

Planning and Assessment

IRF19/6420

Gateway determination report

LGA	Tweed Shire Council
PPA	Tweed Shire Council
NAME	Tweed Medical Centre
NUMBER	PP_2019_TWEED_006_00
LEP TO BE AMENDED	Tweed Local Environmental Plan 2014
ADDRESS	49-61 Bells Boulevard, Kingscliff
DESCRIPTION	Part Lot 3 SP 74283 and Lot 5 SP 83483
RECEIVED	26/09/2019
FILE NO.	IRF19/6420
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to identify a “medical centre” as an additional permitted use within the existing commercial / retail units in the Salt Village precinct at South Kingscliff (Figure 1) to help deliver medical services to the local community and visitors.

1.2 Site description

This planning proposal relates to Part Lot 3 SP 74283 and Lot 5 SP 83483 being the commercial tenancies on the southern side of the Salt Village commercial complex (Figure 2).

Salt Village comprises the 364 room Peppers Resort, 318 room Mantra Resort, the Salt Village commercial precinct comprising the Salt Tavern, shops, restaurants and offices. There are also approximately 540 surrounding lots/dwellings.

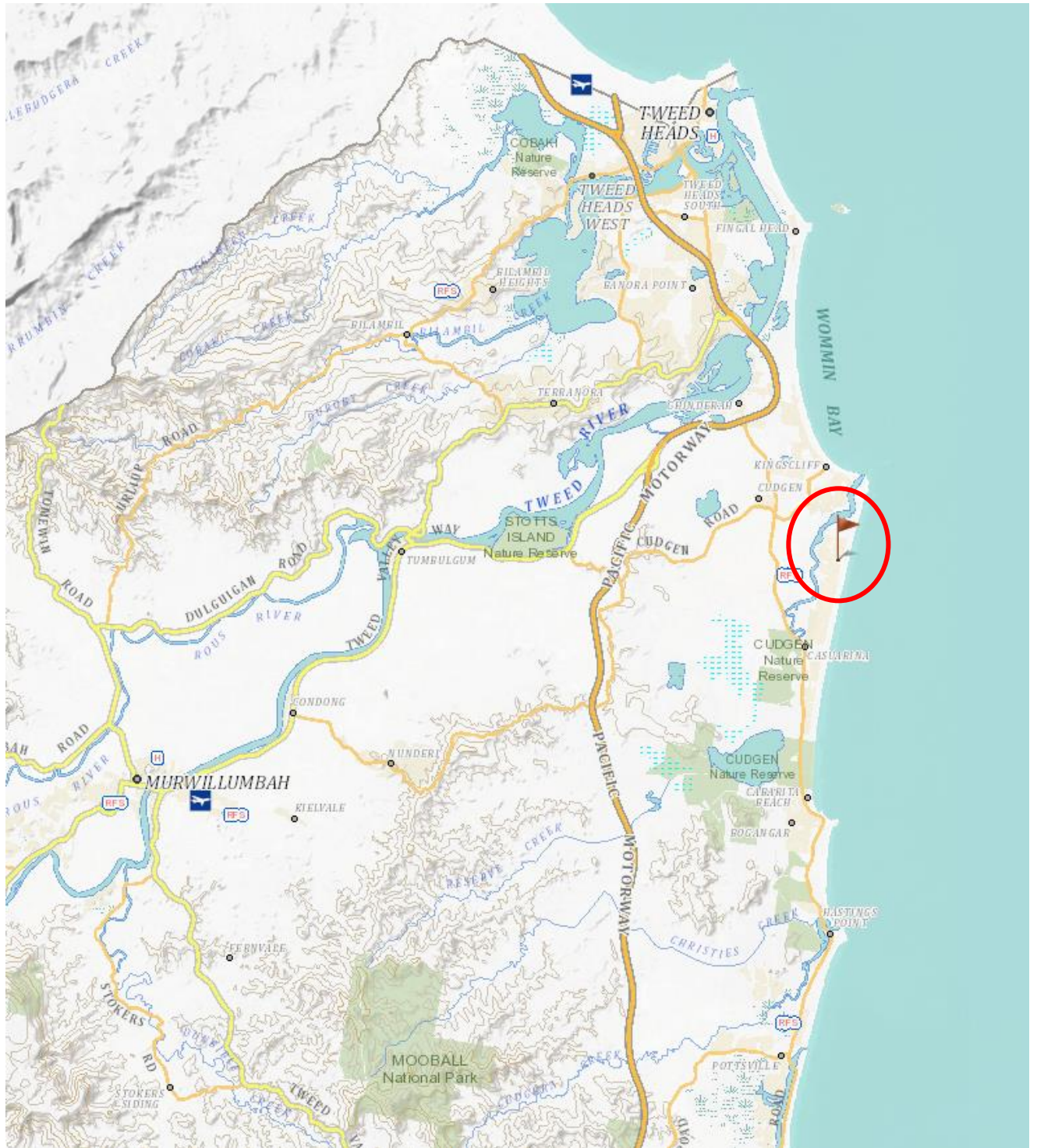


Figure 1: Locality Map (Source: Six Maps)



Figure 2: Site Map (Source: Planning Proposal)

1.3 Existing planning controls

Pursuant to the Tweed Local Environmental Plan 2014 the land:

- is zoned SP3 Tourist (Figure 3);
- has a minimum lot size of 450m² (Figure 4);
- has a floor space ratio of 2:1 (Figure 5);
- has a maximum building height of 13.6m (Figure 6); and
- contains class 4 acid sulfate soils (Figure 7).

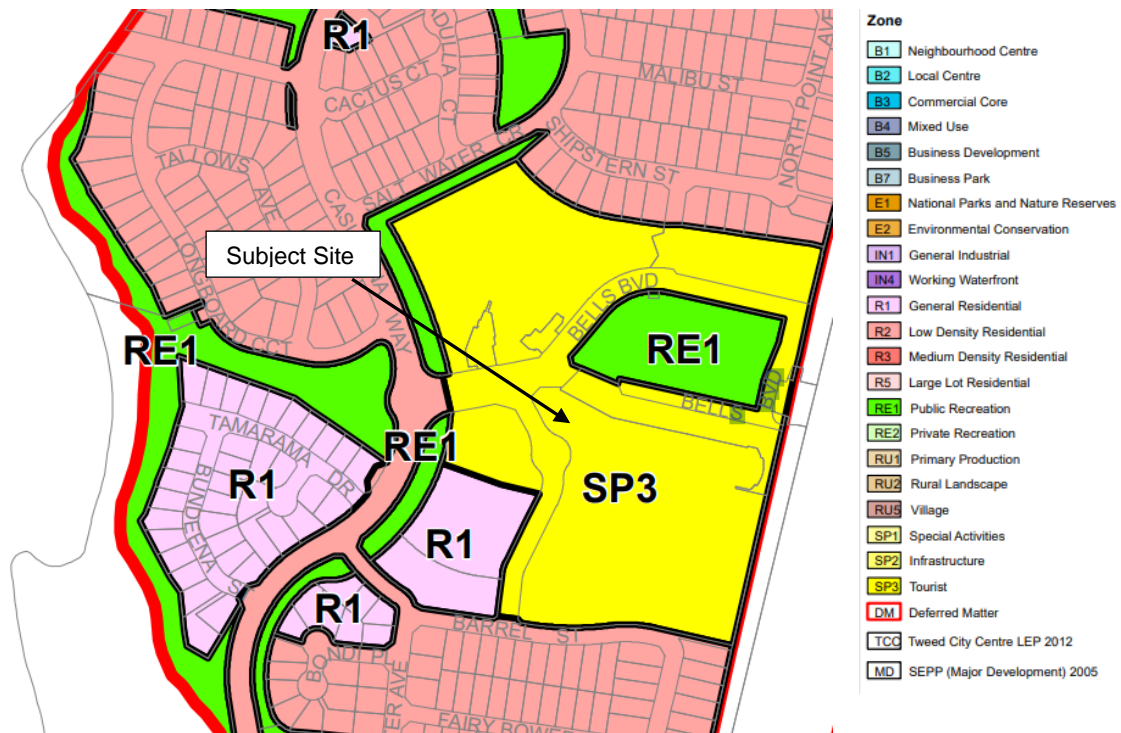


Figure 3: Extract of Land Zoning Map (Source: NSW Legislation)

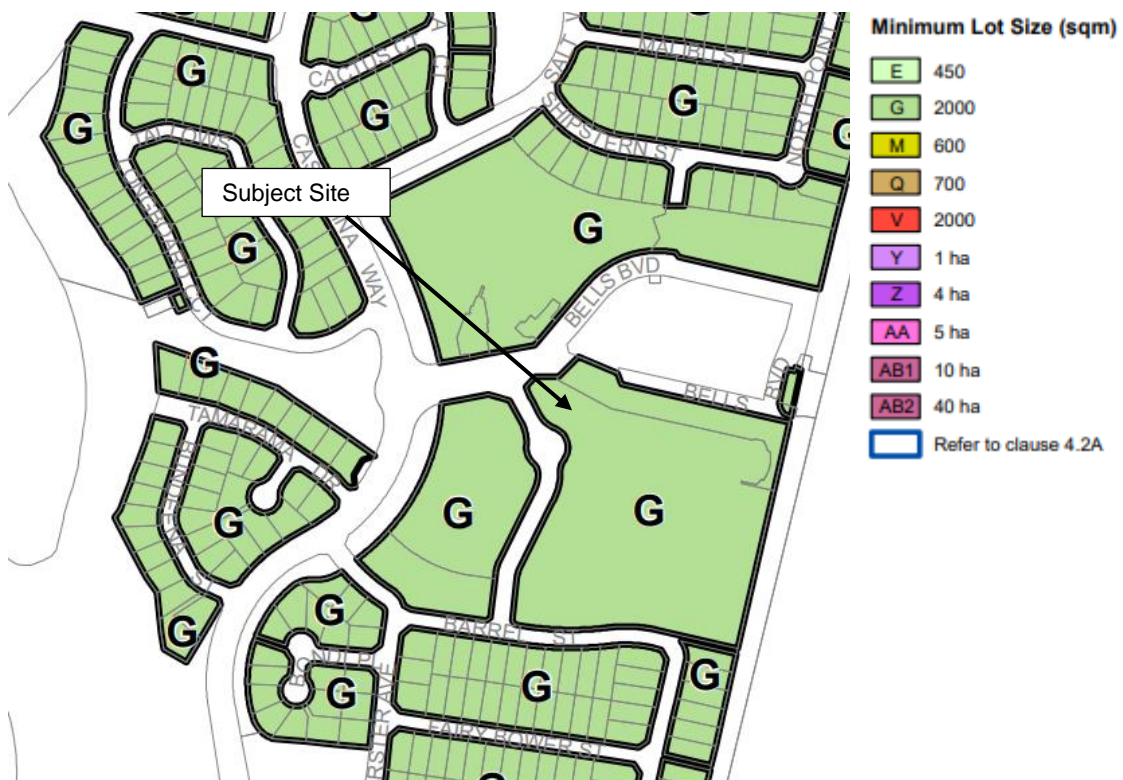


Figure 4: Extract of Lot Size Map (Source: NSW Legislation)



Figure 5: Extract of Floor Space Ratio Map (Source: NSW Legislation)

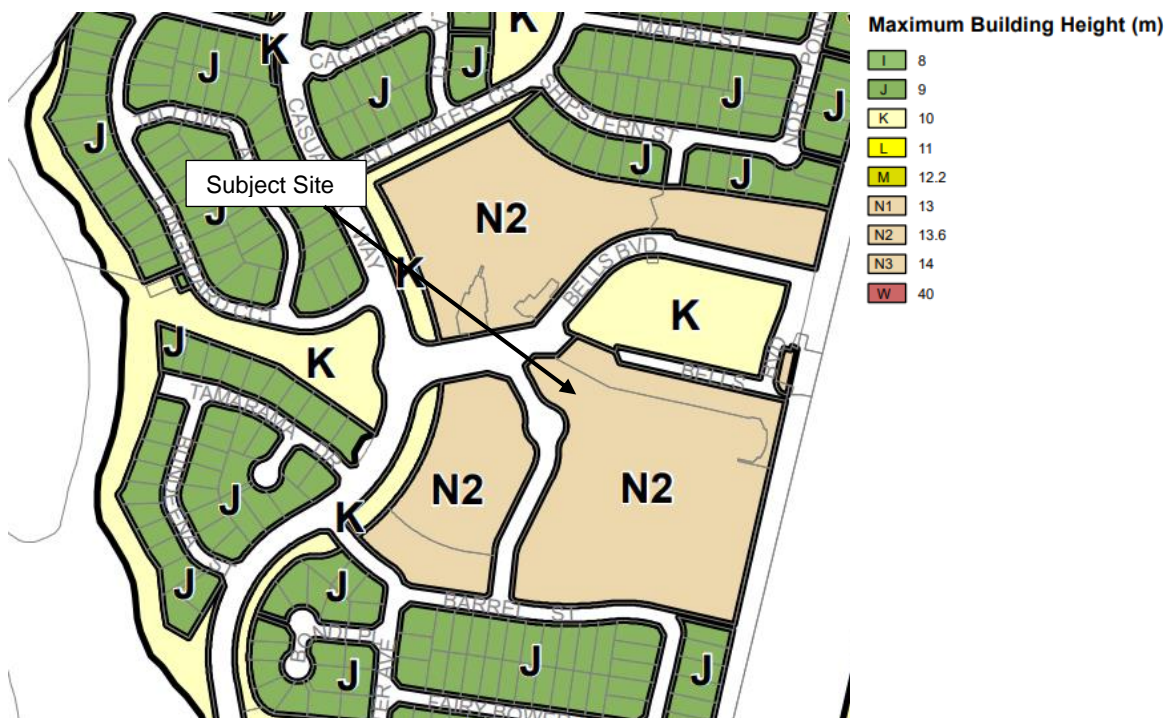


Figure 6: Extract of Height of Buildings Map (Source: NSW Legislation)

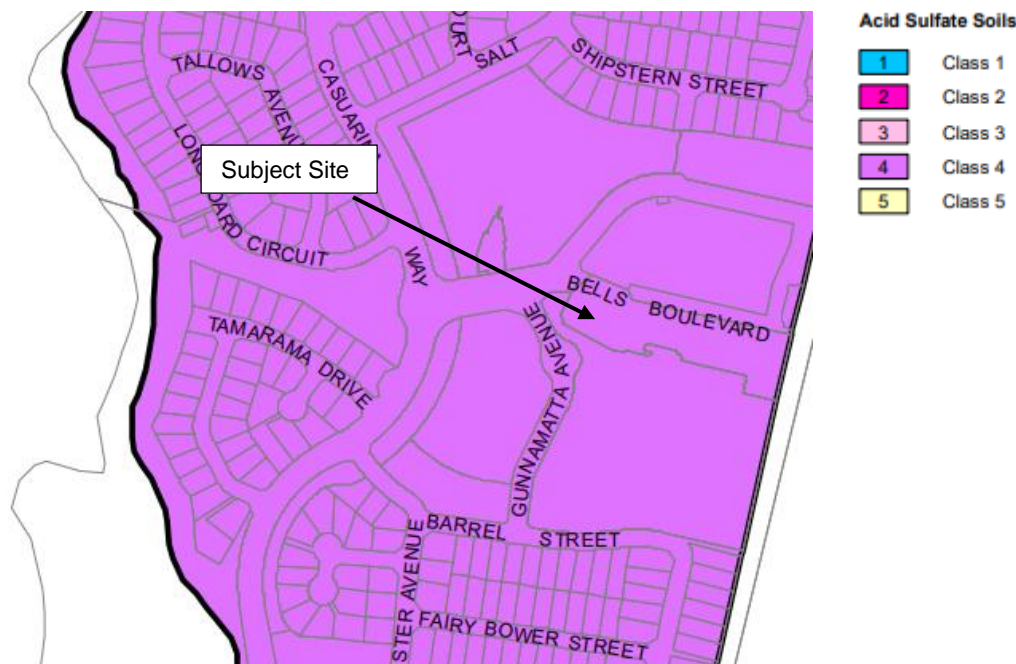


Figure 7: Extract of Acid Sulfate Soils Map (Source: NSW Legislation)

1.4 Surrounding area

The proposal is located within the Salt Village which is located at South Kingscliff and comprises the 364 room Peppers Resort, 318 room Mantra Resort, the Salt Village commercial precinct comprising the Salt Tavern, shops, restaurants and offices. There are also approximately 540 surrounding lots/dwellings. The Salt Village is surrounded to the north, south and west by residential development and adjoins the coastline to the east.

1.5 Summary of recommendation

It is considered that the planning proposal has merit to proceed to Gateway for the following reasons:

- the planning proposal will provide flexibility to help deliver medical services to the local community and tourists;
- the planning proposal is consistent with the *North Coast Regional Plan 2036*;
- the planning proposal is not inconsistent with the *Tweed Urban and Employment Land Release Strategy 2009*; and
- the planning proposal responds to the actions and objectives of the *Tweed Community Strategic Plan 2017-2027*.

It is recommended that this planning proposal be supported with conditions.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to facilitate the delivery of medical services to the local community and visitors in Salt Village by enabling a medical centre as an additional permitted use on Part Lot 3 SP 74283 and Lot 5 SP 83483, 49-61 Bells Boulevard, Kingscliff.

Council has indicated that they intend to rely on the Standard Instrument Local Environmental Plan dictionary for the definition of a medical centre.

The objectives and intended outcomes of the planning proposal are adequately described and do not require amendment prior to community consultation.

2.2 Explanation of provisions

The amendments proposed to the *Tweed Local Environmental Plan 2014* to achieve the intended outcomes are to:

- amend Schedule 1 Additional Permitted Uses to permit a medical centre with consent on Part Lot 3 SP 74283 and Lot 5 SP 83483, 46-61 Bells Boulevard, Kingscliff; and
- amend the Additional Permitted Uses Map to align with the proposed changes to Schedule 1.

In this instance the proposed amendments and the identification of an additional permitted use are considered an acceptable means of achieving the intended outcomes as:

- the SP3 zone has been applied to other less developed areas under the Tweed LEP 2014 and it is not considered appropriate that medical centres be permitted across the entire zone;
- the Salt Village contains a wide mixture of land uses designed to holistically facilitate tourist activities and it is not considered appropriate that the current SP3 Tourist zoning should be removed from part of the village only in order to facilitate a medical centre; and
- the range of other commercial uses that would become permitted if a business zone was applied is not considered appropriate due to the nature and location of the land within the Salt Village.

2.3 Mapping

The proposal seeks to amend the existing Tweed LEP 2014 Additional Permitted Uses map to identify the subject land (Sheet APU_023). The planning proposal does not include the existing or proposed Additional Permitted Uses map. Prior to consultation it is recommended that the proposal be amended to include the existing and proposed LEP maps. These maps will also need to be prepared to the Department's Standard Technical Requirements prior to the plan being finalised.

3. NEED FOR THE PLANNING PROPOSAL

The proposal is not the result of any strategic study or report. Council have indicated that it was recognised in the Kingscliff Locality Plan process that the Salt and adjacent Casuarina developments consist of a significant permanent population and it would be beneficial to residents, as well as the significant tourist population, to offer a wider variety of retail, commercial and service-related uses (such as a medical centre) in this area.

4. STRATEGIC ASSESSMENT

4.1 State

The planning proposal does not contain any matters of State or regional significance.

4.2 Regional / District

The *North Coast Regional Plan 2036* has relevance to the planning proposal as follows:

Direction 1: Deliver environmentally sustainable growth

This Direction aims to focus urban development to the mapped urban growth areas to avoid pressure and safeguard sensitive coastal environments. Salt Village is identified within the urban growth area map for the Tweed Local Government Area. The planning proposal is consistent with Action 1.1 as it will focus new development (a medical centre) within the urban growth area. By utilising existing floor space within an existing building there will be negligible impact on the sensitive coastal strip.

Direction 6: Development successful centres of employment

This Direction seeks to encourage the growth and role of centres throughout the region and recognises the importance of commercial precincts outside of these centres for serving local communities and delivering positive social and economic benefits. The planning proposal is consistent with Action 6.1 which aims to encourage clusters of related development. Salt Village comprises Peppers Resort, Mantra Resort, the Salt Village commercial precinct and residential development. A medical centre is complementary to these established land uses.

Direction 8: Promote the growth of tourism

This Direction aims to promote and grow tourism in the region. The planning proposal is consistent with Action 8.2 which seeks to facilitate tourism and visitor accommodation and supporting land uses in coastal locations through local environmental plans. It is noted that the subject site is already being used for commercial purposes associated with accommodation and the proposed amendment will contribute to the current operations by improving access to medical facilities for tourist resort guests and local residents.

Direction 21: Coordinate local infrastructure delivery

This Direction seeks to ensure the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure. The site is in an existing urban area and serviced by all required infrastructure.

Local Government Narratives – Tweed

The planning proposal is consistent with the Tweed LGA Local Government Narrative which recognises that Tweed needs to support ongoing growth in the tourism industry to showcase its significant natural features and take advantage of its proximity to the nationally significant Gold Coast tourist area.

4.3 Local

The planning proposal is consistent with the *Tweed Community Strategic Plan 2017-2027* which contains a goal to plan for sustainable development which balances economic, environmental and social considerations.

It also achieves the goal to provide social, cultural and economic opportunities enabling healthy, safer and more inclusive communities.

The *Tweed Urban and Employment Land Release Strategy 2009* does not identify tourism opportunities in new locations but does acknowledge that tourism is a significant part of the Tweed economy that should be supported.

4.4 Section 9.1 Ministerial Directions

The planning proposal is consistent with all relevant 9.1 Directions except:

2.2 Coastal Management

The proposal is inconsistent with this Direction as it includes land mapped in *State Environmental Planning Policy (Coastal Management) 2018* and does not include provisions which give effect to the objectives of the Coastal Management Act 2016, the NSW Coastal Management Manual, the NSW Coastal Design Guidelines 2003 or any coastal management program or coastal zone management plan that applies to the land. The inconsistency is considered to be of minor significance as the planning proposal relates only to an additional permitted use within an existing commercial building.

Direction 4.1 Acid Sulfate Soils

The proposal is inconsistent with this Direction as it intensifies the potential land use of the site by permitting a medical centre and is not supported by an acid sulfate soils study. This inconsistency is considered to be of minor significance as the proposal applies only to permitted uses within an existing commercial building and Tweed LEP 2014 contains appropriate provisions that allow this issue to be adequately addressed at the development application stage if necessary.

4.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

It is estimated that Salt Village accommodates up to approximately 2600 people. The planning proposal will have positive social impacts for these residents by helping to enable more convenient medical services.

5.2 Environmental

The planning proposal will not have any detrimental impacts to the environment, specifically the sensitive coastal strip, because it only relates to existing floor space within an existing building.

5.3 Economic

The planning proposal will have positive economic impacts for the community by facilitating flexible land uses in Salt Village commercial area.

5.4 Infrastructure

There will be no impact on State or regional infrastructure or the requirement for additional funding. With respect to local infrastructure, the site is located in an existing urban area and serviced by all required infrastructure.

6. CONSULTATION

6.1 Community

Council has advised that it intends to exhibit the planning proposal for not less than 28 days. Council has also advised that community consultation will involve an advertisement in a local newspaper and on Council's website. In addition, adjoining landowners will be notified in writing.

As the planning proposal is low impact as described in *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016) a 14 day consultation period is considered adequate.

6.2 Agencies

Council has not identified any agencies that should be consulted. It is agreed that no agency consultation is required.

7. TIME FRAME

Council has nominated a timeframe of 7 months to complete the planning proposal. It is recommended that a 9 month timeframe be provided to Council to ensure an adequate period to finalise the planning proposal.

7. LOCAL PLAN-MAKING AUTHORITY

The planning proposal is consistent or justifiably inconsistent with the State, regional and local planning framework and deals only with matters of local significance. It is considered appropriate that Council be provided authorisation to act as the local plan-making authority.

9. CONCLUSION

It is considered that the planning proposal has merit to proceed to Gateway for the following reasons:

- the planning proposal will provide flexibility to help deliver medical services to the local community and tourists;
- the planning proposal is consistent with the *North Coast Regional Plan 2036*;
- the planning proposal is not consistent with *the Tweed Urban and Employment Land Release Strategy 2009*; and
- the planning proposal responds to the actions and objectives of the *Tweed Community Strategic Plan 2017-2027*.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 2.2 Coastal Management and 4.1 Acid Sulfate Soils is justified in accordance with the terms of the Directions.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation the proposal is to be amended to include the existing and proposed Additional Permitted Use maps.
2. The planning proposal should be made available for community consultation for a minimum of 14 days.
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.

4. Given the nature of the planning proposal, Council should be the local plan-making authority.



17/10/19

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25-10-2019

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