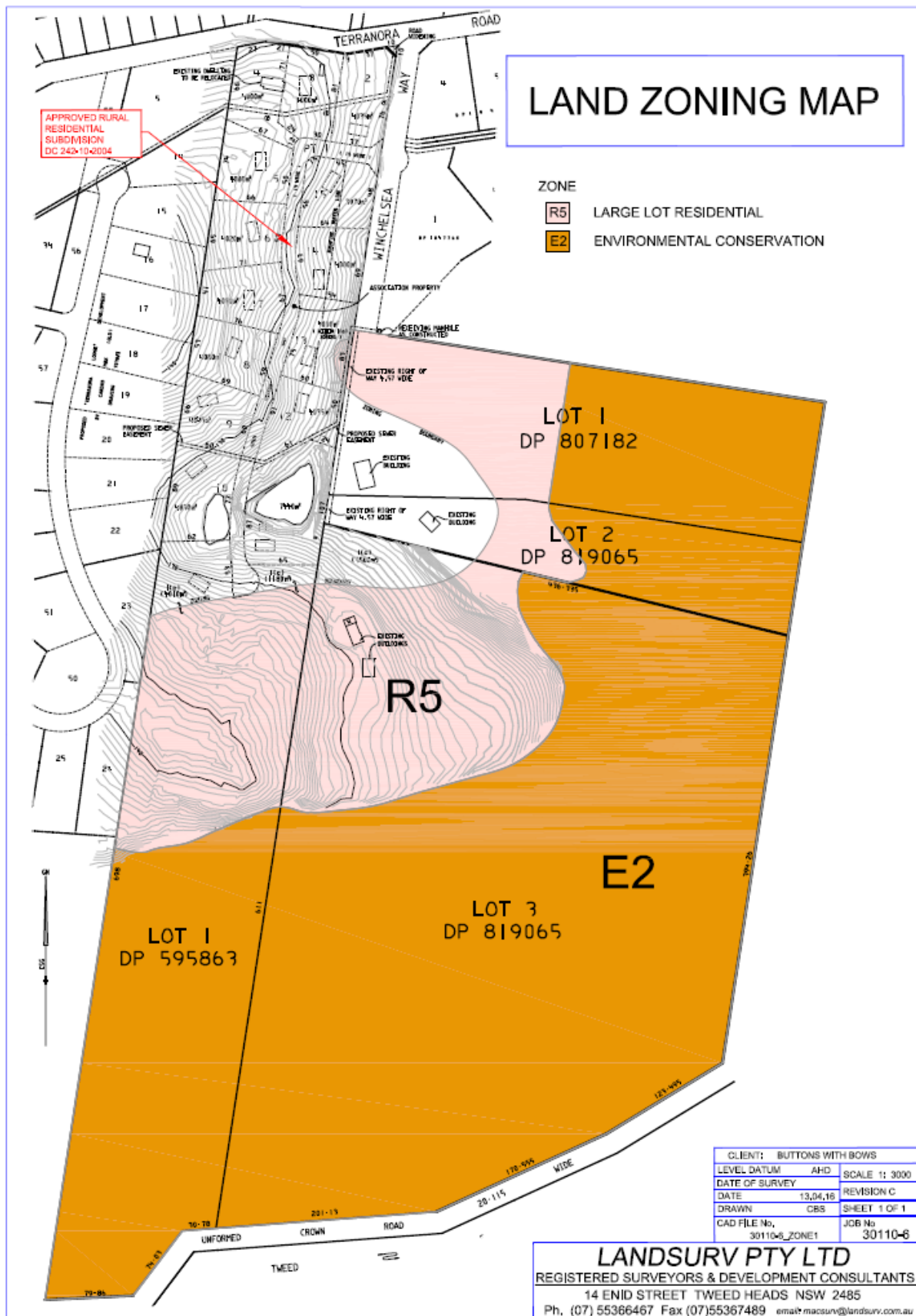


Figure 5: Request from proponent showing location of the requested zone boundary and approved community title subdivision

Part 1 Objectives or intended outcomes

The intended outcome of this planning proposal is to facilitate large lot residential development on part of the four properties through an alteration of the boundary separating the existing R5 Large Lot Residential land (under Tweed LEP 2014) and the 7(d) Environmental Protection (Scenic/escarpment) (under Tweed LEP 2000).

The final location of the proposed zoned boundary will be determined following detailed investigations into the ability of development to respect the objectives of the existing and proposed zones, the character of the locality, including scenic amenity and visual impact of development.

While a preliminary assessment of the request has determined that the proposal had strategic merit, the extent of the land proposed by the proponent (see Figure 5) was not supported by Council, and a reduced area of investigation was resolved which approximated a line located between the 110 and 120 metre AHD contours, which provides a lower limit of investigation and assists in defining an upper boundary to the escarpment and therefore the zone boundary. Further investigations will assist in refining this boundary prior to finalising the exhibition version of the planning proposal. A composite map showing the area sought by the proponent, the 110 and 120 AHD contours and the revised area of investigation is shown in Figure 6.

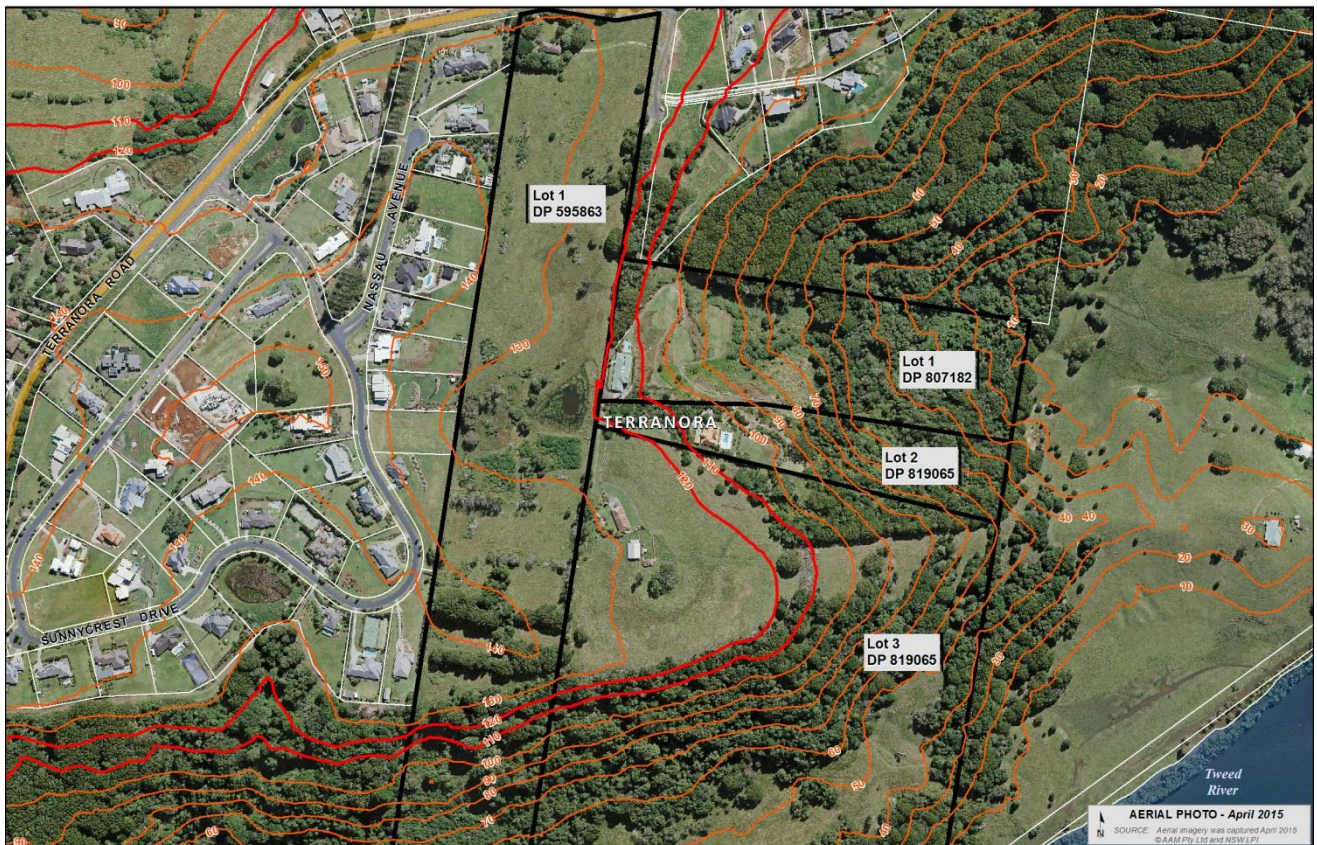


Figure 6: Map showing the revised area of investigation approximately defined by the 110 and 120 AHD contours (highlighted)

Part 2 Explanation of provisions

The intended outcome of rezoning part of the site to increase the area of R5 Large Lot Residential under Tweed LEP 2014, and reduce the area of 7(d) Environmental Protection (Scenic/escarpment) under Tweed LEP 2000, by an equivalent area will be achieved through the amendment of the following map sheets:

Map sheet		Current and proposed changes	
		LEP 2014	LEP 2000
LAP_015	Land Application	Increases the area of the R5 Large Lot Residential zone by reducing the area of the DM Deferred Matter zoned land.	Reduces the area of 7(d) zoned land, equal to the reduced area of DM under Tweed LEP 2014
LZN_015	Landuse Zone	R5 Large Lot Residential	7(d) Environmental Protection (Scenic/escarpment)
LSZ_015	Minimum Lot Size	'Y' – 1 hectare	40 hectares
HOB_015	Height of Building	'J' – 9.0 metres	3 storeys
FSR_015	Floor Space Ratio	'E' - 0.55	Not specified
ASS_015	Acid Sulfate Soils	Adds information relevant to this site	

Until such time as recommendations from the Department of Planning and Environment's *Northern Councils E Zone Review Final Recommendations Report* have been implemented through an amendment to the Tweed LEP 2014, Tweed LEP 2000 will remain effective over land identified as DM Deferred Matter. As such, two separate LEPs currently apply to this site.

Deferred Matter land refers predominantly to land proposed to be zoned for environmental purposes; however, until such time as Tweed LEP 2014 is amended, landuse planning provisions from Tweed LEP 2000 will remain for that part of the site to be retained as DM once the adjustment of the zone boundary is finalised.

This planning proposal seeks to alter the location of the boundary between the two zones (and LEPs). Rezoning of part of the LEP 2000 environmental zone to the LEP 2014 large lot residential zone will exclude this area from LEP 2000 and cause the LEP 2014 planning provisions to apply.

Part 3 Justification

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

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

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

Section A Need for the planning proposal

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

The planning proposal has been prepared in response to a request from the landowners who wishes to subdivide for the purpose of large lot residential purposes, and is not the result of any strategic study or report.

The site does not lie within the Town and Village Growth Boundary in the Far North Coast Regional Strategy 2006 (FNCRS) as seen in Figure 4.

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

The current 7(d) Environmental Protection (Scenic/escarpment) zone does not permit large lot residential development. To facilitate large lot residential development, a change of zone is seen as the most appropriate means of facilitating the desired outcome.

Section B Relationship to strategic planning framework

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

Consistency with the North Coast Regional Plan 2036 (NCRP) can be seen in Appendix 7. The planning proposal is for the expansion of large lot residential development adjoining existing R5 Large Lot Residential zoned land and is seen as a logical expansion, albeit, the site is highly visible and will require more detailed investigations to define the ultimate boundary of the expanded area to ensure that scenic amenity and native vegetation adjoining the site are protected or enhanced.

While superseded, by the NCRP for the majority of the Shire, the Far North Coast Regional Strategy still applies to land currently zoned Deferred Matter under Tweed LEP 2014, being land zoned environmental under Tweed LEP 2000, and remains the overarching framework that manages growth within the Far North Coast. The FNCRS identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes.

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

While the site lies on land adjoining Town and Village Growth Boundary, expansion of the R5 zone to facilitate large lot residential development is considered consistent with the objectives, and settlement and housing provisions of the FNCRS.

Appendix 8 provides a comparison of action within the FNCRS and an assessment of compliance.

Consistency with the Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies (2007) can be seen in Appendix 9.

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

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

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

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

While further investigations are required to finalise the extent of any inconsistencies, it is proposed that this proposal be developed consistent with the requirements of the CSP.

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

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

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

- SEPP 44 – Koala Habitat Protection;
- SEPP 55 – Remediation of Land;
- SEPP 71 – Coastal Protection;
- SEPP (Rural Lands) 2008, and
- Deemed SEPP (North Coast Regional Environmental Plan 2008).

The site has been used for arable agricultural purposes, and a contamination report was presented by the proponent dated 2004; however, an updated contamination assessment will be required prior to determining whether the planning proposal should be placed on public exhibition.

The site is reported to contain a species that represents the sole member of the family Caesalpiniaceae in NSW Rainforests, the status of which is critical as few are known from the wild of which several are in a senile state. Recommendations were provided in the 2002 Flora assessment, for the protection of this tree within any subdivision, and as such further investigations will be required into the status of existing vegetation on the site.

While a previous request in 2004 to prepare a planning proposal sought to correct a “mapping anomaly” which did not recognise the current boundary of vegetation within the escarpment, further investigations will be required to ascertain how vegetation on the subject land was cleared without consent and any potential for a net environmental benefit to be obtained from proceeding with this planning proposal.

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

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

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

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

- 2.1 Environment Protection Zones;
- 2.2 Coastal Protection;
- 2.3 Heritage Conservation;
- 3.1 Residential Zones;
- 3.4 Integrating Land Use and Transport;
- 4.1 Acid Sulfate Soils;
- 4.3 Flood Prone Land;
- 5.1 Implementation of Regional Strategies;
- 5.10 Implementation of Regional Plans;
- 6.1 Approval and Referral Requirements, and
- 6.3 Site Specific Provisions.

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

Section C Environmental, social and economic impact

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

The site has been extensively cleared with isolated clusters of remnant vegetation predominantly on Lot 1 DP 595863. Lot 1 DP 807182, which is predominantly zoned 7(d) Environmental Protection (scenic/escarpment) has been extensively cleared without consent.

While the proponent's original proposal sought to extend the proposed R5 boundary down into the escarpment to reflect the current boundary of vegetation within the 7(d) zone Council has resolved to limit the area of investigation to above a line approximated by the 110 and 120 AHD contours.

The clearing of vegetation within the escarpment should not be seen as a rationale for an amendment to the zone boundary, but will require further consideration in defining the area of investigation prior to public exhibition.

Council is currently finalising a Biodiversity DCP which will provide further guidance in defining the final area proposed for rezoning.

While a vegetation survey was completed in 2002 which identified a number of individuals of three threatened or endangered flora species located on Lot 1 DP 595863, no contemporary flora survey has been submitted with the request.

Prior to public exhibition, an updated contemporary threatened and significant flora and fauna report will be required which will guide finalisation of the revised R5 zone boundary.

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

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

Other likely environmental effects as a result of this planning proposal include:

- Scenic impact and visual amenity;

- Contamination, and
- Flooding (local).

Scenic impact and visual amenity

Council's consistent approach to residential and rural residential development bordering the escarpment and scenic impact has been to prohibit or significantly restrict residential development in or adjoining the escarpment.

The site is highly visible from Terranora Road, and when viewed from properties on The Parapet, and land immediately east of 225 Terranora Road as seen in Figure 2. The site is also readily identifiable from further south in the Tweed Valley and from Tweed Valley Way and when approaching Tweed Heads on the Pacific Highway.

The site is elevated and while the proponent sought to extend the R5 zone boundary to the edge of existing vegetation, which may at first seem logical when viewing the site from above, as seen in aerial photography, the view that is of most significance is that seen from a similar height as in Figure 6.

The potential impact of 20 dwellings is considered likely to have a significant impact on both the visual amenity of the site and the character of the locality and not consistent with the objectives of the current 7(d) zone and the proposed R5 zone as discussed below.

The significance of the scenic value of the escarpment and the visual impact of development on the site and locality has been addressed in the *Tweed Scenic Landscape Evaluation 1995*, *Tweed DCP Section A5 – Subdivision Manual*, *Tweed LEP 2000 and 2014*, and through a restriction on use of land registered on title of properties off Terranora Road and The Parapet.

Tweed Scenic Landscape Evaluation 1995

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

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

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

Tweed LEP 2000 and 2014

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

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

Should further investigations support a change in zoning, and Council agrees that the use of the R5 Large Lot Residential zone can suitably apply to at least part of the site; the objectives of the zone provide some guidance on the desirable outcomes for this zone, as listed in part below:

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

A Visual Impact Assessment (VIA) has been provided by the proponent dated August 2003, for an earlier 33 lot development on part only of the site (Lot 1 DP 595863 and Lot 3 DP 819065), but does not cover the majority of the area subject of this request.

Cumulative impact

Council is in receipt of two planning proposals seeking an extension of the R5 Large Lot Residential zone into land currently zoned 7(d) Environmental Protection (Scenic/Escarpment) in close proximity to each other, the other on 225 Terranora Road Banora Point.

Council has long held the position of restricting development within the escarpment, and as such, the potential for loss of scenic amenity through incremental loss of integrity of the escarpment recognised as a key feature of the identity of the Tweed would depreciate the natural landscape values of this locality and the Tweed Valley more generally.

The ability of the site to be developed for large lot residential purposes which respect the character of the locality and intent of the R5 and 7(d) zone objectives must be demonstrated within an assessment of the scenic impact of the proposal. This should include consideration of the density of development and any building controls that should apply.

Prior to public exhibition, a visual impact assessment will be required which addresses the potential impacts of development, development density and proposes planning controls including building type and materials.

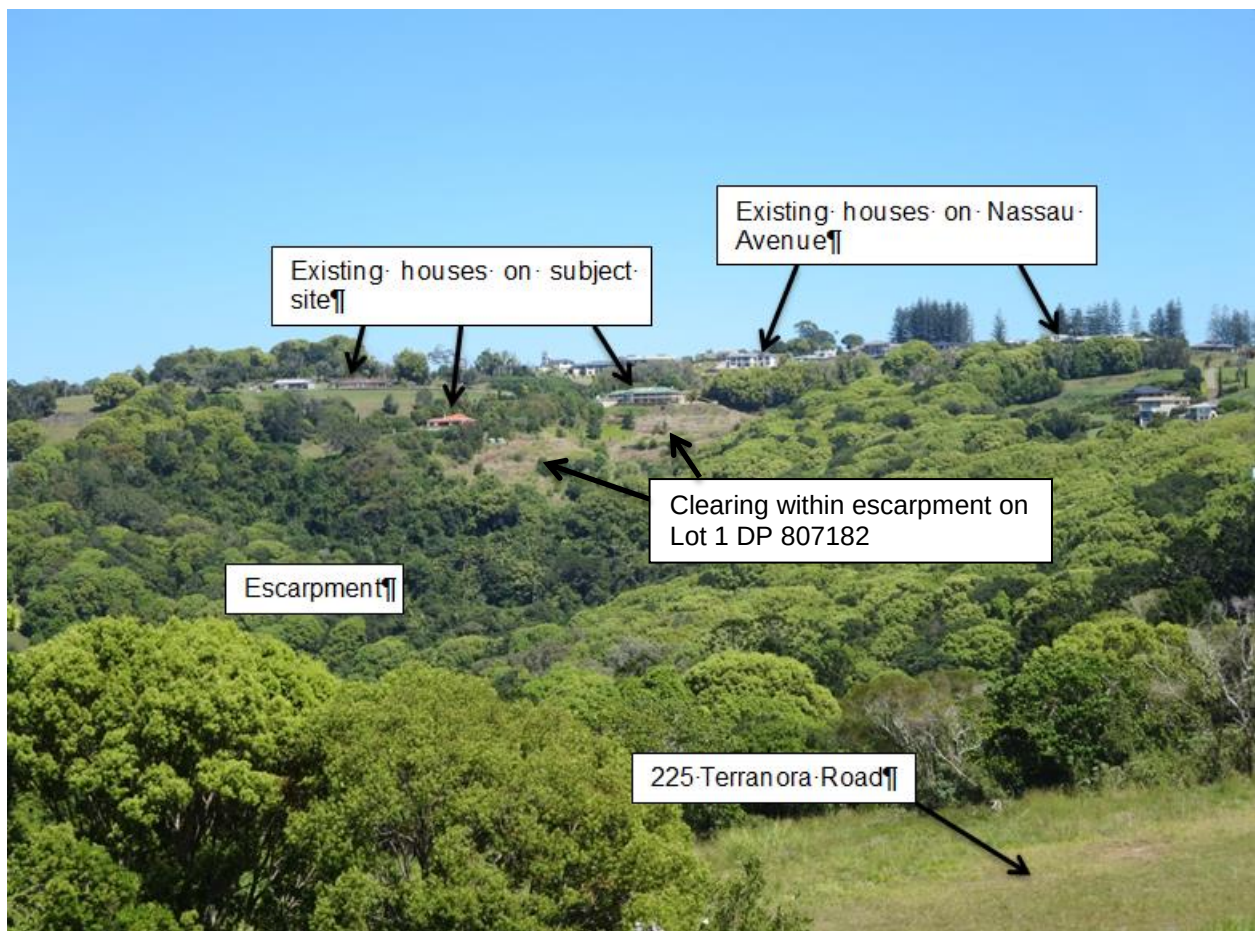


Figure 6: View of the site from the east

Contamination

With the exception of scattered vegetation, the site has been extensively cleared, and utilised for a range of agricultural activities over the years including cultivation for food crops. The site is currently utilised for grazing, but contains a rural shed and milk bails.

Prior to public exhibition, the contamination report prepared in 2004 will require updating to accommodate current legislative requirements.

Flooding

The site is not affected by the 100 year ARI event based on Tweed Council Flood Study; however, a drainage line (watercourse) enters the property from Lot 1 DP 595863.

While outside the site, the watercourse contains a dam which could impact development below should a failure occur.

The issue of stormwater management and risk associated with development below the dam immediately above the site which will need to be considered at the development application stage.

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

An Aboriginal Cultural Heritage Assessment 2016 has been completed, as discussed above, which stated that the site was heavily disturbed and no indigenous cultural heritage site or relics were identified. Appropriate recommendations have been made as can be seen in Attachment 1.

Extension of the R5 Large Lot Residential zone will facilitate construction of housing within a low density rural living style landscape close to the commercial and retail centres of Tweed Heads and Tweed Heads South.

Section D State and Commonwealth interests

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

Due to its location off Terranora Road, a major thoroughfare, and the close proximity to both Tweed Heads and Tweed Heads South, the site provides public infrastructure considered appropriate for the scale and type of development proposed.

Transport

The proposed rezoning will result in an increase in traffic generation which at this time has not been quantified.

While the proponent has suggested 20 allotments, until such time as further investigations provide details of the location of the revised R5 zone boundary, and the potential style and density of development, the traffic generating impacts cannot be reported.

Prior to public exhibition an assessment and report of the access requirements for the development and any traffic generating impacts will need to be completed.

Water Supply

It is proposed that the development will be connected to Council's reticulated water supply; however, this has not been validated.

Prior to public exhibition an assessment of the availability of capacity within Council's reticulated water supply to service the development will be required.

Sewer

It is proposed that the development will be connected to Council's reticulated wastewater network; however, this has not been validated.

Prior to public exhibition an assessment of the availability of capacity within Council's reticulated wastewater network to service the development will be required.

Power

The site will be serviced utilising existing infrastructure contained within Terranora Road easement. Power supply is not expected to be a constraint.

Telephone

The site will be serviced utilising existing infrastructure contained within the Terranora Road easement. Provision of telecommunications services is not is not expected to be a constraint.

Health

Tweed Heads has a public hospital located approximately 7 kilometres northeast of the site together with a cluster of medical services available within several kilometres of the site, including normal medical, dental and other health care professionals within Tweed Heads South and Tweed Heads.

Police

A Police Station located at Tweed Heads in Recreation Street approximately 7 kilometres northeast of the site. A new Police Station is under construction in Wharf Street, Tweed Heads.

Ambulance

Tweed Heads Ambulance Station is located adjacent to the Tweed Heads Hospital approximately 7 kilometres northeast of the site.

Fire Brigade

The Tweed Heads Fire Brigade Station is located on the corner of Dry Dock Road and Minjungbal Drive approximately 5 kilometres east of the site.

Schools

Terranora Primary School, Lindisfarne lie to the west off Terranora Road within several kilometres of the site, plus, Tweed Heads and Tweed Heads South have two public high schools, four public primary schools, three private primary schools and two private high schools.

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

This planning proposal is presented for a Gateway determination and as such this section of the planning proposal will be updated once a Gateway determination has been provided.

Part 4 Mapping

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

Appendix 1 – Land Zoning

Appendix 2 – Lot Size

Appendix 3 – Height of Buildings

Appendix 4 - Floor Space Ratio

Appendix 5 – Land Application

Appendix 6 – Acid Sulfate Soils

All other maps remain unchanged.

Part 5 Community consultation

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

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

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

At this time and until all relevant studies have been completed, the desired outcome, and mechanisms to achieve it cannot be discussed. However, should formal agreement be required to secure the outcome and a planning agreement is required, it would be proposed that any planning agreement be placed on public exhibition simultaneous with the planning proposal.

Part 6 Project timeline

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

Project timeline	
Benchmark	Anticipated Deadline
Anticipated commencement date (date of Gateway determination)	April 2017
Anticipated timeframe for the completion of required technical information	June 2017
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	July 2017
Commencement date for public exhibition period	August 2017
Completion date for public exhibition period	August 2017
Dates for public hearing (if required)	
Timeframe for the consideration of submissions	September 2017
Timeframe for the consideration of a proposal post exhibition	October 2017
Date of submission to the Department of Planning and Environment to finalise the LEP	October 2017
Anticipated date RPA will make the plan (if delegated)	November 2017
Anticipated date plan is published and effective	November 2017

Summary and conclusions

The planning proposal seeks the rezoning of part only of four co-joined allotments, being Lot 1 DP 595863, lot 1 DP 807182, and Lots 1 & 2 DP 819065, Winchelsea Way, Terranora, from 7(d) Environmental Protection (Scenic/escarpment) to R5 Large Lot Residential.

The site lies at the top of the escarpment to the north of the Tweed Valley and represents a significant landscape feature identified as a key part of the identity of the Tweed and as such, scenic impact is considered to be highly significant.

Council has resolved to proceed with this planning proposal with the agreement of the landowners on the basis of a smaller area of investigation which is to be further defined, but at this time is approximately bound above the 110 and 120 AHD contours which would separate the site from the escarpment below.

While a desktop assessment has determined that this site has strategic merit, due to the current and previous use of the site and its high visibility a range of further investigations are proposed, which would include at least:

- Visual Impact Assessment;
- Contamination assessment;
- Access and traffic impact report;
- Revised Flora and Fauna Assessment, and
- Water and wastewater management.

While development will include subdivision for large lot residential purposes, how the site will be integrated with the existing approved community title development on Lot 1 DP595863 will be required.

Until all studies have been completed it will not be possible to discuss the nature of any agreements that will be required to achieve the desired outcome; however, should a planning agreement be required, this matter will be discussed in the next version of the planning proposal prior to public exhibition.

The site is not identified in the *Far North Coast Regional Strategy 2006 – 2031* as being within a Town and Village Growth Boundary.

This planning proposal appears to have strategic merit and is recommended for referral for a Gateway determination.

APPENDICES

Appendix 1: Maps – Land zoning – Existing and Proposed

Appendix 2: Maps – Lot size – Existing and Proposed

Appendix 3: Maps – Height of Buildings – Existing and Proposed

Appendix 4: Maps – Floor Space Ratio – Existing and Proposed

Appendix 5: Maps – Land Application – Existing and Proposed

Appendix 6: Maps – Acid Sulfate Soils – Existing and Proposed

Appendix 7: Consistency with North Coast Regional Plan 2036

Appendix 8: Consistency with Far North Coast Regional Strategy 2006

Appendix 9: Consistency with Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies (2007)

Appendix 10: Consistency with Council's Community Strategic Plan

Appendix 11: Consistency with applicable State Environmental Planning Policies

Appendix 12: Consistency with applicable Section 117 Local Planning Directions

Appendix 13: Council Report – 17 November 2016

Appendix 14: Information Checklist

Appendix 15: Studies & investigations – pending Gateway determination

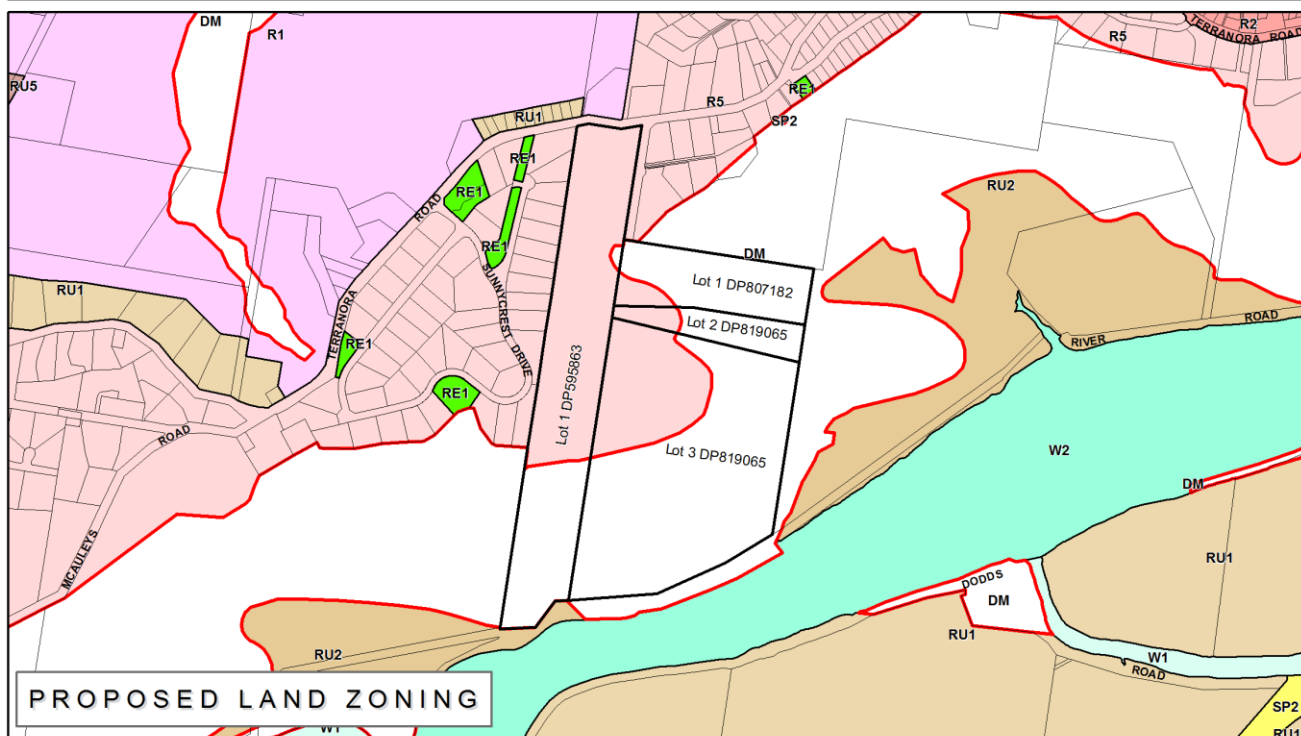
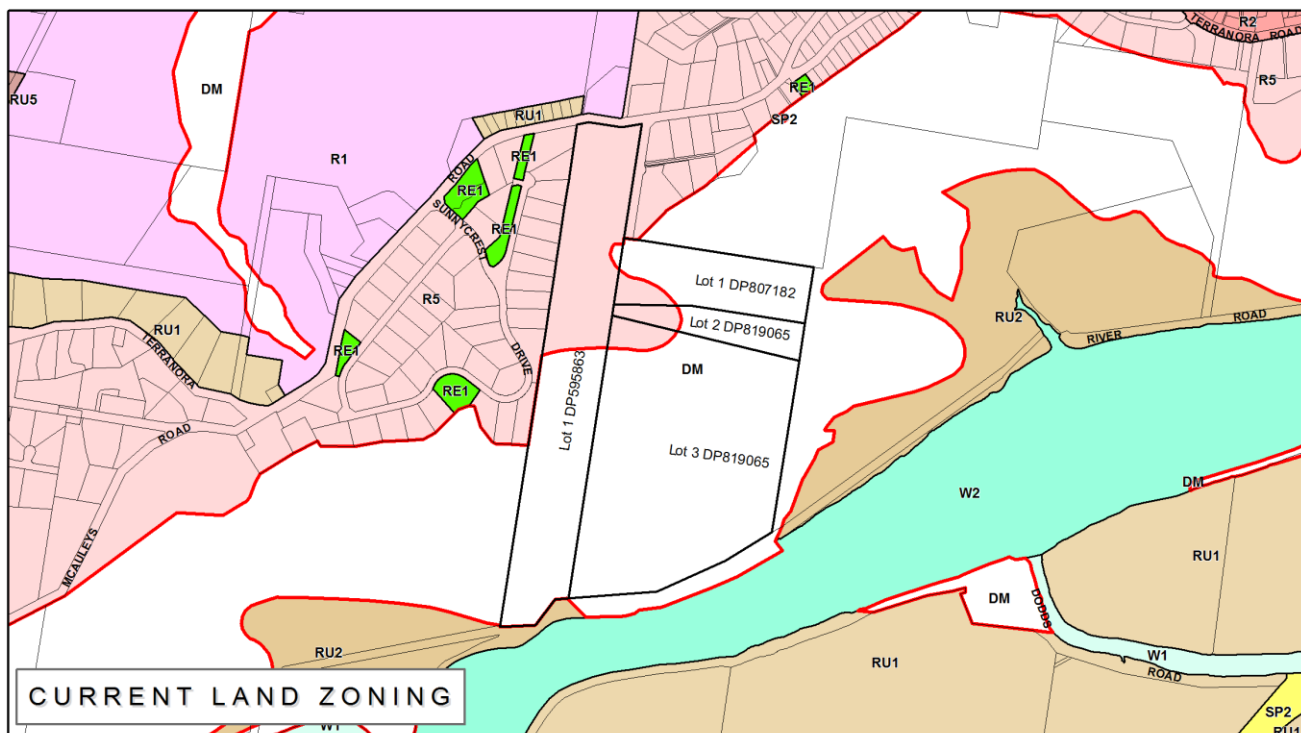
ATTACHMENTS

Attachment 1: Aboriginal Cultural Heritage Due Diligence Assessment April 2016

Appendix 1:

Land Zoning Maps

**(Existing and approximate location of
proposed zones)**



Tweed Local Environmental Plan 2014 Land Zoning

B1 Neighbourhood Centre	E1 National Parks and Nature Reserves	R5 Large Lot Residential	SP1 Special Activities	DM Deferred Matter
B2 Local Centre	IN1 General Industrial	RE1 Public Recreation	SP2 Infrastructure	MD SEPP (Major Development) 2005
B3 Commercial Core	IN2 Working Waterfront	RE2 Private Recreation	SP3 Tourist	TCC Tweed City Centre LEP 2012
B4 Mixed Use	R1 General Residential	RU1 Primary Production	W1 Natural Waterways	
B5 Business Development	R2 Low Density Residential	RU2 Rural Landscape	W2 Recreational Waterways	
B7 Business Park	R3 Medium Density Residential	RU5 Village	W3 Working Waterways	



Map Projection: Universal Transverse Mercator
Horizontal Datum: Geostatic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 55

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Tweed Local Environmental Plan 2014 **DRAFT Planning Proposal**

Rezoning
Affected Property:
Lot 1 DP 595863; Lot 2 DP 819065; Lot 3 DP 819065; Lot 1 DP 807182;
No.182 Winchelsea Way, Terranora;

Council File | PP16/0002
Revised | 15/03/2017

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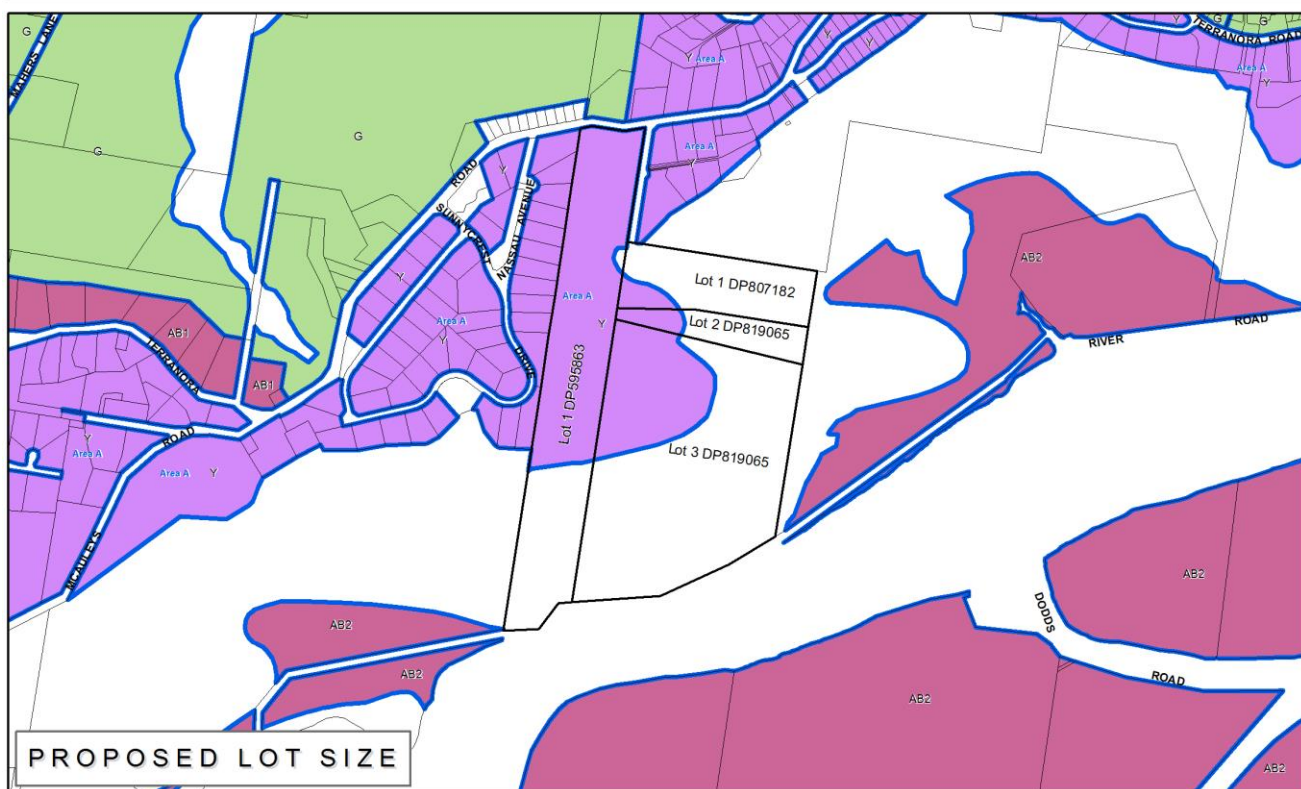
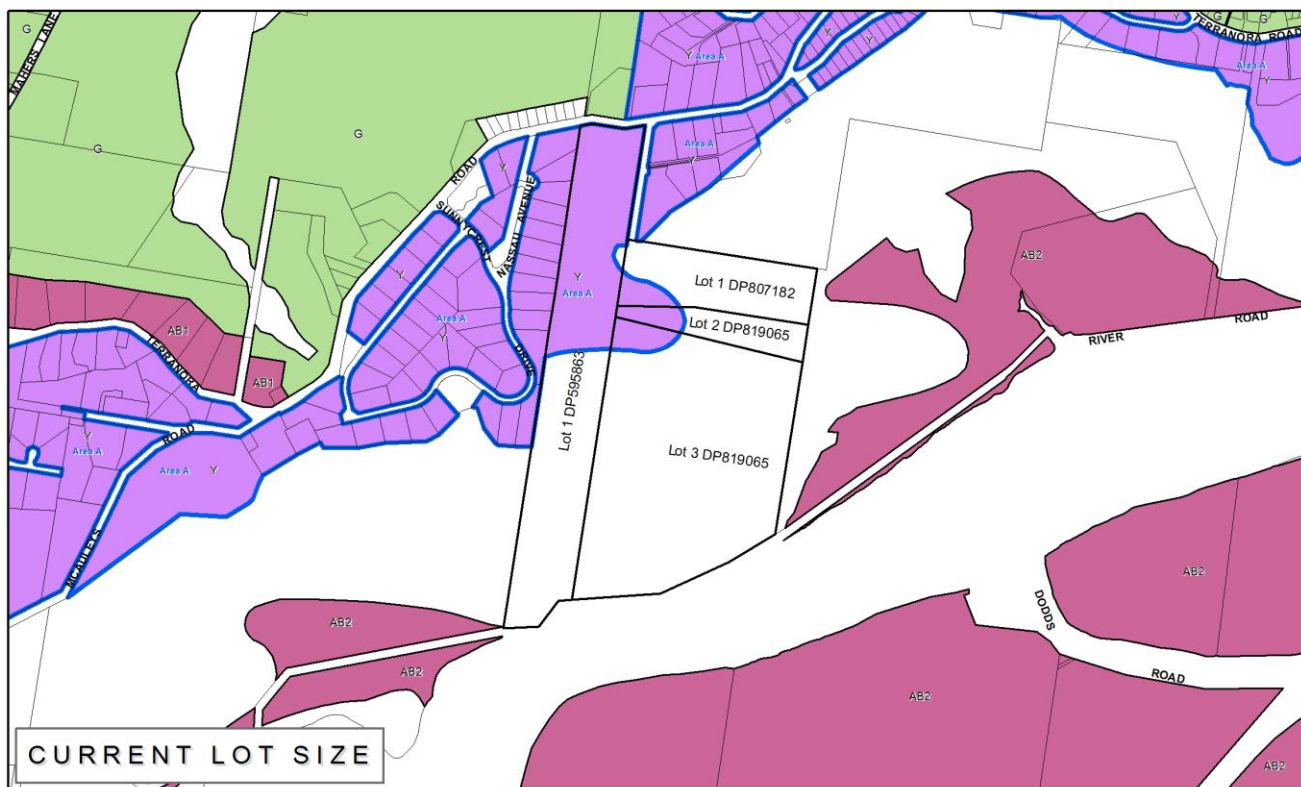
Author: J Batchelor - Strategic Planning & Urban Design Unit

Date Printed: 15 March, 2017

Appendix 2:

Lot Size Maps

**(Existing and approximate location of
proposed)**



Tweed Local Environmental Plan 2014

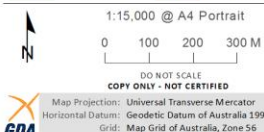
Lot Size

Minimum Lot Size (sq m)

E	350	Q	700
G	450	V	2000

Y	1ha	AB1	10ha
Z	4ha	AB2	40ha

Area A Refer to Clause 4.2A(2)



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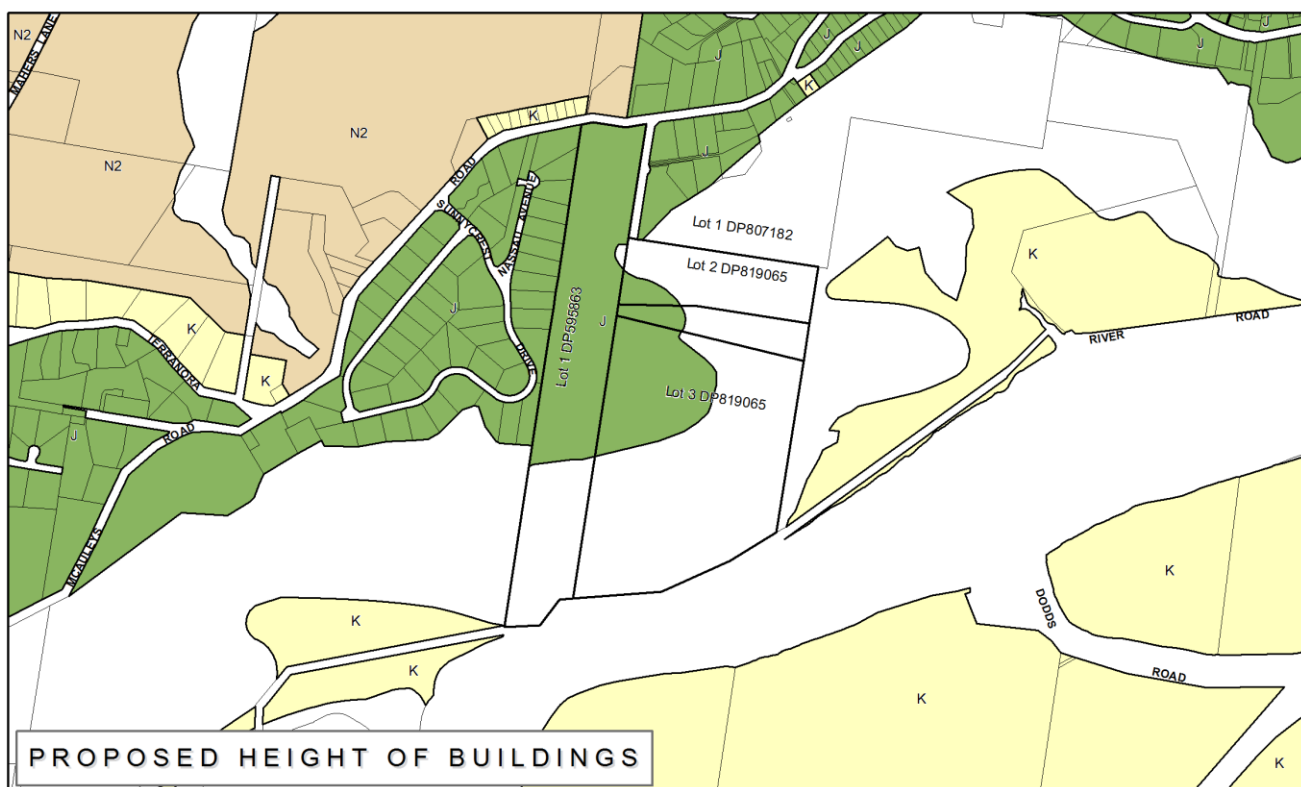
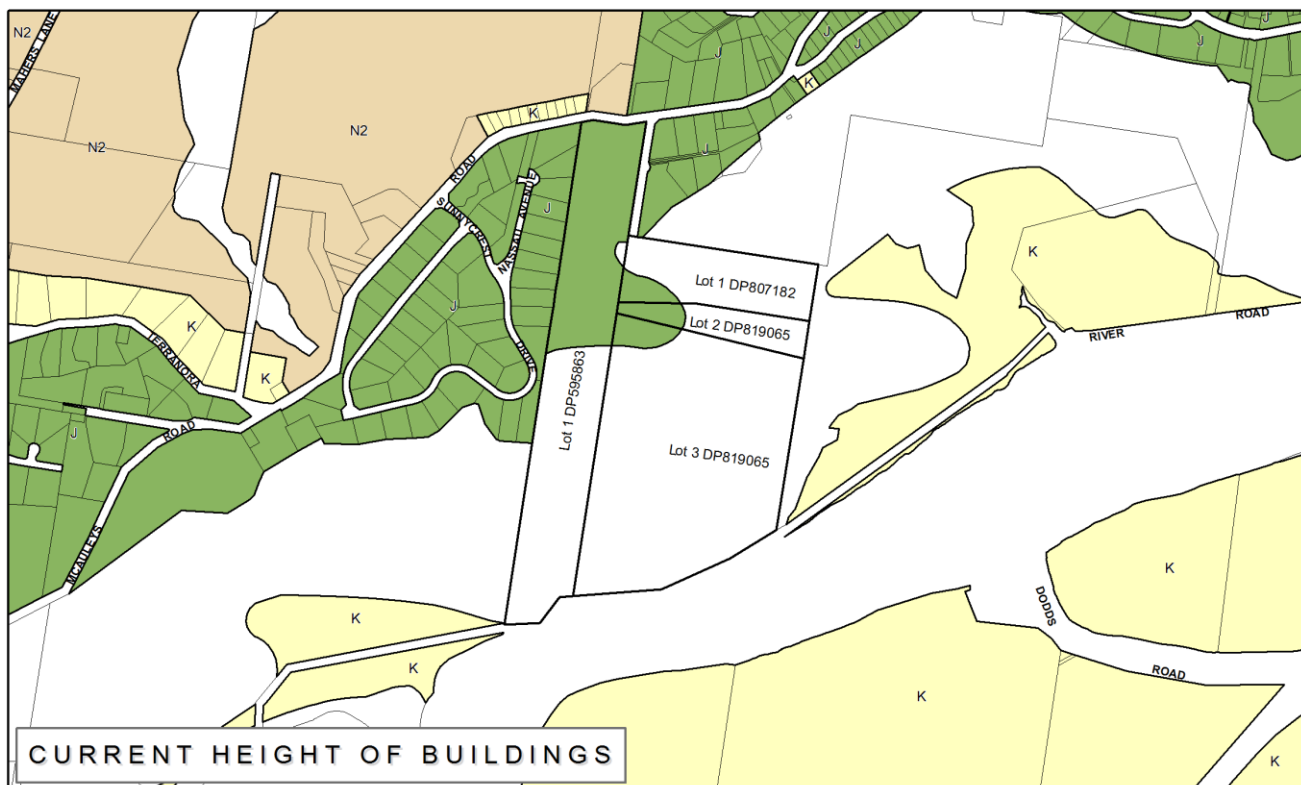
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Appendix 3:

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



Tweed Local Environmental Plan 2014

Height of Buildings
Maximum Building Height (m)

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

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

1:15,000 @ A4 Portrait
0 100 200 300 M
DO NOT SCALE
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Map Projection: Universal Transverse Mercator
Horizontal Datum: Geoidetic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56



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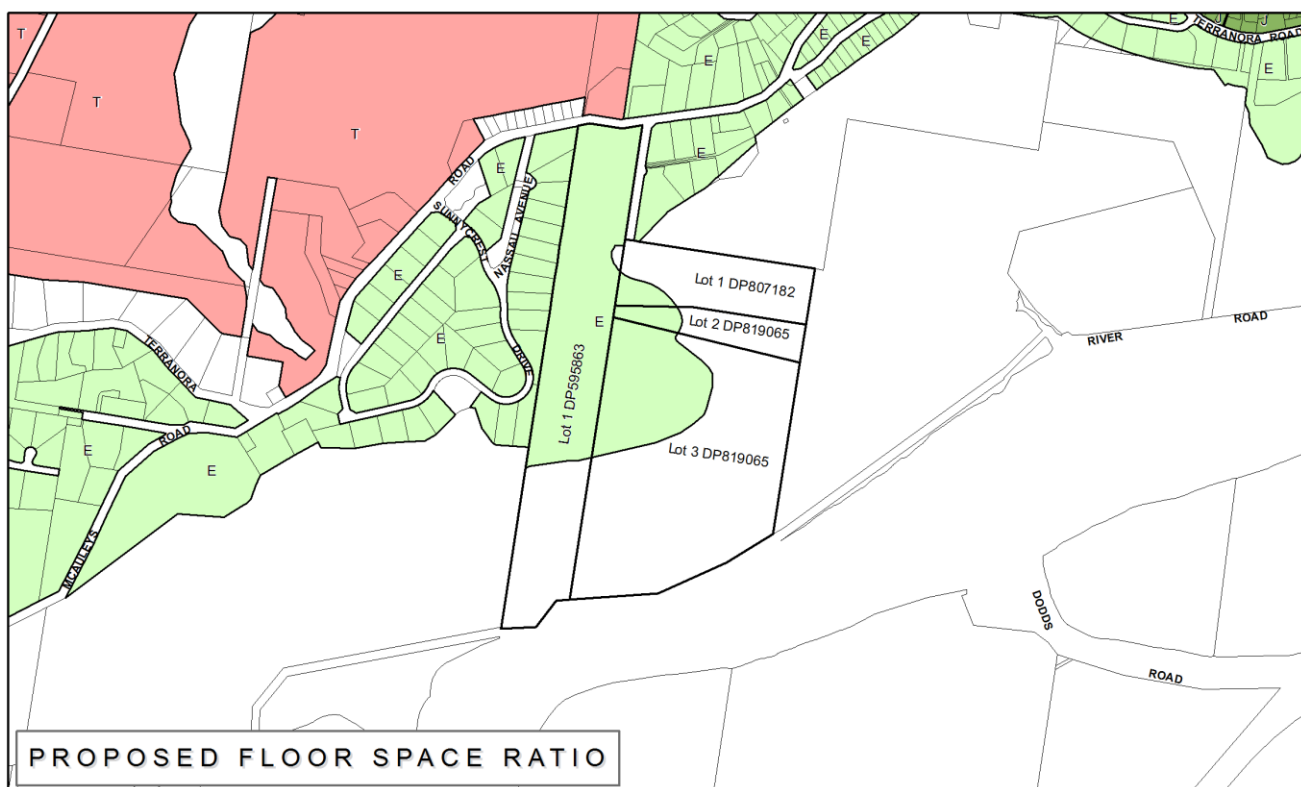
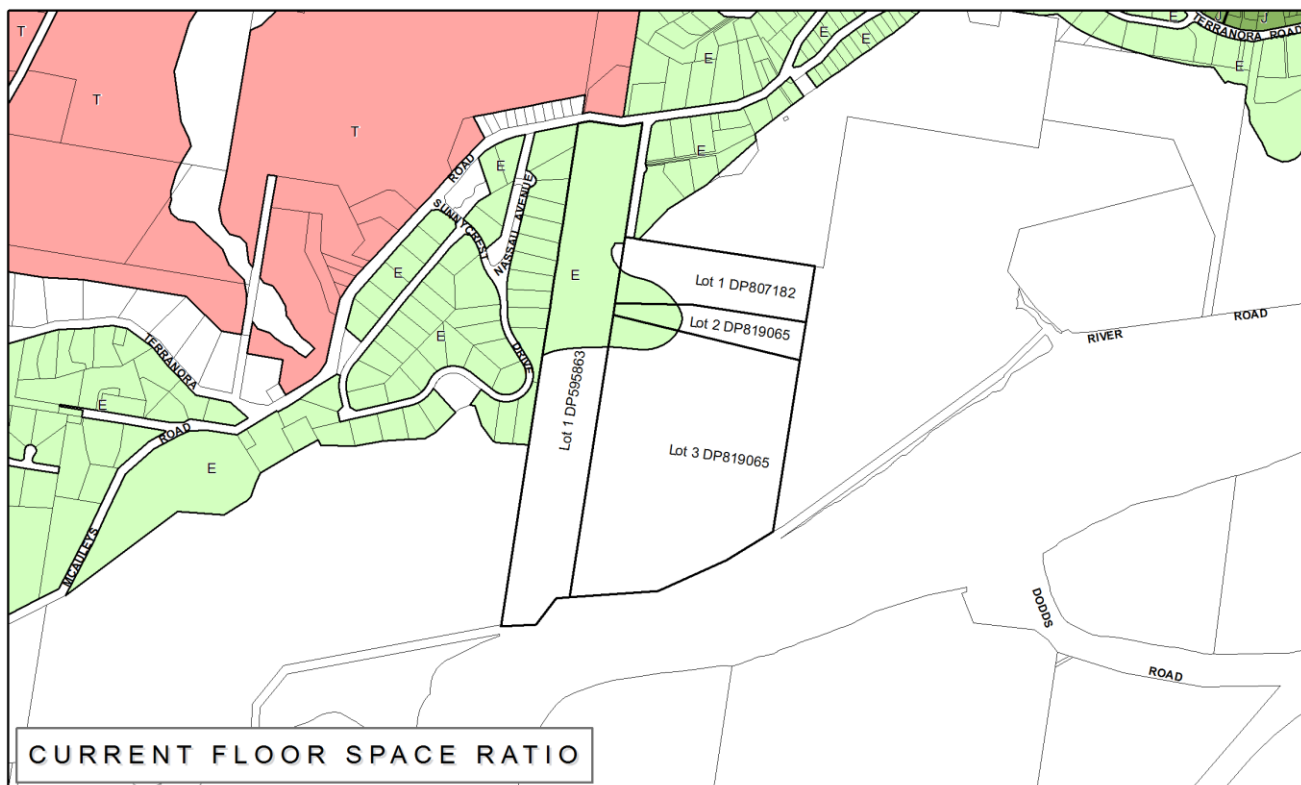
Author: J Batchelor - Strategic Planning & Urban Design Unit

Date Printed: 15 March, 2017

Appendix 4:

Floor Space Ratio Maps

**(Existing and approximate location of
proposed)**



Tweed Local Environmental Plan 2014

Floor Space Ratio

Maximum Floor Space Ratio (n:1)

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

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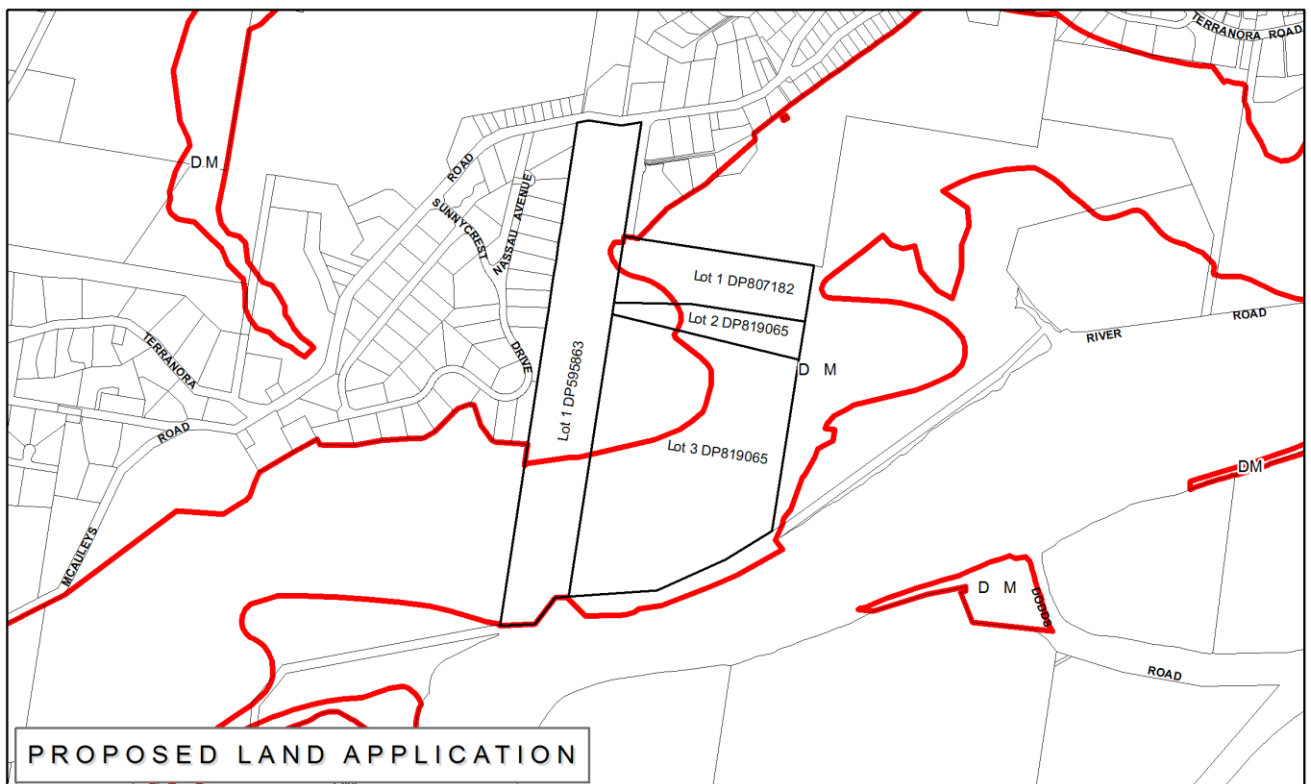
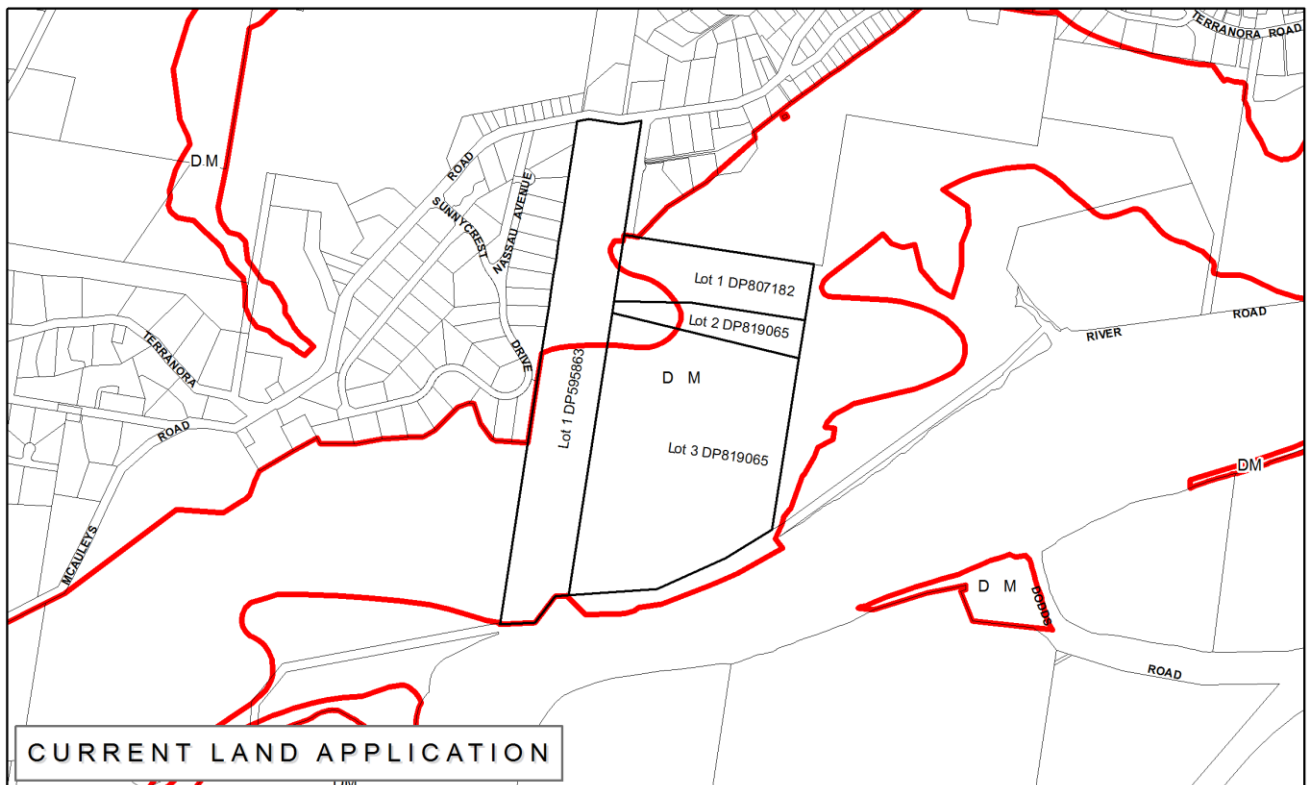
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Appendix 5:

Land Application Maps

**(Existing and approximate location of
proposed)**



Tweed Local Environmental Plan 2014
Land Application

 Included  DM Deferred

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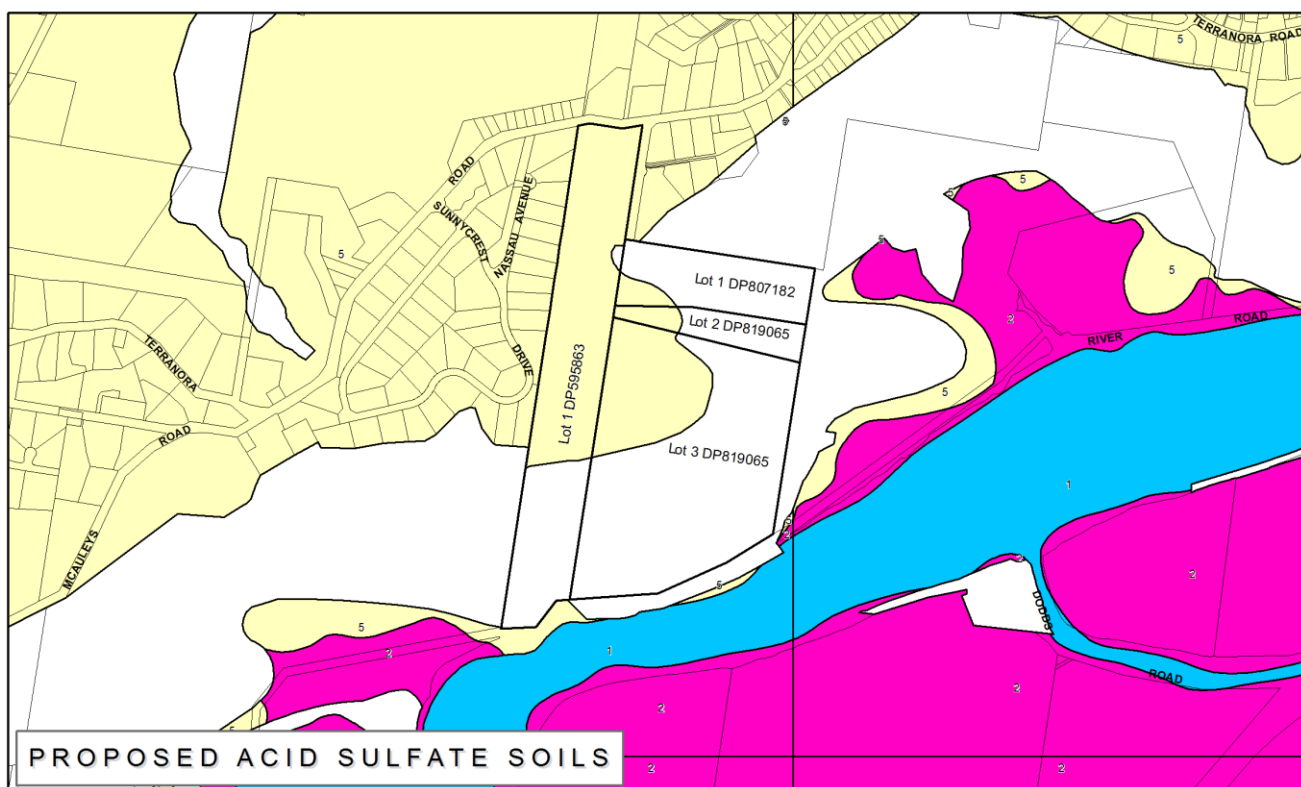
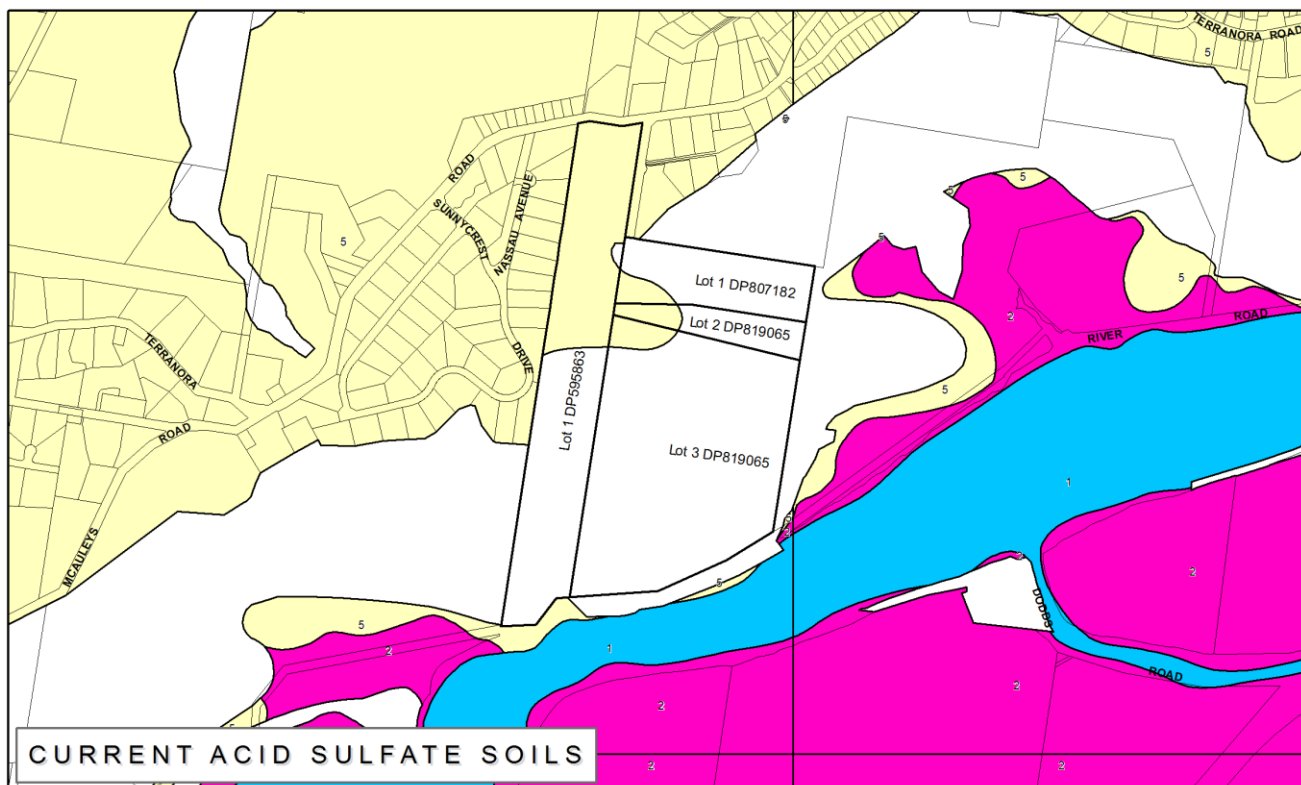
Author: J Batchelor - Strategic Planning & Urban Design Unit

Date Printed: 16 March, 2017

Appendix 6:

Acid Sulfate Soils Maps

**(Existing and approximate location of
proposed)**



Tweed Local Environmental Plan 2014
Acid Sulfate Soils

1 Class 1 **2** Class 2 **3** Class 3 **4** Class 4 **5** Class 5

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Map Projection: Universal Transverse Mercator
Horizontal Datum: Geocentric Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56

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Appendix 7:

Assessment of consistency with North Coast Regional Plan 2036

Consistency with North Coast Regional Plan 2036		
Goal 1: The most stunning environment in NSW		
Direction/Action		Response
Direction 1: Deliver environmentally sustainable growth		
1.1	Focus future urban development to mapped urban growth areas.	Until such time as Council receives electronic data from the Department of Planning and Environment it is difficult, at the scale of Figure 18, to ascertain whether the site is now within an Urban Growth Area, but it is assumed that it is not. Refer to notes body of proposal.
1.2	Review areas identified as 'under investigation' within urban growth areas to identify and map sites of potentially high environmental value.	N/A
1.3	Identify residential, commercial or industrial uses in urban growth areas by developing local growth management strategies endorsed by the Department of Planning and Environment.	N/A
1.4	Prepare land release criteria to assess appropriate locations for future residential, commercial and industrial uses.	N/A
Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments		
2.1	Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value.	The preliminary footprint of the zone is intended to avoid native vegetation
2.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	Acknowledged and will be addressed in detail at the DA stage
Direction 3: Manage natural hazards and climate change		
3.1	Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.	The proposed development envelope has been reduced to avoid steep sloping land.
3.2	Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated	Bushfire risk will be considered as part of identifying the final boundary for the new zone to ensure that native vegetation surrounding the site is protected and risks from bushfire are not created by allowing development too close to vegetated land.
3.3	Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development.	Acknowledged
Direction 4: Promote renewable energy opportunities		
4.1	Diversify the energy sector by identifying renewable energy resource precincts and infrastructure corridors with access to the electricity network	N/A
4.2	Enable appropriate smaller-scale renewable energy projects using bio-waste, solar, wind, small-scale hydro, geothermal or other innovative storage technologies	N/A
4.3	Promote appropriate smaller and community-scale renewable energy projects	An option to be considered at the development assessment stage
Goal 2: A thriving, interconnected economy		
Direction 5: Strengthen communities of interest and cross-regional relationships		

Consistency with North Coast Regional Plan 2036		
5.1	Collaborate on regional and intra-regional housing and employment land delivery, and industry development	N/A
5.2	Integrate cross-border land use planning between NSW and South East Queensland, and remove barriers to economic, housing and jobs growth.	N/A
5.3	Encourage ongoing cooperation and land use planning between the City of Gold Coast and Tweed Shire Council	N/A
5.4	Prepare a regional economic development strategy that drives economic growth opportunities by identifying key enabling infrastructure and other policy interventions to unlock growth.	N/A
Direction 6: Develop successful centres of employment		
6.1	Facilitate economic activity around industry anchors such as health, education and airport facilities by considering new infrastructure needs and introducing planning controls that encourage clusters of related activity	N/A
6.2	Promote knowledge industries by applying flexible planning controls, providing business park development opportunities and identifying opportunities for start-up industries	N/A
6.3	Reinforce centres through local growth management strategies and local environmental plans as primary mixed-use locations for commerce, housing, tourism, social activity and regional services.	N/A
6.4	Focus retail and commercial activities in existing centres and develop place-making focused planning strategies for centres	N/A
6.5	Promote and enable an appropriate mix of land uses and prevent the encroachment of sensitive uses on employment land through local planning controls	N/A
6.6	Deliver an adequate supply of employment land through local growth management strategies and local environmental plans to support jobs growth	N/A
6.7	Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor	N/A
Direction 7: Coordinate the growth of regional cities		
7.1	Prepare action plans for regional cities that:	
	• ensure planning provisions promote employment growth and greater housing diversity;	N/A
	• promote new job opportunities that complement existing employment nodes around existing education, health and airport precincts;	N/A
	• identify infrastructure constraints and public domain improvements that can make areas more attractive for investment; and	N/A
	• deliver infrastructure and coordinate the most appropriate staging and sequencing of development.	N/A
Direction 8: Promote the growth of tourism		
8.1	Facilitate appropriate large-scale tourism	N/A

Consistency with North Coast Regional Plan 2036

	developments in prime tourism development areas such as Tweed Heads, Tweed Coast, Ballina, Byron Bay, Coffs Harbour and Port Macquarie.	
8.2	Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through local growth management strategies and local environmental plans.	N/A
8.3	Prepare destination management plans or other tourism-focused strategies that: • identify culturally appropriate Aboriginal tourism opportunities; • encourage tourism development in natural areas that support conservation outcomes; and • strategically plan for a growing international tourism market.	N/A
8.4	Promote opportunities to expand visitation to regionally significant nature-based tourism places, such as Ellenborough Falls, Dorrigo National Park, Wollumbin-Mount Warning National Park, Iluka Nature Reserve and Yuraygir Coastal Walk.	N/A
8.5	Preserve the region's existing tourist and visitor accommodation by directing permanent residential accommodation away from tourism developments, except where it is ancillary to existing tourism developments or part of an area otherwise identified for urban expansion in an endorsed local growth management strategy.	N/A

Direction 9: Strengthen regionally significant transport corridors

9.1	Enhance the competitive value of the region by encouraging business and employment activities that leverage major inter-regional transport connections, such as the Pacific Highway, to South East Queensland and the Hunter.	N/A
9.2	Identify buffer and mitigation measures to minimise the impact of development on regionally significant transport infrastructure including regional and state road network and rail corridors.	N/A
9.3	Ensure the effective management of the State and regional road network by: • preventing development directly adjoining the Pacific Highway; • preventing additional direct 'at grade' access to motorway-class sections of the Pacific Highway; • locating highway service centres on the Pacific Highway at Chinderah, Ballina, Maclean, Woolgoolga, Nambucca Heads, Kempsey and Port Macquarie, approved by the Department of Planning and Environment and Roads and Maritime Services; and • identifying strategic sites for major road freight transport facilities.	N/A

Direction 10: Facilitate air, rail and public transport infrastructure

10.1	Deliver airport precinct plans for Ballina-Byron, Lismore, Coffs Harbour and Port Macquarie that capitalise on opportunities to diversify and maximise the potential of value-adding industries close to airports.	N/A
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Consistency with North Coast Regional Plan 2036		
10.2	Consider airport-related employment opportunities and precincts that can capitalise on the expansion proposed around Gold Coast Airport.	N/A
10.3	Protect the North Coast Rail Line and high-speed rail corridor to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation.	N/A
10.4	Provide public transport where the size of the urban area has the potential to generate sufficient demand.	N/A
10.5	Deliver a safe and efficient transport network to serve future release areas.	Further investigations into traffic generating impacts to be considered prior to public exhibition
Direction 11: Protect and enhance productive agricultural lands		
11.1	Enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour.	The site is former farming land isolated from the majority of rural and agricultural land.
11.2	Deliver a consistent management approach to important farmland across the region by updating the <i>Northern Rivers Farmland Protection Project</i> (2005) and <i>Mid North Coast Farmland Mapping Project</i> (2008).	N/A
11.3	Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.	N/A
11.4	Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.	N/A
11.5	Address sector-specific considerations for agricultural industries through local plans.	N/A
Direction 12: Grow agribusiness across the region 40		
12.1	Promote the expansion of food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing through flexible planning provisions in local growth management strategies and local environmental plans.	N/A
12.2	Encourage the co-location of intensive primary industries, such as feedlots and compatible processing activities.	N/A
12.3	Examine options for agribusiness to leverage proximity from the Gold Coast and Brisbane West Wellcamp airports.	N/A
12.4	Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflicts arising from the encroachment of incompatible land uses.	N/A
Direction 13: Sustainably manage natural resources		
13.1	Enable the development of the region's natural, mineral and forestry resources by directing to suitable locations land uses such as residential development that are sensitive to impacts from noise, dust and light interference.	N/A
13.2	Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established	N/A

Consistency with North Coast Regional Plan 2036		
	infrastructure and resource accessibility.	
Goal 3: Vibrant and engaged communities		
Direction 14: Provide great places to live and work		
	Prepare precinct plans in growth areas, such as Kingscliff, or centres bypassed by the Pacific Highway, such as Woodburn and Grafton, to guide development and establish appropriate land use zoning, development standards and developer contributions.	N/A
	Deliver precinct plans that are consistent with the <i>Precinct Plan Guidelines</i> (Appendix C)	The site is an isolated expansion of large lot residential land surrounded by similar development
Direction 15: Develop healthy, safe, socially engaged and well-connected communities		
15.1	Deliver best-practice guidelines for planning, designing and developing healthy built environments that respond to the ageing demographic and subtropical climate.	To be considered at the DA stage
15.2	Facilitate more recreational walking and cycling paths and expand interregional and intra-regional walking and cycling links, including the NSW Coastline Cycleway.	To be considered at the DA stage
15.3	Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.	N/A
15.4	Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning.	N/A
15.5	Deliver crime prevention through environmental design outcomes through urban design processes.	To be considered at the DA stage
Direction 16: Collaborate and partner with Aboriginal communities		
16.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning process, including the development of engagement protocols.	Engagement of the Local Aboriginal Land Council has occurred and will be further conducted throughout the planning process
16.2	Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans.	Engagement of the Local Aboriginal Land Council has occurred and will be further conducted throughout the planning process
Direction 17: Increase the economic self-determination of Aboriginal communities		
17.1	Deliver opportunities to increase the economic independence of Aboriginal communities through training, employment and tourism.	N/A
17.2	Foster closer cooperation with Local Aboriginal Land Councils to identify the unique potential and assets of the North Coast communities.	N/A
17.3	Identify priority sites with economic development potential that Local Aboriginal Land Councils may wish to consider for further investigation.	N/A
Direction 18: Respect and protect the North Coast's Aboriginal heritage		
18.1	Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities.	Engagement of the Local Aboriginal Land Council has occurred and will be further conducted throughout the planning process

Consistency with North Coast Regional Plan 2036		
18.2	Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified.	An Aboriginal cultural heritage assessment has occurred and not identified any sites or objects on the site; however, a registered site exists on adjoin upslope land which will require further consideration with respect to integration of the two properties
18.3	Develop local heritage studies in consultation with the local Aboriginal community, and adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	N/A
18.4	Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas, where culturally appropriate, to inform planning strategies and local plans to protect Aboriginal heritage.	N/A
Direction 19: Protect historic heritage		
19.1	Ensure best-practice guidelines are considered such as the <i>Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance</i> and the <i>NSW Heritage Manual</i> when assessing heritage significance.	While an old bales was identified on the property, an assessment concluded that it was not significant.
19.2	Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls.	Any objects found during development will be considered for inclusion.
19.3	Deliver the adaptive or sympathetic use of heritage items and assets.	Acknowledged
Direction 20: Maintain the region's distinctive built character		
20.1	Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the <i>North Coast Urban Design Guidelines</i> (2009).	This site is highly visible and the =potential impact on the scenic amenity of the locality has been identified as significant and will require detailed assessment prior to public exhibition.
20.2	Review the <i>North Coast Urban Design Guidelines</i> (2009).	Acknowledged
Direction 21: Coordinate local infrastructure delivery		
21.1	Undertake detailed infrastructure service planning to support proposals for new major release areas.	The proponent must demonstrate that the proposed development can be serviced prior to public exhibition.
21.2	Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.	Acknowledged
Goal 4: Great housing choice and lifestyle options		
Direction 22: Deliver greater housing supply		
22.1	Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the region's projected housing needs.	The site has the potential to supply a limited number of rural residential properties.
22.2	Facilitate housing and accommodation options for temporary residents by: • preparing planning guidelines for seasonal and itinerant workers accommodation to inform the location and design of future facilities; and • working with councils to consider opportunities to permit such facilities through local environmental plans.	Acknowledged but not applicable at the rezoning stage

Consistency with North Coast Regional Plan 2036		
22.3	Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor.	Monitoring is occurring
Direction 23: Increase housing diversity and choice		
23.1	Encourage housing diversity by delivering 40 per cent of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres, by 2036.	To be considered at the DA stage
23.2	Develop local growth management strategies to respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place.	Acknowledged
Direction 24: Deliver well-planned rural residential housing areas		
24.1	Facilitate the delivery of well-planned rural residential housing areas by: • identifying new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment; and • ensure that such proposals are consistent with the <i>Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies</i> (2007) or land release criteria (once finalised).	While the site is not within an Urban Growth Area, it does represent a logical expansion of the zone into land that is relatively unconstrained. The final zone boundary is to be determined following further investigations prior to public exhibition. The design of any development will be a matter for consideration at the DA stage. Consistency with the <i>Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies</i> (2007) is considered separately.
24.2	Enable sustainable use of the region's sensitive coastal strip by ensuring new rural residential areas are located outside the coastal strip, unless already identified in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment.	N/A
Direction 25: Deliver more opportunities for affordable housing		
25.1	Deliver more opportunities for affordable housing by incorporating policies and tools into local growth management strategies and local planning controls that will enable a greater variety of housing types and incentivise private investment in affordable housing.	To be further considered at the DA stage; however, it is not anticipated that low cost housing will form a part of a rural residential development.
25.2	Prepare guidelines for local housing strategies that will provide guidance on planning for local affordable housing needs.	N/A

Appendix 8:

Assessment of consistency with Far North Coast Regional Strategy 2006

Consistency with Far North Coast Regional Strategy 2006	
Action	Consistency
Environment and Natural Resources	
Local environmental plans will protect and zone land with State or regional environmental, agricultural, vegetation, habitat, waterway, wetland or coastline values.	As discussed elsewhere in this document, the eastern portion of properties a party to this planning proposal lie within the 7(d) Environmental Protection (Scenic/escarpment zone) which has been reinforced by previous resolutions of Council dating back to the 1980s which restricted development within the escarpment.
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.	Investigations will be required to ascertain the ultimate boundary between R5 and 7(d) zoned land, but it can be assumed that the boundary will be located in close proximity to the band created by the 110 and 120 AHD contours. Land above is relatively flat, and while highly visible presents an opportunity for some form of low density residential development which would need to be consistent with the objectives of the R5 and 7(d) zoned land. Until further investigations are concluded, the final location of the zone boundaries cannot be determined.
Local environmental plans will identify and zone land of landscape value (including scenic and cultural landscapes) to protect those values.	Council has resolved unanimously to use the 110 to and 120 AHD contours as an approximation for the proposed location of the new boundary between the two zones affecting this part of the site. Land below this elevation falls within the existing 7(d) Environmental Protection (Scenic/escarpment) zone under Tweed LEP 2000, and is considered important for the integrity of the scenic and biodiversity values of the location.
Local environmental plans will protect land identified as having extractive resources of regional significance (see Appendix 2).	The land does not contain areas of 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 currently used for grazing and was once arable farmland; however, it now abuts large lot residential land and is an isolated block of land bounded to the east by steep land within the escarpment. The site is not known to contain extractive resources. The site contains a natural watercourse with earthen dam immediately above the site as seen in Figure 2.
The Department of Primary Industries and the Department of Planning will assist local government with the development of appropriate subdivision standards for rural	Not applicable.

Consistency with Far North Coast Regional Strategy 2006	
Action	Consistency
zones.	
- Local environmental plans will: > include minimum subdivision standards for rural and environment protection zones > include provisions to limit dwellings in the rural and environmental zones > not include provisions to permit concessional allotments.	It is proposed that all provisions in the Tweed Local Environmental Plan 2014 will apply.
Local environmental plans will include provisions to encourage habitat and corridor establishment in future zoning of Environmental Assets and Rural Land area.	The ability of land previously cleared within the scenic escarpment will be investigated with the intention of securing a net benefit aimed at enhancing the scenic and biodiversity qualities of the escarpment.
Local environmental plans will include provisions to limit the creation of additional water rights on land fronting watercourses.	Not applicable.
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.	Not applicable.
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.	Not applicable.
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 2014 will apply.
A Regional Conservation Plan prepared by the Department of Environment and Conservation will guide local councils in implementing conservation outcomes.	The Far North Coast Regional Conservation Plan 2010 applies to this site. Conservation of native vegetation consistent with this plan and Council's Vegetation Management Strategy 2004 will be required.
Cultural Heritage	
Councils are to ensure that Aboriginal cultural and community values are considered in the future planning and management of their local government area.	An Aboriginal Cultural Heritage Assessment 2016 concluded that no indigenous cultural heritage sites or relics (Aboriginal Objects) were identified within the site; however, a registered site in the Aboriginal Heritage Information Management System is recorded as occurring on land immediately above the site. Further investigations into the significance of this site and its impact of development will

Consistency with Far North Coast Regional Strategy 2006	
Action	Consistency
	need to be addressed before this planning proposal can be placed on public exhibition.
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.	Council has undertaken the preparation of draft Aboriginal cultural heritage (ACH) mapping, including extensive consultation with the local Aboriginal community, to identify known and potential places of Aboriginal cultural heritage significance. The Management Plan in association with the mapping is currently being prepared. Land immediately above the site contains AHIMS registered Aboriginal cultural heritage, mapped as containing known ACH on Council's draft mapping.
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.	See above.
Natural Hazards	
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.	The site is elevated and will predominantly be contained above the 110 AHD contour.
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.
Local environmental plans will zone waterways to reflect their environmental, recreational or cultural values.	Not applicable.
Local environmental plans will zone areas subject to high hazard to reflect the capabilities of the land.	Not applicable.

Consistency with Far North Coast Regional Strategy 2006	
Action	Consistency
Settlement and Housing	
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.	While outside the Town and Village Growth Boundary, any development of this site must reflect the objectives of the R5 Large Lot Residential and 7(d) Environmental Protection (scenic/escarpment) zones and provide low impact development consistent with a rural lifestyle and scenic amenity of the locality. Until further studies are completed on the reduced area of investigation the full extent of any potential impact cannot be fully defined.
Tweed Heads, Lismore and Ballina will be promoted and supported as major regional centres of population and service provision for the Region.	Not applicable.
Councils will review the building height limits within the central business areas, major employment areas and major tourism areas of Tweed, Ballina and Lismore local government areas.	Building height will be consistent with the standard for the relevant zones.
Local environmental plans will ensure that all new development reinforces existing urban and rural centres, towns and villages.	The site adjoins existing large lot residential development and has merit for consideration of an extension of this landuse.
New development must be located in a manner that prevents ribbon or strip development along major roads and does not impact on the safety and efficiency of arterial roads.	The site does not have frontage to any major or arterial roads and will not result in ribbon development.
A land release staging program will be developed to ensure the orderly release of new housing.	No details have been provided regarding the final lot number or configuration and whether a staging plan will be part of any development application to be considered at a later stage of the planning process.
Where development or a rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution towards the provision of such infrastructure.	Not applicable.
Councils will plan for a range of housing types of appropriate densities, location and suitability that are capable of adapting and responding to the ageing of the population.	The proposed rezoning will facilitate an expansion the existing and adjoining R5 Large Lot Residential zone.
Local government will consider a range of affordable housing strategies, including forms of low cost housing, suitable zonings and development controls to improve housing choice, and specific schemes. These strategies must be consistent with relevant State policies.	Council has not prepared a housing strategy at this stage.

Consistency with Far North Coast Regional Strategy 2006	
Action	Consistency
Existing land use rights will not be diminished by the Regional Strategy.	Not applicable.
Local environmental plans generally should locate major health and educational facilities in urban areas.	Not applicable.
New caravan parks and manufactured home estates, where there is any potential for permanent accommodation to occur, should be located generally in urban areas.	Not applicable.
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.	Not applicable.
Local environmental plans will maintain interurban breaks between existing and new settlements.	The proposed rezoning does not affect interurban breaks between new settlements as the site adjoins land that is already zoned for large lot residential purposes. Protection of vegetation within the escarpment will prevent further expansion of development.
Town and Village Growth Boundary	
The Town and Village Growth Boundary is defined by the Town and Village Growth Boundary Map.	The site adjoins the Town and Village Growth Boundary and lies consistent with other adjoining landuses.
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.	Council does not have a rural residential release strategy. The site lies within the Coastal Zone. The extent of any expansion of the R5 zone will be determined following further investigations to be completed prior to public exhibition.
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.	Council has not finalised a Local Growth Management Strategy at this stage.
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.	Council has not finalised a Local Growth Management Strategy at this stage.
Planning for urban land must be integrated with the supply of relevant infrastructure and transport provision.	The Tweed Road Development Strategy 2007 together with Council's Section 94 Contribution Plans ensures that there is a timely and equitable provision of transport infrastructure to service new developments. The potential traffic generating impact of development will be assessed prior to public exhibition.
Any development proposed for greenfield sites in the non-coastal area that is located outside of	The site has been cleared and currently contains three houses and is used

Consistency with Far North Coast Regional Strategy 2006	
Action	Consistency
the Town and Village Growth Boundary will be subject to satisfying the Sustainability Criteria as listed below. Infrastructure Provision • Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way Access • Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided Housing diversity • Provide a range of housing choices to ensure a broad population can be housed Employment opportunities • Provide regional/local employment opportunities to support the Far North Coast's expanding role in the wider regional and NSW economies Avoidance of risk • Land use conflicts, and risk to human health and life, avoided Natural Resources • Natural resource limits not exceeded environmental footprint minimised Environmental protection • Protect and enhance biodiversity, air quality, heritage, and waterway health Quality and equity in services • Quality health, education, legal, recreational, cultural and community development and other government services are accessible	predominantly for grazing and is considered infill development; however, the intention of the Sustainability Criteria seek to ensure a clear list of matters that any new proposal will be assessed against. Consistency with regional plans and 117 directions has been addressed elsewhere in this document. The site is situated off Terranora Road which provides public transport to the major retail and commercial centre of Tweed Heads South and Tweed Heads. The proposal seeks an expansion of large lot residential housing opportunities. The area of investigation has been reduced to reflect the biophysical constraints affecting the site. Further investigations will focus on this reduced area and provide more details on how risks will be avoided prior to public exhibition. While the site has previously been used for arable agricultural purposes the site is now isolated, surrounded by escarpment and rural residential development.
Settlement Character and Design	
• 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.	While a desired future character statement has not been prepared for the site or locality, the objectives of the R5 and 7(d) zoned provide clear guidance on the desired future character of the site and surrounding area.
• New buildings should be designed to maximise adaptability to meet changing demographic needs and alternative future uses.	Not applicable.
• 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.	This matter will be addressed at the development application stage.

Consistency with Far North Coast Regional Strategy 2006	
Action	Consistency
New development should be designed to reflect and enhance the natural, cultural, visual and built character and values of the local and regional landscape.	Visual amenity and scenic impact of any development has been identified as a significant factor to be further investigated prior to public exhibition.
New and changing urban areas should provide access to natural features such as coastal foreshore and riparian land in a manner that is consistent with the maintenance of their ecological values.	The site will not change access to coastal foreshore and riparian land.
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.	How the site will be developed and open space incorporated into lot and road configurations will be determined at the Development Application stage.
Village centres are to be multifunctional, mixed-use (including residential) areas catering for diverse community needs.	Not applicable.
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 contained in Tweed Local Environmental Plan 2014 will apply.
Local environmental plans for areas subject to the NSW Coastal Policy (NSW Government 1997) will incorporate provisions to achieve the outcomes of the Coastal Policy in respect to overshadowing. Generally, development on urban land in Tweed Heads, Kingscliff, Byron Bay and Ballina will not result in the beach or adjoining open space being overshadowed before 3.00 p.m. midwinter (standard time) or 6.30 p.m. midsummer (daylight savings time). For other beaches or waterfront open space in the Region, development will not result in overshadowing before 4.00 p.m. midwinter or 7.00 p.m. midsummer (daylight saving time).	The subject land is within the coastal zone; however overshadowing is not relevant.
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.	The proposal is for large lot residential and will require further investigation before consistency with the Settlement Planning Guidelines and the Government's Coastal Design Guidelines can be concluded.
Water and Energy Resources	
Councils are to complete Integrated Water Cycle Management Plans.	Council's Water Management Strategy provides guidance on how water demand will be managed within the water cycle.
Local environmental plans will recognise and protect the regional water supply system	Not applicable.

Consistency with Far North Coast Regional Strategy 2006	
Action	Consistency
through appropriate planning provisions.	
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.	A water and wastewater analysis will be required to ensure capacity within Council's reticulated systems. Appropriate consultations will be undertaken with service providers during the consultation phase of the Planning Proposal.
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 be considered in any future Development Application for the recreation facilities post rezoning.
The Department of Natural Resources, Department of Energy Utilities and Sustainability and local water authorities will prepare a Regional Water Plan to ensure long term regional water efficiencies and improved drought security.	Not applicable.
Suitable locally generated and/or renewable energy projects such as wind, solar, bio-waste and wave power will be supported.	Not applicable.
Regional Transport	
Planning and construction of the Pacific Highway upgrade program through the Region will be continued.	Not applicable.
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	Noted.
Land use and transport planning must be integrated to minimise the need to travel, and to encourage energy and resource efficiency.	Noted.
Local environmental plans are to recognise and protect the regional transport network through appropriate planning provisions.	Noted.
The Casino to Murwillumbah rail corridor will be protected.	Noted.
As the Gold Coast rail extension is planned, investigation will be undertaken to determine whether demand warrants extension of the route into NSW.	Noted.

Consistency with Far North Coast Regional Strategy 2006	
Action	Consistency
Implementation	
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 consistent with the Housing and Settlement provisions of the FNCRS.
The State Infrastructure Strategy 2006–07 to 2015–16 identifies infrastructure projects in the short to medium-term that (among other things) support population growth and demographic change in the Far North Coast. A list of projects from this Strategy is contained in Appendix 3.	Noted
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 Far North Coast Regional Strategy, as discussed above.
Where development or rezoning increases the need for state infrastructure, the Minister for Planning may require a contribution towards the provision of such infrastructure.	See above.
Funds collected from contributions from major developments will be used for regional infrastructure, consistent with the State Infrastructure Strategy, and approved biodiversity outcomes.	See above.
Funds collected by councils through section 94 contributions plans and levies will be used to fund local infrastructure and achieve any local biodiversity outcomes.	Not applicable.

Appendix 9:

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

Consistency with Settlement Planning Guidelines: Mid and Far North Coast Regional Plans (2007)		
Planning Principles		Response
Location		
1	Future urban settlement should be located predominantly within the agreed growth areas.	While the site is not within an Urban Growth Area, it does represent a logical expansion of the zone into land that is relatively unconstrained. The final zone boundary is to be determined following further investigations prior to public exhibition.
2	Future settlement, where permitted by the regional strategies and outside the agreed growth areas, must be located to minimise environmental impacts and be sustainable. Such settlement must satisfy the sustainability criteria contained in Appendix 1 of the Regional Strategies.	See notes above
Land suitability (environment, natural resources, hazard)		
3	Future development should be located on land that is suitable for the development and capable of supporting the proposed uses.	See notes above
4	Planning for future development on land already zoned for settlement but not yet developed should identify the constraints and opportunities of the land. Development should achieve a carefully planned community, respecting environmental, resource and hazard issues.	N/A
5	Future development should avoid areas of environmental significance, significant natural and/or economic resource, potential hazard, high landscape or cultural heritage value, or potential increased risk associated with impacts of climate change.	The final zone boundary is to be determined following further investigations prior to public exhibition, but will be located to avoid loss of native vegetation and if possible led to a net environmental benefit.
6	Future development adjoining land with the above values should incorporate buffers as necessary to help protect those values and to avoid future land use conflict.	Buffers will be an important consideration in defining the boundary between the R5 and 7(d) zoned land, both from the point of environmental protection, and bushfire hazard.
Land release		
7	Future development should be strategically planned by providing a timely release of adequate and appropriately located land to address the specific dwelling targets and housing mix identified in the regional strategies. Future rural residential development should be planned for as part of council's total dwelling targets	Timing of release of a small scale development such as this is not considered highly relevant.
8	Future development, particularly in the major centres, should be planned to effect a shift in the new dwelling mix to achieve 60% single dwellings and 40% multi-unit housing across the region to meet the future demographic needs of smaller households and an ageing population.	N/A
Settlement form and hierarchy		
9	Future development should: • strengthen the hierarchy of settlement identified in the regional strategies, support and maintain strong multi-functional business centres, minimise urban sprawl, and maximise infrastructure and service efficiencies; • be planned to create communities within the	The proposal is for expansion of an existing rural residential development within a restricted geographic area constrained by steep slopes and native vegetation, apart from other considerations to be further assessed prior to public exhibition; including visual amenity and scenic impact..

	hierarchy of settlement. Consideration should be given to the ultimate geographical extent and population target for each community that is to be formed or built upon, and the staging/timing by which it is proposed to reach that position; • provide for a mix of houses, jobs and open space; • be appropriately located in relation to its scale, nature or type of development; the ability to provide the necessary infrastructure and services; the need for access and to ensure effective traffic management; • in the case of residential development, provide for a variety of dwelling types and a choice in location, form and affordability; and • enable mixed uses and home-based employment in residential or village zonings where appropriate.	
10	Future rural residential development should be planned so any new opportunities strengthen the settlement hierarchy identified in the regional strategies. It should be located close to existing centres and away from areas that may in the future have values for urban expansion.	See comments above
11	Future rural residential development should be clustered to encourage a sense of community and for the efficient provision of services. Fragmented development over the landscape will not be permitted.	See comments above
12	Future development, particularly at the residential/agricultural and the residential/industrial interfaces, should be planned for and managed so any potential conflict is minimised in relation to adjacent land uses.	N/A
Urban design and heritage		
13	Future development should recognise, protect and be compatible with any unique topographic, natural or built cultural features essential to the visual setting, character, identity, or heritage significance of the area or settlement that it is to be located in.	
14	Future development should reflect high quality design that is compatible with the local and regional attributes which make up the region's character, such as climate, landscape, history, topography, and existing built environment.	
15	Future development should be designed to ensure there is public access to an adequate supply of appropriately located public open space and recreation areas, to provide for a range of recreational uses and visual amenity.	
16	Future development should contribute to an open space network across the local government area that is designed to: • encourage and maintain pedestrian movement and public access to community resources or public places (such as watercourses, beaches etc.); and • to reflect each site's natural features and requirements for drainage and water quality maintenance, and nature conservation and biodiversity protection.	
17	Future development should encourage walkability and allow for easy access to public places, local shops, services and transport and lead residents to	

	the service centre.	
18	Aboriginal cultural and community values should be considered in the planning for future development.	
Infrastructure provision		
19	Future development should only be permitted where it can be provided with adequate, cost effective physical and social infrastructure to match the expected population for each settlement. In rural areas this may require the development being able to provide standalone services.	
20	Future development should strengthen the efficient use of infrastructure, services and transport networks and not overburden existing services elsewhere.	
21	Future development should be designed and located to minimise the need to travel; to maximise opportunity for efficient public transport and pedestrian access options; and to encourage energy and resource efficiency.	
22	Future development should be designed and located to have well connected and accessible urban areas increasing the opportunity for public transport, cycling and walking for residents and visitors.	
23	Future development should be designed and located to avoid placing further local traffic demand on the Pacific Highway.	
24	Future development should not contribute to ribbon/strip development or impact on the safety and efficiency of major or arterial roads.	
25	Future development should provide sufficient buffering distances and/or technological solutions between proposed development and existing or proposed major infrastructure, including rail corridors and airports.	
26	Future development should be designed and located to maximise total water cycle management and minimise impacts on the environment.	
Employment lands		
27	Industrial land should be made available in a variety of locations to encourage new opportunities as they arise in all major regional centres, major towns and towns. However, location and availability should recognise the linkages between employment land and: settlement areas; markets, transport and access; environmental constraints; and cost effective provision of necessary services and infrastructure.	
28	In the case of the six local government areas in the Far North Coast region, consideration should also be given to the demands and impacts of South East Queensland on the regional economy's employment needs, market opportunities and transport requirements.	
29	Commercial land, should be located so that it can be conveniently serviced, is accessible to, and is consistent in scale with the settlement it serves or is planned to serve. If commercial land expansion is not adjacent to, or adjoining, an existing centre then any new development should not undermine	

	the existing centre(s) and should be at a scale and location only to serve the target neighbourhood.	
Tourism opportunities		
30	Future tourism development should not negatively impact on the natural, economic or social fabric of the area it is to be located in	
31	Future tourism development should provide for a wide range of experience opportunities from the low cost family type tourism developments, such as in caravan parks and camping grounds, to large single destination development.	
32	Future investment in and growth of tourism products and services should not occur at the expense of local environmental and social values.	
33	Consistent with the Regional Strategy, future large scale tourism development is only to be located in prime tourism development areas unless another proposed location is consistent with an approved local growth management strategy.	
34	Future large scale tourism development that is located adjoining natural features such a beach, estuary, national park or reserve, etc, should maintain public access to those features.	

Appendix 10:

Consistency with Council's Community Strategic Plan

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

Relevant Objective	Response
Civic Leadership	
1.1 Ensure actions taken and decisions reached are based on the principles of sustainability	The planning proposal will result in an expansion of the adjoining large lot residential land resulting in low impact development at the rural residential development scale.
1.1 Ensure actions taken and decisions reached are based on the principles of sustainability	Sustainability Criteria in the FNCRS have been addressed above.
1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economically viable agricultural land	Reducing the area of investigation will assist in protection of the escarpment and minimise visual intrusion into this important scenic and biodiversity landscape.
Supporting Community Life	
2.1 Foster strong, cohesive, cooperative, healthy and safe communities	The planning proposal will result in provision of additional rural residential development adjoining the existing footprint of large lot residential development in the locality.
2.2 Improve opportunities for housing choice	The site lies approximately five kilometres from Tweed Heads South, a major centre for retail, commercial, light industrial, and health service delivery.
2.3 Provide well serviced neighbourhoods	
2.5 Provide vibrant and accessible town, community and business centres	
Strengthening the Economy	
3.3 Maintain and enhance the Tweed lifestyle and environmental qualities as an attraction to business and tourism	The planning proposal will result in additional housing in close proximity to business and tourism opportunities.
Caring for the Environment	
4.1 Protect the environment and natural beauty of the Tweed	The site is predominantly cleared of vegetation and adjoins large lot residential development within the Azure Estate.
4.3 Maintain and enhance Tweed's waterways and its catchments	The area of investigation has been reduced to secure protection of the escarpment below.
4.4 Manage the Tweed coastline to ensure a balance between utilisation and conservation	The site is highly visible and therefore a visual impact assessment will be required to ensure that development occurs at a density consistent with the intentions of the existing R5 and 7(d) zones and that visual impact is managed through site layout and good dwelling design.

Appendix 11:

Consistency with applicable State Environmental Planning Policies

Consistency with relevant State Environmental Planning Policies (SEPPs)

SEPP	Consistency
SEPP 44 – Koala Habitat	The reduced area of investigation is predominantly cleared land; however, a stand of timber lies within the south eastern portion of the site which will require further consideration prior to finalising the area proposed for rezoning, and public exhibition. Further investigations into restoration of land cleared within the escarpment, and controls to minimise visual impact of development above will be required prior to public exhibition.
SEPP 55 – Remediation of Land	While the southern boundary of two of the properties part of this proposal lie within metres of the Tweed River, the area of investigation lies off Winchelsea Way, a distance of approximately 370 metres north and 110 metres AHD above sea level at the top of the escarpment. The site has previously been used for intensive agricultural purposes and a large portion is still used for grazing. A preliminary contamination assessment will be required prior to determining if the planning proposal should be placed on public exhibition.
SEPP 71 – Coastal Protection	Clause 8 of the SEPP sets out the relevant matters that should be considered in the preparation of a LEP. Matters relevant to the Planning Proposal include the suitability of the development, its type, location and design and its relationship with the surrounding area. The suitability of the site for large lot residential and management of matters relevant to the SEPP will be addressed prior to public exhibition.
SEPP (Exempt and Complying Development Codes) 2008	Provisions of the SEPP will continue to apply.
SEPP (North Coast Regional Environmental Plan) 1988	<i>Clause 20 - Rural Release Strategy:</i> Council has not prepared a Rural Land Release Strategy.
This SEPP applies to those areas currently zoned 7(d) Under Tweed LEP 2000	<i>Clause 45 – Hazards:</i> Sections of the site are steep and will represent a risk for construction and access, Bushfire risk will impact parts of the site and must be considered when defining the zone boundary and dwelling opportunities. <i>Clause 58 - Servicing Urban Area:</i> Prior to public exhibition investigations will need to provide evidence that there is sufficient capacity within Council's reticulated water and wastewater systems to service proposed development on the site.
SEPP (Rural Lands) 2008	While the site has previously been used for arable agricultural purposes and is currently grazed, it is an isolated parcel of land which contributes predominantly to the rural character of the location. Any subdivision for large lot residential should seek to retain the rural character of the location consistent with the objectives of the R5 Large Lot Residential zone.

Consistency with relevant State Environmental Planning Policies (SEPPs)

SEPP	Consistency
Deemed SEPP (North Coast Regional Environmental Plan) 2008	This SEPP has been repealed for land through the adoption and making of standard instrument LEPs across the North Coast and including Tweed; however, remains in force for Deferred Matter land under Tweed LEP 2014, being 7(d) Environmental Protection (Scenic/escarpment) under Tweed LEP 2000. <i>Part 3 Division 1 The natural environment:</i> The area of investigation has been reduced to avoid native vegetation and will be further defined following investigations after receipt of the Gateway determination. <i>Part 3 Division 2 Coastal Development:</i> The site is mapped within a coastal lands zone due to its proximity to the Tweed River but at 110 metres AHD is well above tidal influences. <i>Part 3 Division 3 Heritage:</i> The subject site adjoins land known to contain registered Aboriginal sites. An Aboriginal Cultural Heritage Assessment is attached to this proposal. <i>Clause 38 Plan preparation – urban land release strategy:</i> While the site has not been identified as lying within an Urban Growth Area in the North Coast Regional Plan 2036 but represents a logical extension of existing rural residential development. <i>Clause 40 Plan preparation - principles for urban zones:</i> The Planning Proposal proposes an expansion of the R5 Large Lot Residential zone within the Tweed LEP 2014. <i>Clause 45 Plan preparation – hazards:</i> All currently known hazards are addressed within Planning Proposal. The bushfire hazard has been identified as a significant constraint affecting the margins of the proposed development area and will be further considered prior to public exhibition. <i>Clause 58 Plan preparation – servicing urban area:</i> Further investigations will be required to ensure that the site can be connected to Council's water and reticulated wastewater disposal systems.

Appendix 12:

Consistency with applicable Section 117 Local Planning Directions

Consistency with relevant section 117(2) Ministerial Directions

Environment and Heritage

2.1 Environment Protection Zones

A LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas and shall not reduce the environmental protection standards that apply to the land.	The objective of this direction is to protect and conserve environmentally sensitive areas.	Vegetation currently present in the south western part of the site will require further investigation prior to concluding the final location of the zone boundary and public exhibition. No contemporary flora survey has been submitted with the request report. The 2002 Flora and Fauna report identified a number of individuals of three threatened flora species located on Lot 1 DP 595863. An updated flora and fauna survey will be required prior to public exhibition. Protection of the biodiversity and scenic amenity aspects of the escarpment and area of investigation will be considered in detail prior to public exhibition.
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2.2 Coastal Protection

This Direction applies when a relevant planning authority prepares a Planning Proposal that applies to land in the coastal zone.	The objective of this direction is to implement the principles in the <i>NSW Coastal Policy 1997</i>.	The site is located within the coastal zone, and is subject to the <i>NSW Coastal Policy 1997</i>; however the site is elevated and not directly connected with the Tweed River which lies approximately 370 metres to the south. The site adjoins an area of large lot residential and proposed large lot residential and is not subject to ocean waves.
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2.3 Heritage Conservation

A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area.	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The site is heavily disturbed and an Aboriginal Cultural Heritage Assessment 2016 which does not cover the full area of the request from the Proponent, excluding a small area on the northern boundary within Lot 1 DP 807182. Notwithstanding this omission, Council has resolved to reduce the area of investigation for rezoning to that above a line approximating the 110 to 120 AHD contours which will eliminate this area from further investigation. The 2016 assessment concluded that no indigenous cultural heritage sites or relics (Aboriginal Objects) were identified within the site; however, a registered site in the Aboriginal Heritage Information Management System is recorded as occurring within Lot 1 DP 595863 immediately above the site. Two historic features were identified, being a shed, and Cow Bails, but a significance assessment concluded that these features do not meet the threshold for local significance. Further investigations into the significance of this site and its impact of development will need to be addressed before this planning
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		proposal can be placed on public exhibition. The Due Diligence Assessment completed for the site has recommended that, as a condition of development consent, that a representative of the Tweed Byron LALC be invited to inspect the site immediately following removal of the existing dwellings.
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3. Housing, Infrastructure and Urban Development

3.1 – Residential Zones

A planning proposal must encourage a variety and choice of housing types to provide for existing and future housing needs, efficiently use existing infrastructure and services and minimise the impact of residential development on the environment.	The objective of this direction is to broaden the choice of building types and locations, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development on the urban fringe, and be of good design.	Expansion of the R5 zone will facilitate further large lot residential development within a development envelope as yet to be defined, but approximates a line established by the 110 and 120 AHD contours.
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3.4 Integrating Land Use and Transport

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts improving access to housing, jobs and services by walking, cycling and public transport, reducing dependence on cars, and travel demand including the number of trips, especially by car.	Adequate services exist within the locality. The site adjoins is connected to Terranora Road through Winchelsea Way, which provides linkage for public transport to Tweed Heads South and Tweed Heads where a range of health facilities and shopping opportunities are available. The current access to lot1 DP 807182, Lot 2 DP 819065, and Lot 3 DP 819065 utilising a single lane gravel lane with precipitous downslope batters will require further investigation as part of an investigation of proposed access to the site will be required prior to public exhibition.
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4. Hazard and Risk

4.1 Acid Sulfate Soils

This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The site is identified on Tweed LEP 2014 Acid Sulfate Soils map as Class 5. Acid sulfate soils are not typically found in Class 5 areas. Areas classified as Class 5 are located within 500 metres on adjacent class 1, 2, 3 or 4 land.
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4.3 Flood Prone Land

This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land	(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of LEP on flood prone land is	The site is not flood affected in a 100 year ARI event based on Tweed Council Flood Study. A dam is located just above the site, and within a watercourse which enters the site from Lot 1 DP 595863. Any local flooding will need to be assessed in detail at the Development Application stage.
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	commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	
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5. Regional Planning

5.1 Implementation of Regional Strategies

Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The site is not contained within the Town and Village Growth Boundary of the Far North Coast Regional Strategy (FNCRS); however any proposal to rezone will be assessed against the requirements of Strategy, and Draft North Coast Regional Plan.
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5.10 Implementation of Regional Plans

This direction applies to land to which a Regional Plan has been released by the Minister for Planning.	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The Draft North Coast Regional Plan 2016 has now been publicly exhibited and once finalised will replace the Far North coast Regional Strategy 2006. Until such time as the Plan is published, comment on consistency with this draft document is not considered relevant.
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6. Local Plan Making

6.1 Approval and Referral Requirements

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

A proposed amendment to a environmental planning instrument in order to allow a particular development proposal should rezone the site to a zone that allows that land use without imposing any development standards or requirements in addition to those already existing or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal planning instrument being amended.	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The Planning Proposal seeks to facilitate an expansion of the existing and adjoining R5 Large Lot Residential zone, and a consequential reduction in the 7(d) Environmental Protection (Scenic/escarpment) zone.
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Appendix 13:

Report – Council meeting 17 November 2016

**TWEED SHIRE COUNCIL
MEETING TASK SHEET**

User Instructions

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

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

Action is required for Item **3** as per the Planning Committee Recommendation outlined below.

ATTENTION:

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

TITLE:

Cr J Owen

Cr C Cherry

RECOMMENDED that Council, in respect of Planning Proposal PP16/0002 - Lot 1 DP 595863, Lots 2 & 3 DP 819065, and Lot 1 DP 807182 Winchelsea Way, Terranora, endorses that:

1. The planning request for a zoning redefinition prepared by Darryl Anderson Consulting Pty Ltd is not supported in so far as it relates to the general extent of the proposed rezoning;
2. A reduced area of investigation for a rezoning definition is supported for the land situated generally at the 110 to 120 metre AHD contour lines, and for the purpose of large lot residential;
3. The Proponent is to confirm their acceptance of the reduced area for investigation within 21 days of the date of this resolution taking effect;

4. On receipt of the Proponent's acceptance the Director Planning and Regulation is to prepare and submit a Planning Proposal for a Ministerial Gateway Determination for a zoning redefinition based on the reduced land area of investigation; and
5. Should the Proponent fail to confirm their acceptance within the time required or notifies of their non-acceptance at any prior time the Director Planning and Regulation pursuant to s.10A of the *Environmental Planning and Assessment Regulation 2000* is to notify the proponent that their planning request is not supported.

The Motion was **Carried**

FOR VOTE - Unanimous

TITLE:

SUBMITTED BY: Strategic Planning and Urban Design

FILE REFERENCE: PP16/0002

Validms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council has received a request to prepare a planning proposal for part each of Lot 1 DP 595863, Lots 2 & 3 DP819065 and Lot 1 DP 807182, covering four properties on Winchelsea Way, Terranora. It seeks an expansion of the adjoining R5 Large Lot Residential zone to facilitate a 20 lot subdivision, proposing a zone boundary redefinition to align with the existing site vegetation.

The majority of the site is zoned 'Deferred Matter' under Tweed LEP 2014, 7(d) Environmental Protection (Scenic/Escarpment) under Tweed LEP 2000 and is highly visible within the escarpment to the south of Terranora Road making scenic impact a key consideration in the assessment of the proposed rezoning.

It is proposed that the location of existing vegetation is not the sole determining factor in defining the 7(d) zone boundary and that to protect the upper edge of the escarpment, assessment of the zone redefinition should be limited to land above a line roughly defined at this time as being above the 110 to 120 metre AHD contours.

Initial desk top review also revealed an Aboriginal Heritage Information Management System (AHIMS) registered site in the centre of the property, which will have implications for any rezoning, and along with other necessary studies will assist in determining the suitability of the site for large lot residential use.

This report also notes a further planning proposal has been received for a similar change of zoning within the former quarry site at 225 Terranora Road, approximately one kilometre to the east, which is also reported to the November 2016 Planning Committee meeting.

While both planning proposals seek to extend the R5 Large Lot Residential zone to cover grassland within the escarpment, a thorough assessment of the cumulative impact on the scenic amenity of the locality is seen as essential.

Although it is preferred that such matters are addressed with the proponent in advance of a report to Council, the Minister for Planning's administrative review procedures for 'Rezoning Review', which essentially activate 90 days after the request was submitted, have not provided sufficient time to do

so in this instance. It is in the best interest of all parties therefore if the officer's report documents the key matters and issues should the Proponent wish to seek a review.

The premise for the drafting of the recommendations reflect the report's conclusion that there is likely to be some level of development capacity within these lands, but not to the extent proposed in the request. They are drafted such that support for a rezoning by Council is conditional upon the proponent affirming the reduced investigation area of the proposal.

RECOMMENDATION:

That Council, in respect of Planning Proposal PP16/0002 - Lot 1 DP 595863, Lots 2 & 3 DP 819065, and Lot 1 DP 807182 Winchelsea Way, Terranora, endorse that:

- 1. The planning request for a zoning redefinition prepared by Darryl Anderson Consulting Pty Ltd is not supported in so far as it relates to the general extent of the proposed rezoning;**
- 2. A reduced area of investigation for a rezoning definition is supported for the land situated generally at the 110 to 120 metre AHD contour lines, and for the purpose of large lot residential;**
- 3. The Proponent is to confirm their acceptance of the reduced area for investigation within 21 days of the date of this resolution taking effect;**
- 4. On receipt of the Proponent's acceptance the Director Planning and Regulation is to prepare and submit a Planning Proposal for a Ministerial Gateway Determination for a zoning redefinition based on the reduced land area of investigation; and**
- 5. Should the Proponent fail to confirm their acceptance within the time required or notifies of their non-acceptance at any prior time the Director Planning and Regulation pursuant to s.10A of the *Environmental Planning and Assessment Regulation 2000* is to notify the proponent that their planning request is not supported.**

REPORT:

On 25 May 2015 a request was received for Council to prepare a planning proposal for part of four allotments being Lot 1 DP 595863, Lots 2 & 3 DP 819065 and Lot 1 DP 807182, covering four properties on Winchelsea Way, Terranora.

An earlier request in 2004 to amend the then Tweed LEP 2000, covering the same properties provided documentation current at the time and has been resubmitted with this request. While the documents provide additional information, changes since that time will make much of this work redundant.

Council is in receipt of two planning proposals seeking a similar outcome on land within the escarpment in close proximity to each other. This report should be read in conjunction with the report for planning proposal PP10/0006 No. 225 Terranora Road also presented to the November 2016 Planning Committee Meeting.

The site and surrounding environment

The area of land subject of this request covers part each of four separately owned properties (the site) and is identified as being predominantly cleared land containing three residential dwellings.

The site is accessed from Winchelsea Way as seen in Figure 1. Each property is predominantly zoned Deferred Matter under Tweed LEP 2014, 7(d) Environmental Protection (Scenic/Escarpment) under Tweed LEP 2000, and falls within the escarpment to the south of large lot residential land off Terranora Road, as seen in Figures 2, 3 and 4. The adjoining land off Nassau Avenue is zoned R5 Large Lot Residential.

Lot 1 DP 595863, which lies to the east of properties on Sunnycrest Drive and Nassau Avenue has an approved rural residential development (DC 242-10-2004). Lot 1 DP 807182 and Lot 2 DP 819065 each contain a dwelling. Lot 3 DP 819065 contains a house and is used for grazing purposes. The majority of the relatively low slope land lies within the latter allotment.

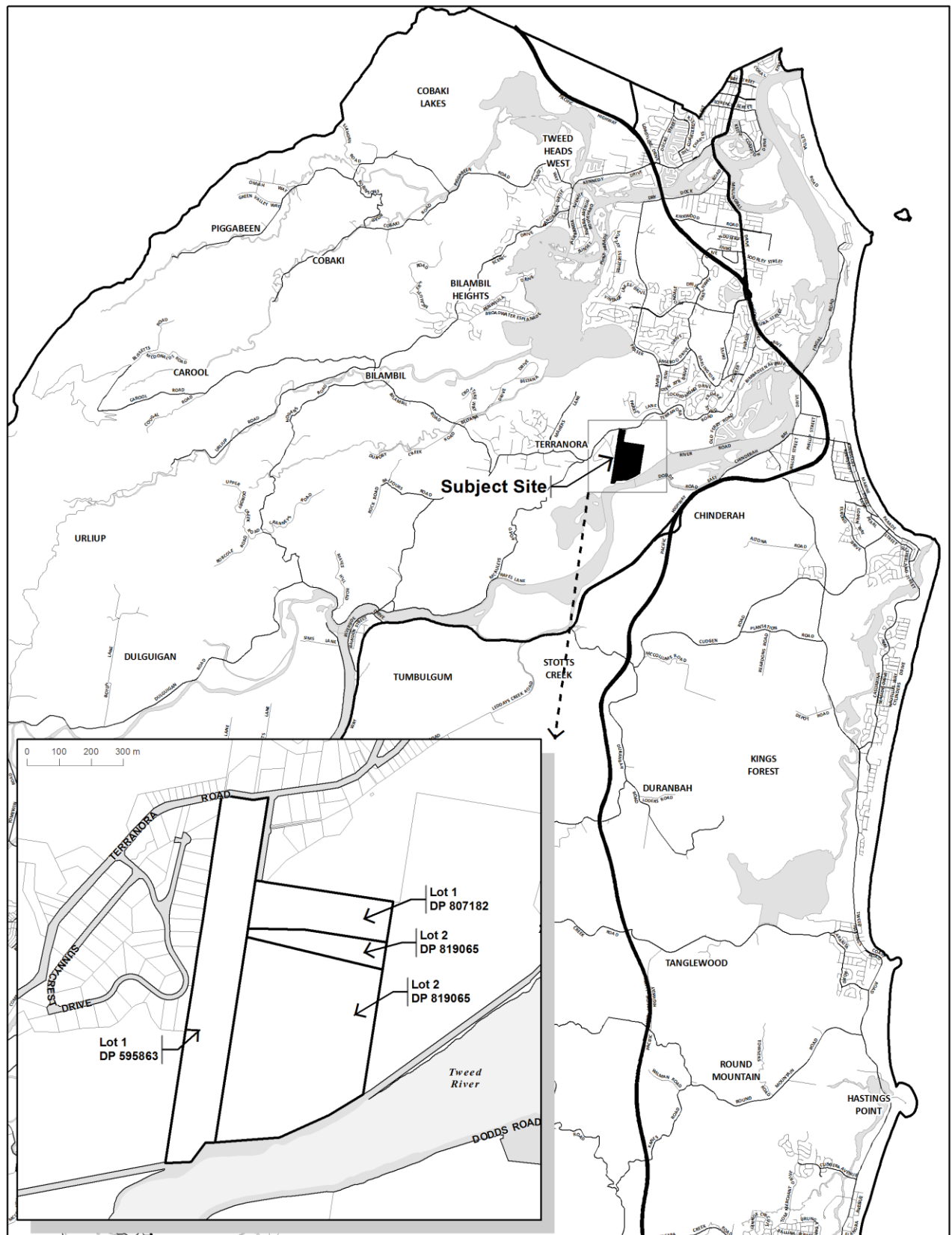
The request

The request seeks to extend the R5 Large Lot Residential zone to enable the site to be subdivided for large lot residential purposes.

The request states that the proposed amendment to the LEP is intended to correct a mapping anomaly in terms of the zone boundary.

While no subdivision concept plans have been provided, the request notes that the amendment could result in an estimated 20 large lot residential lots, but does not mention a proposed lot size.

Figure 1: Locality Plan



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0 0.5 1 1.5 2 Km
DO NOT SCALE
COPY ONLY - NOT CERTIFIED
Map Projection: Universal Transverse Mercator
Horizontal Datum: Geodetic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56

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Locality Plan

Affected Properties:

Lot 1 DP 595863 - No.182 Winchelsea Way, Terranora;
Lot 2 DP 819065 - No.182 Winchelsea Way, Terranora;
Lot 3 DP 819065 - No.182 Winchelsea Way, Terranora;
Lot 1 DP 807182 - No.182 Winchelsea Way, Terranora;

Council File | PP16/0002
revised | 06/10/2016

Cadastre: 06 October, 2016
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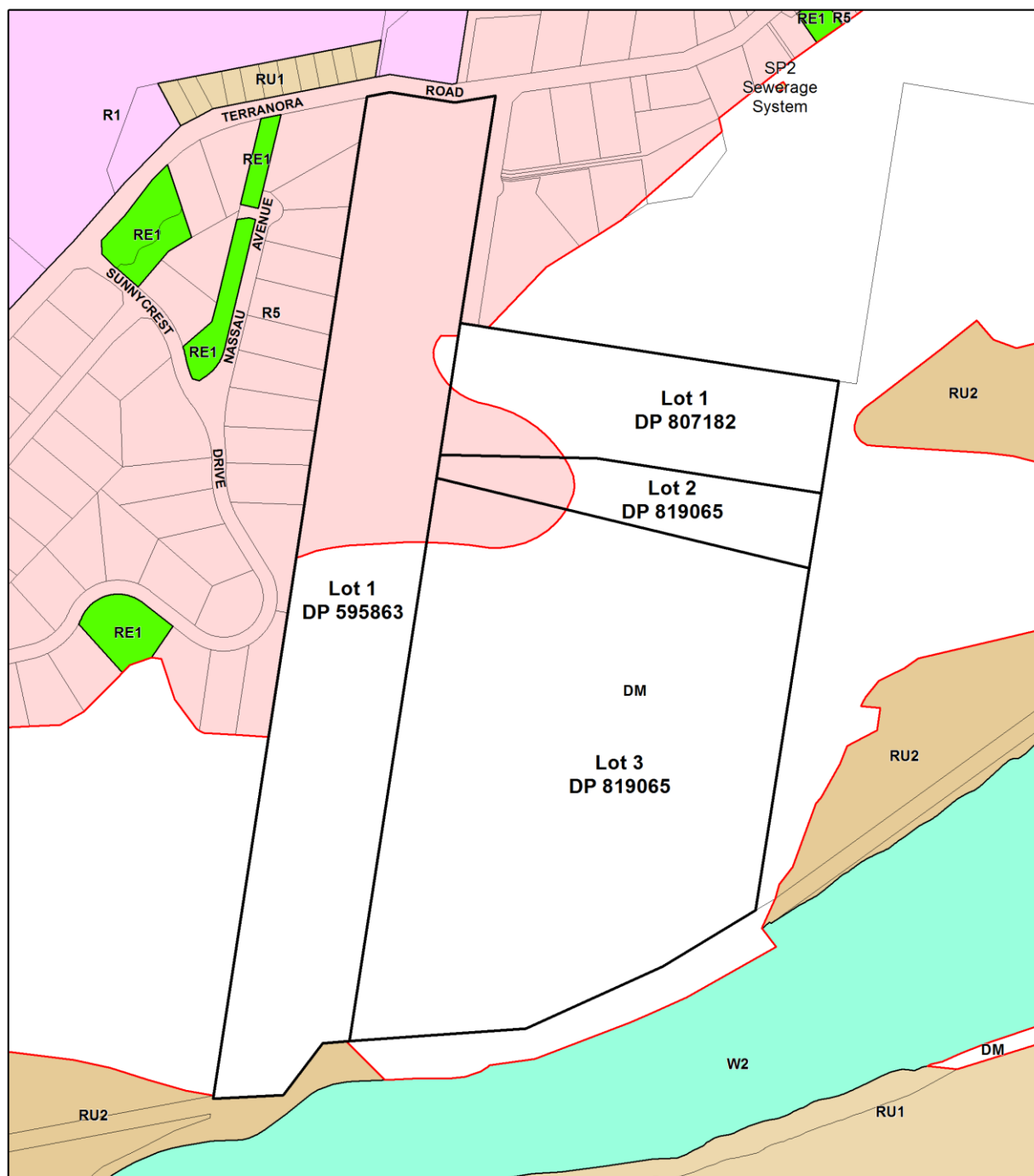
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Author: J. Batchelor - Strategic Planning & Urban Design Unit
Date Printed: 06 October, 2016

Figure 2: 2015 aerial photograph of the site, escarpment and locality



Figure 3: Tweed LEP 2014



Tweed Local Environmental Plan 2014

Zone

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



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0 20 40 60 80 100 M

DO NOT SCALE

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Map Projection: Universal Transverse Mercator
Horizontal Datum: Geodetic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56



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Tweed Local Environmental Plan 2014

LAND ZONING

Affected Properties:

Lot 1 DP 595863 - No.182 Winchelsea Way, Terranora;
Lot 2 DP 819065 - No.182 Winchelsea Way, Terranora;
Lot 3 DP 819065 - No.182 Winchelsea Way, Terranora;
Lot 1 DP 807182 - No.182 Winchelsea Way, Terranora;

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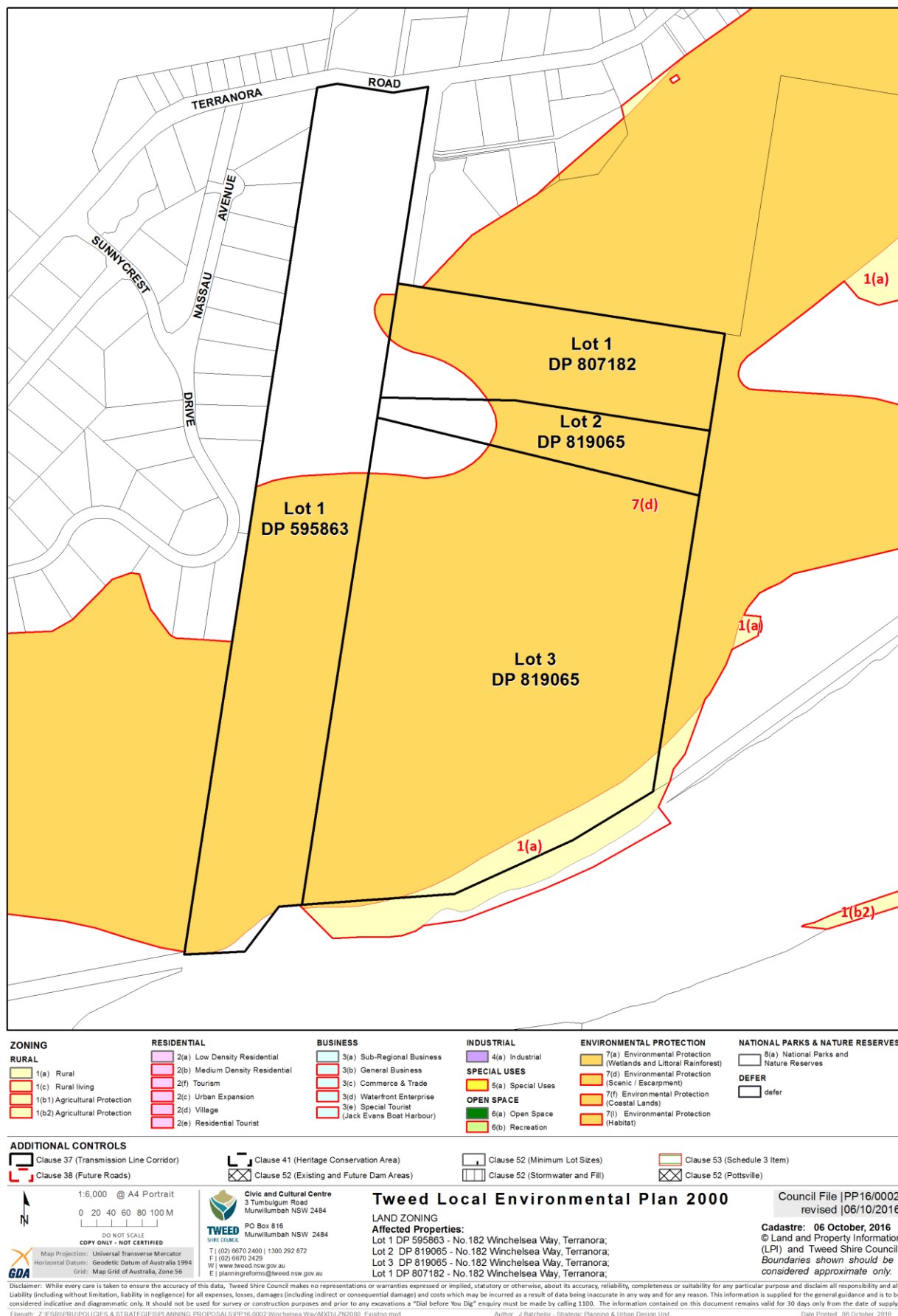
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Author: J Batchelor - Strategic Planning & Urban Design Unit

Date Printed: 06 October, 2016

Figure 4: Tweed LEP 2000 showing extent of 7(d) Environmental Protection (Scenic/Escarpment) zone.



The issues

The site has undergone a preliminary assessment and determined that the following issues require further consideration:

1. Scenic amenity;
2. Potential for contamination from farming operations;
3. Water supply and waste water disposal;
4. Defining the amended R5 zone boundary;
5. Lot yield and minimum lot size and, and
6. Defining the vegetation boundary.

Scenic impact

The site lies approximately one kilometre west of another planning proposal also reported to the November 2016 Planning Committee Meeting. This report should be read in conjunction with the report for 225 Terranora Road, also seeking an extension of the R5 Large Lot Residential zone into the 7(d) Environmental Protection (Scenic/escarpment zone).

In addition to these two planning proposals, an enquiry has been received regarding subdivision of land within the escarpment further west also in the escarpment.

Because both this report for Winchelsea Way and the second report for 225 Terranora Road address issues common to both requests, the following section on scenic amenity is relevant to both reports.

One of the initial matters to be considered when reviewing a request to prepare a planning proposal is the strategic merit of the proposal. In the absence of a strategy or Council policy to guide assessment of such proposals, previous decisions of Council and investigations can provide clarification of Council's established approach to development of land within the escarpment.

Council's previous approach to residential and rural residential development bordering the escarpment and scenic impact has been to prohibit or significantly restrict residential development in or adjoining the escarpment.

The site is highly visible from Terranora Road, and when viewed from properties on The Parapet, and land immediately east of 225 Terranora Road as seen in Figure 5. The site is also readily identifiable from further south in the Tweed Valley and from Tweed Valley Way and when approaching Tweed Heads on the Pacific Highway.

The site is elevated and while it is proposed to extend the R5 zone boundary to the boundary of existing vegetation, which may at first seem logical when viewing the site from above, as seen in aerial photography, the view that is of most significance is that seen from a similar height as in Figure 5.

As with the quarry site on 225 Terranora Road, should development extend into the escarpment as far as proposed, the horizontal alignment of the escarpment would be significantly interrupted by residential development and disrupt the uniformity of the escarpment when viewed from adjoining land or from the south.

While residential development is visible above the site and the three houses on the site are obvious, they do not dominate the view field to the point of detracting from the value of the escarpment.

The potential impact of 20 dwellings is considered likely to have a significant impact on both the visual amenity of the site and the character of the locality and not consistent with the objectives of the current 7(d) zone and the proposed R5 zone as discussed below.

The significance of the scenic value of the escarpment and the visual impact of development on the site and locality has been addressed in the *Tweed Scenic Landscape Evaluation 1995*, *Tweed DCP Section A5 – Subdivision Manual*, *Tweed LEP 2000 and 2014*, and through a restriction on use of land registered on title of properties off Terranora Road and The Parapet.

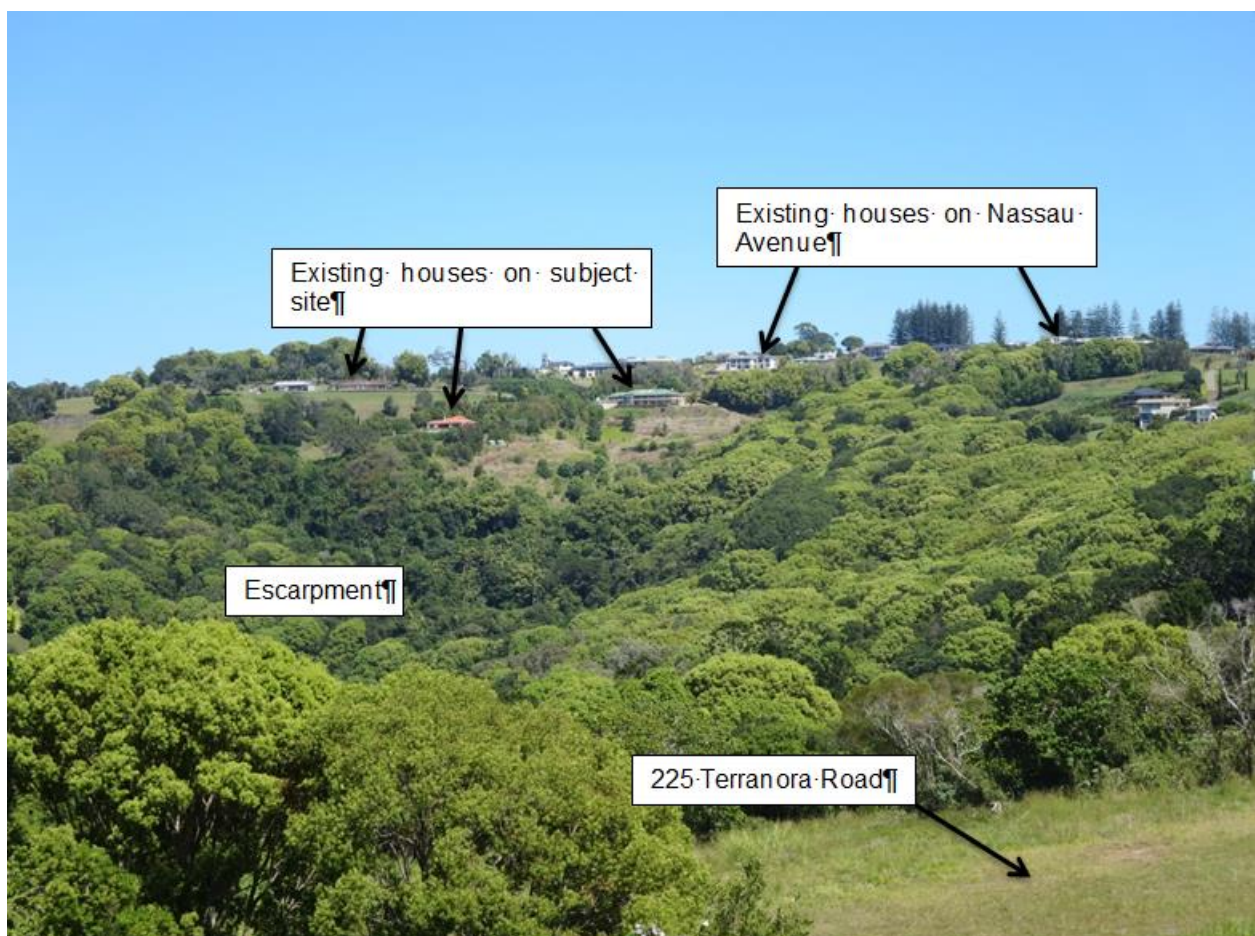
Tweed Scenic Landscape Evaluation 1995

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

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

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

Figure 5: View of site from land immediately east of 225 Terranora Road, also subject of a request to prepare a planning proposal



Tweed LEP 2000 and 2014

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

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

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

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

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

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

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

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

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

A Visual Impact Assessment (VIA) has been provided by the proponent dated August 2003, for an earlier 33 lot development on part only of the site (Lot 1 DP 595863 and Lot 3 DP 819065), but does not cover the majority of the area subject of this request. This assessment is not sufficiently current to submit to the DPE in support of the rezoning of the land (they require no more than 2 years old ideally)

A Scenic Landscape Strategy is currently being prepared by the Strategic Planning and Urban Design Unit which will provide guidance in the assessment of proposals which may affect scenic amenity; however, while the strategy has not been completed, the potential visual impact of 20 dwellings within the escarpment has not been addressed nor has the significance of the site within the escarpment and the significance of the escarpment to the character not only of the location but to the Tweed and its identity more broadly.

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

Tweed DCP section A5 – Subdivision Manual

While more relevant at the subdivision stage, the value of the landscape is further reinforced in provisions established in Council's DPE and establishes guidelines that impact the location of residential development.

The introduction to Tweed DCP section A5 – Subdivision Manual notes that the Tweed contains highly significant scenic and coastal environmental values and lists the retention of the Tweed's environmental and scenic values as a primary focus of all Council's decision making.

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

The DCP also states that:

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

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

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

In September 2002, an article was published in the Tweed Link advising of a 56 lot rural residential subdivision along Terranora Road Terranora. The Council planners' report recommended that there be a greater separation between the development and the scenic escarpment, and Council resolved to ask the developer to provide a plan for ongoing management of vegetation, particularly camphor laurel in the scenic escarpment area of the subdivision. The need to protect the escarpment from the impact of development within close proximity has been well documented.

Restriction on use of land to the north

While not directly applying to the subject site, creation of a restriction on use of land on The Parapet and Terranora Road provides guidance on the intended use of land within the scenic escarpment covering land subject of this planning proposal request.

DP 716222 registered on 26 August 1985 for subdivision of land on The Parapet and Terranora Road shows a restriction on use as seen in Figure 6.

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

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

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

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

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

Figure 6: Extract from DP 716222 showing restriction on use applying to land immediately north of the site. No dwelling house or other permanent structure (other than boundary fencing) can be erected on any part of the land southerly of the line marked “x-x-x”

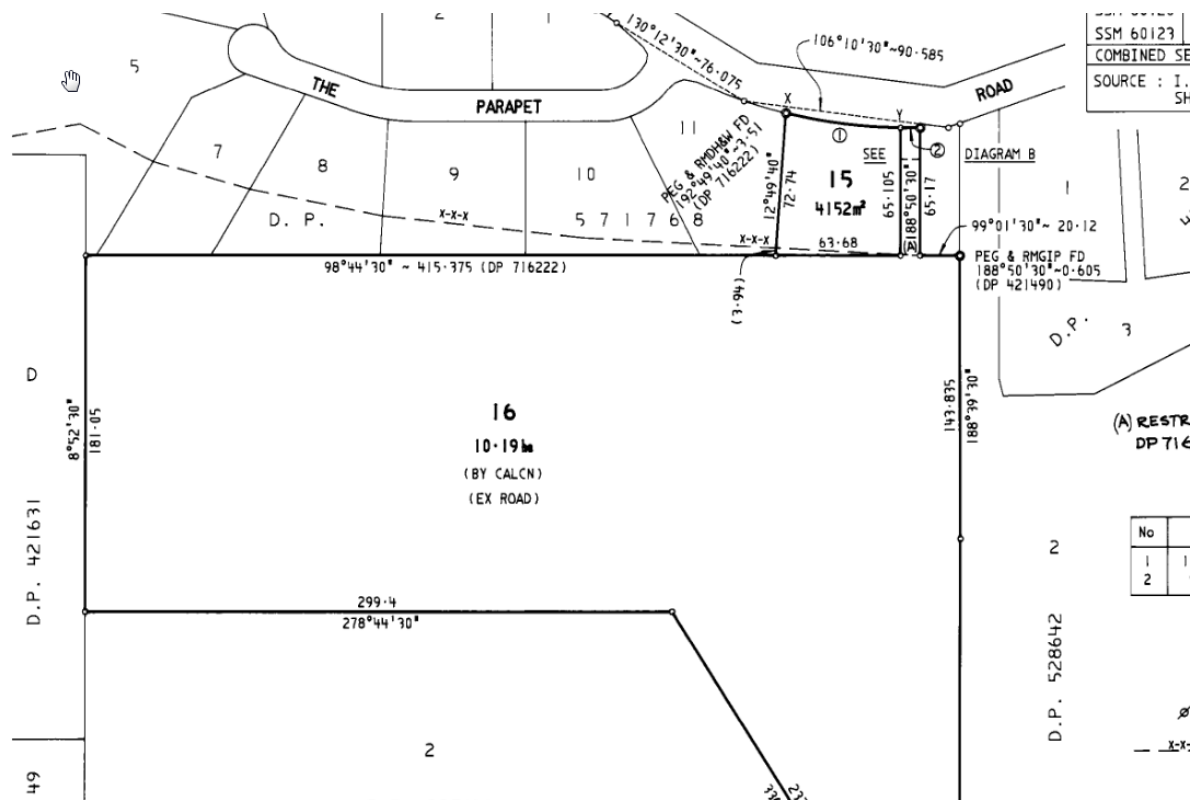
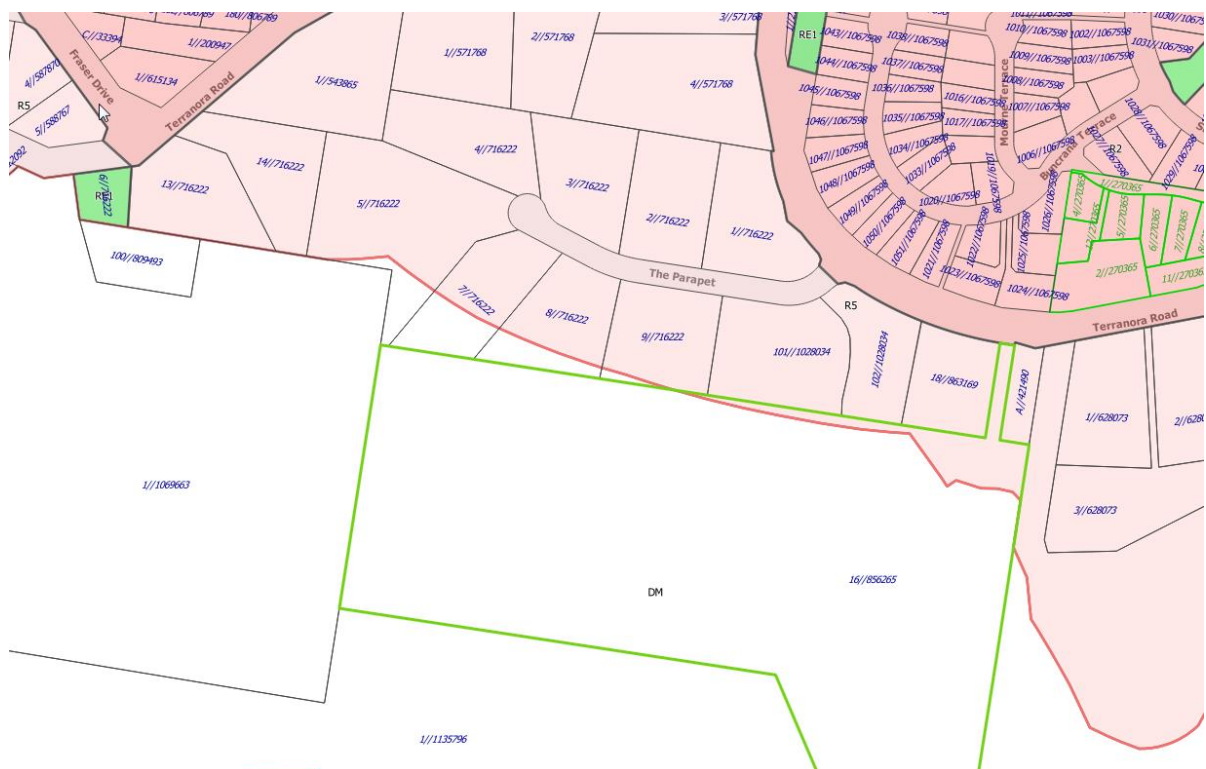


Figure 7: LEP 2014 showing zone boundary of Deferred Matters under Tweed LEP 2014, currently 7(d) Environmental Protection (Scenic/escarpment) under LEP 2000



Cumulative impact

Council is in receipt of two planning proposals seeking an extension of the R5 Large Lot Residential zone into land currently zoned 7(d) Environmental Protection (Scenic/Escarpment) in close proximity to each other as seen in Figure 8. The other request being PP10/0006 225 Terranora Road, Bilambil Heights also presented to the November 2016 Planning Committee Meeting.

In addition Council has received an enquiry for subdivision of land further west, also in the escarpment.

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

At this time, Council has no over-arching strategy to manage the potential cumulative impact of such proposals but given that all three enquiries relate to the same landform (the escarpment to the south of Terranora Road), consideration should be given to the broader more strategic context rather than as isolated proposals.

The significance of the escarpment has long been recognised and upheld by Council with restrictions on development imposed to protect scenic amenity, and while the two sites subject of current planning proposal requests appear as logical extension into cleared land, the view from the ground can present a much different perspective as Figure 5 shows.

Should Council resolve to proceed with either or both of these planning proposals on the basis that limited development may be possible, it is proposed that investigations must identify the cumulative impact on the scenic amenity of the escarpment, and provide details regarding how this impact will be reduced or eliminated, the style of development and specific controls addressing location of dwellings, building form and material, compliance with Council's LEPs, DCP and other requirements for protection of scenic amenity.

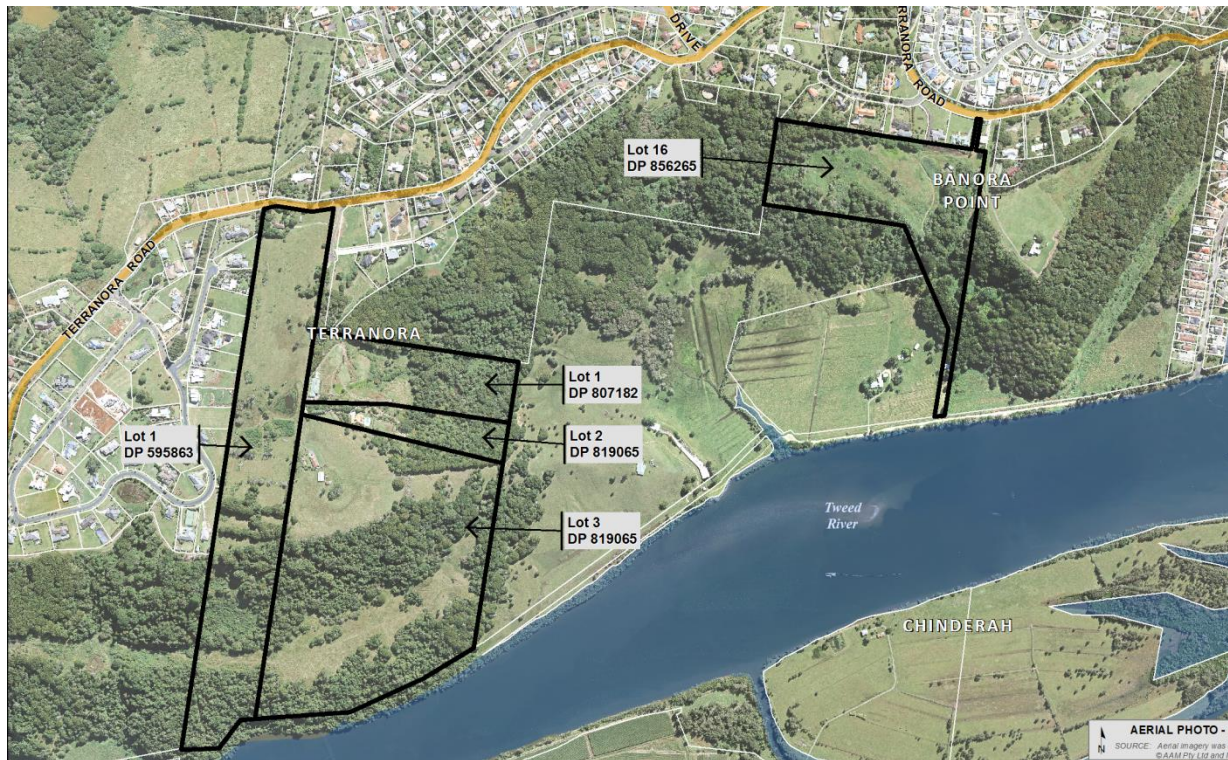
Minimum lot size and lot yield

The proponent's request does not stipulate a minimum lot size; however, assuming the site can be connected to Council's reticulated wastewater system as proposed, a minimum lot size of 4000 square metres would apply so long as the lot size created did not jeopardise the semi-rural character and environmental values of the area, and no harm to humans or the natural environment occurred. Should connection not be possible, a minimum lot size of one (1) hectare would be required under Tweed LEP 2014.

Until such time as more detailed investigations are completed and matters raised in this report are considered it will not be possible to determine the potential lot yield or lot size for any change to the R5 zone boundary.

Should additional investigations raise further complications to development of the site it is proposed that development be reduced consistent with the findings of those investigations.

Figure 8: Aerial image of the locality showing land subject of planning proposal requests at Winchelsea Way and 225 Terranora Road



Proposed limit to development

The proponent has argued that the rezoning will simply rectify a zone boundary anomaly; however, the creation of the 7(d) zone was not predicated solely upon the location of existing vegetation; scenic amenity was a principle objective of the zone which has been supported through historical resolutions of Council.

While the current 7(d) zone boundary provides a limit to development, and protection of the escarpment, given the features of the site, and potential for some level of residential development, it is proposed that the limit of development, and any change to the zone boundary, include consideration of a height above sea level as a means of defining how far into the escarpment development can occur without adversely affecting the scenic qualities of the landscape.

As seen in Figures 5 and 9, the upper tree line of the escarpment is not uniform, with grassed land extending down into the escarpment, but does not detract from the scenic amenity of the view. Should housing extend down into these grassed areas, the horizontal delineation of the escarpment would be significantly impacted.

As such, it is proposed that an elevation above sea level be applied that reflects the boundary of existing housing development adjoining the site and maintains the integrity of the upper boundary of the scenic escarpment. An AHD of 110 or 120 metres is proposed as seen in Figures 9 and 10. The final location of the proposed zone boundary is to be determined once a more detailed investigation of the site including scenic amenity is concluded.

While the exact location of this line is yet to be determined, the presence of trees should not be the sole determining factor in its location.

Figure 9: View of the site from land east of 225 Terranora Road showing the approximate location of limit to development

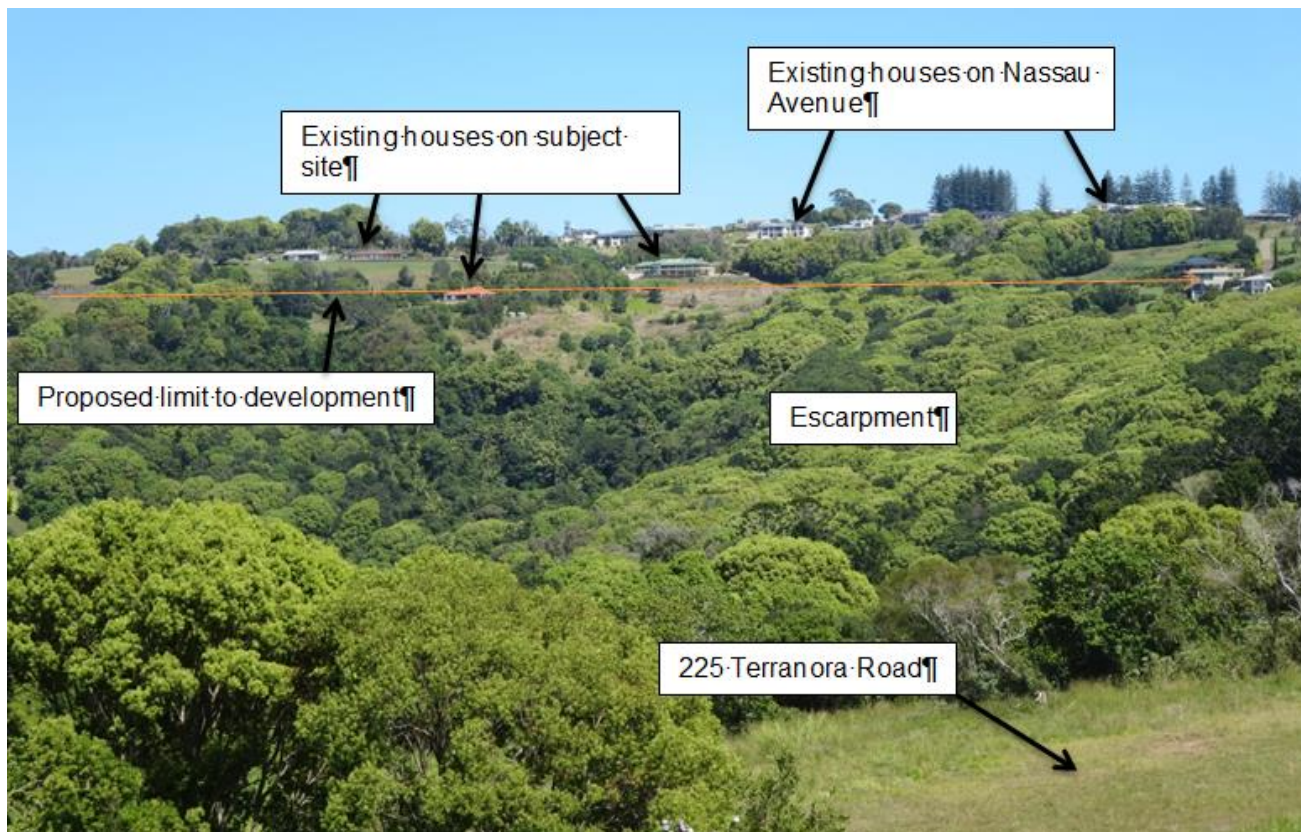
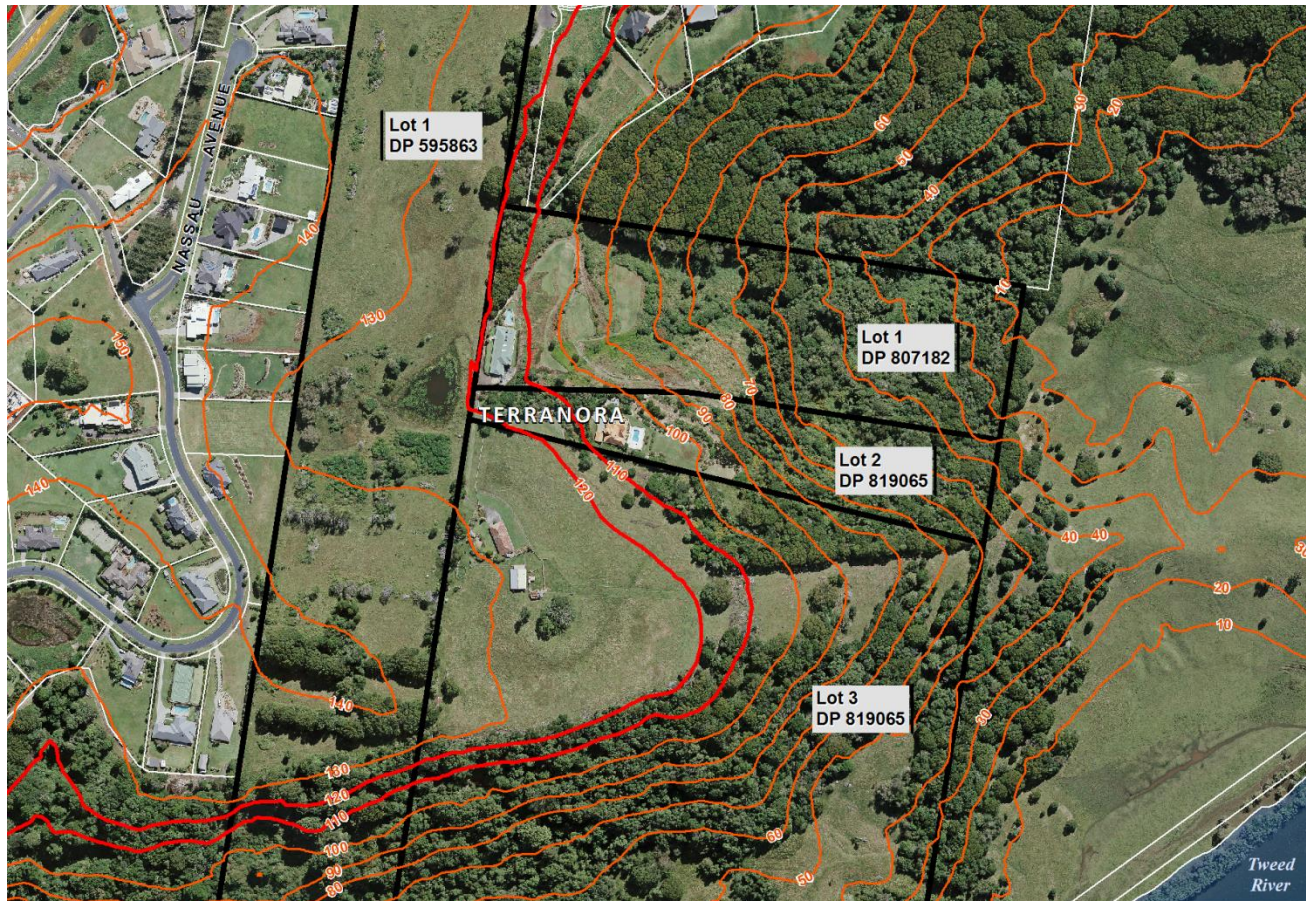


Figure 10: Aerial image showing the 110 and 120 metre AHD contours (highlighted)



Vegetation

The proponent is proposing to expand the R5 Large Lot Residential zone on the grounds that the 7(d) zone boundary does not follow the current edge of existing vegetation, and states that “the zone boundary was incorrectly located and that the edge of the escarpment was the appropriate location”.

The objectives of the 7(d) Environmental Protection (scenic/escarpment) zone were not created to simply reflect the margins of existing vegetation and as such, other factors would have been considered in the original definition of the zone boundaries, as reinforced in previous actions of Council discussed above.

While existing vegetation will be taken into consideration when defining zone boundaries for application of the E zone guidelines prepared by the DPE, potential development envelopes and the intensity of development therein do not rely solely on the location of vegetation, and with scenic impact being highly significant, this and other factors should be considered when determining any change to the boundary of the R5 zone.

Should Council resolve to proceed with this planning proposal, further investigation is required to ensure that native vegetation will be protected and a net benefit achieved which protects and enhances significant ecological assets and does not detract from the scenic amenity of the escarpment. All buffers and setbacks must occur within the R5 zone and outside of any areas retained or protected for ecological purposes.

Until such time as further investigations are concluded, the extent of development and location of any change to the R5 zone boundary is not clear.

Water and Wastewater

While the three existing lots on Winchelsea Way currently have water connections, no investigations have been completed to demonstrate that Council’s reticulated water and sewerage systems have capacity for an additional area to be connected, and as such, any increase in the area zoned R5 Large Lot Residential would need to substantiate ability to connect and capacity within the Banora Point Wastewater Treatment Plant catchment.

Should Council resolve to proceed with this planning proposal, a report will be required demonstrating the impact of connecting the additional area to Council’s Water Supply and Sewerage Systems.

Contamination

A Contamination Report has been provided from 2004 for the earlier subdivision of Lot 1 DP 595863, and Lot 3 DP 819065 which does not cover the majority of the site.

As such, this report cannot be relied upon to address the issue of site contamination for the current proposal for the following reasons:

1. The report does not address the majority of the site;
2. Since 2004 potentially contaminating activities could have been carried out on the lots in the interim years.
3. The Report is to be read in conjunction with the 2004 subdivision proposal and is not to be used for any other purpose, and
4. There are now new National Environment Protection (Assessment of Site Contamination) Measure documents in place which set different Health and Environmental Investigation levels than in 2004.

Should Council resolve to proceed with this planning proposal, a site-specific contamination assessment will be required prior to public exhibition.

OPTIONS:

- 1. Proceed with further investigations to determine the revised R5 Large Lot Residential zone boundary as proposed in this report, and subject to Council's satisfaction of the findings of these report, a planning proposal be referred to the DPE for a Gateway, or**
- 2. Should investigations demonstrate that the site is constrained or visual impact will be significant, that the area to be rezoned and lot yield be reduced to reflect the extent of the constraints or potential impact, and a further report be brought to Council or**
- 3. Proceed with the proponent's request and a planning proposal be referred to the DPE for a Gateway, or**
- 4. Not proceed with preparation of a planning proposal.**

CONCLUSION:

Preliminary review of the request to extend the boundary of the R5 Large Lot Residential zone into the 7(d) Environmental Protection (scenic/escarpment) off Winchelsea Way has concluded that while the extent of development proposed by the proponent should be reduced, some level of development may be possible.

The geographic extent of any additional land to be zoned will be significantly influenced by the potential impact on the scenic amenity of the adjoining escarpment covered by the 7(d) Environmental Protection (Scenic/Escarpment) zone.

In determining the extent of any expansion of the R5 zone and consequent reduction of the 7(d) zone, it is proposed that a lower limit of the proposed zone boundary be established based upon the 110 or 120 AHD contour which will be modified in accordance with the findings of further investigation prior to sending the planning proposal to DPE for a Gateway determination.

Council is in receipt of a second planning proposal for a similar change to the R5 zone boundary at 225 Terranora Road, also within the escarpment, and has received another enquiry regarding subdivision in the escarpment further to the west. The potential cumulative impact of residential development within the escarpment requires this proposal to be considered in the broader strategic context and a clear understanding of Council's position on this matter.

Should the proponent not agree with the proposal to reduce the rezoning investigation area it is recommended that the request not be supported.

COUNCIL IMPLICATIONS:

a.

Corporate Policy Not Applicable

b.

Not Applicable

c. Legal:

Not Applicable.

d.

Policy:

Budget/Long Term Financial Plan:

Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

Appendix 14:

Information checklist

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



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