

Draft LEP Amendment Number 11

**PLANNING PROPOSAL PP14/0001
Hastings Point & Pottsville Localities
v.1**

April 2015

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Introduction

Purpose

This planning proposal has been prepared by Tweed Shire Council to facilitate a number of the desired strategic outcomes identified within Council's Hastings Point Locality Based Development Code and Pottsville Locality Based Development Code (the Codes). The Codes provide strong guidance on the urban structure and form of development within both settlements, supporting an expansion of development where suitable and restrictions where natural constraints or areas of significant existing character have been identified.

In addition to the implementation of the Codes through the Local Environmental Planning framework, several housekeeping amendments are also proposed.

Part 1 Objectives and intended outcomes

Objective

To realise the strategic visions and future actions embodied within the Hastings Point and Pottsville Locality Based Development Codes through a comprehensive planning framework.

Intended outcome

To facilitate:

- the protection of environmental attributes located on Lot 156 DP 628026,
- the establishment of a suitable urban footprint the facilitate the development of Lot 156 DP 628026,
- the protection of existing character and realise the desired future character throughout Hastings Point,
- the expansion of the Pottsville village centre to accommodate current and future demand,
- the realisation of the future desired character of the Pottsville village centre,
- housekeeping amendments originating from the transition of Council's previous LEP into the Standard Instrument LEP format.

Site context and setting

The localities of Hastings Point and Pottsville are located on the Tweed Coast, approximately 20km south of the Queensland – NSW border. Bound by the Pacific Highway, Round Mountain, the Pacific Ocean and Wooyung, both settlements contain confined residential and village footprints and substantial areas of environmental significance.

Whilst both localities possess a strong natural character through the presence of the Pacific Ocean, estuaries and areas of SEPP 14 wetlands, the Pottsville settlement assumes a higher-order role through its higher population and established village centre. In this regard, whilst Hastings Point includes commercial development that primarily facilitates the day-to-day needs of its residents and visitors, Pottsville includes a wider spectrum of commercial, community, sporting and medical facilities.

Figure 1 illustrates the location and extent of the Hastings Point and Pottsville localities.



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Aerial Photo - taken May 2012

Amendment No.11 - Coastal Villages
Hastings Point North & Creek Street

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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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Date Printed: 20 April, 2015

Figure 1 – Site Locality Plan

Part 2 Explanation of provisions

The outcomes proposed in this planning proposal are proposed to be achieved through an amendment of the Tweed Local Environmental Plan 2014 as follows:

- Written instrument - inclusion of the E2 zone, objectives and land use table; additional item to Schedule 1 - Additional Permitted Uses
- Maps - amendment to Land Application, Land Zoning, Minimum Lot Size, Maximum Floor Space Ratio, Maximum Height of Buildings and Additional Permitted Use Maps. (Note: Amendments will also be made to the Land Application, Acid Sulfate Soils and Flood Planning Maps should the use of an appropriate environmental protection zone be permitted for Lot 156)

The specific details of the amendments sought are identified diagrammatically within Figures 2 - 6 and discussed below.

Area 1 - Hastings Point North and Creek Street

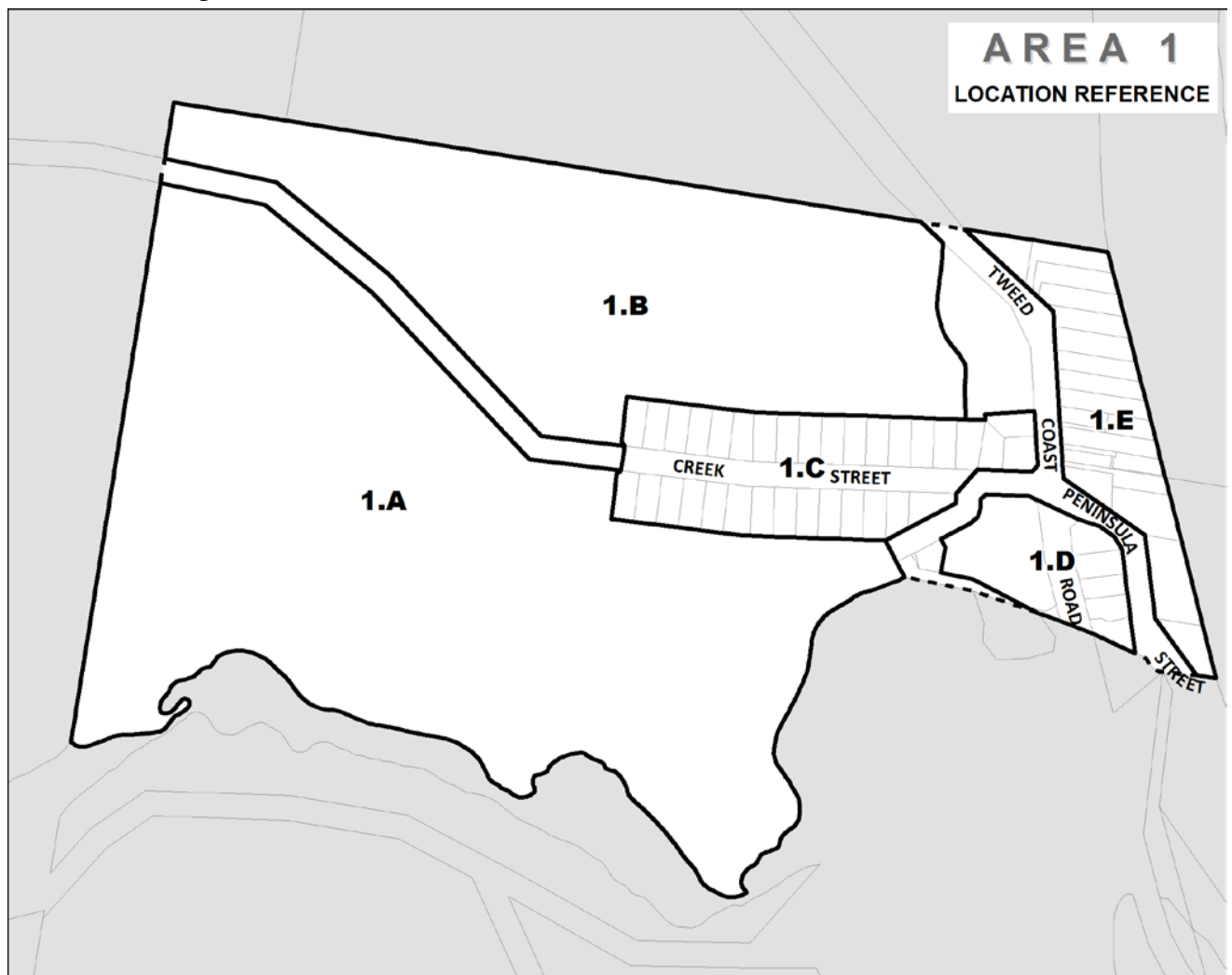


Figure 2 - Area 1 - Hastings Point North and Creek Street

Area 1.A

	Existing	Proposed
Zoning	R1 General Residential and Deferred Matter under the Tweed LEP 2014. 2(e) Residential Tourist and 7(a) Environmental Protection (Wetlands and Littoral Rainforest) under the Tweed LEP 2000.	R2 Low Density Residential/ E2 Environmental Conservation (pending E-Zone Review)
Maximum Height of Buildings	13.6m / 3 storeys	8m
Maximum Floor Space Ratio	2:1 / NA	0.8:1 / NA
Minimum Lot Size	450m ² / NA	700m ² / 40ha

Summary of changes: Zoning amendment to reduce the size of the urban footprint and reflect the zoning of the precinct, reduction in maximum height of buildings and floor space ratio, increase in minimum lot size. These actions will necessitate a change to the Land Application Map within the Tweed LEP 2014 to include all of Area 1.A (being Lot 156).

Area 1.A comprises the area of Lot 156, which presently zoned part urban and part environmental protection, involves a significant suite of statutory amendments. Predominately, the amendment seeks a reduction in the urban footprint to enable increased environmental protection. In light of the ongoing 'E-Zone Review' and the recent amendment to the Byron LEP 1988 to introduce an E2 Environmental Conservation zone, this Planning Proposal seeks to amend the Tweed LEP 2014 written instrument to include the E2 zone, objectives and land use table as per the Byron LEP 1988 amendment and map the area of environmental protection E2 Environmental Conservation.

As displayed within Figure 3, the draft development footprint of Lot 156 is to be defined by achieving:

- A 75m buffer to the intertidal and salt marsh extents of Christies Creek;
- A 75m buffer to areas of high wetland conservation value (as mapped by Australian Government Department on the Environment and Heritage)
- A 75m buffer to the intertidal and salt marsh extents identified to the western edge of the site
- A 20m buffer to existing terrestrial native vegetation located within the eastern, south western and western parts of the site.
- A 100m buffer to SEPP 14 Wetland areas.

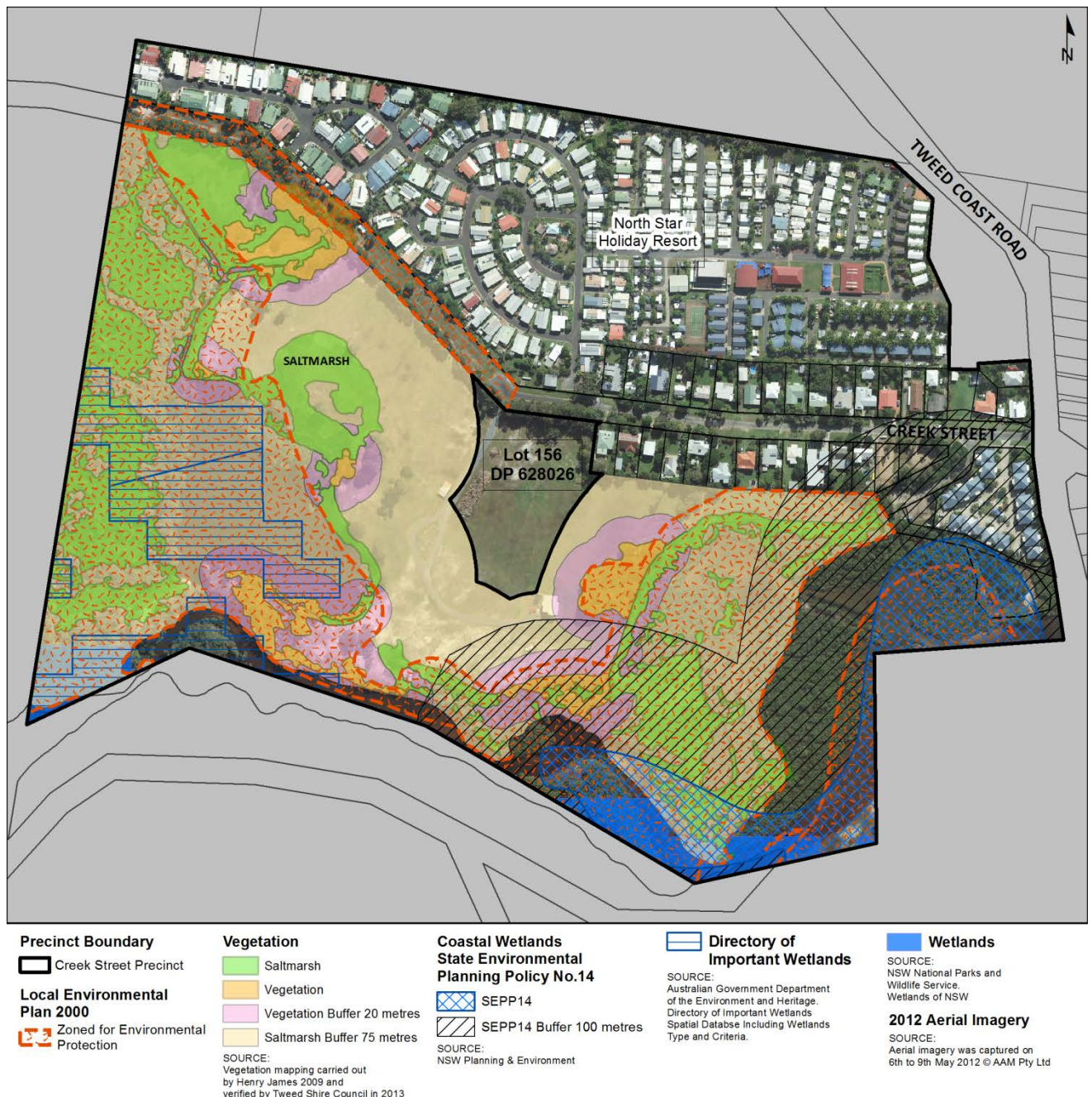


Figure 3 - Proposed Buffers and Development Footprint for Lot 156

The decrease in urban footprint seeks to protect land with habitat and wetland values and respond to climate change/sea level rise projections of this sensitive land.

Within the urban footprint, the Hastings Point Code prescribes that Lot 156 is to be developed as an extension of the existing Creek Street character. Accordingly, the maximum height of buildings, maximum floor space ratio and minimum lot sizes are proposed to reflect those present throughout Creek Street. This strategic objective ensures building heights reflect the landscape character, function and hierarchy of the settlement and the visual amenity of the area.

The amendments proposed significantly affect the theoretical development potential of the Area, both by a reduction in development footprint and a reduction of development scale within the footprint. However, the proposed amendments are considered to reflect the environmental qualities of the site and provide a statutory framework that reflects the desired future character of the Area, as established within the Hastings Code.

Area 1.B

	Existing	Proposed
Zoning	RE2 Private Recreation	RE2 Private Recreation
Maximum Height of Buildings	10m	8m
Maximum Floor Space Ratio	Not prescribed	Not prescribed
Minimum Lot Size	Not prescribed	Not prescribed

Summary of changes: Reduction in maximum height of buildings.

Consistent with the findings of the Hastings Code for the Creek Street precinct, the draft PP seeks to reduce the maximum building heights to 8m.

Area 1.C

	Existing	Proposed
Zoning	R2 Low Density Residential	R2 Low Density Residential
Maximum Height of Buildings	8m	8m
Maximum Floor Space Ratio	0.8:1	0.8:1
Minimum Lot Size	450m ²	700m ²

Summary of changes: Increase in the minimum lot size permitted from 450m² to 700m².

The Hastings Point Code identified that the current conditions of Creek Street be retained, and form the basis of its desired future character. Whilst the Hastings Point Code details a comprehensive list of the existing features that contribute to the precincts character, the prevailing lot size of greater than 700m² is considered a central feature that facilitates many of the other character elements. Accordingly, the draft PP seeks to embody this character feature within the statutory framework, providing a clearer means for realising the visions established within the Hastings Point Code.

Area 1.D

	Existing	Proposed
Zoning	R3 Medium Density Residential	R3 Medium Density Residential
Maximum Height of Buildings	8m	8m
Maximum Floor Space Ratio	2:1	0.8:1
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Reduction in maximum floor space ratio.

The Hastings Code identified that whilst the land encompassed within Area 1.D was suitable for medium density development, Residential Flat Buildings (RFBs) or Shop-Top Housing/RFBs were not considered suitable. As the existing maximum FSR provision of 2:1 is designed to support Shop-Top RFB development, it is no longer appropriate, instead the FSR should reflect the desired building types, being dual occupancy and townhouse development.

Area 1.E

	Existing	Proposed
Zoning	R3 Medium Density Residential	R3 Medium Density Residential
Maximum Height of Buildings	10m	8m
Maximum Floor Space Ratio	2:1	1:1
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Reduction in the maximum height of building and floor space ratio.

The Hastings Code provides site specific building height and FSR provisions for the land contained within Area 1.E, which is sought to be embedded into the LEP.

Area 2 - Hastings Point Central and South



Figure 4 - Area 2 - Hastings Point Central and South

Area 2.A

	Existing	Proposed
Zoning	R3 Medium Density Residential	B1 Neighbourhood Centre
Maximum Height of Buildings	10m	10m
Maximum Floor Space Ratio	2:1	1:1
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Change in land use zoning and reduction in maximum floor space ratio.

Area 2.A comprises the existing Hastings Point general store and two adjoining residential developments. The land use zone change from medium density to neighbourhood centre zoning better reflects both the existing and proposed future desired use of the sites, as stipulated within the Hastings Code. The Hastings Code also provides a specific maximum floor space ratio for development permitted on the site, which is proposed to be embodied within the LEP.

Area 2.B

	Existing	Proposed
Zoning	R3 Medium Density Residential	R2 Low Density Residential
Maximum Height of Buildings	8m	8m
Maximum Floor Space Ratio	2:1	0.8:1
Minimum Lot Size	Not prescribed	350m ²

Summary of changes: Change in land use zoning, reduction to maximum FSR and inclusion of minimum lot size provisions.

The findings of the Hastings Point Code concluded that this precinct was suitable for residential accommodation types other than Residential Flat Buildings (RFBs). Accordingly the draft PP seeks to amend the applicable land use zoning to a residential zone within which RFBs are not permitted and reduce the maximum floor space ratio provisions to correlate with the residential types encouraged by the Code. In acknowledging that the Hastings Point Code identified 'medium density' building types other than RFBs as suitable, a smaller minimum lot size than generically used for the low density zone within the Tweed LEP 2014 is proposed. The 350m² minimum lot size has been matched to existing lot sizes, contemporary development forms approved within the precinct and the desired future character discussion of the Hastings Point Code. Whilst the minimum lot size control in itself does not control density, it does afford the opportunity for dual occupancy and town house development types to be subdivided by way of Torrens Title, as opposed to Strata Title, which has been identified as an industry desire and direction for some time.

Area 2.C

	Existing	Proposed
Zoning	R1 General Residential	R1 General Residential
Maximum Height of Buildings	8m	8m
Maximum Floor Space Ratio	2:1	1:1
Minimum Lot Size	450m ²	450m ²

Summary of changes: Reduction in maximum floor space ratio

Area 2.C comprises 'The Point' seniors living development. Changes to the maximum floor space ratio are proposed to reflect those established within the Hastings Code.

Area 2.D

	Existing	Proposed
Zoning	R1 General Residential	B2 Local Centre
Maximum Height of Buildings	8m	8m
Maximum Floor Space Ratio	2:1	1:1
Minimum Lot Size	450m ²	Not applicable

Summary of changes: Change to land use zone, reduction in maximum floor space ratio and removal of minimum lot size provisions.

Area 2.D comprises the existing Shell service station site. The Hastings Code acknowledges the presence and likely continuance of the service station and encourages additional low-scale commercial premises on the site. Accordingly, the draft PP utilises the Local Centre zone, permitting service stations and additional commercial activities in the future. The draft PP proposes to remove the existing prescribed minimum lot size as the standard is not considered relevant to commercial-based development. The maximum floor space ratio is proposed to be lowered to reflect the size and building type specific provisions contained within the Hastings Code.

Area 3 - Pottsville Village Centre

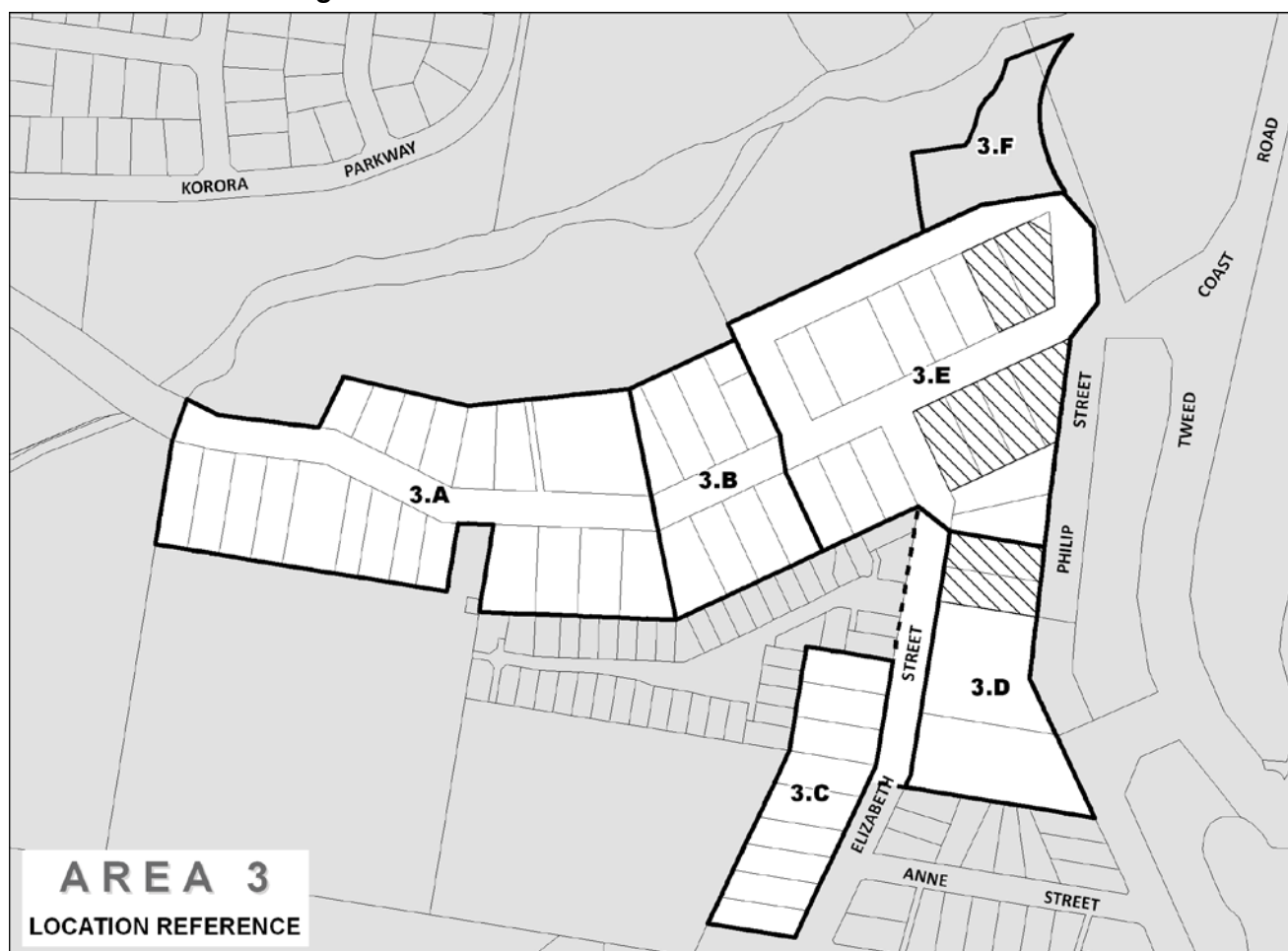


Figure 5 - Area 3 - Pottsville Village Centre

Area 3.A

	Existing	Proposed
Zoning	R3 Medium Density Residential	B2 Local Centre - plus additional permitted use
Maximum Height of Buildings	9m	11m
Maximum Floor Space Ratio	2:1	1.85:1
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Amendment to land use zoning, proposed additional permitted land use, increase in maximum building height and reduction in maximum floor space ratio.

Located on the periphery of the Pottsville village centre, the Pottsville Code identifies specific building height and floor space ratio controls for the Area, which are directly translated through the draft PP.

The Pottsville Code identifies the Area for 'Mixed Use', however the translation of this broad intention into the Tweed LEP 2014 is considered to require the inclusion of an additional permitted use. In this regard, whilst the Tweed LEP 2014 possess two zones that are considered predominately appropriate, being the B2 Local Centre and B4 Mixed Use zones, both zones only permit residential accommodation in the form of shop-top housing. Whilst this requirement is generally appropriate to

ensure the primacy of commercial use within business areas, the intention of the Pottsville Code was not to require mixed use on each site, rather a mixture of uses within the Area. Accordingly, it is considered appropriate to include residential accommodation as an additional permitted use within the Area, enabling stand alone residential development to be permissible, in addition to regular business uses. This approach allows the intentions of the Pottsville Code to be realised, whilst not undermining other business centres throughout the Tweed Shire.

Area 3.B

	Existing	Proposed
Zoning	R3 Medium Density Residential	B2 Local Centre
Maximum Height of Buildings	9m	11m
Maximum Floor Space Ratio	2:1	1.85:1
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Amendments to land use zoning, increase to maximum height of buildings and decrease to maximum floor space ratio.

The draft PP seeks to undertake zoning, height of buildings and floor space ratio amendments to reflect the specific controls and strategies contained within the Pottsville Code.

Area 3.C

	Existing	Proposed
Zoning	R3 Medium Density Residential	B2 Local Centre - plus additional permitted use
Maximum Height of Buildings	9m	9m
Maximum Floor Space Ratio	2:1	1.85:1
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Amendments to land use zoning and decrease to maximum FSR.

As per Area 3.A, Area 3.C is recommended within the Pottsville Code to be a mixed use Area, accordingly a business zone with an additional permitted use (being residential accommodation) is proposed. Amendments to the maximum floor space ratio map are proposed to reflect the provisions of the Pottsville Code.

Area 3.D

	Existing	Proposed
Zoning	R3 Medium Density Residential	B2 Local Centre
Maximum Height of Buildings	9m	11m
Maximum Floor Space Ratio	2:1	1.85:1/ Not applicable
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Amendments to land use zoning, increase in maximum height of buildings, reduction and removal in maximum floor space ratio.

As per the Pottsville Code, Area 3.D is proposed to be rezoned for business purposes as well as increase the maximum building height to 11m. Further, no maximum floor space ratio provisions will be prescribed for the two community use sites (Pottsville Neighbourhood Centre and North Coast Area Health Services), whilst the remainder (shown as hatched) will possess a 1.85:1 maximum.

Area 3.E

	Existing	Proposed
Zoning	B2 Local Centre	B2 Local Centre
Maximum Height of Buildings	9m	11m
Maximum Floor Space Ratio	2:1	2:1/ 1.85:1
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Increase in maximum height of buildings, partial reduction to maximum floor space ratio.

The draft PP seeks to undertake zoning, height of buildings and floor space ratio amendments to reflect the specific controls and strategies contained within the Pottsville Code. Properties within the Area shown as hatched within Figure 5 will retain the existing 2:1 maximum floor space ratio, whilst the remainder will be reduced to 1.85:1, as discussed within the Pottsville Code.

Area 3.F

	Existing	Proposed
Zoning	RE1 Public Recreation	RE1 Public Recreation
Maximum Height of Buildings	9 meters	11 meters
Maximum Floor Space Ratio	Not applicable	Not applicable
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Increase to maximum height of buildings.

The Pottsville Code identifies an increase in maximum building height to the Area identified as Area 3.F to enable the provision of additional community infrastructure. The draft PP reflects the height of buildings amendment detailed.

Area 4 - Seabreeze Estate

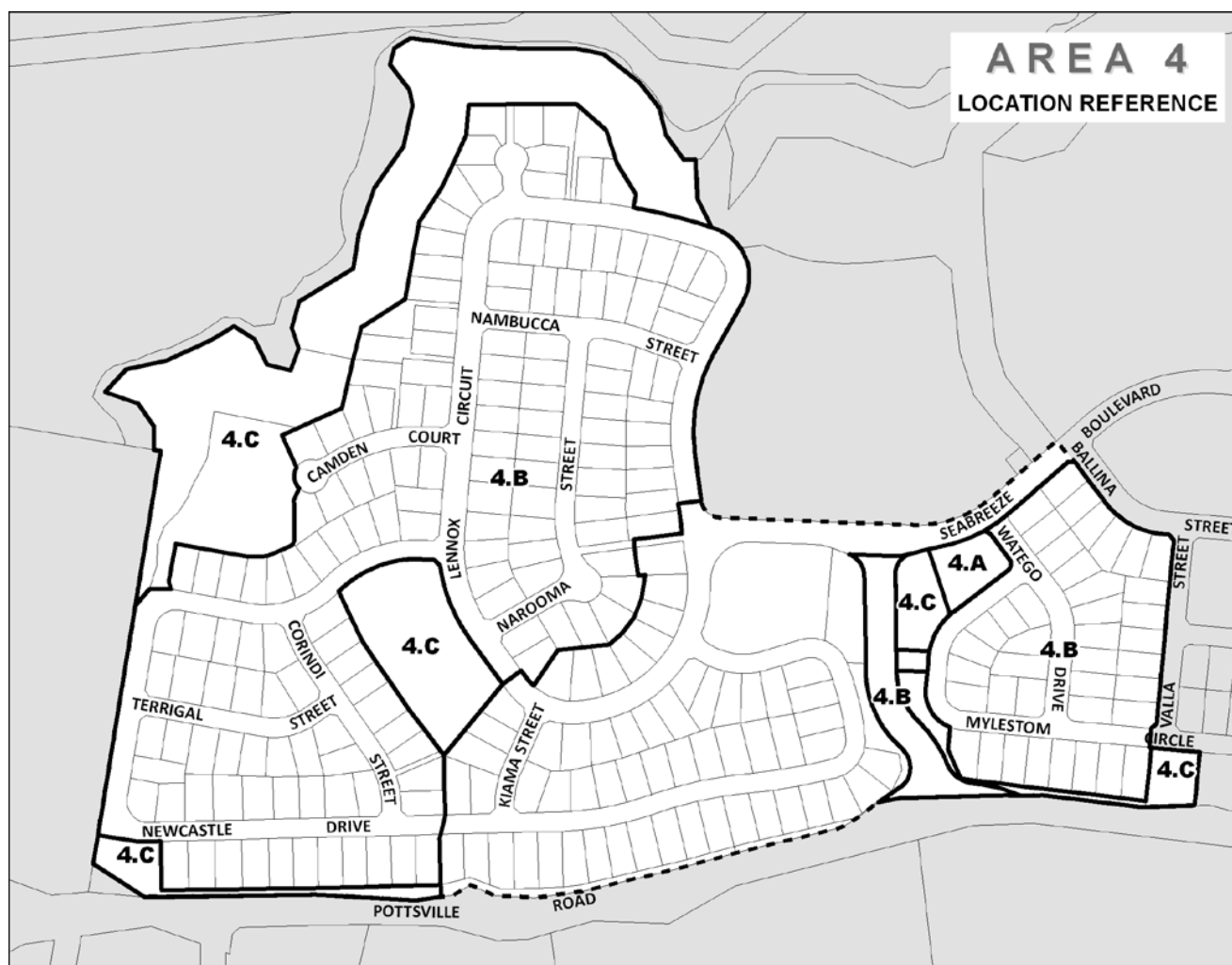


Figure 6 - Area 4 - Seabreeze Estate

Area 4.A

	Existing	Proposed
Zoning	R1 General Residential	B2 Local Centre
Maximum Height of Buildings	13.6m	13.6m
Maximum Floor Space Ratio	2:1	2:1
Minimum Lot Size	450m ²	Not applicable

Summary of changes: Change to land use zoning, removal of minimum lot size provisions.

Area 4.A has been identified as a commercial node within both the DA approved Seabreeze masterplan, the Pottsville Code and Section B15 Seabreeze Estate of the Tweed Development Control Plan. Accordingly, a business zone has been applied to enable an appropriate range of commercial based activities and not unnecessarily restrict land use to residential based activities.

Area 4.B

	Existing	Proposed
Zoning	R1 General Residential	R2 Low Density Residential
Maximum Height of Buildings	13.6m	9m
Maximum Floor Space Ratio	2:1	0.8:1
Minimum Lot Size	450m ²	450m ²

Summary of changes: Change in land use zoning, reduction in maximum height of buildings and floor space ratio.

The amendments proposed within Area 4.B are considered to be a housekeeping matter, rather than a specific planning strategy. In this regard, within urban expansion areas the Tweed LEP 2014 included the planning provisions as a 'best fit translation' of the existing framework, or development as constructed. Area 4.B at was still in a greenfield state for the majority of the preparation of the Tweed LEP 2014, however is now almost completely developed with low density housing. The draft PP provides an opportunity to amend the zoning to reflect the Areas development and provide consistency with the remainder of the Seabreeze Estate.

Area 4.C

	Existing	Proposed
Zoning	R1 General Residential	RE1 Public Recreation
Maximum Height of Buildings	13.6m	10m
Maximum Floor Space Ratio	2:1	Not applicable
Minimum Lot Size	450m ²	Not applicable

Summary of changes: Change in land use zoning, reduction in maximum height of buildings and removal of floor space ratio and minimum lot size requirements.

As per Area 4.B, the amendments proposed within Area 4.C are considered to be a housekeeping matter, rather than a specific planning strategy. In this regard, the land within Area 4.C has now been dedicated to Council primarily for open space purposes. The draft PP provides an opportunity to amend the zoning to reflect the Areas use for open space and provide consistency with the remainder of the Seabreeze Estate.

Part 3 Justification

Section A Need for the planning proposal

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

This planning proposal is the result of a two strategic processes, which resulted in integrated locality and development control planning for both Hastings Point and Pottsville. These strategic exercises concluded 2010 and 2011 however their implementation has been restricted to non-statutory planning provisions in light of the preparation and implementation of Council's Standard Instrument Order LEP (the Tweed Local Environmental Plan 2014) which had a 'best fit translation' scope of works.

In addition to the strategic processes described above, specific development assessment (DA13/0189) and Council resolutions have been made in respect of 40 Creek Street, Hastings Point, commonly referred to as Lot 156. In order to reconcile the site specific resolutions and findings, Council is currently preparing amendments to the Hastings Point Locality Based Development Code. Whilst still in draft form, it is considered appropriate to pursue these two processes concurrently and ensure a robust, integrated planning framework.

Copies of relevant Council reports are provided as Attachment 1.

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

As discussed previously, to-date Council has implemented the intent of the Codes through non-statutory means, primarily development control plan provisions. Whilst the non-statutory methods have facilitated design guidance and has assisted infrastructure provision, many of the strategies embodied cannot be properly realised without supporting statutory framework.

In this regard, whilst the Tweed Local Environmental Plan 2014, through Clause 4.6, enables the variation of development standards, which could allow site specific variations relating to building or lot design, there is no scope to approve development which is not listed as permissible with consent. This limitation is particularly prevalent for the Pottsville village centre, which has been identified as suitable for expansion and an increased footprint of mixed use; however the present zone and permitted land uses do not facilitate the implementation of this strategic direction.

Further, it is considered best practice to provide a clear and consistent planning framework where the vision and intent identified through the Codes is implemented through statutory and non-statutory means. In light of the above, the planning proposal is considered the best means of achieving the objectives and intended outcomes.

Section B Relationship to strategic planning framework

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

Far North Coast Regional Strategy 2006-2031

The PP is considered to be consistent with the objectives and actions of the NSW Far North Coast Regional Strategy by providing a legislative framework that:

- protects land of environmental value,
- facilitates future development and character that is compatible with the Coastal Design Guidelines and the sites immediate context,
- responds to the need for effective use of land within the town and village growth boundary, and finally,
- reinforces the role of the existing urban centres with appropriate housing types, density, mix of use and scope for economic growth.

The intended outcomes and specific amendments sought are discussed in detail within Section A of this PP, however those amendments are considered to provide a best practice response to the regional challenges and thematic actions prescribed.

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

As discussed earlier, the PP seeks to implement the desired future character established for Hastings Point and Pottsville, as detailed within their respective locality-based development codes.

The Codes were prepared prior to the Tweed Community Strategic Plan 2013/2023 (CSP) and proceeding 2011/2021 Plan. The CSP creates a framework to implement Council's four-year Delivery Program and annual Operational Plan, which align the community's aspirations with the development and implementation of necessary planning and resourcing required to achieve the long term vision and deliver the outcomes. The CSP establishes four thematic sections, being Civic Leadership, Supporting Community Life, Strengthening the Economy and Caring for the Environment. The Codes and the PP are considered to be consistent with each section of the CSP by managing the balance between urban development and environmental protection, providing vibrant and accessible town centres and improving urban design.

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

SEPP 14 Coastal Wetlands

Three areas of SEPP 14 wetland are located within the planning proposal footprint, which are located within Areas 1.A, 2.B and 2.C. The aim of SEPP 14 is:

"to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the state."

The area of mapped SEPP 14 Wetlands within Area 1.A is presently a Deferred Matter under the Tweed LEP 2014 and is zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforest) under the Tweed LEP 2000. The PP seeks to expand the footprint of the Land Application Map to include all of Area 1.A (being Lot 156) and zone the mapped wetland as E2 Environmental Conservation. This outcome is considered to be consistent with the provisions of SEPP 14.

Under the current Tweed LEP 2014 provisions, land within Area 2.B is zoned R3 Medium Density Development and Area 2.C, R1 General Residential. The planning proposal seeks to reduce the development potential of both these areas by amending the R3 zone to R2 Low Density Residential, and in Area 2.C, reducing the maximum floor space ratio from 2:1 to 1:1. Accordingly, the planning proposal is considered to reduce the potential for adverse impacts upon the area mapped SEPP 14 Wetlands and guide development which is more sympathetic to the natural attributes of the site.

SEPP 26 Littoral Rainforests

While the PP footprint does not contain any mapped SEPP 26 Littoral Rainforest, Areas 2.A and 2.B are located within 100m SEPP 26 mapped areas. As these areas are already residential land the provisions of SEPP 26 do not apply. Nonetheless, the PP seeks to amend the statutory provisions applying to that land to reduce the scale of future development, which would further reduce any external impacts.

SEPP 71 Coastal Protection

Essentially all land within Areas 1, 2, and 3 of this PP are located within the area to which SEPP 71 Coastal Protection applies and the majority is also mapped as "Sensitive Coastal Location".

Within Areas 1 and 2, the provisions of this planning proposal are predominately aimed at reducing the intensity of future development within those areas, either through a reduction in permitted building types (zone change), maximum building height or increase in minimum lot size. An exception relates to establishing the use of a business zone to acknowledge the role of the existing Hastings Point General Store.

Area 3 predominately involves an increase of development intensity as Council seeks to consolidate and expand the existing Pottsville village footprint. The expansion does not seek to include any greenfield land, rather, redevelopment existing aged low-scale residential development.

The provisions of this PP will not impact upon public access to, or along, coastal foreshores, or degrade their environments. The PP will ensure the visual amenity of the coast is protected, ensure the type, bulk, scale and size of development is appropriate to the coastal village and hamlet context and implement a strategic approach to coastal management.

Is the planning proposal consistent with applicable Ministerial Directions (s117 Directions)?

The PP is consistent with all applicable Ministerial Directions aside from Direction 3.1. Brief discussion with specifically relevant directions can be found below.

Direction 1.1 Business and Industrial Zones - Area 3 of the PP seeks the extension of the business footprint of the Pottsville village centre, providing suitably located employment growth and supporting the continued viability of the village centre. Area 2.A of the PP seeks to utilise a business zone to enable a neighbourhood centre, consistent with previous development approvals and the strategic direction endorsed. By utilising a business, as opposed to residential, zone, greater variety of business uses are permissible with consent on the site, offering greater flexibility. No other areas business or industrial zoning are affected by the PP.

Direction 2.1 Environmental Protection Zones - The PP seeks to contract the developable footprint within Area 1.A, in order to ensure appropriate levels of environmental protection from urban development. This PP seeks to include the areas identified as requiring protection E2 - Environmental Conservation, as per the objectives and permitted land uses established within the recently gazetted Byron LEP 1988. As the 'E-Zone Review' is ongoing, Council will further consider the permitted land uses through the public exhibition process to ensure a consistent approach with the methodology established within the adopted review document. This approach facilitates adequate protection and conservation of environmentally sensitive land, as has been deemed appropriate within the region and ensures an efficient implementation of the DP&E review when finalised. Should Council not be permitted to pursue the use of the E2 zone, it may seek to defer all land within Area 1.A outside of the established development footprint as opposed to using an inferior

zone for land of this environmental quality. This approach would preserve the provisions of the Tweed LEP 2000, which would enable some environmental protection of state significant land.

Direction 2.2 Coastal Protection - The PP seeks to implement the various applicable coastal protection documents by recognising land of conservation value and embodying best practice design through a statutory framework that supports suitable building types and height for a coastal hamlet and coastal village. The general provisions of the Coastal Design Guideline have been refined through place-specific urban design studies, being preparation of the Codes. The PP will facilitate a more compact, human scale built environment with its own character within the constraints of existing infrastructure.

Direction 3.1 Residential Zones - Areas 1.A, 2.B and 4.B within the PP seek to reduce the choice of building types by prohibiting Residential Flat Buildings. Area 4B is also affected, this area has recently developed (less than 3 years) for single dwelling and dual occupancy housing and as such redevelopment is not anticipated in the foreseeable future. Whilst the prohibition of Residential Flat Buildings is contrary to the s117 direction, the inconsistency is considered appropriate as the amendment seeks to implement a Council endorsed development code, which had regard for the objectives of the s117 direction, the Coastal Design Guideline and the site specific attributes of the areas (specifically retention of character and responding to the unique coastal setting and site constraints).

The zoned land area of Areas 1.A and 2.B where Residential Flat Buildings are currently permitted with consent is inclusive of 44 properties. In theoretical terms, although the land ownership is fragmented, the lot dimensions and orientation present are generally suitable for Residential Flat Buildings. Despite the theoretical capabilities, specific urban design analysis was undertaken for the Hastings Point locality which firstly, concluded that building heights in these Areas be limited to 8 metres. When considering desirable floor-to-ceiling heights (2.7m) prescribed within SEPP 65 to ensure high amenity and the height required to accommodate the roof structure, by definition, Residential Flat Buildings are not considered practical within an 8 meter maximum building height. Secondly, the design analysis within the Hastings Point Code concluded that Residential Flat Buildings as a housing type were not suitable in these Areas in light of the existing and future desired character. Specifically, the Code established visionary statements acknowledging that it is the integrity of the natural landscape which surrounds and penetrates the settlement that is fundamentally important to the future of Hastings Point and that buildings are to reflect coastal architectural styles and the design of areas around buildings are to contribute to the 'natural and green' qualities..

Accordingly, the proposed amendment from medium to low density, prohibiting residential flat building development is considered to only create a notable impact to properties within Areas 1.A and 2.B. Whilst the restriction on this housing type has been discussed and justified via the site specific development code, in light of the detailed urban design analysis and compliance with the more context specific Coastal Design Guidelines, the variation is considered to be of minor significance. Further, a variety and choice of housing types is still available of these sites (being all residential accommodation types other than residential flat buildings) and within the wider Tweed Coast locality.

Direction 3.4 Integrating Land Use and Transport - The Hastings Point and Pottsville localities are both serviced by a singular public transport route (aside from school bus systems) that utilise Tweed Coast Road as its spine. The majority of the PP footprint is within 400m walking distance of the public transport spine and the area outside this walking distance is restricted to housekeeping amendments. The PP seeks to concentrate and encourage the Pottsville village as a vibrant, accessible mixed use centre, likewise the amendment sought through Hastings Point localities are as a result of specific urban design analysis. By achieving these outcomes, the PP is consistent with the aims, objectives and principles of integrating land use and transport.

Direction 4.1 Acid Sulfate Soils - The PP footprint is identified as possessing Class 3 and Class 5 acid sulfate soils (ASS). The changes in land use proposed within the PP are considered of minor significance in relation to ASS. Further, Clause 7.1 of the Tweed LEP 2014 requires an acid sulfate soils management plan be prepared for proposed works in accordance with the Acid Sulfate Soils

Manual prior to the issue of any development consent. The direction is accordingly considered satisfied.

Direction 4.3 Flood Prone Land - Areas 1.A, 1.B, 1.C and portions of Areas 2.B, 2.C, 3.A, 3.B, 3.E and 3.F within the PP footprint are identified as within the flood planning area of the Tweed LEP 2014.

The PP seeks to reduce the intensity of development within Area 1.A (reduction in development footprint, larger minimum lot size, prohibit residential flat buildings), 1.B (reduction in maximum building height), 1.C (increase in minimum lot size), 2.B (zone amendment to prohibit residential flat building development) and 2.C (reduction in maximum floor space ratio). Accordingly, the provisions of the planning proposal as they relate to Areas 1.A, 1.B, 1.C, 2.B and 2.C seek to reduce the level of development within identified flood planning area.

Areas 3.A, 3.B, 3.E and 3.F of the planning proposal include either an increase in development potential or a refinement of existing controls to achieve a high quality urban design outcome. The proposed planning framework for these areas is consistent with Council's Floodplain Risk Management Strategy, prepared in accordance with Office of Environment and Heritage guidelines, which restricts additional residential floorspace to areas that have access to land above the Probably Maximum Flood level (PMF), which for these areas is available to the west. Throughout Areas 3.B, 3.E and 3.F, residential accommodation will not be available at a ground floor level, rather, this space will be allocated for commercial, retail or recreational uses and ancillary car parking.

Within Council's existing suite of development controls, the Codes establish desired future character statements that are consistent with flood planning provisions, including prohibiting development in floodway areas, ensuring development does not result in significant flood impacts to other properties, or require government spending on flood mitigation measures, infrastructure or services.

Accordingly the PP is considered to be consistent the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

Direction 4.4 Planning for Bushfire Protection - The majority of the PP footprint is identified as bushfire prone as they are mapped within the vegetation buffer (100m).

The PP has had regard to the Planning for Bushfire Protection 2006 and permits with consent bushfire hazard reduction in each of the zones sought. As the PP applies only to existing urban land, the full suite of bushfire hazard tools are not necessarily available to each and every site. However, the PP does not intensify inappropriate developments in hazardous areas as the majority of the PP seeks a reduced development form, does not alter the permissibility of Special Fire Protection Purposes and the Pottsville village centre, which seeks an increase in development potential, will be benefited by a perimeter road in the near future. Further, individual applications will involve specific bushfire assessments and review within the Development Application stage. Specific development is not proposed within this PP for the purposes of clause 6.

Section C Environmental, social and economic impact

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

As the PP primarily seeks to amend land use, building height, floor space and lot size provisions within an existing urban footprint, it is not considered likely that any critical habitat or threatened species, populations or ecological communities will be adversely affected as a result of the proposal. Area 1.A of the PP seeks a reduction in the size of the existing urban footprint as a direct response to protecting and managing land identified with high environmental quality. Accordingly, the PP is considered to possess an improved environmental outcome than the existing statutory framework.

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

No other likely environmental effects have been identified within the preparation of the PP.

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

The PP seeks to implement the respective findings and future desired character of the Codes. Both Codes included substantial public consultation, reflect current best practice planning and urban design and embody sustainable principles within core strategy and decision-making.

Section D State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

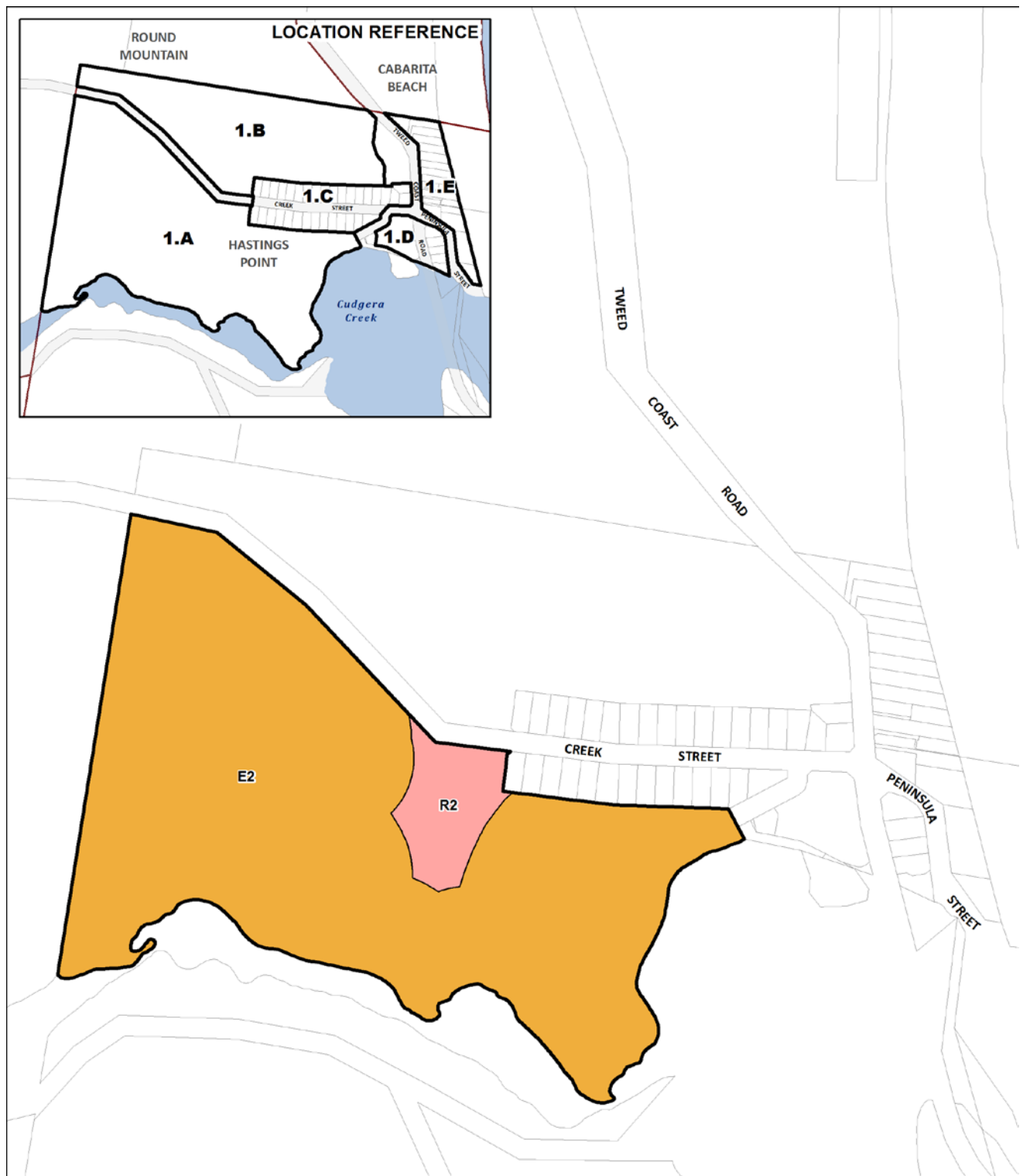
The PP footprint is serviced by existing roads, water, wastewater, telecommunication and power services. In addition, the Hastings Point locality and the Pottsville village centre are serviced by public transport routes. The PP does not trigger the provision of any significant additions to infrastructure within the area.

What are the views of State and Commonwealth public authorities consulted prior to the gateway determination?

Consultation with the relevant public authorities will be undertaken as per any requirements stipulated in a Gateway determination notice.

Part 4 Mapping

The following series of maps identify the areas of land affected by this planning proposal and the proposed LEP provisions. Each of the maps should be reviewed individually in light of the specific amendments detailed throughout this planning proposal and diagrammed within this Part. Land outside of the delineated 'Area of Land Affected' is not proposed to be amended by the relevant map sheet.



Proposed Land Zoning - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages
Hastings Point North & Creek Street

AREA 1

LAND ZONING E2 Environmental Conservation

R2 Low Density Residential

Area of Land Affected

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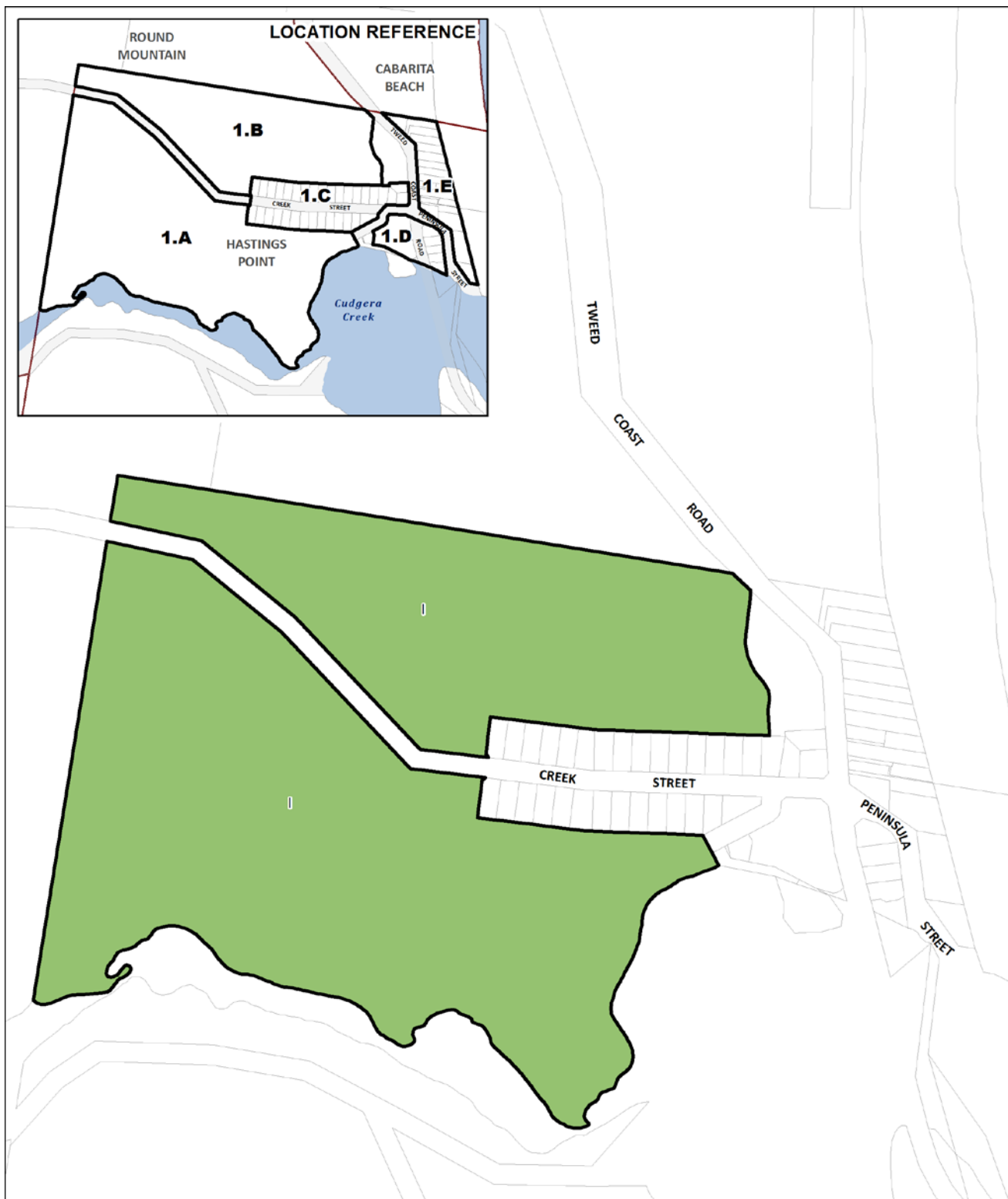
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Proposed Height of Buildings - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages
Hastings Point North & Creek Street

AREA 1

Maximum Building Height (m)



8



Area of Land Affected

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Proposed Minimum Lot Size - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages
Hastings Point North & Creek Street

AREA 1

Minimum Lot Size (sq m) **Q** 700 **AB2** 40 HA Area of Land Affected

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Proposed Floor Space Ratio - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages
Hastings Point North & Creek Street

AREA 1

Maximum Floor Space Ratio (n:1)

J 0.8

N 1

Area of Land Affected

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Proposed Acid Sulfate Soils - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages
Hastings Point North & Creek Street

AREA 1

Acid Sulfate Soils

CLASS

1 Class 1

2 Class 2

3 Class 3

 Area of Land Affected

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Proposed Flood Planning - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages
Hastings Point North & Creek Street

AREA 1

Flood Planning Land

Level of Probable Maximum Flood

Flood Planning Area

Area of Land Affected

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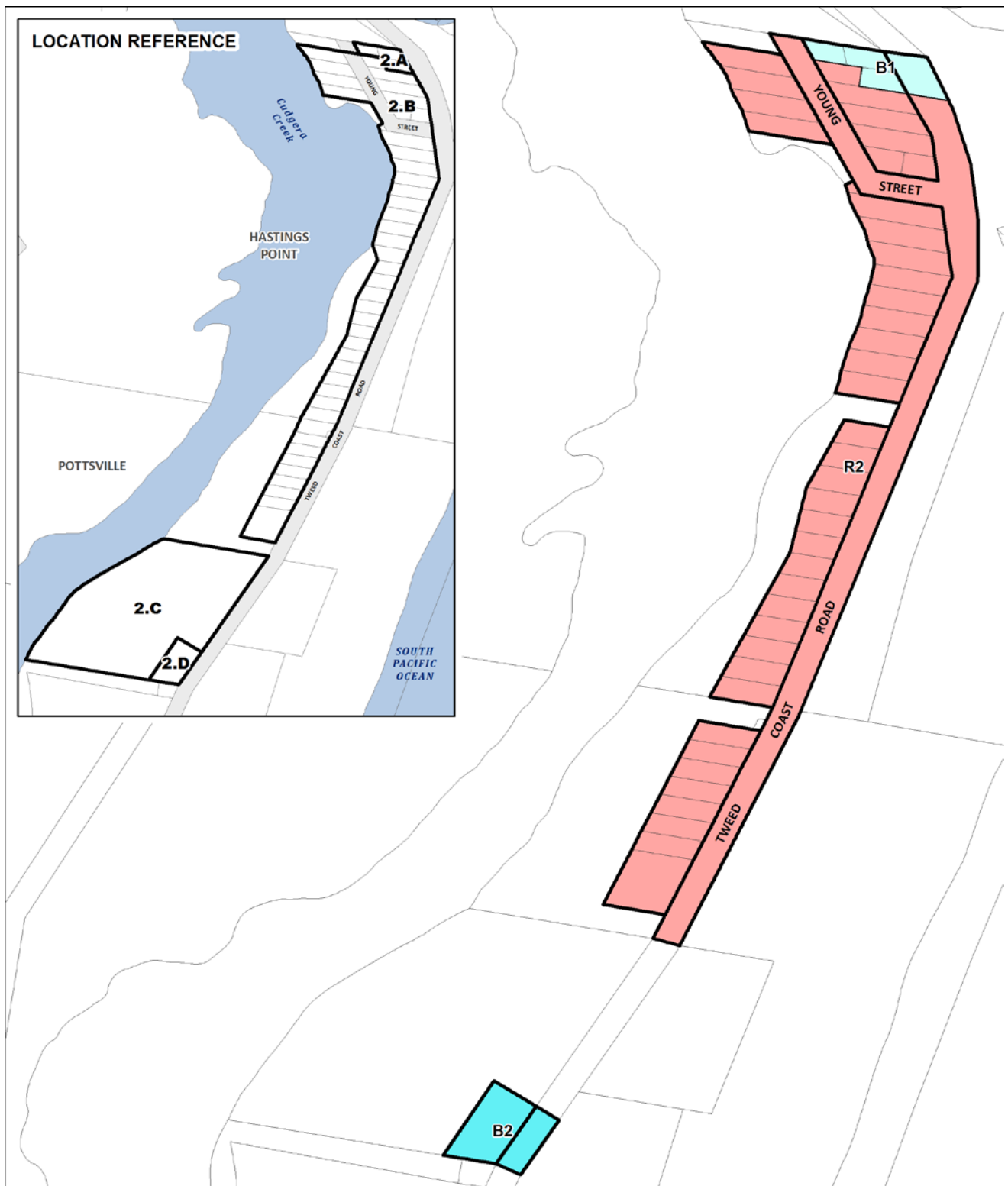


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Proposed Land Zoning - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages
Central & South Hastings Point

AREA 2

Land Zoning

 B1 Neighbourhood Centre	 R2 Low Density Residential	 Area of Land & Road Affected
 B2 Local Centre		

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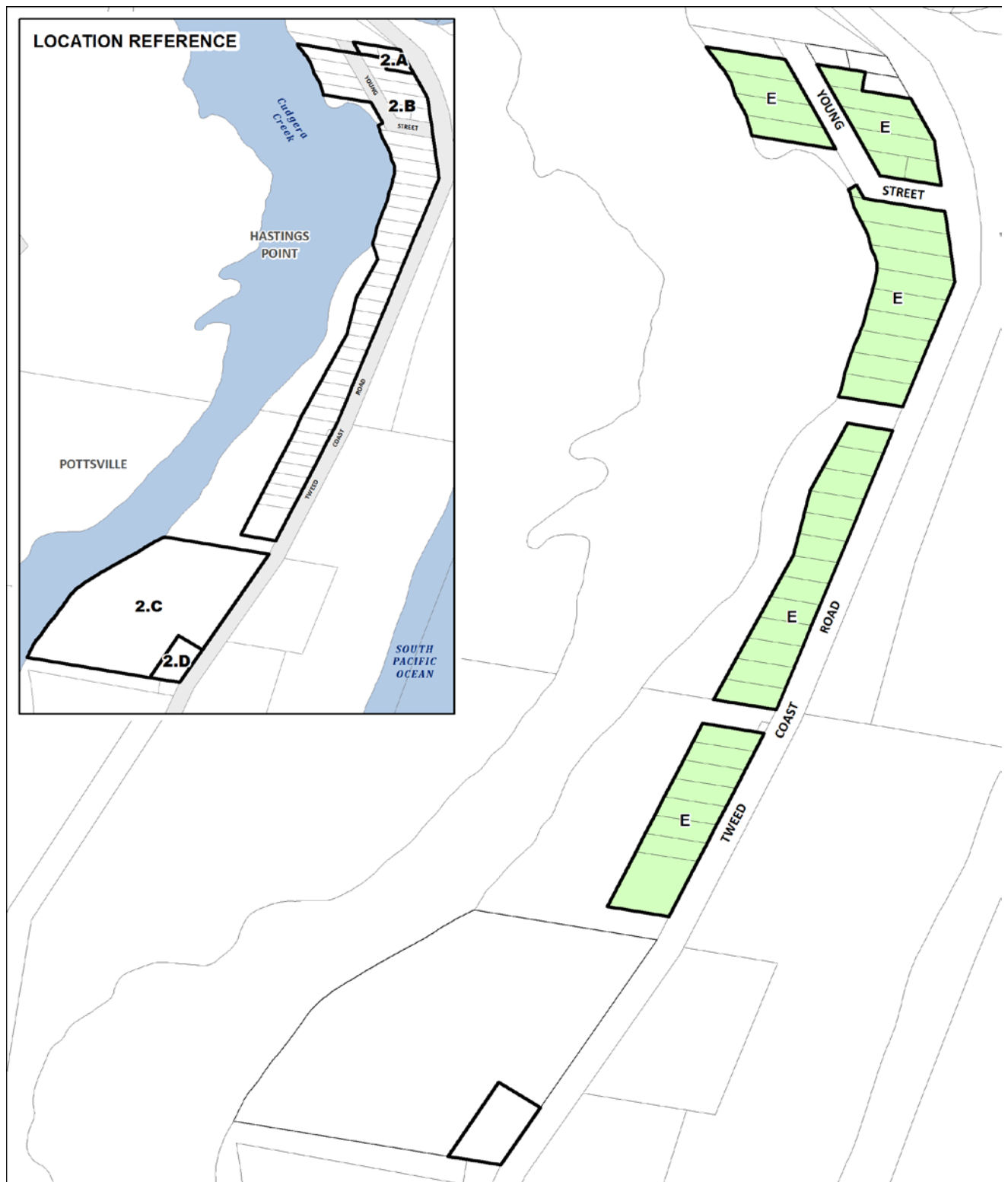
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Proposed Minimum Lot Size - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages
Central & South Hastings Point

AREA 2

Minimum Lot Size (sq m)



350



Area of Land Affected

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Proposed Floor Space Ratio - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages
Central & South Hastings Point

AREA 2

Maximum Floor Space Ratio (n:1)



0.8



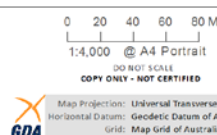
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Proposed Additional Permitted Use - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages

Pottsville Village Centre

AREA 3

Additional Permitted Uses

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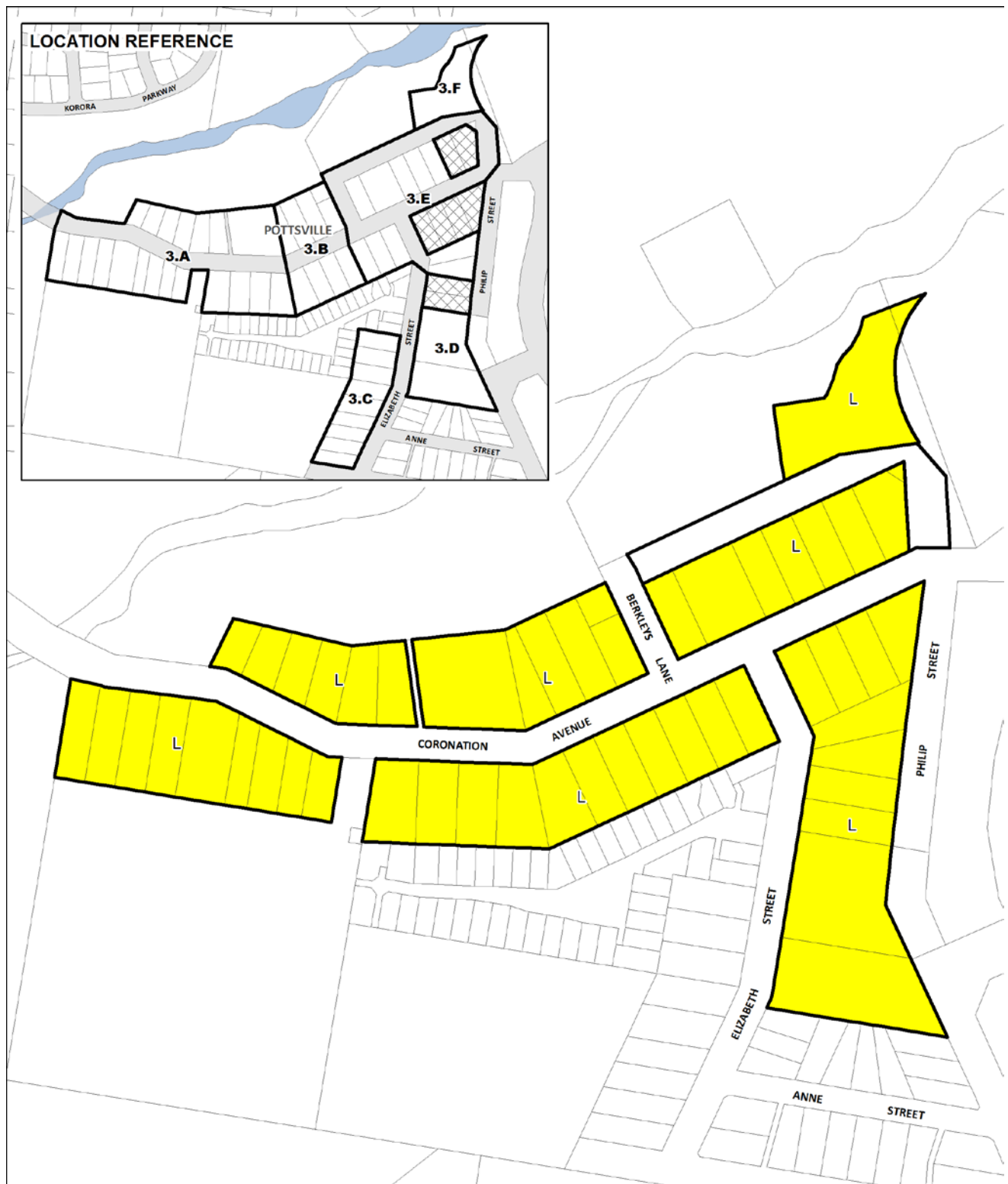
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Proposed Height of Buildings - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages
Pottsville Village Centre

AREA 3

Maximum Building Height (m) **L** 11 Area of Land & Road Affected

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Author: J.Batcheelor - Strategic Planning & Urban Design

Date Printed: 26 April, 2015



Proposed Floor Space Ratio - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages
Pottsville Village Centre

AREA 3

Maximum Floor Space Ratio (n:1)

S 1.85

Area of Land & Road Affected

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Murwillumbah NSW 2484

PO Box 816
Murwillumbah NSW 2484

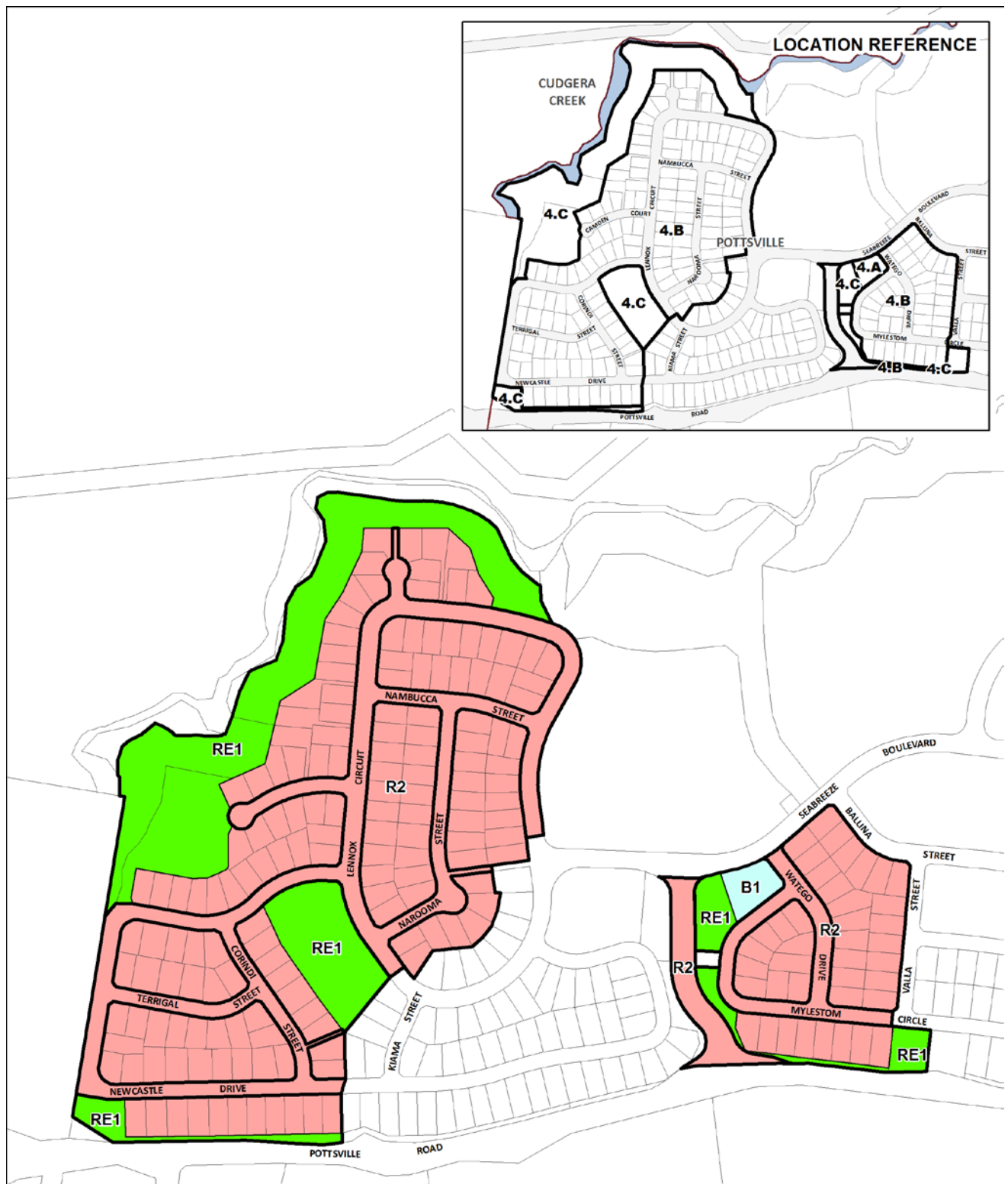
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Proposed Land Zoning - Tweed Local Environmental Plan 2014

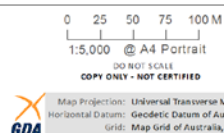
Amendment No.11 - Coastal Villages
Seabreeze Estate

AREA 4

Land Zoning	 B1 Neighbourhood Centre	 RE1 Public Recreation	 Area of Land & Road Affected
	 R2 Low Density Residential		

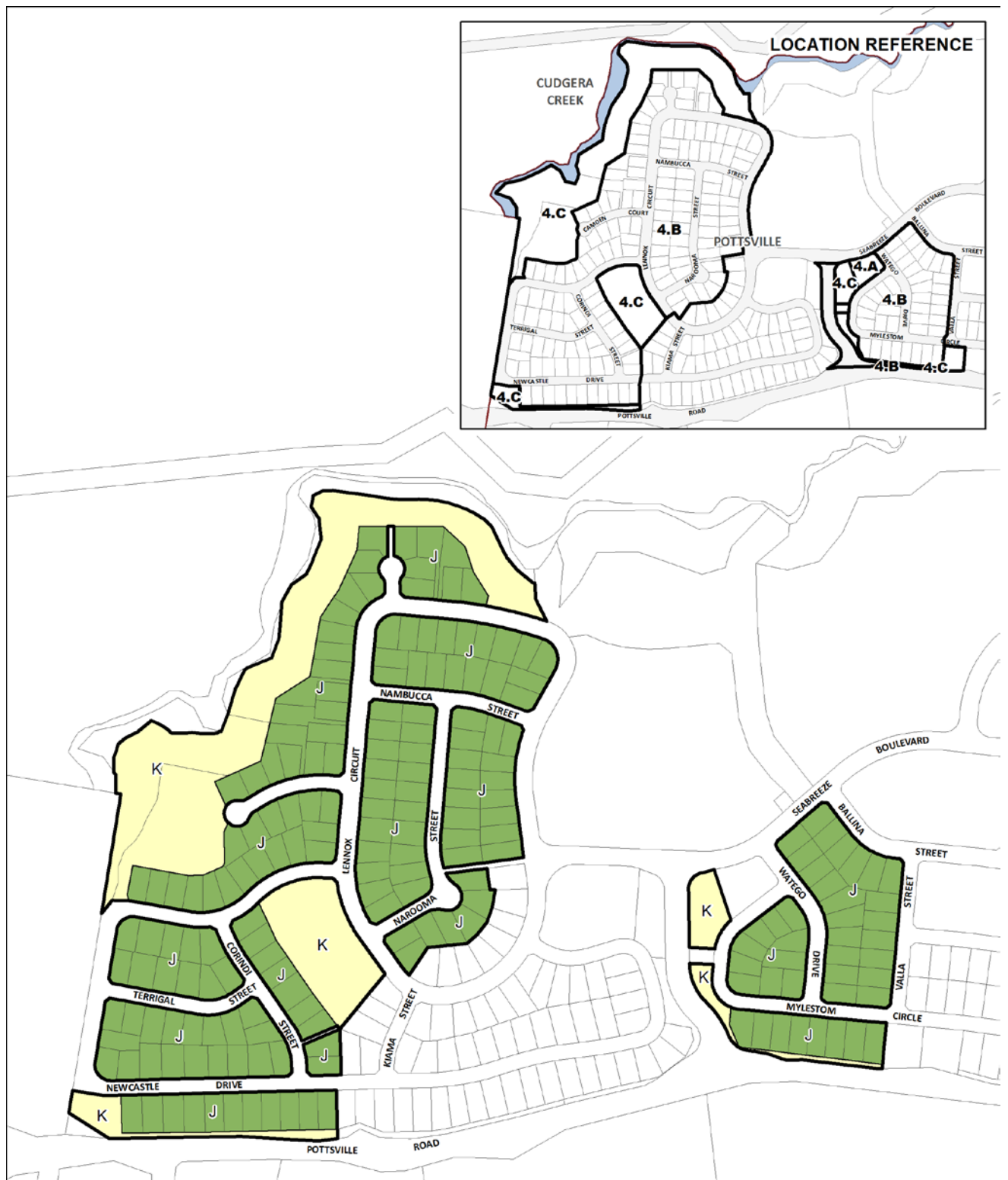
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Proposed Height of Buildings - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages
Seabreeze Estate

AREA 4

Maximum Building Height (m) J 9 K 10 Area of Land Affected

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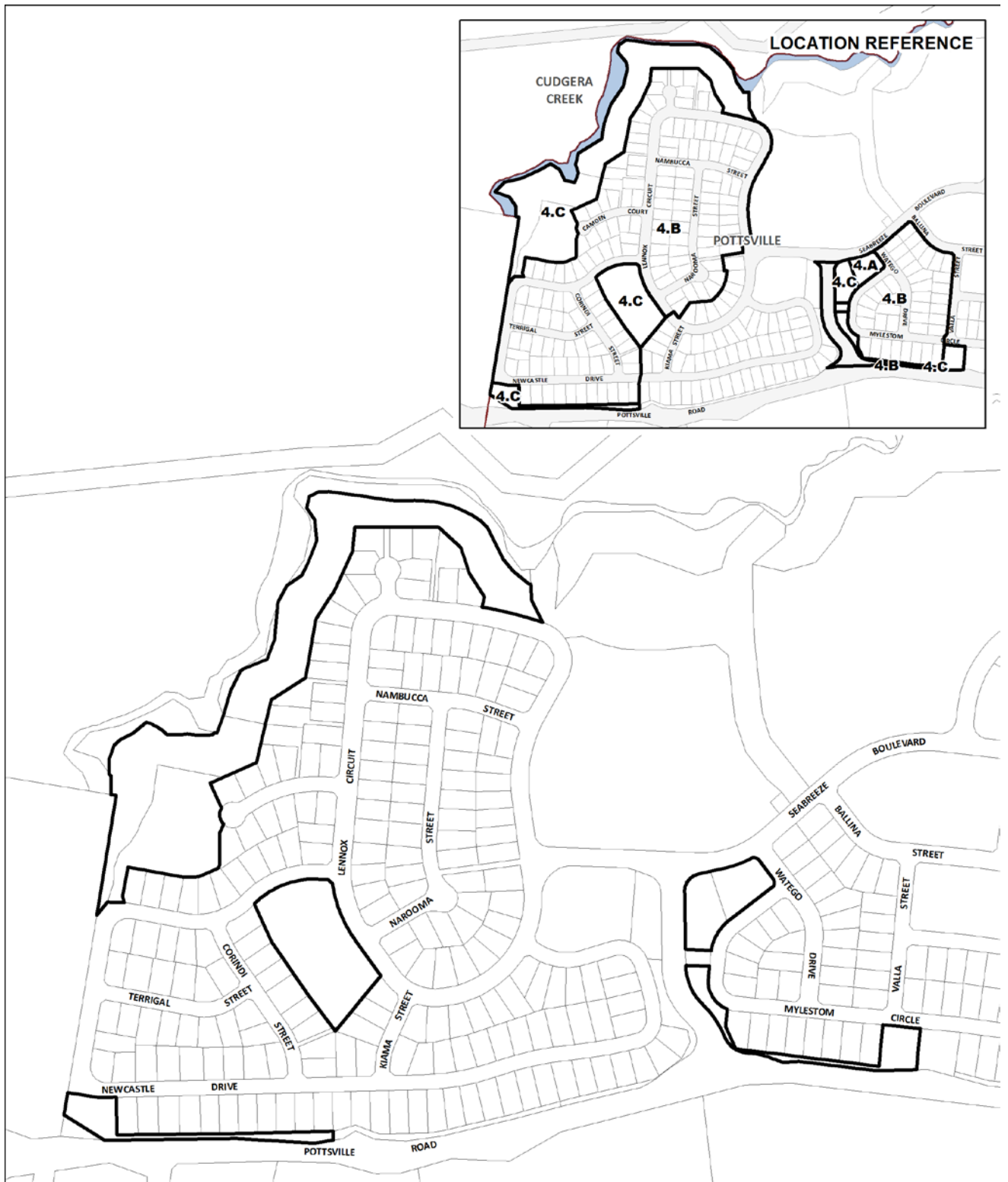


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Proposed Minimum Lot Size - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages
Seabreeze Estate

AREA 4

 Area of Land Affected

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Date Printed: 26 April, 2015



Proposed Floor Space Ratio - Tweed Local Environmental Plan 2014

Amendment No.11 - Coastal Villages
Seabreeze Estate

AREA 4

Maximum Floor Space Ratio (n:1)

J 0.8

Area of Land Affected

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Date Printed: 20 April, 2015

Part 5 Community consultation

In accordance with “A guide to preparing local environmental plans” the planning proposal is considered to be a Low Impact proposal requiring an exhibition period of 14 days.

Part 6 - Project Timeline

For the purposes of the Gateway Determination, a 12 month timeframe to complete the LEP is requested. As detailed within Table 1 - Project Timeline below, the anticipated timeline is less than 12 months; however Council's Project Officers acknowledge the limitations as a result of the ongoing 'E-Zone Review' and as such a minimum period of 12 months is requested.

Task	Timeline
Anticipated commencement date (date of Gateway determination)	May 2015
Anticipated timeframe for the completion of required technical information	Not applicable
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	June 2015
Commencement and completion dates for public exhibition period	June & July 2015
Timeframe for consideration of submissions	July & August 2015
Timeframe for the consideration of a proposal post exhibition	August 2015
Date of submission to the department to finalise the LEP	November 2015
Anticipated date RPA will forward to the department for notification	December 2015

Table 1 - Project Timeline

Summary and conclusions

This proposal has been prepared to facilitate the implementation of strategic actions detailed within the Hastings Point and Pottsville Locality Based Development Codes. The PP will align the statutory framework with the non-statutory framework currently in effect, providing an integrated suite of development controls to effectively guide future development within the Hastings Point and Pottsville localities. In summary, the PP provides amended zoning, building height, maximum floor space ratio and minimum lot size controls post detailed urban design analysis and extensive community consultation. Most notably, those amendments include a reduction of the urban footprint on Lot 156 allowing increase environmental protection, limiting the permissibility of Residential Flat Buildings in Hastings Point to strategically suitable sites, retention of village character and facilitating the consolidation of Pottsville village centre as the focal community and commercial node of the locality.

The provision of future development that responds to Councils and the communities desired future character cannot be comprehensively realised until the statutory amendments identified within the PP are in effect.

ATTACHMENTS

Attachment 1 - Council report (Planning Committee) of 6 November 2014

Attachment 2 - Tweed Development Control Plan 2008 - Section B21 Pottsville Locality Based Development Code

Attachment 3 - Draft Tweed Development Control Plan 2008 - Section B23 Hastings Point Locality Based Development Code

Attachment 2 - Tweed Development Control Plan 2008 - Section B21 Pottsville Locality Based Development Code

**Attachment 3 - Draft Tweed Development Control Plan 2008 - Section B23 Hastings Point
Locality Based Development Code**

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