

Tweed LEP 2014 - Border Park Raceway commercial uses

Proposal Title : **Tweed LEP 2014 - Border Park Raceway commercial uses**

Proposal Summary : **The proposal is to zone an 11 ha site at Border Park Raceway, Tweed Heads, from RE2 Private Recreation to B7 Business Park, to increase the height limit from 10 metres to 40 metres, and to list the existing greyhound track as an additional permitted use.**

PP Number : **PP_2014_TWEED_002_00** Dop File No : **14/06489**

Proposal Details

Date Planning Proposal Received :	07-Apr-2014	LGA covered :	Tweed
Region :	Northern	RPA :	Tweed Shire Council
State Electorate :	TWEED	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **Lot 644 DP 755740 and Lot 21 DP 518902**

DoP Planning Officer Contact Details

Contact Name : **Claire Purvis**
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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Jim Clark**
Contact Number : **0266416604**
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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy : Far North Coast Regional Strategy	Consistent with Strategy : Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :	11.00	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	220
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :	The Department of Planning Code of Practice in relation to communication and meetings with lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other Departmental officers and lobbyists concerning this proposal.		
Supporting notes			
Internal Supporting Notes :	Tweed Shire Council has not formally accepted plan making delegation. Discussions are underway between the Council and the proponent regarding a proposed Voluntary Planning Agreement to provide an intersection to the Gold Coast Highway, and water and sewer infrastructure. The VPA is intended to be exhibited with the planning proposal.		
External Supporting Notes :	The planning proposal was forwarded by Tweed Council to Planning and Infrastructure on 3 April 2014. The proposal allowed for an amendment to either Tweed LEP 2000 (then in force) or Tweed LEP 2014 (then in draft form, but imminent.) Tweed LEP 2014 was published on 4 April 2014. The proposal is now required to amend Tweed LEP 2014.		

Adequacy Assessment

Statement of the objectives - s55(2)(a)

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

Comment :

The proposal adequately conveys that the objective is to facilitate retail and commercial development on the land while enabling the existing raceway to continue in a new location on the same site.

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

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

Comment :

The statement of objectives adequately conveys that the proposal is to change the zoning of the land from RE2 Private Recreation to B7 Business Park, to increase the height limit from 10 metres to 40 metres, and to list the greyhound racetrack as an additional permitted use.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.2 Coastal Protection

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

SEPP (Infrastructure) 2007

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

An economic assessment needs to investigate the site's strategic relationship with other commercial/retail areas, including the likely future location of bulky goods retailing. Additionally, stormwater management, infrastructure issues, traffic access, biodiversity, land contamination and residential amenity need to be considered.

As the site is on the NSW/Queensland border, cross border issues also need to be considered in consultation with the Gold Coast Council, Queensland Department of Transport and Main Roads, and Gold Coast Airport.

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

If No, explain :

A justified (minor) inconsistency exists with S117 Direction 4.3 Flood Prone Land. The south western part of the land is flood prone. This area is small, and flooding issues will be addressed through the flood planning clause in Tweed LEP 2014.

An inconsistency will exist with S117 Direction 4.4 Planning for Bushfire Protection until the Council has consulted with NSW Rural Fire Service.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Maps are provided showing:

- proposed zone B7

- proposed additional permitted use under Schedule 1

- proposed 40 metre building height

The maps provided show Standard Instrument zones and concepts, but are identified as amending Tweed LEP 2000. The exhibited maps should be identified as amending Tweed LEP 2014.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Council proposes consultation in accordance with the Gateway determination. The proposal is likely to be of interest to a wide range of stakeholders, given potential changes to residential amenity and traffic access. A public exhibition period of 28 days

is recommended.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

The planning proposal satisfies the adequacy criteria by:

- 1. Providing adequate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Providing a project timeline, which envisages the finalised proposal being forwarded to P and I by January 2015. This is roughly equivalent to 9 months - however given the complexity of the issues and the need for further studies to be undertaken, a period of 12 months is recommended.**
- 5. Tweed Council has not accepted the general delegation to finalise Planning Proposals - accordingly no delegation can be issued for this proposal.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Tweed LEP 2014 was published on 4/4/2014.

Assessment Criteria

Need for planning
proposal :

The land, which is 11 ha in size, is 2 kilometres from the Tweed Heads CBD and is on the border of NSW and Queensland. It is currently occupied by a greyhound racing track and associated buildings. The land is near the Gold Coast Airport and Southern Cross University. Residential development is to the north, east and southeast. Industrial development exists to the south at Ourimbah Rd, but is not linked by road to the subject land. The land has frontage to the Gold Coast Highway, which was the main road from NSW to Queensland until the opening of the Pacific Motorway. The Gold Coast Highway is a significant road.

The proposal describes two stages of development. In the first stage, the site would be subdivided to accommodate a Bunnings store, as well as providing sites for other future bulky goods retailers and a future tavern/liquor shop. Additionally, the existing racetrack would be relocated within the site, continuing to operate as an additional permitted use. A signalised intersection to the Gold Coast Highway would be established at this stage. An intersection would be planned with the capacity to link the site to industrial land at Ourimbah Rd. Stage two would entail redevelopment of the racetrack into bulky goods retailing, fast food outlets and additional parking. Timing of the stages is not known. Construction of the Bunnings store and relocation of the dog track within the site are the only immediate plans.

Zone B7 Business Park in Tweed LEP 2014 permits bulky goods premises, in addition to a range of other commercial uses. The proposal, while in the short term enabling a bulky goods store, envisages incremental development of the site, ultimately achieving 'a mix of uses that supports a business and research park providing services to the Gold Coast Airport and University campus.'

Consistency with strategic planning framework :

Far North Coast Regional Strategy

The site is included in the Far North Coast Regional Strategy Town and Village Growth Boundary as existing urban land.

Tweed Urban and Employment Land Release Strategy

The site is identified in the Tweed Urban and Employment Land Release Strategy (TUELR) 2009 as Area 3 for staging in the short term, based on the raceway's intention at the time of relocating away from the site. The TUELR recommends that employment land (excluding retail) would be preferred over residential use of the site. The TUELR forecasts a demand of an additional 21,343m² for retail floor space in the urban north area of Tweed Heads. The proposal - completed to stage 2 - would provide 38,350m². The draft Tweed Shire Economic Development Strategy recommends improvement of the northern gateway to Tweed, and investigations into a business and research park on sites close to Gold Coast Airport and Southern Cross University.

While these strategies have been adopted by Council some time ago, they have not been forwarded for the DG's endorsement.

SEPP 55

According to the proposal, a preliminary assessment of the site using historical data and preliminary soil and water sampling did not reveal that land contamination would be a constraint to development. However, the proposal recommends a land assessment in accordance with the Contaminated Land Planning Guidelines and consistent with the requirement of clause (6) of SEPP 55.

S117 Direction 2.3

The proposal includes an Aboriginal Cultural Heritage Due Diligence report which finds significant ground disturbance through sand mining, no known Aboriginal objects or places, and a generally low risk for subsurface deposits. Construction works will involve only subsurface excavations in disturbed subsurface soil layers. Tweed LEP includes a heritage clause which protects Aboriginal objects at DA stage. No inconsistency arises; however, the Local Aboriginal Land Council and the Tweed Council Aboriginal Advisory Committee should be consulted.

S117 Direction 4.1

The site is identified as class 3 on the Acid Sulfate Soils Map, Tweed LEP 2014. To be consistent with Direction 4.1, a study should be undertaken to assess the suitability of the land use given the presence of acid sulfate soils.

S117 Direction 4.3

The land is proposed to be rezoned from open space to business. The south western corner of the site is flood-prone. As this area is small, it is of minor significance and the inconsistency is justified. Tweed LEP 2014 includes flood planning provisions which will fine-tune any development of that part of the site.

S117 Direction 4.4

The land is within 30 metres of identified Category 2 bushfire prone land. The provisions of Planning for Bushfire Protection therefore apply. To be consistent with the Direction, the proposal should be referred to the NSW Rural Fire Service for comment.

Environmental social economic impacts :

Potential environmental impacts of relocating the dog track to the vegetated part of the site will be identified by the biodiversity and habitat study. The proposal sets out the terms of reference and scope for the study.

Social impacts may arise where vegetation is removed to make way for the relocated dog track, altering amenity for neighbouring residents who may be subject to increased noise and lights. The intensified use of the site may also result in a change of amenity for residents. Potential impacts will be identified in the Acoustic and Lighting Amenity Study. The proposal sets out the terms of reference and scope for the study.

Impacts on the sub-regional commercial hierarchy may arise if bulky goods developments

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are not planned carefully. It is important this issue is investigated strategically. The proposal sets out the terms of reference and scope for an economic assessment to address this.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	DG
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Economic

If Other, provide reasons :

Residential amenity - acoustic and lighting

Contaminated lands assessment consistent with clause (6)SEPP 55.

Infrastructure services feasibility - water and sewer

Traffic and access

Stormwater management

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Border Park Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.1 Acid Sulfate Soils**

- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information :

It is recommended that:

- 1) The Planning Proposal be supported subject to conditions:
- 2) The Planning Proposal be altered so that it amends Tweed LEP 2014.
- 3) The following studies/assessments and plans be undertaken before exhibition:
 - * economic assessment
 - * traffic and access study
 - * stormwater management plan
 - * infrastructure services feasibility investigation
 - * biodiversity and habitat study;
 - * acid sulfate soils study;
 - * land contamination assessment;
 - * acoustic and lighting assessment
- 4) The Planning Proposal be considered a 'routine' planning proposal exhibited for a period of 28 days;
- 5) Consultation with the following agencies and organisations should be required prior to public exhibition:
 - NSW Rural Fire Service;
 - Transport for NSW - Roads and Maritime Services;
 - Office of Environment and Heritage;
 - Department of the Commonwealth responsible for aerodromes and the Lessee of the aerodrome; and
 - the Tweed Byron Local Aboriginal Lands Council
 - the Tweed Council Aboriginal Advisory Committee;
- 6) The Director General's delegate agree that the inconsistency with s117 Direction 4.3 is justified;
- 7) That the unresolved inconsistency with s117 Directions 4.1 and 4.4 be noted;
- 8) The Planning Proposal should be completed within 12 months; and
- 9) That an authorisation to exercise plan making delegations not be issued to Council.

Supporting Reasons :

The reasons for the above recommendations for the planning proposal are as follows:

1. The proposal has the potential to generate employment within the Town and Village Growth Boundary.
2. The inconsistency of the proposal with S117 direction 4.3 is of minor significance.
3. The potential unresolved inconsistency with S117 directions 4.1 and 4.4 can be resolved.
4. The proposal is otherwise consistent with all relevant local and regional planning strategies, Section 117 Directions and SEPPs.
5. The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progression.
6. The additional site specific investigations will provide opportunity for the proponent and Council to negotiate ways to address the site issues, ensuring the land is suitable for commercial use.

Signature:



Printed Name:

JIM CLARK

Date:

16 April 2014

