

Draft LEP Amendment No. **99**

PLANNING PROPOSAL FOR BORDER PARK RACEWAY
(Lot 644 on DP755740 and Lot 21 on DP518902)
GOLD COAST HIGHWAY, TWEED HEADS

V1

April 2014

TSC File PP13/0001
(Department of Planning Reference XXXX)

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Table of Contents

Introduction.....	3
Purpose.....	3
Minister's Gateway Determination.....	3
Part 1 Objectives and intended outcomes	3
Objectives	3
Intended outcome	4
Property details	4
Site context and setting.....	6
Background	8
Future Planning Outcomes and Opportunities	8
Proposed Development.....	10
Key Considerations	11
Relocation of Border Park Raceway.....	11
Access and Traffic.....	13
Infrastructure and Services.....	15
Planning controls (zoning).....	20
Part 2 Explanation of provisions.....	24
Part 3 Justification	25
Section A - Need for the planning proposal.....	25
Section B - Relationship to strategic planning framework	30
Section C Environmental, Social and economic impact	57
Section D State and Commonwealth interests	58
Part 4 Community consultation	60
Additional Studies and Information	60
Economic Assessment.....	60
Traffic and Access Study	60
Conceptual Stormwater Management Plan.....	61
Infrastructure Services Feasibility Investigation	61
Biodiversity and Habitat Assessment.....	62
Contaminated Land Preliminary Study.....	63
Acoustic and Lighting Amenity – Opinion Reports	64
Summary and conclusions	64
Attachment 1 – Copy of Council Resolution.....	67
Attachment 2 – Copy of Council Correspondence to Proponent.....	69

Table of Contents



Attachment 3 – Concept Masterplan 71

Attachment 4 - Aboriginal Cultural Heritage Due Diligence Assessment 73

Attachment 5 – Draft amendment to the LEP 2000..... 75

Attachment 6 – Proposed translation of the draft LEP amendment to the draft LEP 201077

Introduction

Purpose

The Tweed Shire Council (TSC) received a request for a Planning Proposal from Don Fox Planning (DFP), under instruction from Bunnings Group Limited (Bunnings), for the purpose of affecting a zoning amendment to facilitate the development of employment generating uses by establishing the 3(c) Commerce and Trade zone (with translation to B7 Business Park under the Draft Tweed LEP 2012).

This report has been prepared to satisfy the requirement of the Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals* for submission to the Gateway Determination.

Tweed Shire Council resolved on 18 July 2013 that:

- 1. A Planning Proposal PP13/0001 be prepared for the Border Park Raceway site in respect of Lot 644 DP 755740 and Lot 21 DP 518902 for employment lands, subject to the final zone being determined through the additional detailed assessment requirements as outlined in this report;*
- 2. The Planning Proposal PP13/0001 be referred to the Department of Planning and Infrastructure following execution of a costs and expenses agreement between Council and the proponent; and*
- 3. The Minister for Planning and Infrastructure be advised that a delegation of the Plan Making functions is not being sought in this instance.*

Refer Attachment 1 - Copy of Council Resolution 18 July 2013.

Minister's Gateway Determination

Council has resolved to refer Planning Proposal PP13/0001 to the Department of Planning and Infrastructure as part of the Gateway Determination process.

This Planning Proposal is to be submitted to the Department of Planning for Gateway Determination.

Part 1 Objectives and intended outcomes

Objectives

The objective of this Planning Proposal is to facilitate a change of zoning for Lot 644 on DP755740 and Lot 21 on DP518902 to facilitate the development of employment generating uses. This change in zoning is currently in the form of an amendment to the Tweed LEP 2000 with translation for rezoning in to the draft Tweed LEP 2012, currently with Planning and Infrastructure for making.

The rezoning of the subject site from 6(b) – Recreation to 3(c) Commerce and Trade (or from RE2 – Private Recreation to B7 - Business Park under the draft Tweed LEP) will allow for a mix of employment generating uses to be developed on the site with the ultimate view of establishing a Business and Research Park that has a nexus with the Gold Coast Airport and Southern Cross University campus. The rezoning will facilitate development of a Bunnings Warehouse and permit other uses such as bulky goods retail showrooms, tavern/liquor store and fast food outlets, whilst enabling the Border Park Raceway to

continue in a new location on the site as an additional permitted use. The development of a Bunnings is an opportunity to improve the site, with the view of incremental development to achieve an ultimate mix of uses that supports a Business and Research Park focused on providing services to the Gold Coast Airport and University campus.

Intended outcome

This Planning Proposal seeks to amend the Tweed LEP 2000 (or draft Tweed LEP 2012 if made prior to finalisation of this Planning Proposal) to allow the development of employment generating uses on the subject site.

Council is proceeding with this Planning Proposal on the basis that the rezoning is appropriate and has sufficient planning merit to warrant acceptance in the Gateway Process. The additional studies identified have the main purpose of guiding future development on the site, confirming the planning merit for the rezoning and informing potential development assessment processes.

Property details

The site is located on Binya Avenue, Tweed Heads and comprises the following two allotments:

- Lot 644 DP 75574; and
- Lot 21 DP 518902.

The Border Park Raceway currently operates from the subject site, which has frontage to the Gold Coast Highway (western boundary) and frontage to Binya Avenue (northern boundary). The site is located on the New South Wales and Queensland border. Binya Avenue is located in Queensland within the Gold Coast City Council local government area. The site is located between the Gold Coast Airport and the Tweed Heads and Coolangatta town centres.



Aerial Photo - taken May 2012

Planning Proposal PP13/0001 - Lot 644 DP 755740 and Lot 21 DP 518902
Ourimbah Road, Tweed Heads

SOURCE:
Aerial imagery was captured on
6th to 9th May 2012 ©AAM Pty Ltd

Disclaimer: This aerial photograph is taken for the purpose of providing a visual reference for the subject site. It is not intended to be used as a basis for any legal or planning decisions. The information is provided for general guidance only and should not be relied upon for any specific purpose. The information is provided for general guidance only and should not be relied upon for any specific purpose. The information is provided for general guidance only and should not be relied upon for any specific purpose.

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Figure 1: Aerial photograph showing subject site

The site has a site area of approximately 11 hectares and the site is roughly triangular in shape with the following approximate property dimensions:

- 311m frontage to the Gold Coast Highway (western boundary);
- 397m southern boundary;
- 109m eastern boundary; and
- 500m northern boundary.

Binya Avenue is located adjacent to the northern boundary, but is only a formed road for a length of approximately 160m from the eastern end. The remaining length of the road is unformed road reserve.

The site survey indicates that Lot 21 DP518902 is affected by a water supply easement along the length of the southern boundary. An open drain located along part of the southern edge of the site, is also indicated on a site survey provided with the request for Planning Proposal.

Site context and setting

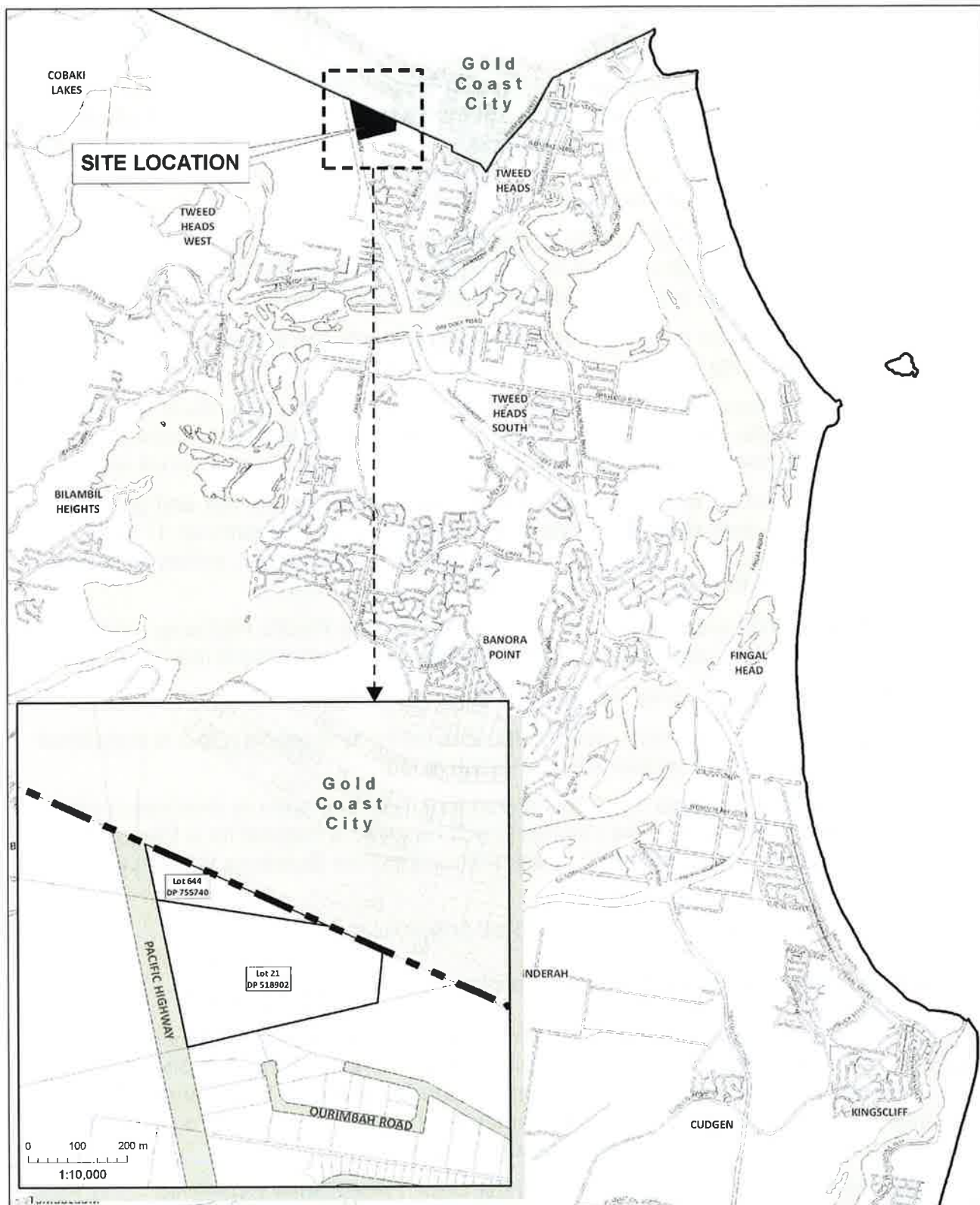
The site is generally level in order to accommodate the race track, although the centre of the race track is lower than the surrounds. The land slopes down to the south-western corner of the site and also slopes down to the Gold Coast Highway. An open drain is located within the verge along the Gold Coast Highway and the land batters down (from the site) resulting in the site being approximately 1m higher than the Gold Coast Highway.

Vehicular access to the site is from Binya Avenue with traffic passing through the residential area to gain access. A two storey club house building is located adjacent to the race track. and a number of ancillary buildings such as stables, sheds and kennels are located on the site. The race track is currently designed to accommodate horse trotting on the larger outer track and the smaller inner track is used for greyhound racing.

The aerial photograph, shown as Figure 1, illustrates the vegetation located in the south western corner of the site, extending along the southern boundary and widening out at the eastern end of the site (extending for the full width of the eastern portion of the site).

Figure 1 also illustrates the surrounding development which comprises the following:

- Gold Coast airport to the west (including a vegetated area between the Gold Coast Highway and the airport's runway);
- Industrial development to the south accessed from Ourimbah Road;
- Residential development to the east and southeast comprising 2 and 3 storey medium density residential development;
- Residential development to the north along Binya Avenue comprising low density housing of 1 and 2 storey scale detached housing; and
- A caravan park (including permanent vans) is located to the north on the opposite side of the unmade section of Binya Avenue.



Locality Plan

Planning Proposal PP13/0001 - - Lot 644 DP 755740 and Lot 21 DP 518902
 Ourimbah Road, Tweed Heads

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 Horizontal Datum: Geoidic Datum of Australia 1994
 Grid: Map Grid of Australia, Zone 55

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Figure 2: Locality plan showing subject site

Background

In mid-2012 Bunnings commenced discussions with Tweed Shire Council for the redevelopment of the site. Preliminary concept plans were presented to Council officers to assist in understanding the intentions for the redevelopment of the site. Council provided a response to these initial discussions by way of a letter dated 24 July 2012 (attached at Appendix 2) which raised a number of issues including:

- Strategic significance of the site particularly in relation to its location (presentation) to the Gold Coast Highway and its employment generating potential in the context of the Tweed Urban and Employment Land Release Strategy 2009.
- Raceway relocation noting the opportunity to relocate the raceway to Murwillumbah (which is not being pursued in the immediate future).
- Integration of land uses and infrastructure in relation to the benefits of a signalised intersection with the Gold Coast Highway, potential connections to Ourimbah Road industrial estate and the residential land uses in the Gold Coast Council area.

Concept Plans were further developed taking on board Council's feedback and presented at a meeting between Council staff, Bunnings and the Border Park Raceway on 17 October 2012. Council provided further correspondence dated 31 October 2012, a copy of which is also attached at Appendix 2. This letter raised similar issues including:

- Strategic significance of the site having regard to the Pacific Highway, aviation, future planned rail and education infrastructure and employment resources.
- Likelihood of the raceway relocating in the medium term.
- Future traffic management which re-iterates earlier comments about a signalised intersection and connection with Ourimbah Road.

Council in its letter of 31 October 2012 has stated that they "*are open to receiving a planning proposal request.*" The Tweed Shire Council (TSC) received a request for a Planning Proposal from Don Fox Planning (DFP), under instruction from Bunnings Group Limited (Bunnings) on 10 April 2013.

A copy of the Concept Masterplan is provided as Attachment 3.

Future Planning Outcomes and Opportunities

Bunnings initiated this Planning Proposal with the view of establishing employment generating uses on the subject site; the establishment of employment uses on the subject site is supported by the *Tweed Shire Employment Lands Strategy*. This Planning Proposal, and ultimate redevelopment of the site for employment purposes, provides a significant opportunity to revisit the broader role of the subject site.

The subject site is identified in Direction 29 of the *Draft Tweed Shire Economic Development Strategy (Economic Development Strategy)* as a significant gateway location that has the potential to improve the entry point to the Tweed Shire and New South Wales. With the construction of the Tugan bypass significant opportunity exists to redevelop the subject site in a manner that reflects its significant gateway location.

Direction 40 of the *Draft Tweed Shire Economic Development Strategy* identifies that "investigation into available sites within proximity of Southern Cross University and the Gold Coast Airport should be undertaken for the master planned business park". A Business and Research Park with a mix of uses that provides goods and services to support the Gold

Coast Airport and University campus would provide a high level of employment generating uses and provide a specialised business park with a strong nexus to the aviation and education industries.

The Concept Masterplan provided by Bunnings highlights a number of strategic benefits in the redevelopment of the site:

- Establishing employment generating uses on the subject site;
- Activating the frontage of the site to the Gold Coast Highway;
- Providing a connection to the Gold Coast Highway that may ultimately connect through Ourimbah Road;
- Opportunities for increases in height over the subject site; and
- The ability to enhance the viability of the longstanding raceway facility (Border Park) avoiding the need to relocate it away from the Tweed area.

It is considered that the 3(c) Commerce and Trade zone (with translation to B7 Business Park under the Draft Tweed LEP 2012) is the most appropriate zone as it allows a mix of employment generating uses that support the proposed Concept Masterplan prepared by Bunnings, and the ultimate development of the site for a Business and Research Park. The proposed zoning also reflects the significance of the site as a gateway location and maximises the opportunities that exists due to the site's location.

Whilst apparently inconsistent with the long term strategic outcome for the site, Border Park is acknowledged as a long standing facility which contributes to the Tweed community. Further the redeveloped Border Park will release land for an employment generating use in the short term (Bunnings) whilst retaining the facility in the Tweed area.

With the strategic benefits resulting from proposed redevelopment of the subject site the opportunity arises to extend the 3(c) zone to the industrial area along Ourimbah Road. This could provide an option to maximise employment density achieved through a transition of the subject site to employment generating uses and create a critical mass for the industrial area to also transition to the 3(c) zone. The provision for a connection between the Gold Coast Highway and Ourimbah Road through the subject site also supports the redevelopment of the Ourimbah Road area and provides for a greatly improved level of connectivity between Ourimbah Road and the airport and Gold Coast Highway.

The Ourimbah Road industrial area is isolated from other industrial uses with a low level of connectivity to other industrial or employment generating uses. It is also inconsistent with the surrounding residential uses and it is considered that the transition of the existing industrial area to a 3(c) improves to the development potential of the area. There are considered to be significant benefits in the future redevelopment of this land for employment generating uses such as those encouraged in the 3(c) or B7 zones, if the economic situation was facilitative.

To encourage a greater mix of employment generating uses a greater flexibility in building height is required. It is considered that an increase in the maximum building height to 40m will facilitate a mix of uses, such as short term accommodate (serviced apartments), commercial office space and research space, that will establish the site as a Business and Research Park with a strong nexus with the airport and University.

It is acknowledged that the current building form and height of the surrounding area is significantly lower than what is envisaged for the subject site however there is considered to be context for this increase in height. The University building, within the airport land, is ten (10) storeys in height (approximately 30m) and there are buildings of this height in the Coolangatta centre. To adequately encourage the redevelopment of the subject site for

employment uses a critical mass of floor space and yield will be required. It is therefore considered that the increased height limit will be required to facilitate the redevelopment of the site for employment uses.

Proposed Development

As previously discussed this Planning Proposal seeks to amend the Tweed LEP 2000 (or draft Tweed LEP 2012 if made prior to finalisation of this Planning Proposal) to facilitate the development of employment generating uses by establishing the 3(c) Commerce and Trade zone (with translation to B7 Business Park under the Draft Tweed LEP 2012).

The rezoning of the subject site will allow for development of a range of employment generating uses on the subject site. The proponent of this Planning Proposal has prepared a Concept Masterplan (included at Appendix 3) which illustrates a potential redevelopment of the site which would include a Bunnings Warehouse and permit other uses such as bulky goods retail showrooms, tavern/liquor store and fast food outlets, whilst enabling the Border Park Raceway to continue in a new location on the site. The proposed development of the site is likely to proceed in two stages.

Stage 1 is anticipated to include:

- The subdivision of the site to create four development parcels; one lot containing the Border Track Raceway, another containing the Bunnings Warehouse, another the 2000m² showroom site and another a future development site;
- The relocation of the Border Track Raceway to the eastern part of the site. The retained raceway is to be situated on a site of 45,770m² and will accommodate a smaller dog track, clubhouse, kennels and car parking. Horse trotting is not proposed to continue on the site;
- The construction of a Bunnings Warehouse (approximately 18,900m²) on a proposed lot of 46,920m²;
- A 2,000m² bulky goods retailing showroom envelope on a site of 5,380m²;
- A future development site of 10,130m² in the south western corner (shown as a tavern/liquor shop of 1,200m² in Stage 2);
- Vehicular access points from the Gold Coast Highway. A new intersection will be designed to have the capacity to provide a road link through to Ourimbah Road (20m wide road reserve) subject to the neighbouring property owner's agreement. The potential connection is shown as a 'stub road' on the subject site; and
- At grade car parking.

Stage 2 would see the redevelopment of the relocated Border Track raceway into bulky goods retailing showrooms (approximately 15,500m²), two fast food outlets (totalling 830m²) and tavern/liquor store (approximately 1,200m²) on the future development site created in Stage 1. Additional at grade car parking will be provided in Stage 2.

The timing of Stage 2 is not known and would be contingent upon the relocation of the racetrack and club.

The above uses are permissible under both the 3(c) and B7 zone, subject to an additional permitted use for recreation area under the Tweed LEP 2000.

Key Considerations

There are a number of planning issues to consider as part of the Planning Proposal. The key planning issues are outlined in detail below.

Relocation of Border Park Raceway

The treatment of the Border Park Raceway as part of the Planning Proposal is considered an important aspect of the proposed rezoning and the future of the subject site more broadly.

Border Park Raceway has been working for a number of years to facilitate redevelopment of the site to allow for the Raceway to secure its financial future, with the alternative being to relocate to another site.

In 2009/2010 Landsolve commenced investigations into the redevelopment of the site for a mixed use development comprising bulky goods retail, commercial offices and residential. This redevelopment was intended to assist in funding the relocation of the Border Park Raceway to Murwillumbah. That speculative scheme did not proceed, and the Border Park Raceway club is now pursuing the redevelopment of the site in conjunction with Bunnings. The sale of part of the site will enable the club to secure its future for the foreseeable future. The Border Park Raceway Club has considered the relocation of its facility to a site at Murwillumbah in past years. However, the Club has decided to retain its operations on the existing site for the time being, but it does not require the entire site for the raceway. The need to relocate to Murwillumbah is therefore no longer part of the Club's future plans.

Council in its correspondence dated 24 July 2012 and 31 October 2012 raised the likelihood of the Border Park Raceway relocating. The relocation of the raceway was considered in conjunction with another proposal in 2009 to redevelop the entire site. However, that proposal did not proceed.

The request for Planning Proposal submitted by DFP reflects the commercial agreement between Tweed Heads Coursing Club Ltd (owner of Border Park Raceway) and Bunnings wherein the raceway activity is intended to remain on the subject site for the foreseeable future, and has accommodated the Raceway in a relocated position as indicated in the Concept Plans provided by Bunnings. The Raceway has a historic presence on the subject site and has operated without major issue at that location for a substantial period of time. Aerial photographs show that the Raceway was located on the site in 1975, which indicates that the Raceway has been operational for over 35 years. While it is acknowledged that the relocation of the Raceway to another site would make a significant amount of land available for employment generating uses it is also acknowledged that the Raceway exists as an as of right use and the potential for a partial redevelopment of the subject site is a significant improvement on the current situation.

Therefore it is considered that the proposal to relocate the Raceway closer to the north-east corner of the site to make more land available for employment generating uses is an improved outcome from what exists currently.

Economic

The Far North Coast Regional Strategy has estimated that at least 32,500 new jobs will be required by 2031 as a result of projected population growth. The Far North Coast Regional Strategy notes that *"this anticipated employment growth translates to a need for about 156 hectares of additional industrial land and about 76 hectares of additional commercial land (a total of 232 hectares)."*

The proposed rezoning would still have the capacity to provide employment not dissimilar to industrial lands with an additional benefit of permitting 'office park' type development.

The Tweed Urban Land Release Strategy and Employment Lands Strategy 2009 references employment densities based on the Queensland Department of State Development's methodology, which adopts the following rates:

- Manufacturing 30 employees/ha
- Wholesale trade 20 employees/ha
- Transport & Storage 20 employees/ha
- Supporting land uses 20 employees/ha

The Tweed Urban Land Release Strategy and Employment Lands Strategy also notes that a study in 2001 for the Coolangatta Airport Enterprise Park (proposed to be located opposite the subject site) adopted an employment rate of 20 to 55 jobs/ha for large lot enterprise land.

These figures are not dissimilar to the Employment Lands Development Program employment rates for outer Sydney areas and the Central Coast where they range from 22 to 40 jobs/ha.

An employee density target ranging from 20 to 55 jobs/ha for the site would be a reasonable rate based on other studies and non-metropolitan localities. Based on a range of between 20 to 55 jobs/ha the 11ha site has the potential to generate between 220 and 605 jobs to fulfil Council's Strategic Planning Objectives.

The Concept Plan indicates the development of the site in two stages. The potential employment generating capacity of the site for each stage is between 208 to 222 (stage 1) and 413 to 612 (stage 2). The table below sets out the potential employee generating capacity of the Concept Plan.

Stage	Floor Area	Employee Density	Employees
Stage 1			
Bunnings	18,790m ²	1/100m ²	188
Showrooms (retail household goods)	2,000m ²	1/100m ² to 1/58m ² Note 1	20 -34
TOTAL			208 - 222
Stage 2			
Bunnings	18,790m ²	1/100m ²	188
Showrooms (retail household goods)	15,500m ²	1/100m ² to 1/58m ² Note 1	155 - 268
Tavern/liquor shop; and Fast food	1,200m ² 830m ²	1/29m ² to 1/13m ² Note 1	70 - 156
TOTAL			413 - 612

Note1: Source - Ku-ring-gai and Hornsby Subregional Employment Strategy, Final Report, May 2008, prepared by SGS Economics and Planning

The retained racetrack will also allow the Border Park Raceway to continue to contribute to local employment and economic activity.

The stage 2 outcome, when the entire site is redeveloped, is within the upper end of the desirable employment outcomes. Therefore the employment generating capacity of the site

can still be realised under the concept plan scheme. It should be noted that the concept plan is indicative and ultimate land uses could comprise a far wider range of land uses than nominated in the Concept Masterplan. For instance, other potential uses proposed to be permitted in the B7 zone (under draft Tweed LEP 2012) and that could occupy building forms similar to that shown on the concept plan might include business premises, health services facility (including medical centre, community health service facilities, health consulting rooms or hospital), high technology industry light industries, office premises or warehouse or distribution centres.

The Planning Proposal represents an opportunity for a Bunnings Warehouse to locate on part of the site generating employment in the short term (at an estimated average of 35-40 employees per hectare) whilst in the medium to long term the Planning Proposal will provide opportunities for incremental development towards a Business and Research Park in the long term.

Access and Traffic

This Planning Proposal represents an intensification of use on the subject site. The Border Park Raceway, currently occupying the site, gains access from Binya Avenue which is a residential street on the Queensland side of the State border. The Raceway has unique traffic generation rates and peaks, which characteristically do not coincide with peaks observed for office and other development typically expected from a 3(c) or B7 –zone. As part of the request for Planning Proposal that was submitted Bunnings has sought to provide an alternative outcome for the access arrangements to the subject site.

New Gold Coast Highway Access & Ourimbah Road Connection

The concept of a new signalised access to the Gold Coast Highway was investigated in previous investigations for redevelopment of the site. It is understood that the Roads and Traffic Authority (RTA) provided in principle support to an intersection with the Gold Coast Highway and Council is proceeding with the Planning Proposal on this basis.

Council in its letter dated 31 October 2012 also confirmed support for an intersection with the Gold Coast Highway if provision was made for an ultimate extension of Ourimbah Road through to the subject site and the connection was further investigated by the proponent. After discussions between the proponent and the Gold Coast Airport it was agreed that the option for a fourth leg of the intersection, allowing for access to the airport land would be provided for in any designs for the proposed intersection.

Therefore an intersection with the Gold Coast Highway, with the provision for a fourth leg to access the Gold Coast Airport land, is proposed as part of this Planning Proposal with connection to a through road that will extend to connect with the existing Ourimbah Road. The access from the Gold Coast Highway, and the proposed connection to Ourimbah Road are expected to be built to a public road standard.

This arrangement would result in Binya Avenue having a significantly reduced role in the access arrangement and will in the long term possibly not be required for vehicular or service access to the site. This will assist in reducing and avoiding traffic impacts to residential properties in Binya Avenue. With an ultimate extension and link through to Ourimbah Road (to be facilitate by Council), the Planning Proposal will also have the benefit of reducing industrial related traffic on Ducat Street and Miles Street which are also residential streets.

Bunnings is proposing that the new intersection with Gold Coast Highway and the potential connection to Ourimbah Road form part of a Voluntary Planning Agreement (VPA). This approach has been supported by Council and discussions are underway with regard to

developing a VPA. It is intended that a VPA be developed and agreed to by Council and Bunnings to form part of the exhibition material to accompany this Planning Proposal when public notification is required. The VPA will provide a mechanism for Council to legally accept a dedication of land and/or works in lieu of development contributions. Further detail will be required from Bunnings to facilitate development of the VPA. Development of the VPA is expected to run in parallel to the Planning Proposal process.

There is considered to be significant long term benefit in establishing an intersection with the Gold Coast Highway and facilitating future connection opportunities to the airport and Ourimbah Road.

Traffic Generation and operational performance

A Preliminary Traffic Impact Assessment, prepared by Traffic and Transport Planning Associates (TTPA), accompanied the request for Planning Proposal submitted by DFP. The TTPA report considered the traffic generation and peak periods for the proposed Stage 1 of the Concept Plan provided as part of the request for Planning Proposal and also considered the potential for a connection through to Ourimbah Road from the proposed intersection with the Gold Coast Highway.

The TTPA report found that total traffic generation for the uses proposed in the Concept Plan are as follows:

	AM	PM	WE MD (Weekend Midday)
Bunnings	114	388	600
Bulky Goods	-	22	42
Liquor Store	-	160	160
Total	114	570	802

Source: TTPA Report

It is clear that the development has significant weekend generation with less generation during the weekday peak periods. Further work needs to be undertaken by the proponent to demonstrate how the traffic generated can be accommodated on the Gold Coast Highway and the surrounding road network without a major impact on the safety and efficiency of the road network.

The TTPA Report also considered the potential for a through connection to Ourimbah Road, and has concluded as follows:

- during the weekday morning peak when the industrial traffic would ingress, there will only be relatively minor traffic generated by the envisaged development on the site;
- during the weekend period when the envisaged development on the site will have its peak generation, there will be very little generation from or to the industrial area; and
- during the weekday afternoon peak the potential egressing traffic will still be somewhat less than that projected for the previous development scheme which

was assessed to achieve a satisfactory performance at the Gold Coast Highway access intersection.

As discussed in the 'Additional Studies' section of this report a Traffic Impact Assessment has been identified as a required additional study to support this Planning Proposal. Further information on the traffic impacts of the change in zone to 3(c) or B7.

Vegetation

Vegetation on the subject site is identified as "Biodiversity" in the Terrestrial Biodiversity Map of the draft Tweed LEP 2012 and was subject to Clause 7.8 of the draft Tweed LEP 2012. However, consistent with the NSW Planning and Infrastructure position on environmental zones this Clause has been removed and the associated mapping is to be removed. This vegetation is located over a portion of the site that the Concept Plan shows as accommodating the relocated Raceway. As a result, a Biodiversity and Habitat Assessment has been identified as a required additional study to clearly define an acceptable development footprint that avoids high value conservation areas. This is discussed further in the Additional Studies section of this report.

Until a Biodiversity and Habitat Assessment is undertaken the conservation value of the vegetation on the subject site cannot be confirmed however Council's interactive mapping indicates under the Vegetation (2009) maps that:

- the majority of the site is highly modified (which accords with the current physical condition of the site);
- a small pocket in the south western corner is Sclerophyll Forests / Woodlands on Sand Substrates and Alluvium; and
- the southern boundary and eastern end of the site is simply described as Miscellaneous Map Units.

The Tweed Vegetation Management Strategy (2004) mapping also indicates that the majority of the site is Highly Modified / Disturbed and the same vegetation mapping units as the 2009 maps. However the extent of miscellaneous mapping units does not extend along the southern boundary.

The Concept Plan shows a buffer of vegetation along the eastern, southern and south-west boundaries of the subject site which is proposed to be retained.

Infrastructure and Services

Preliminary investigations by MWH and Tate Professional Engineers have been undertaken on behalf of the proponent with respect to utilities currently servicing the site and the anticipated needs for the redevelopment of the site.

- **Electricity** is currently supplied from QLD from overhead power lines in Binya Avenue. High and low voltage underground cables are also located near the southern boundary (presumably within the easement along part of the southern boundary). Further investigations will be required to ascertain augmentation requirements and the connection point(s) for electricity.
- **Water** is currently supplied from Gold Coast Water. Tweed Water have noted that the proposal will be required to connect to the Tweed Shire reticulation system. The water supply would come from Ourimbah Road and this will need to be extended to the site. Tweed Shire Council has advised that water network analysis will need to confirm if upgrades will be necessary. Bunnings has received advice and can

confirm that upgrades will be necessary along part of Ourimbah Road for the redevelopment of the site as per the Concept Plans.

- The current **Sewer** system is appropriate for the current use. The Concept Masterplan proposed will require an assessment confirm the downstream capacity to received waste water and identify any necessary upgrade. There is a rising sewer main in Binya Avenue and a sewer connection point in Ourimbah Road that would need to be extended into the subject site. This sewer connection is likely to require an internal pump.
- **Stormwater** drains into two catchments due to a ridge through the site dividing the site into two catchments. The northern catchment drains to Binya Avenue to an open channel, then to a lake in the Kirra Beach tourist park. The southern catchment drains to a channel along the southern boundary to the south-western corner and then to a table drain in the Gold Coast Highway road reserve. Stormwater from the site is capable of being managed to achieve no increase in discharge and acceptable water quality at discharge points.
- **Telecommunications** are available from both Binya Avenue (QLD) and NSW including Gold Coast Highway and Ourimbah Road. Further investigations will be required.
- **Gas** is not available, but the likely uses within the proposed 3(c) or B7 zone would not need to rely upon gas.

Further studies will be necessary to ascertain the connection points (including the relevant service provider if connections are to be wholly from NSW) and augmentation requirements. An Infrastructure Services Feasibility Investigation has been identified has a required additional study for this Planning Proposal and will be used to determine future capital works required and/or further investigations necessary to assist with decision making for this site. This is further discussed in the Additional Studies section of this report.

Due to the subject site's location on the border of Queensland and New South Wales, discussions will be undertaken with the appropriate officers in Gold Coast City Council to ensure that the cross border use of infrastructure is managed in a way amenable to both Gold Coast City Council and Tweed Shire Council.

Development Interface

Figure 1 shows the residential uses that adjoin the subject site on the northern (Binya Avenue), eastern and part of the southern boundary. A caravan/tourist park, with permanent and non-permanent sites, is north of the site across the unmade road reserve for Binya Avenue. Industrial development adjoins along the western part of the southern boundary. The interface with the residential uses in both Queensland and New South Wales will need to be considered to ensure that a suitable level of amenity is maintained for those residential uses.

The change to the 3(c) or B7 zone would permit a wider range of land uses than the current 6(a) Open Space zone, or the RE2 – Private Recreation zone proposed under Draft Tweed LEP 2012. The range of permissible land uses in the 3(c) or B7 zone, such as those proposed in the Concept Plan, would have different potential impacts compared to the existing Raceway. The impacts of the changes in built form and operational characteristics will be considered as part of the Planning Proposal, however the details such as building location, size and scale are considered to be more appropriately addressed as part of any future Development Applications over the subject site, as a result of the rezoning of the land to 3(c) or B7.

Built form

The proposed rezoning of the subject site to the 3(c) or B7 zone Park would permit a different building form and character to what is existing and also what is permitted (and likely) to be constructed under the current or draft zoning.

The Tweed LEP 2000 has a height control of 3 storeys for the subject site and the adjoining Ourimbah Road industrial estate. The definition of storey in Tweed LEP 2000 is such that a storey which exceeds 5 metres for commercial buildings is counted as two storeys. Therefore 3 storeys could be just under 15m in height (i.e. each storey being slightly less than 5m each).

The draft Tweed LEP 2012 proposes a building height of 10m for the subject site and the industrial estate on Ourimbah Road to the south. The residential land immediately to the east and further to the south is proposed to have a building height of 13.6m which is not dissimilar to the current 3 storey height control of the subject site and adjoining industrial area.

A building height of 40m over the subject site is sought as part of this Planning Proposal. It is considered that this height will provide reasonable scope for building forms consistent with those in a 3(c) and B7 zones

As previously discussed it is considered that an increase in the maximum height to 15 storeys/40m encourages the incremental redevelopment of the site towards a Business and Research Park and facilitates a mix of uses, such as short term accommodate (serviced apartments), commercial office space and research space, that will establish the site as a Business and Research Park with a strong nexus with the airport and University. The proposed 40m building height control would be a maximum building height providing flexibility to distribute height taking into account adjoining residential development.

It is noted that the draft Tweed LEP 2012 does not propose a Floor Space Ratio (FSR) control for the subject site, or the adjoining Ourimbah Road industrial area. It is noted that the B4 and B5 and some of the IN1 zones in Tweed Heads South are proposed to have a FSR of 2:1. However the B7 zoned land on Parkes Road does not have an FSR assigned.

The site is of sufficient size to enable floor space to be distributed across the site to manage built form impacts to neighbouring residential areas

A 2:1 FSR could apply to the subject site to be consistent with the FSR applying in other Business zones. Alternatively, the Planning Proposal need not nominate a FSR for the subject site which is consistent with other B7 zones that do not have a FSR.

Interface with Gold Coast Highway

Council is interested in the presentation of the site and buildings to the Gold Coast Highway. The zoning of the subject site as 3(c) or B7 provides an opportunity for the site to incorporate urban design elements that make a strong entrance statement for people travelling across the border on the Gold Coast Highway. The site is considered to be grossly underutilised in terms of providing a gateway statement and the current use of the site does not fully meet the potential for the site as a gateway location.

While interface with the Gold Coast Highway is an important consideration for the Planning Proposal it is acknowledged that street presentation issues are particularly pertinent to future development applications over the subject site and are more appropriately managed at the development application stage.

Contaminated Land

A preliminary assessment of the site has been undertaken by RPS Australia East Pty Ltd which also relied upon a site history report prepared by HMC Environmental Consulting Pty Ltd (2010). RPS carried out preliminary soil and water sampling of the site. RPS noted that the site is on the Tweed Shire Council Contaminated Lands Register.

In summary they found as follows:

- A 'spray race' was built in the mid-1980s to spray horses arriving from Queensland. This presents a risk of organochlorine (OC) insecticide (e.g. DDT) or organophosphorus (OP) pesticides. Preliminary soil sampling in the areas of highest contamination risk has indicated that there is a low risk of contamination around the spray race.
- A rifle range was formerly located on the site which could give rise to lead contaminants. No obvious evidence of soil contamination (e.g. spent bullets or cartridges) was noted by RPS. Lead concentrations did not exceed relevant environmental or health based guidelines.
- Mineral sand mining was undertaken on the site between 1952 to 1965. Filling of the site occurred from sand mining spoil. No contaminants were noted by RPS. RPS comments that the HMC report noted that there is a risk of radiation due to mineral sands, but preliminary screening of soil samples indicated that radiation levels were within acceptable ranges.
- Bonded asbestos has been used in buildings on the site. RPS considers that this is not likely to present a constraint to the future use of the site.
- Because the soil testing confirmed that there were no OC/OP contaminants, then groundwater did not need to be tested for these contaminants. Groundwater testing for zinc indicated slightly elevated levels of zinc, but RPS noted that this would not pose a constraint to future commercial and recreational uses of the site.

The preliminary investigations have not revealed that land contamination would be a constraint to the future development of the land for commercial or recreational purposes, and there is no evidence to date to suggest that a Planning Proposal should not proceed on the grounds of potential contaminants. A Contaminated Land Study, in accordance with SEPP 55, has been identified as a required additional study, and will confirm if there are any impediments to this Planning Proposal proceeding.

Gold Coast Airport

Aircraft noise

The Gold Coast Airport Master Plan 2011 was approved by the Federal Minister for Infrastructure and Transport on 14 May 2012. The ANEF map contained within the Master Plan indicates that the site is mostly within the 20-25 ANEF contour and a sliver in the south western corner in the 25-30 ANEF contour.

The Gold Coast Airport Master Plan 2011 contains a table setting out various land uses and their acceptability within different ANEF contours. The category of most relevance is commercial which is 'acceptable' in less than the 25 ANEF contour. The Master Plan describes acceptable as being circumstances in which *"there is usually no need for building construction to provide protection specifically against aircraft noise, although aircraft noise may nonetheless be noticeable, and some people may still find it undesirable."* It is noted that there is no land use criterion for recreational uses for the relocated Border Park Raceway. However, this is an existing land use which is relocated and would not be

exposed to any greater levels of aircraft noise than currently experienced, in any event only enclosed buildings (e.g. a new club house) could be acoustically treated if necessary.

In light of this information it is not considered that there is a need to further investigate acoustic issues relating to the aircraft noise as part of this Planning Proposal.

Obstacles Limitation Surfaces

The Gold Coast Airport Master Plan 2011 contains obstacle height limits (called obstacle limitation surfaces in the Master Plan). This site is subject to a height limit of 49.5AHD. The site survey prepared by RPS indicates the site varies from 3AHD to about 5AHD. This provides a theoretical building height of about 44m. The proposed building height of 40m is below 44m in height. Therefore further investigation of this issue as part of this Planning Proposal is not considered necessary.

Planning controls (zoning)

Present - Tweed LEP 2000

The subject site is currently zoned 6(b) – Open Space (Recreation) under Tweed LEP 2000 as shown in Figure 3. The surrounding zones include:

- Residential 2(c) – Urban Expansion to the east and south reflecting the medium density residential development;
- Industrial 4(a) to the south reflecting the adjoining industrial land uses; and
- Special Uses 5(a) – Airport to the west reflecting the airport. The vegetation areas between the runway and Gold Coast Highway are also zoned Special Uses - Airport.

Land to the north of the subject site is within the local government area managed by Gold Coast City Council. Land use designations are set in the Gold Coast Planning Scheme 2003 and while the land use designations in the Gold Coast Planning Scheme have different descriptors they can generally be described as residential uses with the caravan park immediately to the north represented as Open Space.

The subject site has the following development standards under the Tweed LEP 2000:

Table 1: Tweed LEP 2000 development standards

6(b) – Open Space (Recreation)

Lot size	None applicable
Building height	3 storeys
Floor space ratio	None applicable

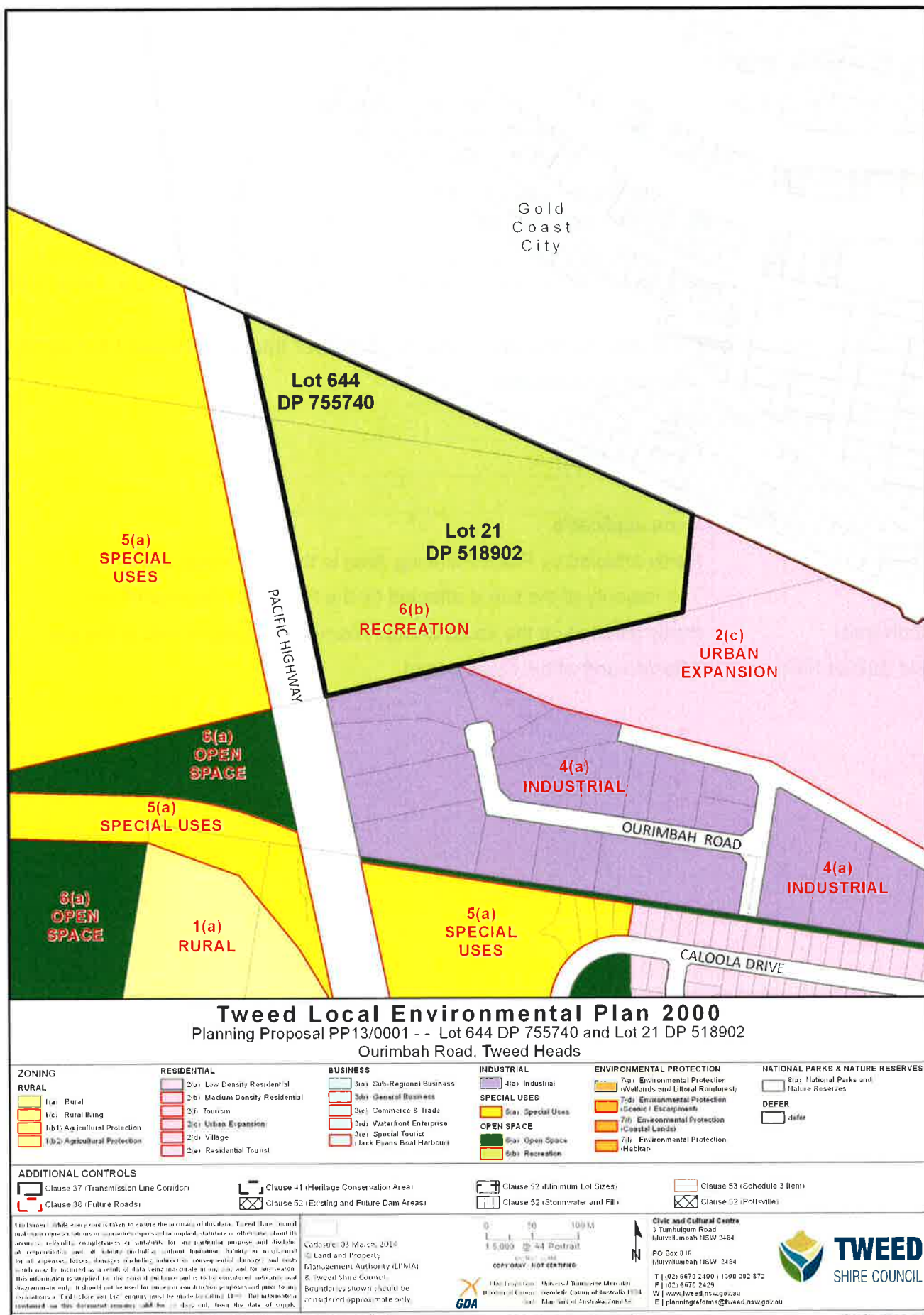


Figure 3: Zoning of subject site in Tweed LEP 2000

Draft Tweed LEP 2012

The draft Tweed LEP 2012 (consistent with the requirements and format of the Standard LEP Template) was formally placed on public exhibition in January 2010 (then known as draft Tweed LEP 2010) and re-exhibited from December 2012 to January 2013.

Under the draft Tweed LEP 2012 the subject site is proposed to be translated to the comparative zoning of RE2 – Private Recreation, as shown in Figure 4.

The residential land adjoining to the east is proposed to be translated to the R2 – Medium Density Residential zone. The Ourimbah Road industrial estate is proposed to be zoned IN1 – General Industrial.

The subject site has the following development standards under the draft Tweed LEP 2012:

Table 2: Draft Tweed LEP development standards

RE2 – Private Recreation

Minimum Lot size	None applicable
Building height	10m
Floor space ratio	None applicable
Flooding	Partly affected by Flood Planning Area in the south west corner. The majority of the site is affected by the Probable Maximum Flood.
Biodiversity	Partly affected on the south western corner and eastern end of the site.
Acid Sulfate Soils	Affected and within Class 3 land

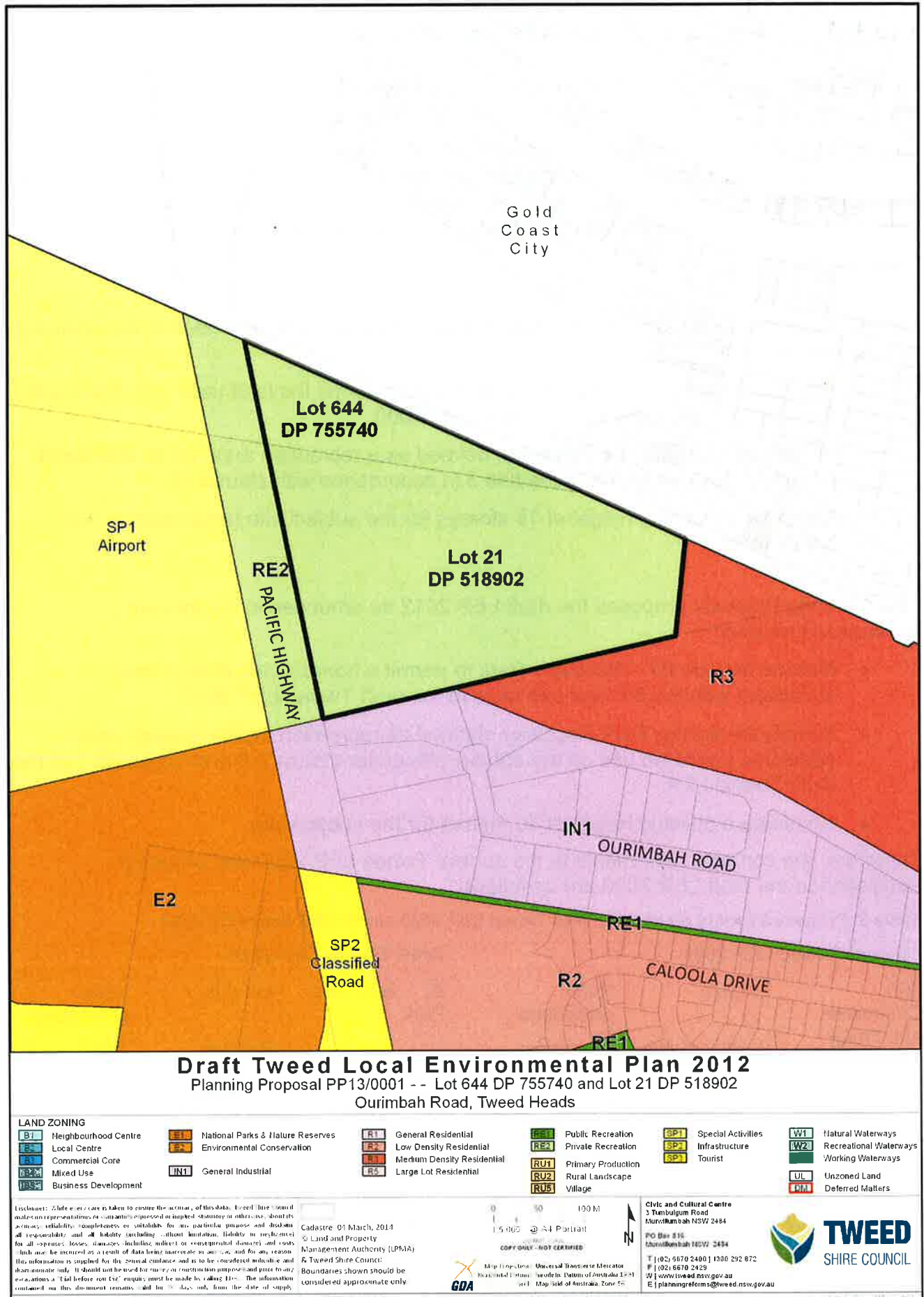


Figure 4: Zoning of subject site in Draft Tweed LEP 2012

Part 2 Explanation of provisions

The intended outcome is to be achieved by amendment to the Tweed LEP 2000 or the draft Tweed LEP 2012 consistent with the following provisions.

As the timing for adoption of the draft Tweed LEP 2012 is not certain an amendment scenario has been prepared for both the current Tweed LEP 2000 and the draft Tweed LEP 2012. This Planning Proposal is to be in the form of an amendment to the current Tweed LEP 2000, unless the draft Tweed LEP 2012 is published before this Planning Proposal for the site is adopted.

This Planning Proposal proposes the current Tweed LEP 2000 be amended in the following summarised manner:

- Rezone the site 3(c) Commerce and Trade to permit the land uses consistent with the 3(c) land use table in the Tweed LEP 2000.
- Identify the Border Park Raceway, defined as a recreation area, as an additional permitted development in Schedule 3 in accordance with clause 53.
- Nominate a building height of 15 storeys for the subject site (equivalent to 40m height limit).

This Planning Proposal proposes the draft LEP 2012 be amended in the following summarised manner:

- Rezone the site B7 – Business Park to permit a board range of land uses consistent with the B7 land use table in the draft Tweed LEP 2012.
- Identify the Border Park Raceway, defined as recreation facility (major), as an additional permitted use on the subject site under clause 2.5 and Schedule 1 of the Draft Tweed LEP.
- Nominate a building height of 40 metres for the subject site.

Therefore, the zoning amendments to the current Tweed LEP 2000 and proposed translation to the draft LEP 2010 are as follows:

Table 3: Proposed zoning amendments to Tweed LEP 2000 and Draft Tweed LEP 2012

Current Tweed LEP 2000			Draft Tweed LEP 2010		
3(c) Commerce and Trade	Lot size	None prescribed	B7 – Business Park	Lot size	None prescribed
	Building height	15 storeys		Building height	40m
	Floor space ratio	None prescribed		Floor space ratio	Non prescribed

Zoning maps reflecting this approach are provided in Attachment 5 and Attachment 6.

Part 3 Justification

This Planning Proposal recommends that the Tweed LEP 2000 be amended to facilitate the rezoning of the Border Park Raceway to 3(c) Commerce and Trade or for the rezoning of the subject site to B7 – Business Park under the draft Tweed LEP 2012. The following section demonstrates how such an outcome will satisfy the questions that the Department of Planning applies to Gateway Determinations.

Section A - Need for the planning proposal

The proposal is justified as the subject site is considered to have capacity to accommodate employment generating uses that capitalise on the strategic location and accessibility of the subject site, working towards achieving the highest and best use of the site for urban development. The subject site is currently used for private recreational purposes which is considered to be an under-utilisation of the development potential of the subject site.

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

The site has been identified as a 'Potential Employment Lands' in the Tweed Urban and Employment Land Release Strategy (TUELRS) 2009, as discussed further in Section B. The TUELRS identified that an employment land use is the preferred land use intent or the site as it is ideally placed to provide for uses that relate to the Gold Coast Airport and may operate as an alternative site for a Gold Coast Airport Enterprise Park.

The site is within an area identified in the Far North Coast Regional Strategy (FNCRS) as part of the existing Town and Village Growth Area and is therefore consistent with the FNCRS.

The publicly exhibited *Draft Tweed Shire Economic Development Strategy* also includes Directions (29 and 40) that encourage the redevelopment of the subject site as a Business and Research Park and recognise the potential of the site as a gateway location to the Tweed Shire and New South Wales.

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

The site to which this Planning Proposal relates is current zoned as 6(b) Recreation and is proposed to transition to RE2 – Private Recreation under the draft Tweed LEP 2012. A number of key employment generating uses are not permitted in the 6(b) or RE2 zones. The rezoning to either 3(c) or B7 will allow for the subject site to be developed for employment purposes with an ultimate vision for the site as a Business and Research Park. Additionally, the land uses nominated in the Concept Masterplan provided by the proponent to be permissible.

The permissibility of the land uses nominated on the Concept Masterplan within the 3(c) zone and the RE2 zone is summarised in Table 4 below.

Table 4: Permissibility of land uses in Concept Masterplan

6(b) Recreation		RE2 Private Recreation	
Defined Use	Development Type	Defined Use	Development Type
Bulky Goods Retailing (Bunnings)	Prohibited	Hardware and Building Supplies (Bunnings)	Prohibited

6(b) Recreation		RE2 Private Recreation	
Defined Use	Development Type	Defined Use	Development Type
Bulky Goods Retailing (Showrooms)	Prohibited	Bulky Goods Premises (Showrooms)	Prohibited
Refreshment Room (Tavern)	Prohibited	Food and Drink Premises (Tavern)	Permissible with Consent
Shop (liquor)	Prohibited	Shop (Liquor Store)	Prohibited
Refreshment room (fast food outlets)	Permissible with Consent	Restaurant, Cafe or Take Away Premises (fast food outlets)	Permissible with Consent
Recreation Area (Raceway)	Permissible with Consent	Recreation Facility (Major) (Raceway)	Permissible with Consent
Club (Clubhouse)	Permissible with Consent	Registered Club (Clubhouse)	Permissible with Consent

The objectives for both the 3(c) zone and the B7 zone seek to achieve a mix of uses that encourage employment opportunities and allow for a range of compatible uses to be established. Table 5, below outlines the range of permissible uses in the 3(c) and B7 zone and demonstrates the mix of employment generating uses that the rezoning will facilitate that align with the ultimate development of the site as a Business and Research Park.

Table 5: Permissibility of Employment Generating Uses in 3(c) and B7 Zones

Permitted Uses	
3(c) Commerce and Trade	B7 Business Park
Commercial Premises, Bulky Goods Retailing, Refreshment Room, Shop, Hotel, Light Industry, Bed and Breakfast	Bulky Goods Premises, Food and Drink Premises, Function Centre, Health Consulting Rooms, Health Services Facility, Hostel, Hotel and Motel Accommodation, Hardware and Building Supplies, Light Industries, Medical Centre, Office Premises, Research Station, Serviced Apartment, Shop Top Housing, Take-away Food and Drink Premises

It is considered that an amendment to the Tweed LEP 2000 or the draft Tweed LEP 2012, to allow development of employment generating uses is warranted, appropriate and will facilitate the site's ultimate redevelopment into a Business and Research Park.

A Planning Proposal is therefore considered the best and only option of achieving the intended outcome.

Is there a net community benefit?

The Department of Planning Guidelines (July 2009) include the following advice in relation to the net community benefit assessment:

- *The Assessment should only evaluate the external costs and benefits of the proposal (i.e. the externalities).*
- *Consideration must be given to changes that reflect a higher community benefit.*

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

The following Table 6 identifies the key external costs and benefits of the Planning Proposal:

Table 6: External costs and benefits

<i>External Costs and Benefits</i>		
Element	Cost	Benefit
Change of land use and zoning	The Border Park Raceway currently occupies the subject site and serves a recreation function in the Tweed Shire and broader surrounding area. The change in land use and zoning put forward in this Planning Proposal would mean that the subject site is no longer zoned for recreational uses and potential recreation area would be lost.	The change in land use and zoning put forward in this Planning Proposal will enable the development of the subject site to its full potential as a Business and Industry Park whilst still maintaining the current use of the Border Park Raceway, on a reduced scale. The change in zoning of this site will also allow for the redevelopment of the site in a manner that reflects the prominent position of the land as a gateway location. While the Proposal may result in the loss of some recreation area it is considered that the employment potential in the redevelopment of the site outweighs any loss of recreation area. Additionally, the Border Park Raceway will be retained and will continue current operations from a slightly altered location which allows for the recreation use to continue on site until such time as the Border Park Raceway sees fit to relocate.
Infrastructure	Urban infrastructure, such as water, sewer and drainage, is available to the site. Further studies will be necessary to ascertain the connection points and augmentation requirements.	The site currently relies on infrastructure in both Gold Coast City Council and Tweed Shire Council and redevelopment of the site provides an opportunity to formalise the infrastructure arrangements and ensure reliable connections are utilised and the long term infrastructure capacity for the site is ensured.
Access	The Border Park Raceway currently gains access from Binya Avenue, a road controlled by Gold Coast City Council. The Concept	The reduced role and potential removal of the Binya Avenue access and establishment of an access onto the Gold Coast Highway will remove non-

External Costs and Benefits

Element	Cost	Benefit
	Masterplan put forward by the proponent as part of the Planning Proposal indicates that primary access will no longer be sought from Binya Avenue.	residential traffic from residential streets such as Binya Avenue, Korina Avenue and Appel Street is a significant benefit for surrounding residential uses. Additionally the proposed change in access arrangements will provide a greater level of connectivity, with the ultimate intent to provide a connection to Ourimbah Road reducing the need for industrial traffic to travel on residential streets.

Assessment of the Net Community Benefit as guided by the Department of Planning Guide to *Preparing Planning Proposals* (July 2009) and found in the NSW Government's publication *The Right Place for Business and Services* is addressed in Table 7.

Table 7: Assessment of 'Net Community Benefit'

Assessment of Net Community Benefit

Criteria	Assessment against Criteria
The degree to which the policy and its objectives can be satisfied.	The subject site seeks to amend the LEP to allow appropriate development of the land. The policy document <i>The Right Place for Business and Services</i> has a focus on ensuring growth within existing centres and minimising dispersed trip generating development. The subject site is within the Town and Village Growth Area footprint and within a 2km radius of the Tweed Heads centre. The policy document states that new clusters of bulky goods and 'big box' format retail centres should be in areas that indirectly support centres, such as Tweed Heads and be in proximity to the centre. Additionally, the subject site has been identified in the TUELRs as 'Potential Employment Lands'.
The proposed level of accessibility to the catchment of the development by public transport, walking and cycling.	The rezoning of the site is facilitating a proposed access to the Gold Coast Highway with potential for connection through to Ourimbah Road. This will give the site a high level of accessibility for a range of modes and facilitate the ultimate development of a Business and Research Park. The site currently has a poor level of indirect access to public transport services along Ducat Street and Miles Street and active transport links along the lower order roads surrounding the site. The connection of Ourimbah Road through the site will facilitate an improved level of connectivity for public transport and active transport with visitors to the site able to access the site via Ourimbah Road from Ducat Street.

Assessment of Net Community Benefit

Criteria	Assessment against Criteria
The likely effect on trip patterns, travel demand and car use.	The Concept Masterplan prepared by the proponent indicates that the rezoning of the subject site would facilitate development of a Bunnings and other bulky goods premises. These are considered high trip-generating uses in comparison to the existing use on site. However, it is considered that impacts on the Gold Coast Highway and the surrounding network can be managed and mitigated to ensure that the function of the network is not impacted. Additionally, the ultimate development of the site as a Business and Research Park will provide a strong nexus with the airport and University campus and will attract a mix of uses that are expected to assist in achieving a mode shift and capitalising on the delivery of a Bus Rapid Transit corridor along the Gold Coast Highway.
The likely impact on the economic performance and viability of existing centres (including the confidence of future investment in centres and the likely effects of any oversupply in commercial or office space on centres.	The rezoning of the subject site to allow for employment generating uses is not considered likely to impact on the long term economic performance of existing and well established centres, including South Tweed Heads. It is acknowledged that the establishment of a Bunnings on the subject site may result in Bunnings relocating from South Tweed Heads. It is noted that a full economic assessment has been requested from the proponent. The subject site has been identified in the Tweed Shire Employment Lands Strategy as 'Potential Employments Lands' to support development of an enterprise area that supports the Gold Coast Airport, Tweed Heads centre and also takes pressure off the land supply for bulky goods and large format retail in Tweed Heads South. The long term vision for the site as a Business and Research Park is to provide a niche environment that encourages a mix of uses that have a nexus with the airport and University campus and activate the site as a gateway location. This intent for the site is more likely to enhance the performance of the centre network by providing a niche centre to support the airport and aviation industry and research industry. With the proposed relocation of the Raceway and staged development of the site it is considered unlikely that an oversupply in commercial or office space would occur.
The amount of use of public infrastructure and facilities in centres, and the direct and indirect cost of the proposal to the public sector.	It is acknowledged that the proposal will generate additional traffic on the Gold Coast Highway; however it is considered that impacts on the Gold Coast Highway and the surrounding network can be managed and mitigated to ensure that the function of the network is not impacted. It is not anticipated that the proposal will generate any significant State infrastructure requirements as the site is well serviced by surrounding established hospital, schools, roads and services. The upgrade of local infrastructure, such as extension of water and sewer provision and local road connections will be subject to a Voluntary Planning Agreement and will provide access benefits to the surrounding community.

Assessment of Net Community Benefit

Criteria	Assessment against Criteria
The practicality of alternative locations, which may better achieve the outcomes, the policy is seeking.	The subject site has been identified in the Tweed Shire Employment Lands Strategy as 'Potential Employments Lands' with capacity to accommodate significant employment generating uses and in the long term develop as a significant gateway location to the Tweed Shire. The rezoning of the subject site is supported by the <i>Draft Tweed Shire Economic Development Strategy</i>. Specifically, Direction 29 and Direction 40 relate to the rezoning of the site and the potential redevelopment of the site for employment uses as a Business and Research Park. The Planning proposal represents an opportunity for a Bunnings Warehouse and other showroom (bulky goods) uses to located on part of the site generating employment, whilst in the long term the Planning Proposal will provide opportunities for a Business and Research Park to establish on the site when the Border Park Raceway elect to relocate.
The ability of the proposal to adapt its format or design to more likely secure a site within or adjoining a centre or in a better location.	The <i>Draft Tweed Shire Economic Development Strategy</i> identifies the need to provide an improved gateway/entrance statement on the Gold Coast Highway to welcome people to the Tweed and to New South Wales. Due to its unimpeded frontage to the Gold Coast Highway the subject site provides the only opportunity for an entrance statement to be delivered on this entry to the Tweed. Direction 40 of the Economic Strategy also supports the rezoning of the subject site. Due to its proximity to the Gold Coast Airport, Southern Cross University Campus and access to the Gold Coast Highway the subject site provides a real opportunity to deliver a Business and Research Park in proximity to the airport. The rezoning is proposed to facilitate the relocation of the Border Park Raceway to accommodate a Bunnings and other employment generating uses. The relocation of the Raceway is a key component of the proposal and at this stage the Raceway cannot be located on a different site.

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 (FNCRS) 2006-2031

The Far North Coast Regional Strategy (FNCRS) 2006-2031 is the overarching regional framework for the management of growth for the Tweed local government area (LGA).

The Regional Strategy identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing

network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes.

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

Due to its location within the existing Town and Village Growth Area footprint identified in the Regional Strategy and its proximity to the major regional centre of Tweed Heads redevelopment of the site for employment purposes is considered to be in accordance with the objectives and actions of the FNCRS 2006-2031.

The FNCRS plans for an additional 32,500 jobs across the six local government areas in the region. This anticipated growth translates to a need to strengthen economic activity and associated employment and encourage new and emerging activities. It is considered that the rezoning of the subject site to accommodate employment generating uses is a strong opportunity to deliver additional jobs and also work towards the subject site reaching its full development potential.

Rezoning the site for low residential development would assist in achieving the aims of the FNCRS, in particular through:

- Tweed Heads is identified as a major regional centre, and the Strategy has a vision for Tweed Heads to continue to develop as a major centre for tourism and the provision of retail services and community facilities. The proposal has the ability to provide bulky goods retail and complementary uses in Tweed Heads whilst retaining recreational facilities on the site in the form of the Border Park Raceway.
- The 32,500 new jobs in the region will be linked to service and construction industries, with the remainder in export driven employment. The Planning Proposal will provide additional employment opportunities. The nature of uses permissible in the 3(c) or B7 zone would be capable of achieving employment in service industries, and a Bunnings Warehouse would be related to the construction industry with its trade sales area.
- Allowing the provision of adequate land for new business and industry that is well linked to transport and services, takes advantage of the opportunities arising from the upgrading of the Pacific Highway and which will support the creation of the projected additional 32,500 jobs needed in the Region. The proposed 3(c) or B7 zone would provide approximately 11ha of land available for new business within immediate proximity to the Pacific Motorway and that is capable of being serviced by the Gold Coast Highway with a new signalised intersection, including additional benefits to be gained to the existing Ourimbah Road industrial area having the benefit of a link road through the site to connect with the highway.
- The subject site is within the existing urban footprint of Tweed Heads as shown on the Town and Village Growth Boundary at Sheet 1 of the Strategy.
- A key principle of the proposal is to rezone the site to enhance employment opportunities in the Tweed LGA and provide a development environment that encourages the incremental redevelopment of the site as a Business and Research Park. The Concept Masterplan provides the opportunity for bulky goods retailing and hardware and building supplies (Bunnings). The 3(c) or B7 zone be used for the land with hardware and building supplies and bulky goods retailing being

identified as permissible uses consistent with the land use tables in the Tweed LEP 2000 and the draft Tweed LEP 2012..

The FNCRS identifies that approximately 156 hectares of additional industrial and about 76 hectares of additional commercial land (a total of 232 hectares) is required to accommodate targeted employment growth in the region. Rezoning of the subject site for commercial development provides an opportunity to accommodate additional commercial land in the region at a location that can take advantage of the transport network offered by upgrades to the Pacific Highway and other major roads in the region and the potential for increased cross-border accessibility and commerce.

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

The Planning Proposal has been assessed against Council's Community Strategic Plan and the Tweed Urban and Employment Land Release Strategy 2009.

Tweed Community Strategic Plan 2011-2021

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

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

The relevant objectives of the plan include:

- Objective 1.5. Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economically viable agricultural land.*
- Objective 2.5 Provide vibrant and accessible town, community and business centres.*
- Objective 2.6 Improve urban design.*
- Objective 3.1 Expand employment tourism and education opportunities.*
- Objective 3.4 Provide land and infrastructure to underpin economic development and employment*
- Objective 4.2 Conserve native flora and fauna in their habitats.*

The proposal is consistent with the Community Strategic Plan as it seeks to strengthen and diversify the region's economic base in a way that complements the environmental and social values of the Tweed Shire.

Tweed Urban and Employment Land Release Strategy 2009

The Tweed Urban and Employment Land Release Strategy 2009 was adopted by Council on 17 March 2009 and is considered the applicable local strategy. The Planning Proposal is consistent with the relevant local strategy because this Strategy relates to "*land that is predominantly used for commercial activities in employment (specifically excluding land predominantly used for retail uses).*" Whilst the land is currently zoned 6(b) – Open Space, the Strategy has nevertheless been considered in the context of a Planning Proposal due to the potential for the site to accommodate employment generating uses.

One of the most relevant outcomes of this Strategy is the identification of potential employment areas in the Tweed Shire and the subject is identified in the Tweed Urban and Employment (TUELRS) as Area 3 for staging in the short term. The short term staging was premised on the site identified as relatively unconstrained based on the TUELRS

assessment criteria and on the understanding at the time that the raceway was considering relocation away from the site. The TUELRs recommends that should the racing facility cease, *“employment lands would be preferred over residential or retail development.”* The TUELRs also states for the purposes of the employment lands strategy *“employment lands are defined as “any land that is predominantly used for commercial activities resulting in employment (specifically excluding land predominantly used for retail uses).”*

Relevant aspects of the Strategy of relevance to the Planning Proposal for a 3(c) or B7 zone are considered to be:

- West Tweed Heads near the Gold Coast Airport is identified as a location suitable for further investigation.
- The Strategy cross references the Tweed Shire Retail Strategy which indicates that:
 - Tweed Head South (further south than the subject site) was the largest concentration of retail, catering for higher order retail needs (especially comparison retail and showroom retail) and functioning as a consolidated regional centre to a northern NSW catchment;
 - Tweed Heads South hosts a significant amount of retail showroom space in a precinct that is approaching capacity. A new precinct will need to be identified to cater for future demand; and
 - Retail showroom to be accommodated at Chinderah as Tweed Heads South reaches capacity.
- The South East Queensland Regional Plan acknowledges that there is a shortage of service industry and bulky goods lands on the “Coast” which might provide an opportunity for the Tweed area.
- *“In both qualification and occupation profiles the Tweed is concentrated in the lower end of the skills spectrum when compared to NSW averages”.*

TUELRs assessed the current Tweed Heads (Urban North area) retail floor space at 99,500m². Forecast demand for 2024 is for an additional 21,343m². The subject proposal is for a completed stage 2 forecast of 38,350m² of employment uses (such as largely bulky goods retail).

The subject site proposal provides a preliminary assessment of what is termed “employee density” of 413-612 jobs. The TUELRs identifies job density of between 20-55 jobs per hectare, depending on the industry, citing: job densities for manufacturing, wholesaling, transport and storage, and supporting land uses at between 20-30 employees per hectare. The subject proposal has calculated employee density based metropolitan Sydney employment area figures and on the floor area of the forecast development, rather than on the site area, thus it is likely the realised employee density will be lower than stated. The *“Employment Lands Development Program 2010 Overview Report”* by the Department of Planning has assessed employee density and finds that *“job densities are significantly lower in the outer [metro] subregions”*. The Tweed is unlikely to realise job densities at the higher end of the forecast and can be most closely compared with the Central Coast, which has a job density of 23 persons per hectare, which translates to approximately 253 jobs for the subject site, the concept Masterplan, by Stage 2, offers almost twice that number.

TUELRs identifies in the Opportunities and Threats that “development of knowledge intensive/technology employment would provide greater value adding to the Tweed and economic productivity in the region”. This site represents a key strategic opportunity, given

its proximity to Gold Coast Airport and Southern Cross University to build on these higher order employment uses.

Draft Tweed Shire Economic Development Strategy

The Draft Tweed Shire Economic Development Strategy is a joint project between the Tweed Shire Council and Destination Tweed to encourage economic development and promote the Tweed. Public exhibition of the Draft Strategy ended on 28 February 2014.

The Draft Strategy identifies practical actions for the enhancement of the Tweed Shire economy, responding to the opportunities and constraints to economic and business growth in Tweed Shire and the values of the Tweed community.

There are two Directions in the Draft Strategy that are considered to directly relate to the subject site.

"Direction 29 IN CONJUNCTION WITH NSW STATE GOVERNMENT IMPROVE THE NORTHERN FREEWAY GATEWAY

It was acknowledged by the Tweed Shire Economic Development Strategy Reference Group that the northern Gateway to the Shire does not present a positive arrival point for visitors to the Shire. There are a series of dated signs, poor landscaping and lack of garden maintenance that reflect poorly on the NSW State Government and on Tweed Shire.

Whilst much of the northern gateway area is controlled by State Government, there is a need for Tweed Shire to work with the State Government to improve the entry point to highlight that Tweed Shire and NSW are progressive and welcoming of visitors and business."

Due to its unimpeded frontage to the Gold Coast Highway the subject site provides the only opportunity for an entrance statement to be achieved through land use planning solutions.

"Direction 40 FEASIBILITY STUDY INTO ESTABLISHMENT OF A BUSINESS AND RESEARCH PARK ON SITES IN PROXIMITY TO GOLD COAST AIRPORT AND SOUTHERN CROSS UNIVERSITY. THIS INCLUDES:

- *Assessment of potential site locations;*
- *Demand assessment for a business and research park;*
- *Strategic land use planning policy to support the initiative.*

There are limited opportunities to attract professional service businesses and research firms in a high quality greenfield setting. A business park may be explored further, which provides the following advantages over existing locations:

- *Ability to build new 6 star offices;*
- *Masterplanned business park;*
- *Purpose built/ designed facility;*
- *Proximity to Southern Cross University;*
- *Proximity to the Gold Coast Airport.*

An investigation into available sites within proximity of Southern Cross University and the Gold Coast Airport should be undertaken for the master planned business park.

It is envisaged that the business park would focus on higher order activities including professional services, research and IT.

There are limited opportunities for business park development within proximity to the Gold Coast Airport."

The rezoning of the subject site to 3(c) or B7 will facilitate delivery against these actions by allowing the establishment of a mix of employment generating uses over the subject site.

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

Those of relevance to the subject site include:

- SEPP 55 – Remediation of Land
- SEPP 71 – Coastal Protection
- SEPP (Infrastructure) 2007

This Planning Proposal for a rezoning to allow employment uses to development on the site is considered to be consistent with the applicable SEPPs.

Table 8: Assessment against State Environmental Planning Policy

<i>Assessment against State Environmental Planning Policy</i>	
State Environmental Planning Policy	Comments / Assessment
State Environmental Planning Policy No. 55 – Remediation of Land	This SEPP introduces planning controls for the remediation of contaminated land. The policy states that land must not be developed if contamination renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed. A preliminary assessment of the site has been undertaken by RPS Australia East Pty Ltd which used historical site data and preliminary water and soil sampling on site. The preliminary investigations have not revealed that land contamination would be a constraint to the future development of the land for commercial and recreational purposes and there is no evidence to indicate that a Planning Proposal should not proceed on the grounds of potential contaminants. An assessment of the subject site in accordance with the <i>Contaminated Land Planning Guidelines and additional guidelines as are stipulated</i> and consistent with the requirements of <i>Clause (6) of SEPP 55 Remediation of Contaminated Land</i> and the relevant provisions of the <i>Contaminated Land Management Act, 1997</i> has been requested as an additional study.
State Environmental Planning Policy No. 71 – Coastal Protection	This Policy aims: a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and e) to ensure that the visual amenity of the coast is protected, and

Assessment against State Environmental Planning Policy

State Environmental Planning Policy

Comments / Assessment

- f) to protect and preserve beach environments and beach amenity, and
- g) to protect and preserve native coastal vegetation, and
- h) to protect and preserve the marine environment of New South Wales, and
- i) to protect and preserve rock platforms, and
- j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the *Protection of the Environment Administration Act 1991*), and
- k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
- l) to encourage a strategic approach to coastal management.

While the subject site is identified in the coastal zone rezoning of the site is not considered to have an impact on the coastal foreshore, beach environments or coastal amenity.

The proposal is supported by an Aboriginal Cultural Heritage Due Diligence report, provided in Attachment 4, which found:

- The site has been subject to significant ground disturbance through sand mining and fill;
- There are no known Aboriginal objects or places;
- There is the potential for subsurface deposits and the possibility of Aboriginal cultural heritage cannot be ruled out and recommends a precautionary approach.
- Recommend site monitoring in areas 3 and 5.

The ACHDD has been consulted with the Aboriginal community, the results of which will update the consultation records in the ACHDD, and include:

There is a registered AHIMS site adjoining and there have been finds on airport site.

The community has requested site monitoring for area 1 as well as 3 and 5.

The type, bulk, scale and size of development that would be permitted if the rezoning of the land to 3(c) or B7 was to proceed, is not considered to have the capacity to impact on the natural scenic quality of the site or the surrounding area.

Assessment against State Environmental Planning Policy

State Environmental Planning Policy

Comments / Assessment

State Environmental Planning Policy (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:

- a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- b) providing greater flexibility in the location of infrastructure and service facilities, and
- c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

It is considered that it has been demonstrated that the subject site has access or can achieve access to the necessary infrastructure to support the redevelopment of the site. Additional Studies have been requested to confirm the extent of these works and will provide Council and the relevant State agencies with a level of certainty regarding infrastructure delivery associated with the redevelopment of the site. Council is intending to enter into a Voluntary Planning Agreement with the proponent (Bunnings) to ensure that necessary infrastructure works are identified and timeframes for delivery of new and upgraded infrastructure are established.

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

Below Table 9 identifies the relevance and consistency of the application with Section 117 Directions.

Table 9: Consistency with s117(2) Directions

<i>Consistency with s117(2) Directions</i>			
S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
1. Employment and Resources			
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary)	The Planning Proposal proposes a new Business zone and it does not affect an existing or proposed Business Zone.	N/A
1.2 Rural Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary) Under this direction a planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	The Planning Proposal does not affect an existing or proposed Rural Zone.	N/A
1.3 Mining, Petroleum Production and Extractive Industries	Applies when a relevant planning authority prepares a planning proposal that would have the effect of: (a) prohibiting the mining of coal or other	The Planning Proposal will not restrict the potential development of mineral, coal, petroleum or other extractive materials.	N/A

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.		
1.4 Oyster Aquaculture	Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in: (a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”; or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.	This Planning Proposal does not impact on a Priority Oyster Aquaculture Area.	N/A
1.5 Rural Lands	Applies when: (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) a relevant planning authority prepares a planning proposal that changes the existing	The Planning Proposal does not affect Rural Lands.	N/A

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	minimum lot size on land within a rural or environment protection zone. A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>. A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.		
2. Environment and Heritage			
2.1 Environment Protection Zones	(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".	The subject site was affected by Clause 7.8 of the draft LEP 2012, however, consistent with the NSW Planning and Infrastructure (P&I) position on environmental zones, the P&I have removed this clause and mapping from the draft LEP 2012 within the version imminent to be made.	N/A

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
2.2 Coastal Protection	Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.	This Planning Proposal is capable of consistency with this direction.	YES
2.3 Heritage Conservation	A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	The site contains no identified heritage items under the current or draft LEP. The proposal is supported by an Aboriginal Cultural Heritage Due Diligence (ACHDD) report, provided in Attachment 4. This report finds: • The site has been subject to significant ground disturbance through sand mining and fill; • There are no know Aboriginal objects or places; • There is the potential for subsurface deposits and the possibility of Aboriginal cultural heritage cannot be ruled out and recommends a precautionary approach. • Recommend site monitoring in areas 3 and 5. The ACHDD has been consulted with the Aboriginal community, the results of which will update the consultation records in the ACHDD, and include: There is a registered AHIMS site adjoining and there have been finds	YES

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		on airport site. The community has requested site monitoring for area 1 as well as 3 and 5.	
2.4 Recreation Vehicle Areas	A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>): (a) where the land is within an environmental protection zone, (b) where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration: (i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985</i>, and (ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i>	The Planning Proposal does not enable land to be developed for the purpose of a recreation vehicle area.	N/A

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. (4) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements	The Planning Proposal does not affect an existing or proposed Residential Zone.	N/A

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.		
3.2 Caravan Parks and Manufactured Home Estates	Applies when a relevant planning authority prepares a planning proposal. (4) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must: (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. (5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must: (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located, (b) take into account the principles listed in clause 9 of SEPP 36 (which relevant	This Planning Proposal does not seek development for the purposes of a caravan park or manufacture homes estate nor does it impact upon any land that does permit development for the purposes of a caravan park or manufacture homes estate.	N/A

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	planning authorities are required to consider when assessing and determining the development and subdivision proposals), and (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.		
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	The Planning Proposal proposes a new Business zone and it does not affect the permissibility of home occupations in dwelling housings.	N/A
3.4 Integrating Land Use and Transport	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. (4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).	An assessment against the 'Net Community Benefit Assessment Criteria' has been undertaken and is included as part of this Planning Proposal.	YES
3.5 Development Near Licensed	Applies when a relevant planning authority	The objectives of this direction are:	YES

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
Aerodrome	prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	(a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. As discussed previously these considerations should be readily achieved and Tweed LEP 2000 already contains clauses addressing this direction.	
3.6 Shooting Ranges	This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	This Planning Proposal does not create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	N/A
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land	The Council's mapping indicates that the subject site is affected by acid sulfate soils.	YES

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps. (1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning (2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines. (3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of	Tweed LEP 2000 already contains a clause requiring acid sulphate soils to be addressed at DA stage. This issue is capable of being managed through the DA process and achieve consistency with the Direction.	

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	section 57 of the Act. (4) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).		
4.2 Mine Subsidence and Unstable Land	(3) Applies when a relevant planning authority prepares a planning proposal that permits development on land that: (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority.	This Planning Proposal does not impact on any mine subsidence area.	N/A
4.3 Flood Prone Land	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. (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the	The subject site is partially flood affected in the south western corner of the site. The extent of the constraint is minimal and a LEP already contains appropriate provisions to be consistent with this Direction.	Minor justified variation in 9 (b)

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>). (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. (6) A planning proposal must not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. (7) A planning proposal must not impose flood related development controls above the		

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). (8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).		
4.4 Planning for Bushfire Protection	Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. (4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments	The land is identified as being bushfire prone land. However due to the site location in a heavily urbanised area it is considered that the constraints is more effectively managed as part of any future Development Applications over the subject site.	YES

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	so made, (5) A planning proposal must: (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. (6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) For infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW		

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for fire fighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area.		
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 Far North Coast Regional Strategy is the applicable strategy. Further to previous discussion in this Planning Proposal it is concluded that the Planning Proposal is generally consistent with the relevant provisions of the Strategy.	YES
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.	The proposal is not within this catchment.	N/A

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Applies (to Tweed) when a relevant planning authority prepares a planning proposal for land mapped as: (a) State significant farmland, or (b) regionally significant farmland, or (c) significant non-contiguous farmland, on the set of four maps held in the Department of Planning and marked "Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)".	The site is not subject to state significant farmland, regionally significant farmland, or significant non contiguous farmland.	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway. This Direction applies and requires (in this instance) that a planning proposal that applies to land located on "within town" segments of the Pacific Highway must provide that: (a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway, (b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway. (c) For the purposes of this paragraph, "within town" means areas which, prior to the draft local environmental plan, have an urban zone (e.g.:	The site is located within the existing urban footprint of Tweed Heads and will form an extension of the existing industrial area immediately to the south to achieve consistency with paragraph (a). Traffic and access issues have been discussed in previous sections, demonstrating that consistency with paragraph (b) is capable of being achieved.	YES

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	“village”, “residential”, “tourist”, “commercial”, “industrial”, etc.) and where the Pacific Highway speed limit is less than 80km/hour.		
5.8 Second Sydney Airport: Badgerys Creek	Planning proposals must not contain provisions that enable the carrying out of development, either with or without development consent, which at the date of this direction, could hinder the potential for development of a Second Sydney Airport.	N/A	N/A
6. Local Plan Making			
6.1 Approval and Referral Requirements	(4) A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),	The planning proposal will not include provisions that require; the concurrence, consultation or referral of development applications to a Minister or public authority.	YES

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.		
6.2 Reserving Land for Public Purposes	(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).	The planning proposal does not create, alter or reduce land reserved for a public purpose. There has been no request from the Minister or public authority to reserve land for a public purpose at this stage.	YES
6.3 Site Specific Provisions	Applies when a relevant planning authority prepares a planning proposal that will allow a	The planning proposal seeks to zone the land appropriate to the land uses	YES

Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	particular development to be carried out. (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.	proposed. The Planning Proposal does seek to include additional permitted use on the subject site to allow the Border Park Raceway to continue operation without amending the permissibility of uses in the 3(c) or B7 zones. This approach is considered to be consistent with the Direction.	
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Strategy	This direction applies to Sydney metropolitan councils only.	Not relevant to planning proposal.	N/A

Section C Environmental, Social and economic impact

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

Council's interactive mapping indicates under the Vegetation (2009) maps that:

- the majority of the site is highly modified (which accords with the current physical condition of the site);
- a small pocket in the south western corner is Sclerophyll Forests / Woodlands on Sand Substrates and Alluvium; and
- the southern boundary and eastern end of the site is simply described as Miscellaneous Map Units.

The Tweed Vegetation Management Strategy (2004) mapping also indicates that the majority of the site is Highly Modified / Disturbed and the same vegetation mapping units as the 2009 maps. However the extent of miscellaneous mapping units does not extend along the southern boundary. The subject site was affected by Clause 7.8 of the Draft LEP 2012, however, consistent with the NSW Planning and Infrastructure (P&I) position on environmental zones, this clause and associated mapping have been removed from the draft LEP 2012 in the version imminent to be made.

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

An initial Biodiversity and Habitat Assessment report has been requested of the proponent to confirm the appropriate development footprint for the subject site. The Assessment will be focused on the existing vegetated areas within the eastern portion of the site and the central area to the existing dog racing track including other similar habitats occurring on or adjacent the site addressing amphibian, waterbird species and their habitats.

The Assessment is to identify:

- conservation values of the area;
- impacts associated with the proposal;
- determine whether an acceptable development footprint can be achieved; and
- recommendations for appropriate protection, mitigation and management to maintain ecological values of the site.

This Assessment will provide the following components and enable Council and the State to assess any likely environmental effects.

- detail methods employed to describe the targeted fauna species and their habitats within the study area;
- ensure compliance with relevant local, state and commonwealth guidelines, policies and legislation;
- identify the conservation significance of targeted species and their habitats within the study area;
- identify important ecological attributes of the study area which should be conserved i.e. threatened species, populations, communities and their habitats, fauna habitat areas, remnant vegetation and flora and fauna corridors; and

- provide an assessment of the potential impacts of the planning proposal on the ecological values of the study area;
- propose effective environmental protection management arrangements and/or mitigation strategies to maintain and protect significant ecological values within the study area; and
- where required, provide a rehabilitation/restoration management strategy for important ecological attributes of the site.

As discussed previously, the subject site was affected by Clause 7.8 of the Draft LEP 2012, however, consistent with the NSW Planning and Infrastructure (P&I) position on environmental zones, this clause and associated mapping have been removed from the draft LEP 2012 in the version imminent to be made.

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

One of the significant economic effects of the Planning Proposal is the potential employment generating capacity of the subject site, due to its location and proximity to the Gold Coast Highway and the airport.

The development outlined in the Concept Masterplan provides an opportunity to take an initial step in redeveloping the subject site for employment generating uses and maximises the site strategic location in terms of the airport, University campus and access to the Gold Coast Highway

A Bunnings Warehouse is likely to support other businesses and trades in the locality including the adjoining Ourimbah Road industrial area and provide convenient access to hardware and building supplies to the surrounding residential areas.

In terms of social effects, the Planning Proposal seeks to retain the use of the Border Park Raceway as a permissible use to ensure that the use can continue to operate on this site. The social benefits that the Border Park Raceway provides as a recreational and community facility can therefore continue.

The Planning Proposal will include an offer to enter into a Voluntary Planning Agreement (VPA) which will deliver a new intersection on the Gold Coast Highway and the creation of a through site link to Ourimbah Road. This link road will enable some industrial traffic to avoid using residential streets to access the industrial estate which is a positive social impact capable of being delivered through the Planning Proposal.

The capacity of a Bunnings Warehouse, and other proposed uses, to provide employment opportunities for the Tweed Shire and southern part of the Gold Coast Council region will have social benefits for those persons employed in those future uses.

Section D State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The public infrastructure for the planning proposal is discussed in the Key Considerations section of this report. It is considered that this demonstrates adequate public infrastructure exists to support the planning proposal and where it doesn't the cost of upgrade will be borne by the proponent.

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

In preparing this Planning Proposal Council identified where engagement, in addition to what is required as part of the formal gateway process, may be appropriate. This engagement is underway with opportunities for discussion being organised by Council. Details of these initial consultation activities are outlined below.

Council has contacted Roads and Maritime Services (RMS) with the view of meeting with the appropriate officers to discuss the Planning Proposal, and in particular the proposed intersection with the Gold Coast Highway. Officers from the Queensland Department of Transport and Main Roads will also be provided with information on the Planning Proposal.

Due to the location of the subject site on the border Council has also made contact with Gold Coast City Council and is currently arranging a time to meet with the relevant officers. The Gold Coast Airport has also been identified as a key stakeholder and Council is in the process of arranging to meet with the Manager of Airport Operations.

Council commit to continue these consultation activities as the Planning Proposal progresses through the Gateway process in addition to what is required as part of the formal public consultation phase.

Part 4 Community consultation

Public consultation will take place in accordance with a Gateway Determination to be made by the Minister for Planning in accordance with Sections 56 & 57 of the *Environmental Planning & Assessment Act 1979*.

Additional Studies and Information

Council is proceeding with this Planning Proposal on the basis that the rezoning is appropriate and has sufficient planning merit to warrant acceptance in the Gateway Process. However, a number of additional studies have been identified to assist in guiding future development of the site and to assist in assessment of the Planning Proposal.

Council has entered into a Memorandum of Understanding (MOU) with the proponent (Bunnings) that sets out the terms of reference, scope, methodology and outcomes for each of the studies. It is considered that with the MOU in place and the scope of these additional studies confirmed that the Planning Proposal could continue to the first stage of Gateway Determination.

The additional studies requested, and the terms of reference and scope agreed upon, are outlined below.

Economic Assessment

Terms of Reference:

An economic assessment of the proposal has been requested to address the key Tweed Shire policy documents. It will specifically address the Tweed Urban and Employment Land Study (TUELRs) and economic and employment outcomes for the Border Park Raceway site. The economic assessment will also consider the draft Tweed Retail Strategy and adopted principles.

Scope:

The assessment will include a comprehensive economic and employment analysis of the proposed 3(c) or B7 zone, based on a strategic consideration of the potential uses of the site permitted by the proposal. This is to be undertaken in the context of the site's relationship to other 3(c) or B7 zoned land in the Shire (including the Boyds Bay proposal) and how such a change in zone might impact on the ability of South Tweed to retain its role as the predominant bulky goods retailing precinct. In this regard, providing an assessment of the impact of the additional floorspace on the regional bulky goods expenditure capacity. Assessment is to be specific to the Border Park Raceway proposal, however, within the context of the Shire's overall strategic economic and employment strategies and objectives.

Traffic and Access Study

Terms of Reference:

An assessment addressing the traffic impacts of the development and a strategic analysis and solution of the traffic management of the site's development has been requested from the proponent. This assessment is to consider the local and regional road network, based on the proposed 3(c) or B7 zoning and the land uses potentially afforded by that zone.

The assessment will be undertaken in the context of the specific proposal and how direct access to the Highway can be safely achieved. Access through to Ourimbah Road and

future connectivity for the Airport to the Highway should also be addressed. The assessment will demonstrate that the 3(c) or B7 zone can be appropriately managed from a traffic impact perspective in that location.

Scope:

The Traffic and Access Study will address the traffic impacts of the development on the surrounding road network.

Conceptual Stormwater Management Plan

Terms of Reference:

Demonstrate that a lawful point of discharge can be identified for the planning proposal and in so doing resolve Stormwater and Flooding through preparation of a concept Storm Water Management Plan.

Scope:

The Planning Proposal advises that stormwater drains into two catchments due to a slight ridge through the site.

- The northern catchment drains to Binya Avenue to an open channel, which then drains to a lake in the Kirra Beach Tourist Park (Qld).
- The southern catchment drains to a channel along the southern boundary to the south-western corner of the site which then drains to an open table drain in the Gold Coast Highway road reserve.

The Concept Stormwater Management Plan (SWMP) and supporting analysis will address the following items:

- Site Catchments, Pre & Post Development: Site catchment plans, supported by survey, are to be prepared indicating discharge points from the site. This plan shall also indicate downstream flow paths and any external catchments. For the post development scenarios, Stage 1 & 2, site grading and overland flow paths are to be indicated to confirm post development catchments and proposed flow paths.
- Lawful Point of Discharge: Demonstrate that all post development catchments have a lawful point of discharge as defined by Development Control Plan Section A5 - Subdivision Manual and QUDM. This shall include evidence of consultation and written owner's consent by downstream landholders / authorities. The concept SWMP shall detail necessary mitigation measures to address the development's impacts on stormwater discharge quality and quantity.
- Stormwater Quality: Indicate Water Sensitive Urban Design measures proposed for Stage 1 & 2 to ensure best practice load reduction objectives are achieved in accordance with *Development Design Specification D7* and *SEQ Water By Design Guidelines*.

Infrastructure Services Feasibility Investigation

Terms of Reference:

Current water supply is provided by Gold Coast Water to the site. Alternative arrangements will be required with redevelopment of the site for uses with higher consumption demands.

Connection arrangements to the Tweed Shire reticulation system is to be investigated as part of an Infrastructure Services Feasibility Investigation.

Scope:

Undertake an Infrastructure Service Feasibility Investigation suitable for Water Supply and Sewerage Infrastructure Planning, which takes into account the following items:

- Review existing planning reports, models and documentation for the proposed development with a view to understanding the available information relating to current population and predicted growth in the Tweed Shire.
- Determine the contributing Equivalent Persons (EP) density for planned Border Park area and the future water consumption and wastewater discharge from a staged perspective (i.e. Initial Development and Ultimate).
- Using existing hydraulic models (where they exist), update to include the proposed development in a staged perspective (i.e. Initial Development and Ultimate).
- Complete estimate of capital works necessary in a staged perspective for initial and ultimate development.
- Document key assumptions used in the study and provide comments on accuracy.
- Compliance with required fire fighting pressures.

Report outlining the, assumptions, methodology and processes used in development of the models. The report shall include a summary of the planning populations, demands, discharges and recommended capital works for initial and ultimate development.

- Completed Operational H2OMap model - The model will be easily editable.
- Completed Operational H2OMap SWMM model - The model will be easily editable.

Biodiversity and Habitat Assessment

Terms of Reference:

An initial Biodiversity and Habitat Assessment report is required of the existing vegetated areas within the eastern portion of the site and the central area to the existing dog racing track including other similar habitats occurring on or adjacent the site addressing amphibian, waterbird species and their habitats.

The Assessment is to identify:

- conservation values of the area;
- impacts associated with the proposal;
- determine whether an acceptable development footprint can be achieved; and
- recommendations for appropriate protection, mitigation and management to maintain ecological values of the site.

This high level identification of any important conservation values on site will assist in identifying an acceptable development footprint.

Scope:

The Assessment should address the ability and particular requirements necessary to meet the provisions of the new LEP and any other relevant legislative instrument. The Assessment should:

- detail methods employed to describe the targeted fauna species and their habitats within the study area;
- ensure compliance with relevant local, state and commonwealth guidelines, policies and legislation;
- identify the conservation significance of targeted species and their habitats within the study area;
- identify important ecological attributes of the study area which should be conserved i.e. threatened species, populations, communities and their habitats, fauna habitat areas, remnant vegetation and flora and fauna corridors; and
- provide an assessment of the potential impacts of the planning proposal on the ecological values of the study area;
- propose effective environmental protection management arrangements and/or mitigation strategies to maintain and protect significant ecological values within the study area; and
- where required, provide a rehabilitation/restoration management strategy for important ecological attributes of the site.

Contaminated Land Preliminary Study

Terms of Reference:

The study is required to demonstrate that there are no impediments to the site being included in a B7 Business Park zoning. The preliminary assessment submitted with the Planning Proposal is noted.

An assessment of the subject site in accordance with the *Contaminated Land Planning Guidelines and additional guidelines as are stipulated* and consistent with the requirements of *Clause (6) of SEPP 55 Remediation of Contaminated Land* and the relevant provisions of the *Contaminated Land Management Act, 1997*.

Scope:

The following scope addresses the potential full scope of site contamination reporting and actions.

- Stage 1 Preliminary Site Investigation is to be undertaken in accordance with the provisions of the NSW Office of Environment & Heritage (EPA) guideline document *"Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites 2000"*.
- The Stage 1 investigation will need to identify all past and present potentially contaminating activities that have occurred on the site.
- Where the Preliminary Site Investigation indicates that the land is contaminated or that it is or was formerly used for an activity listed in Table 1 (*Department of Urban Affairs and Planning "Managing Land Contamination" Guidelines 1998 - activities that may cause contamination*) and a land use change is proposed that has the potential to increase the risk of exposure of contamination, a Stage 2 Detailed Site Investigation report satisfying the provisions of NSW Office of Environment &

Heritage (EPA) guideline document “Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites 2000” will also be required.

- The Stage 2 assessment will need to identify any onsite and offsite contamination impacts.
- The preparation of a Stage 3 Site Remedial Action Plan and Stage 4 Validation and Site Monitoring Report(s) if considered necessary based on the outcome of the Stage 1 and Stage 2 investigations.

Acoustic and Lighting Amenity – Opinion Reports

Terms of Reference:

This study will be undertaken to ensure appropriate noise and lighting levels of amenity can be attained along interface with residential areas.

Existing residential developments immediately abut the site on the eastern boundary and southern boundary (eastern portion only) and adjacent across Binya Avenue. The 2009 Tweed Shire Employment Lands Strategy recognised the site suitability for an employment land use in preference over residential or retail development options. It is understood the current use has raised from time to time amenity concerns from neighbouring residential uses.

Scope:

An additional investigation of likely impacts and the measures that can be employed to mitigate the effects from potential land uses anticipated in the B7 Business Park zone is to be undertaken. The scope and methodology is to be consistent with professional acoustic and lighting standards for a preliminary assessment.

Summary and conclusions

The subject site has been identified in the Tweed Urban and Employment Land Release Strategy as a site that has employment generating capacity. Under Tweed LEP 2000 the site is zoned 6(b) Open Space (Recreation) which does not permit the redevelopment of the site for employment generating purposes. The draft Tweed LEP 2012 retains a recreation zone proposing a RE2 – Recreation Zone which does not facilitate the establishment of employment generating uses.

Bunnings initiated this Planning Proposal with the view of establishing employment generating uses on the subject site; the establishment of employment uses on the subject site is supported by the *Tweed Shire Employment Lands Strategy*. This Planning Proposal, and ultimate redevelopment of the site for employment purposes, provides a significant opportunity to revisit the broader role of the subject site.

The subject site is identified in Direction 29 of the *Draft Tweed Shire Economic Development Strategy (Economic Development Strategy)* as a significant gateway location that has the potential to improve the entry point to the Tweed Shire and New South Wales. With the construction of the Tugan bypass significant opportunity exists to redevelop the subject site in a manner that reflects its significant gateway location.

Direction 40 of the *Draft Tweed Shire Economic Development Strategy* identifies that “investigation into available sites within proximity of Southern Cross University and the Gold Coast Airport should be undertaken for the master planned business park”. A Business and Research Park with a mix of uses that provides goods and services to support the Gold Coast Airport and University campus would provide a high level of employment generating

uses and provide a specialised business park with a strong nexus to the aviation and education industries.

The Concept Masterplan provided by Bunnings highlights a number of strategic benefits in the redevelopment of the site:

- Establishing employment generating uses on the subject site;
- Activating the frontage of the site to the Gold Coast Highway;
- Reducing traffic going through residential streets;
- Providing a connection to the Gold Coast Highway that may ultimately connect through Ourimbah Road;
- Opportunities for increases in height over the subject site; and
- The ability to retain and enhance the operation of a longstanding raceway facility and keep it active in the Tweed.

It is considered that the 3(c) Commerce and Trade zone (with translation to B7 Business Park under the Draft Tweed LEP 2012) is the most appropriate zone as it allows a mix of employment generating uses that support the proposed Concept Masterplan prepared by Bunnings, and the ultimate development of the site for a Business and Research Park. The proposed zoning also reflects the significance of the site as a gateway location and maximises the opportunities that exists due to the site's location. This request for a Planning Proposal proposes a rezoning of the subject site to the 3(c) zone under the Tweed LEP 200 or to the B7 – Business Park zone under the draft Tweed LEP 2012. This will permit a broad range of land uses, including those illustrated in the Concept Masterplan.

It has been demonstrated that the Planning Proposal is consistent with local and regional strategies including:

- The Far North Coast Regional Strategy particularly in relation to keeping urban development within the existing urban footprint and contributing to the employment targets of the strategy.
- The Tweed Urban and Employment Land Release Strategy 2009 in which the site is identified as a potential employment area.
- The Draft Tweed Shire Economic Development Strategy.

There are also a number of community benefits which will flow from the proposal including:

- Establishing employment generating uses on the site with the long term goal of establishing a Business and Research Park that will enrich the economic fabric of the Tweed Shire.
- Creation of an opportunity for a future through site link between the Gold Coast Highway and Ourimbah Road, including a new signalised intersection. This will improve accessibility for the Ourimbah Road industrial area and remove industrial traffic that must currently use residential streets.
- Removing primary vehicular access from Binya Avenue.
- Facilitating the generation of employment.
- The ability to contribute to the local economy and support other industrial and residential land uses in the locality.
- Securing the future of the Boarder Park Raceway on the site.

It is therefore recommend that this Planning Proposal proceed through the Gateway Process subject to reasonable conditions from the Minister.

Attachment 1 – Copy of Council Resolution

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 - COUNCIL MEETING Thursday, 18 July 2013

Action is required for Item 11 as per the Council Resolution outlined below.

TITLE: [PR-CM] Border Park Raceway Planning Proposal PP13/0001

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. A Planning Proposal PP13/0001 be prepared for the Border Park Raceway site in respect of Lot 644 DP 755740 and Lot 21 DP 518902 for employment lands, subject to the final zone being determined through the additional detailed assessment requirements as outlined in this report;
2. The Planning Proposal PP13/0001 be referred to the Department of Planning and Infrastructure following execution of a costs and expenses agreement between Council and the proponent; and
3. The Minister for Planning and Infrastructure be advised that a delegation of the Plan Making functions is not being sought in this instance.

AMENDMENT 1

**Cr K Milne
Cr G Bagnali**

PROPOSED that Council proceed with the planning proposal in principle for the rezoning of the site for employment land uses and refer the proposal to the Department of Planning for a Ministerial Gateway determination, subject to the additional detailed assessment as identified in this report and other potential assessment as identified by the consultant undertaking the processing of the proposal, to inform the employment zone of the subject site.

The Amendment 1 was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland

AMENDMENT 2

Cr K Milne

Cr G Bagnall

PROPOSED that this item be deferred for a Workshop.

The Amendment 2 was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland

The Motion was **Carried** (Minute No xxx refers)

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland

AGAINST VOTE - Cr K Milne, Cr G Bagnall

Agenda Report

TITLE: [PR-CM] Border Park Raceway Planning Proposal PP13/0001

SUBMITTED BY: Planning Reforms

FILE REFERENCE: PP13/0001 Pt1



Civic Leadership



Strengthening the Economy

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 |
| 1.5.3 | The Tweed Local Environmental Plan will be reviewed and updated as required to ensure it provides an effective statutory framework to meet the needs of the Tweed community |
| 3 | Strengthening the Economy |
| 3.4 | Provide land and infrastructure to underpin economic development and employment |
| 3.4.1 | Ensure an adequate supply of industrial and commercial lands to promote employment and business opportunities |

SUMMARY OF REPORT:

This report provides a desktop assessment and recommendations in relation to the planning proposal request, PP13/0001, for the Border Park Raceway site, to facilitate the rezoning of the site from the current 6(b) Open Space Recreation zoning to a B7 Business Park zone with a height limit of 15 metres, under the provisions of the Standard LEP Template and the draft LEP 2012. A comparable zone to the B7 Business Park proposal request within the Tweed LEP 2000 would be the 3C Commerce and Trade zone.

The report does not undertake a detailed assessment of all implications; rather the desktop review highlights the considerations that are required to be assessed in further detail in order to inform the planning proposal's suitability as submitted, or in order to inform another form of suitable employment land zone.

The report finds that, notwithstanding the determination of an appropriate employment zone, the use, and therefore zoning, of the site for employment lands is consistent with the strategic framework of the Far North Coast Regional Strategy and Council's Tweed Urban and Employment (TUELRs), which identifies the site for employment lands.

The report recommends that the Planning Proposal proceed and be referred to the Department of Planning and Infrastructure for a Gateway Determination and that the additional detailed assessment be undertaken to finalise the proposal for public exhibition.

RECOMMENDATION:

That:

1. A Planning Proposal PP13/0001 be prepared for the Border Park Raceway site in respect of Lot 644 DP 755740 and Lot 21 DP 518902 for employment lands, subject to the final zone being determined through the additional detailed assessment requirements as outlined in this report;

2. **The Planning Proposal PP13/0001 be referred to the Department of Planning and Infrastructure following execution of a costs and expenses agreement between Council and the proponent; and**
3. **The Minister for Planning and Infrastructure be advised that a delegation of the Plan Making functions is not being sought in this instance.**

REPORT:

Background

In late 2012 Council staff were approached by Bunnings Group Limited (Bunnings) as they were in search of a new and larger site for their Tweed store, which is presently located in Expo Park Tweed Heads South.

Located at the northern extremity of the Tweed Local Government Area (LGA) and bordering Queensland is the site of the Border Park Raceway Club; a greyhound racing facility (Border Park). Bunnings and Border Park had been in discussion before approaching Council about a rezoning of part of their site for commercial retail (bulky goods) purposes and subdivision. The concept proposal was seen by both as a solution to address both of their prevailing issues; Bunnings required a significantly larger area than they presently have access to and Border Park, it was said, is in financial difficulty and ideally in need of funds to reinvest and rejuvenate the facility.

The discussions between Council officers and the two parties were at a reasonably high level, in part because there were several key issues to address. In particular, the traffic demand and road network upgrades, interconnectivity with the neighbouring Ourimbah Road, the long-term suitability of the whole site for employment purposes and general urban design issues were raised.

Prior to making the request for a planning proposal, which Council received in February 2013, Bunnings had acted on several requests by preparing a traffic analysis and concept masterplan for the entire site. This Plan showed an indicative development plan and interconnectivity with Ourimbah Road. The Plan also indicated that the use of the site was for largely retail based uses.

Underpinning the strategic justification for the rezoning is the Tweed Urban and Employment Land Strategy (TUELRS), which identifies the Border Park site as Area 3. The TUELRS provided short (0-10yrs), medium (10-20yrs) and long (20-30yrs) timeframes to commence rezoning and Border Park is identified as short term. However, the intention of the TUELRS, as discussed further in this report, was not to create or encourage new bulky goods retailing centres, which would have otherwise been inconsistent with Council's long standing policy of maintaining Tweed Heads South as the primary location for bulky goods, retail, commerce and trade.

Whilst the planning proposal request seeks to facilitate a change of zone and building height, the applicant has also nominated the intended use, being a Bunnings warehouse as well as other bulky goods retail showrooms and fast food outlets. The planning proposal, as provided in Attachment 1, includes an indicative concept plan demonstrating that the site can be developed in the longer term. This is not, however, provided as a development proposal.

The site

The site is currently zoned 6(b) Open Space Recreation under the Tweed Local Environmental Plan (LEP) 2000 and is proposed to be zoned RE2 Private Recreation with a building height of 10 metres within the exhibited draft Tweed LEP 2012.

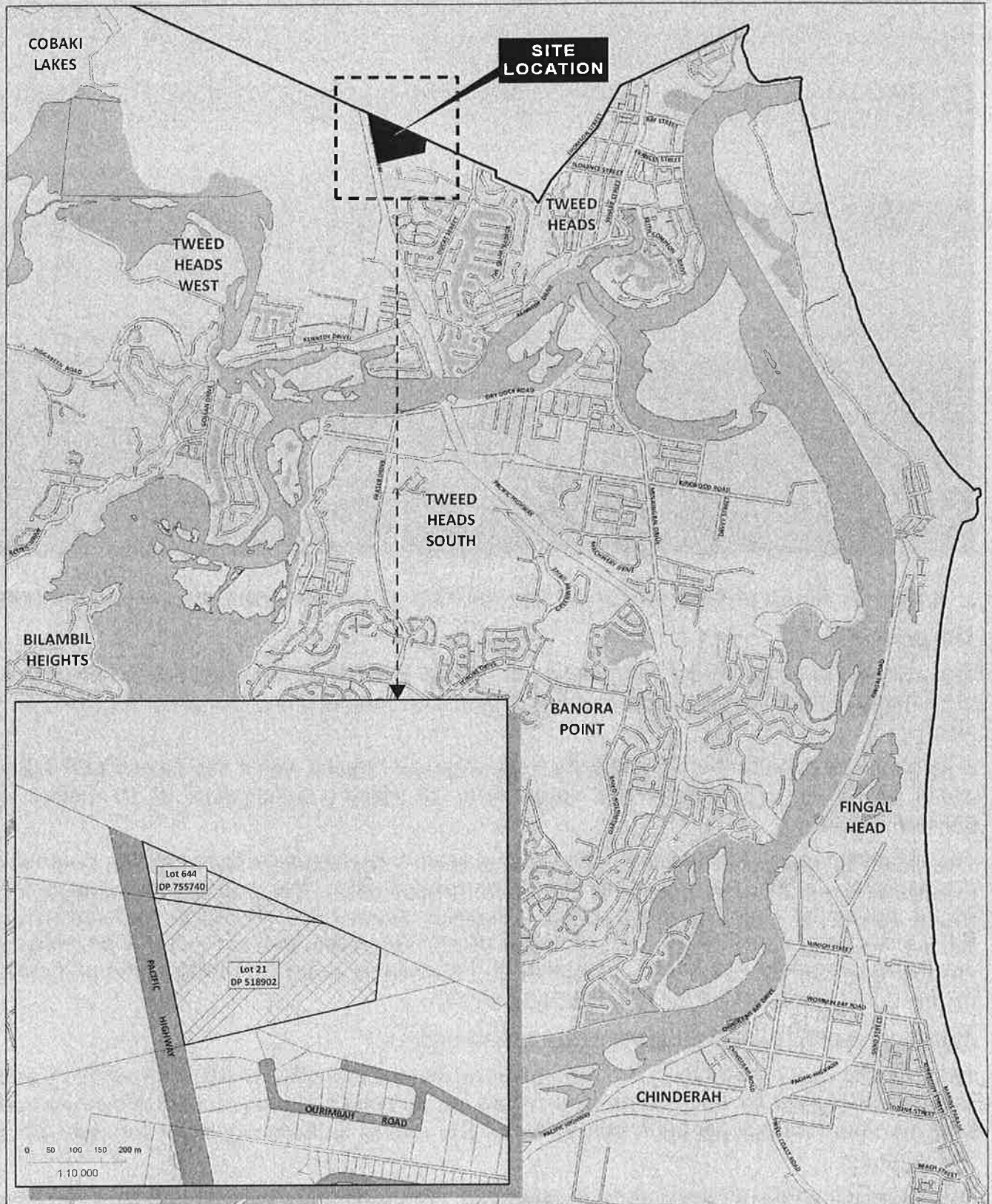
The site is approximately 11 hectares, triangularly shaped and located on the NSW/Queensland border. To the north the site borders Queensland along Binya Street and faces residential uses and the Kirra Beach Tourist Park. To the west the site adjoins the Gold Coast Highway and Gold Coast Airport. East and south east of the site adjoins residential areas of Tweed Heads and south of the site adjoins the Ourimbah Road Industrial area.

The site is currently used for the Border Park Raceway Club. In addition, the site is subject to a deferred commencement approval (November 2012) for the temporary use of the site for car parking in association with Southern Cross University (DA12/0467).

The current raceway Use

The Border Park Raceway is a greyhound racing facility. The current racing calendar indicates between 2-3 race meetings per month on Saturdays. In addition the site offers caravan and camping to travelling owners and trainers, children's play area, fully licensed bar and kitchen premises, a betting auditorium and large function room for hire.

The site is also currently used as 'spill over' car parking for Southern Cross University. A mini bus service connects students parking their cars with the adjacent Southern Cross University Campus, in accordance with the abovementioned development consent.

SUBJECT SITE:**Locality Plan**

Lot 644 DP 755740 and Lot 21 DP 518902
Ourimbah Road, Tweed Heads

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representation or warranty, expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a 'Call before you Dig' enquiry must be made by calling 1100. The information contained in this document remains valid for 90 days only from the date of supply.

Cadastre 02/07/2013
Land and Property Information (LPI) &
Tweed Shire Council
Boundaries shown should be
considered approximate only.

0 0.2 0.4 0.6 0.8 1 Km
1:10,000 A4 Portrait
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GDA

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TWEED
SHIRE COUNCIL

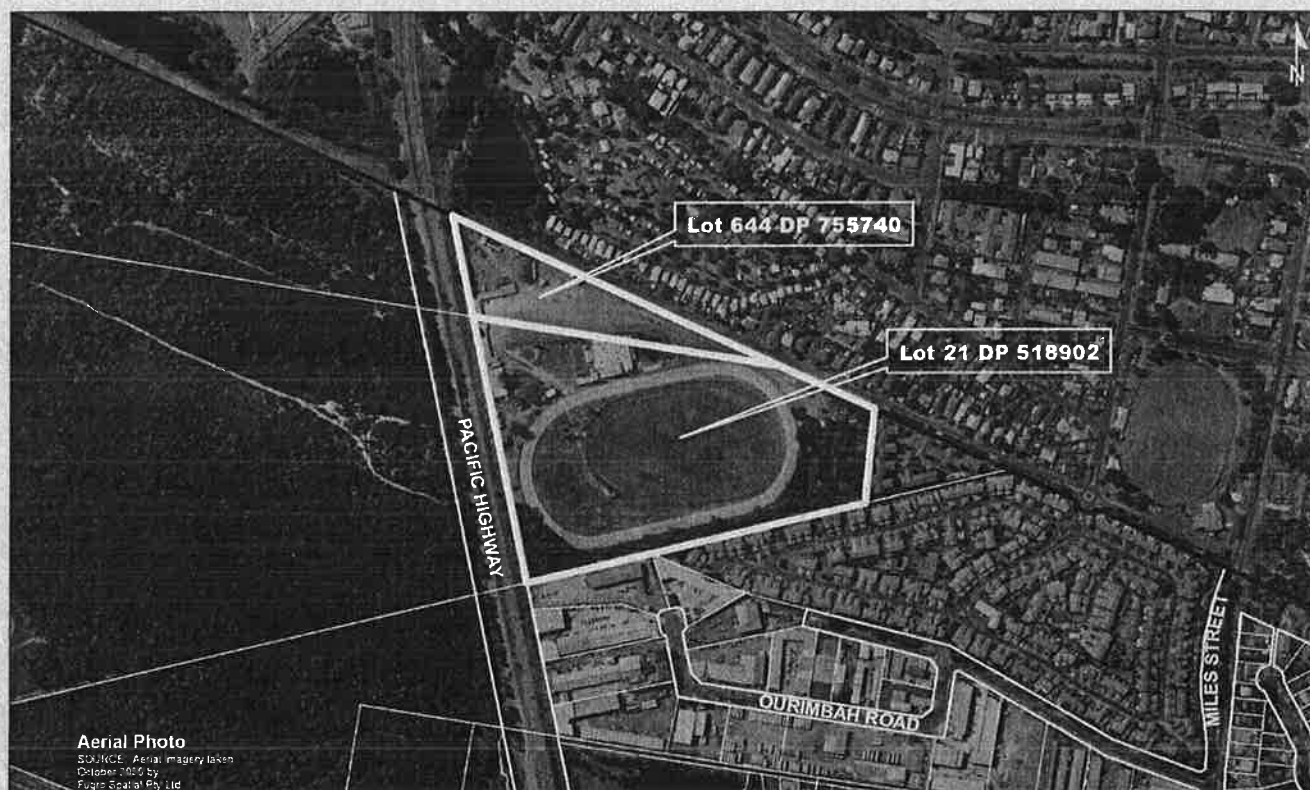


Figure 2 - Aerial photograph of the Border Park site and surrounding urban context

The proposal

The planning proposal seeks the rezoning of the site to B7 Business Park with a height limit of 15 metres under the provisions of the Standard LEP template and therefore the Draft LEP 2012.

A comparable zone to the B7 Business Park proposal request within the Tweed LEP 2000 would be the 3(c) Commerce and Trade zone, to which a height limit of 10 metres is generally applied.

The planning proposal includes a two-staged indicative development layout for the purposes of assessing the potential impacts of the future development. The proposal is accompanied by an Aboriginal Cultural Heritage Due Diligence assessment (ACHDD) undertaken by Everick Heritage Consultants Pty Ltd and a preliminary traffic assessment. A preliminary desktop assessment has been undertaken on the suitability and capability of the proposed rezoning and identified the following considerations:

Aboriginal cultural heritage due diligence assessment

The ACHDD was presented to the Aboriginal Advisory Committee (AAC) in April 2013 and listed for May 2013 for return comments, however, this meeting did not have a quorum and thus the item has not yet been considered. The matter is listed again for the July 2013 meeting.

The ACHDD contains a number of standard precautionary recommendations for the proposal, including cultural inductions for workers on the site and actions if Aboriginal remains or cultural material are located. In addition the ACHDD recommends monitoring of High Risk Areas 3 (the eastern section where the greyhound track is proposed to be relocated) and 5 (south western section where the tavern is proposed) during future earthworks.

In order to keep the proposal from being further delayed, it is recommended that should Council resolve to proceed with the proposal, any further assessment requirements and recommendations of the AAC should be included.

Traffic

A preliminary assessment of road network and traffic conditions has been submitted with the proposal. The access to and from the site from Gold Coast Highway and Binya Streets will be a key consideration. Similarly, the planning for and provision of access to Ourimbah Road is a key outcome for the integration of the employment lands with the adjoining industrial area. It is recommended that should Council resolve to proceed with the proposal that further traffic assessment to ensure the suitable access and connections would be required. This may also require a planning agreement to ensure enforceability of commitments.

Infrastructure servicing

Water supply to the site is currently provided by Gold Coast City Council (GCCC). The suitability of this continuing with the proposed employment uses and consequent higher water demand will need to be determined. Provision of water by GCCC or Tweed Shire Council will need to be determined.

Similarly, stormwater currently drains to the Kirra Beach Tourist Park detention basin to the north and to a State road to the south western corner. This is not likely to be adequate given the proposed more intensive use of the site.

The site is currently not sewered and will need to be connected. Internal desktop review indicates that further assessment is required to determine if a legal point of discharge can be suitably provided to accommodate the proposed full development of the site (stage 2). As proposed, if the site drains to the racetrack in Stage 1, this has the potential preclude the proposed stage 2 future development.

It is recommended that should Council resolved to proceed with the proposal, further infrastructure servicing assessment, including determination a legal point of discharge based on full site development for employment land uses will be required.

Proposed development and staging

The planning proposal request demonstrates how the site can be developed over the longer term in two stages. The first stage comprises the development of a Bunnings store (18,900m²). This is the proponent's development and is likely to be the first development of the site. The remaining component of stage 1 is shown to include other potential bulky goods uses (2,000m²), proposed liquor store/tavern (1,200m²), associated parking areas and the retention of a smaller greyhound racing track.

The proponent's request is for the rezoning of the site to facilitate these uses; it is not for a development application seeking approval of them. Consequently it is not possible to say with any certainty how and when each part of the site will occur and for what use. What is evident at this stage is that Bunnings will seek approval for their store and most likely a subdivision of the area of land that they require. How this will ultimately affect the remainder of the development of the site would be subject to evaluation at the development application stage to ensure consistency with any strategic direction or intent established through the rezoning process would likely require a planning agreement or other such legally enforceable provision.

Also evident in the request is the proposal to relocate the oval greyhound race track to the far eastern area of the site adjoining the established residential areas to the east and north. This will require the removal of existing vegetation and may raise concerns with adjoining landowners and Gold Coast City Council about noise and lighting. Stage one will require a signalised intersection to the Gold Coast Highway and planning provision for a future road connection to the Ourimbah Road industrial area. The technical details of these network upgrades will be required with a development application but as with the strategic intention there will need to be an enforceable arrangement in place beforehand to ensure that the site

and road upgrades are developed in accordance with the commitment statements in the planning request, or as agreed otherwise.

The second stage envisages the cessation of the raceway and the expansion of the business park into this remaining area. The indicative concept provided within Attachment 1 indicates a potential for a further retailing or commercial area of about 11,000m².

If the rezoning of the site to facilitate a future Bunnings development is seen to be acceptable, then having a staged approach to the long term development of the site is a strategic necessity. This is the only way the Council can ensure the holistic planning of the site to maximise the employment land use as envisaged in the TUELRs, and to ensure integration of the site with surrounding land uses. This latter component of ensuring connectivity with the industrial lands of Ourimbah Road is seen to be crucial to the longer term future and adaptation of that business area. It is also essential if the potential for a "stand alone" bulky goods use is to be avoided or limited.

Long-term Strategic Considerations

The development of the first stage of the proposal has its benefits, not least because it will keep a business enterprise (Bunnings) in Tweed and increase their ability to offer additional employment, but because it also offers the ability to enhance the viability of the longstanding raceway facility and keep it active in the Tweed. However, it needs to be recognised that the rejuvenation and greater economic viability of the racing facility will inherently improve its chances of staying where it is. This would operate negatively on the strategic intent of the development of the site for other employment / business uses, but would not necessarily be incompatible with the proposed first stages of development.

Whilst this report does not assess the suitability of the raceway remaining on the site or the future tenancies, the assessment of the planning proposal will need to consider all the opportunities and constraints arising from a rezoning of the site for employment purposes.

Future development consistent with the proposal will require the relocation of the greyhound track, kennels, and associated parking to the eastern and southern boundary of the site. This includes provision of an indicative 20 metre vegetated buffer to the surrounding residential uses to the east, south east and the north. Impacts of the future relocation of the greyhound track needs to be carefully considered as part of the proposal's suitability.

Loss of vegetated land, noise and lighting impacts on adjoining residents, implications on drainage and the ability to ensure the roadway connection to Ourimbah Road are key considerations. The suitability of retaining the raceway within an area strategically planned and potentially zoned for employment lands as well as compatibility of the raceway with future land uses will require careful review.

Council would also need to consider the implications of a strategy that increases the likelihood of the racing facility becoming viable as this may also raise the need and expectation for the scope of associated activities to increase. How that would fit within a scheme premised on their cessation or relocation will also need to be evaluated.

Planning considerations/Strategic context

"Employment Lands" is a catch all term for land dedicated to the creation of jobs close to where people live. "They include lands zoned for heavy and light industrial development and commercial development which is not located in a CBD or regional centre. Their uses range from warehousing, distribution centres and manufacturing to business parks and research facilities" (*Property Council of Australia – Employment Lands 2010*). The success of employment lands depends on efficient land release, location, essential infrastructure, access to transport including road and freight.

One of the key factors to be considered in the location, supply and use of employment lands is the balance between the above listed uses and those of office and retail uses, including bulky goods retailing. Good planning seeks a balance between strengthening established

'centres' and the suitable location as well as suite of uses envisaged in 'employment lands' so as to not create 'out of centre' retail.

The proximity of the subject site to the Tweed Heads commercial centre (predominantly office and retail), South Tweed Heads Trade centre (predominantly large format retail and bulky goods) and its relationship to the Boyd's Bay Garden World site; seeking similar bulky goods retailing (reported to Council 17 July 2012), remain to be fully assessed.

It will be essential as part of the detailed suitability assessment of the requested rezoning to vigorously test the strategic merit of the proposed zoning, not the development per se. To achieve this it will be essential to undertake an appropriate level of retail/commercial analysis of what is existing in the Tweed, what is needed based on current population and demographic demand statistics, and a locational analysis. This will be required to determine the type of employment lands zone required for this location.

It is important to distinguish this approach with that of an economic assessment of the development itself, which is generally not required at the development application, stage for developments locating within existing business zoned land.

In the present case the request is to rezone the land. Council must be satisfied that the zoning is needed and appropriately located because once made there can be any number of uses that may come forward through a development application and so long as they are consistent with the zone objective there would be little to no opportunity of denying approval on the grounds of a particular 'land use'.

Far North Coast Regional Strategy (FNCRS)

The subject site falls within the Town and Village Growth area footprint of the Far North Coast Regional Strategy (2006). The FNCRS plans for an additional 32,500 jobs for the region, which encompasses 6 local government areas.

The anticipated employment growth translates to a need for approximately 156 hectares of additional industrial land and about 76 hectares of additional commercial land. The FNCRS also notes *"With the strong tourism and population-drive employment base (retail and service sectors) in the Coastal Area, the availability of affordable land in this area is becoming increasingly limited, and what is available is increasingly being utilised for bulky goods retailing. As such, land available for industries that generate export jobs is decreasing in the coastal area."*

The Strategy states that commitment to sustainability, productivity, creativity and innovation is fundamental to the Region's economic future. In consequence, there are certain economic challenges defined in the Strategy that should be carefully considered when preparing and LEP amendment, including:

- a) Ensuring sufficient employment lands are available in appropriate locations to accommodate growth in existing and emerging industries and businesses,
- b) Ensuring employment lands are located to take advantage of the transport network offered by upgrades to the Pacific Highway and other major roads in the Region, and
- c) Consideration that ongoing and future upgrades to the Pacific Highway will improve cross-border accessibility, providing opportunities for the regional economy.

In the absence of a holistic retail/commercial and industrial study for the Tweed, it is increasingly difficult not only to guide but also to understand what market demands and gaps employment lands should be targeting. This is often made more difficult when economic assessments are provided with individual rezoning and development applications as there are often inconsistencies amongst their findings.

Tweed Urban and Employment Land Release Strategy (2009)

The site is identified in the Tweed Urban and Employment (TUELRS) as Area 3 for staging in the short term. The short term staging was premised on the site identified as relatively unconstrained based on the TUELRS assessment criteria and on the understanding at the time that the raceway was considering relocation away from the site. The TUELRS recommends that should the racing facility cease, *“employment lands would be preferred over residential or retail development.”* The TUELRS also states for the purposes of the employment lands strategy *“employment lands are defined as “any land that is predominantly used for commercial activities resulting in employment (specifically excluding land predominantly used for retail uses).”*”

TUELRS assessed the current Tweed Heads (Urban North area) retail floor space at 99,500m². Forecast demand for 2024 is for an additional 21,343m². The subject proposal is for a completed stage 2 forecast of 38,350m² of employment, largely bulky goods retail, uses.

In addition, TUELRS also identifies the Boyd's Bay Garden World site, “Area 2”. Whilst not part of this proposal, it is relevant to consider the cumulative implications of the two proposals. The Boyd's Bay Garden World Planning Proposal (PP10/0001), is located within the same Urban North Area catchment and seeking similar employment uses with a proposed bulky goods floor area of 13,000m². When the cumulative supply of the two proposals are considered a total bulky goods floor space of approximately 51,000m² could be realised in the short term, representing a 42% increase of the forecast 20 year demand. In terms of employment generating, these large floor plate land uses yield relatively small employment density when compared to other business park uses.

The subject site proposal provides a preliminary assessment of what is termed “employee density” of 413-612 jobs. The TUELRS identifies job density of between 20-55 jobs per hectare, depending on the industry, citing: job densities for manufacturing, wholesaling, transport and storage, and supporting land uses at between 20-30 employees per hectare. The subject proposal has calculated employee density based metropolitan Sydney employment area figures and on the floor area of the forecast development, rather than on the site area, thus it is likely the realised employee density will be lower than stated. The *“Employment Lands Development Program 2010 Overview Report”* by the Department of Planning has assessed employee density and finds that *“job densities are significantly lower in the outer [metro] subregions”*. The Tweed is unlikely to realise job densities at the higher end of the forecast and can be most closely compared with the Central Coast, which has a job density of 23 persons per hectare, which translates to approximately 253 jobs for the subject site.

TUELRS identifies in the *Opportunities and Threats* that *“development of knowledge intensive/technology employment would provide greater value adding to the Tweed and economic productivity in the region”*. This site represents a key strategic opportunity, given its proximity to Gold Coast Airport and Southern Cross University to build on these higher order employment uses.

The Tweed economic opportunities and constraints are closely associated with the economy of South East Queensland and importantly with the employment and growth strategies of the Gold Coast. In addition the site represents the northern gateway to the Tweed, importantly for those heading into NSW from the Gold Coast airport. Therefore, the future development of the site, its uses and the architecture and urban design of this site are critical considerations.

This report does not assess the suitability of the above issues or potential cumulative impact within the Tweed Heads/South Tweed Heads employment context, however, does raise a number of economic considerations that should be further investigated as part of the planning proposal proceeding. This is discussed above under the heading *Planning Considerations/Strategic Context*.

Draft Development Control Plan (DCP) A16 – Business Park

A draft DCP is currently being prepared in response to the Council resolution associated with the Boyd's Bay Planning Proposal. This draft DCP contains overarching guidelines for land zoned for business parks and will include site specific provisions, including land use mix, business park aims and objectives for individual business parks.

It is anticipated the draft DCP A16 will be reported to Council in the latter half of 2013.

The development of specific provisions across this site is of particular importance considering the sites highly visual gateway location. As business park buildings inherently are higher, have large footplate areas and more expansive elevations, it is important that sites be holistically planned to balance built form within a designed landscape and public domain setting. Urban design considerations would form one element of these site specific provisions tempering built form with visual and workplace amenity.

It is envisaged that for the site to be developed and function as an 'employment generating destination', a whole of site concept master plan and staging plan for development of the site would be required as part of any future development application process. This master planning process could then identify the optimum site configuration in terms of circulation and access, building siting, land use composition, built form and public domain.

In the event that Council was to resolve to proceed with the proposed rezoning, site specific provisions would need to be developed for inclusion in the DCP. This would include not only urban design considerations but direction on the mix of uses and road network upgrades.

Work program

The subject proposal is included on the Planning Reforms Unit (PRU) work program for 2013/14. The current resource allocation means that the proposal will be tendered for an external consultancy to assist with its preparation.

OPTIONS:

In considering this planning proposal, Council has the following options:

1. Proceed with the planning proposal in principle for the rezoning of the site for employment land uses and refer the proposal to the Department of Planning for a Ministerial Gateway determination, noting that additional detailed assessment as identified in this report and other potential assessment as identified by the consultant is to be undertaken to inform the employment zone of the subject site prior to public exhibition.
2. Proceed with the planning proposal in principle for the rezoning of the site for employment land uses and refer the proposal to the Department of Planning for a Ministerial Gateway determination, subject to the additional detailed assessment as identified in this report and other potential assessment as identified by the consultant undertaking the processing of the proposal, to inform the employment zone of the subject site.
3. To defer the planning proposal subject to further clarification, information or a Councillor workshop.
4. To not proceed with the planning proposal.

It is noted that should Council not proceed with the planning proposal, the legislation and DP&I's practice and procedure allows an applicant to appeal Council's decision. If the DP&I considers the request to have strategic merit it is referred to the Joint Regional Planning Panel for assessment and determination.

Option 1 is recommended to facilitate the proposal.

CONCLUSION:

The Proponent has requested Council to rezone the subject site to B7 – Business Park and to apply a height limit of 15 metres under the provisions of the standard LEP Template and the draft LEP 2013. It is noted this is a new zone and does not directly correlate to current zones under the current Tweed LEP 2000. The closest translation is the 3(c) Commerce and Trade zone.

The subject site has few constraints and there is a regional and local strategic context which has identified the subject site for employment land, however, there is limited retail or economic data to define what the appropriate employment land uses should be.

The site represents a key strategic opportunity being the gateway to the Tweed, particularly when entering NSW from the Gold Coast. As such the urban design of the site, its interface with the surrounding road network, connections to other industrial and employment lands, the Gold Coast Airport and Southern Cross University are key factors in the consideration of the planning proposal request.

At present there is insufficient information to determine the suitable employment zone for the site, though there is sufficient justification for rezoning of the site to facilitate employment lands. Should Council resolve to proceed with the planning proposal, those questions may be answered by proceeding with the planning proposal and undertaking the necessary studies.

There is an economic imperative to ensure the Tweed does not lose major businesses and the employment they generate for the Tweed community. It is also essential from a sustainability perspective that the Tweed community is not forced to travel excessive distance to obtain the services they require. For these reasons it is recommended that Council proceed with the planning proposal and investigate the suitable employment land types and appropriate zone. For the benefit of both the applicant and Border Park it must be noted that proceeding with the strategic investigations, at their cost, does not guarantee that the site will ultimately be identified for the zoning sought in their request.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

There is no allocated Council budget for this project. Subject to the resolution of Council, the Planning Proposal will be proceed under a Costs and Expenses Agreement, consistent with the 2013/14 Fees and Charges schedule.

c. Legal:

Not Applicable.

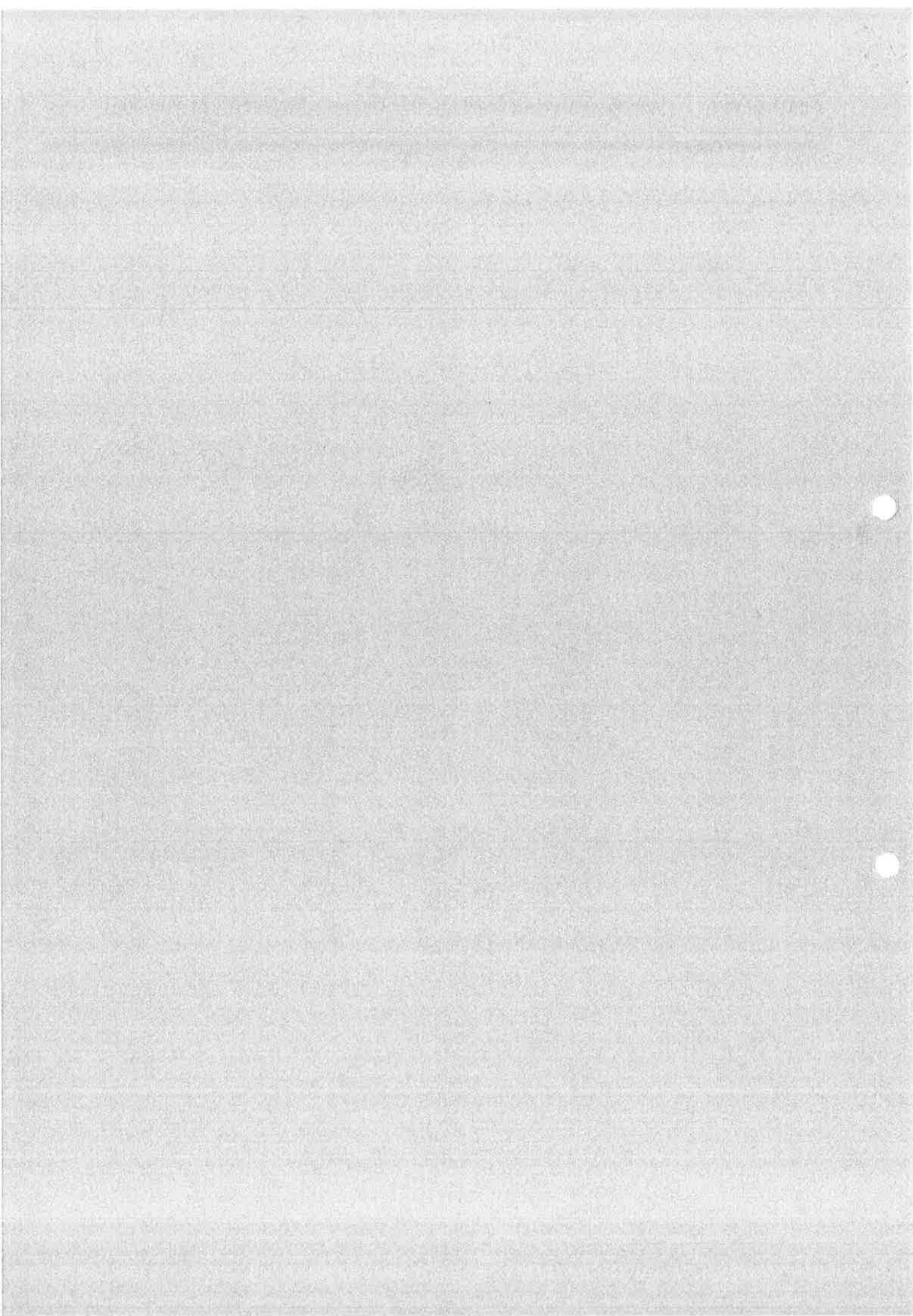
d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Border Park Planning Proposal Request (ECM 3106359)

Attachment 2 Aboriginal Cultural Heritage Due Diligence Report (ECM 3106360)



Attachment 2 – Copy of Council Correspondence to Proponent



planning consultants

Council Reference: GT1/LEP/2000
Your Reference: email of 17 July 2012



TWEED
SHIRE COUNCIL

24 July 2012

Customer Service | 1300 292 872 | (02) 6670 2400

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RECEIVED 27 JUL 2012

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Please address all communications
to the General Manager

ABN: 90 178 732 496

Dear Philip

Border Park Raceway site - Response to Preliminary Discussion

Thank you for the opportunity to review preliminary concepts and discuss traffic and other matters associated with your draft proposal for construction of a Bunnings store and reduced scale raceway on the Border Park Raceway site at Tweed Heads.

It is understood that the concept as presented was a preliminary draft for discussion purposes only but proved to be very useful in understanding your intentions, and has aided in preparing the following response.

While Council applauds the desire to develop what is a critical site within the Shire a number of issues were raised at the meeting which we would like to reiterate.

Strategic significance of the site

As you have recognised, it is difficult to find large, relatively unconstrained and undeveloped sites in the Tweed. This site also represents a major opportunity to capitalise on the locational advantages of proximity to South East Queensland, regional infrastructure such as Gold Coast Airport and Southern Cross University, apart from the exposure afforded fronting the Gold Coast Highway. As such, the ability of any development to present a 'best and highest' outcome consistent with the employment generating expectations of the Tweed Urban and Employment Land Release Strategy will be keenly sought.

While it is now understood that your preference is for a 'standalone' development consisting solely of a Bunnings store fronting the Gold Coast Highway and reduced scale raceway occupying the remainder of the site, concern has been raised about the strategic planning benefits of coexisting with the raceway as the sole additional use of the site, without consideration of the opportunity for other development to occupy the site as part of a major employment generating development.

Branding and exposure are recognised as a feature of Bunnings marketing strategy; however, for this site, linear development which consumes the entire road frontage and eliminates the potential to maximise development opportunities for the majority of the site and does not consider the strategic significance of the site for additional uses is not considered to be the 'best and highest' use of the site.

Raceway relocation and funding

As already mentioned, the matter of the longer term viability of the Raceway on this site needs to be further considered, in light of the opportunity for relocation to Murwillumbah as discussed. There is also a need to consider how previous funding arrangements for the development of the Raceway will be managed as part of any relocation within the Tweed.

Integration of landuses and infrastructure

While concept plans typically emphasise the site-specific intentions of the development, consideration of the strategic importance of the site and its linkages with important regional infrastructure and nearby development, and integration as part of the broader local road network does not appear to have been considered.

Maximising the benefits of a signalised intersection on the Gold Coast Highway should form part of any proposal for development of the site. Notwithstanding your intention for a 'standalone' development and our desire to see the remainder of the site better utilised, the site presents a number of opportunities to connect with the local road network as part of a broader strategic perspective for development of the site and support of surrounding landuses.

The ability of the site to link with industrial development in Ourimbah Road to the south and across the border into the residential road network in Queensland have not been considered but would be important considerations in justifying an intersection into the site. Such linkages may not occur immediately; however, concept plans should identify reservations for this purpose.

While Council is appreciative of your approach and is keen to see the site developed, your preliminary proposal has not addressed the strategic significance of the site, both its location and potential employment generating opportunities, and has not appreciated the need for the site to be integrated with the surrounding landuses and road network.

Council remains supportive of any attempts to see this and other sites in the Shire developed to a 'best and highest' use which facilitates economic development and employment opportunities for residents of the Tweed and would encourage you to consider the matters raised above in any further opportunities you may see for the site.

Should you wish to discuss this or other matters further please do not hesitate to contact me on (02) 6670 2457, or by email at ilonsdale@tweed.nsw.gov.au.

Yours faithfully



 **Iain Lonsdale**
COORDINATOR PLANNING REFORM

Council Reference: GT1/LEP/2000
Your Reference:

RECEIVED 03 NOV 2012



TWEED
SHIRE COUNCIL

31 October 2012

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Dear Philip,

**Border Park Raceway site - Development Proposal for a Bunnings
Hardware and Building Supplies Premises - Response to meeting
of Wednesday 17 October 2012**

Thank you for taking the time, along with other Bunning's representatives and those of the landowner, to further meet with Council staff about progressing a potential rezoning of the site. Please note that this response should be read in conjunction with my earlier letter of 24 July 2012.

The main thrust of our views regarding the potential future rezoning and development of the site may be summarised as:

- The site is strategically significant, owing largely to its proximity to the Pacific Highway, aviation, future planned rail and education infrastructure, employment resources and from a development / construction perspective is relatively unconstrained. It follows that Council should use its best endeavours to ensure that any future development is such that it requires, relates and can capitalise on these unique attributes, particularly as this site represents as a comparatively rare opportunity within the Tweed.
- Implicit in optimising the site's potential is managing reasonable expectations for the long-term coordinated development of the site, which should have genuine regard for the probable likelihood of the current recreation establishment relocating wholly off-site in the medium-term future; and,
- Ensuring that any future traffic management scenario and works are designed to accommodate, as far as practicable and reasonable, the integration of this site into the surrounding network with a view to providing a public net benefit.

In response to the first two points above we acknowledge the concept plans prepared by the Buchan Group for the staged development of the site and the Bunnings Group's response to previous concerns regarding the building's alignment, with the current conceptual layout now orientating buildings along a more favourable perpendicular axis to the highway frontage. We also acknowledge the concept and siting of other potential uses on the site and their purpose in demonstrating how the site could be developed to further integrate additional development and to potentially offset the negative aesthetic appearance associated with large warehouse styled development.

Architectural treatment of future development integrated within an appropriate landscape design to create a vibrant and attractive urban environment will be essential. Indicative design plans, particularly addressing the building's facade and car park design / treatment, for the Bunnings development will likely be requested in support of any planning proposal.

In regard to the traffic issues discussed, from our perspective these have been adequately articulated in my earlier letter. They remain for you to investigate with your traffic engineering consultant when preparing a report in support of a planning proposal.

The critical traffic issue from the Council officer's point of view, to reiterate for your benefit, is that our support for a new intersection on the Old Gold Coast/Pacific Highway is largely contingent on there being provision and evaluation of the extension of Ourimbah Road into this site. This will not likely result in a requirement for the road to be constructed as part of the initial Stage 1 development, instead Council may rely upon an indicative masterplan incorporating the preferred road design and connections as the means for including the Ourimbah Road extension in its Tweed Roads Contributions Plan. This will enable Council to collect contributions toward the cost of acquisition and construction of the extension should it be required as part of the Stage 2 development, comprising the remainder of the site.

In regard to the lodgement of any planning proposal for the site we would expect that any such request would be based upon the rezoning of the entire site. We are open to receiving a planning proposal request at your convenience and on the basis that we will utilise an external consultancy to undertake the planning proposal on a fee for service basis.

The planning proposal request need not and should not be overly burdened by planning studies at first instance. Please refer to the Department of Planning and Infrastructure's relevant guidelines for preparing a proposal. Any additional planning investigations / studies will be identified during the course of preliminary considerations and will form the basis of a Memorandum of Understanding for their preparation should Council resolve to amend its Local Environmental Plan.

Please do not hesitate to contact me directly should you have any queries in this matter.

I look forward to speaking with you further as the proposal progresses.

Yours faithfully

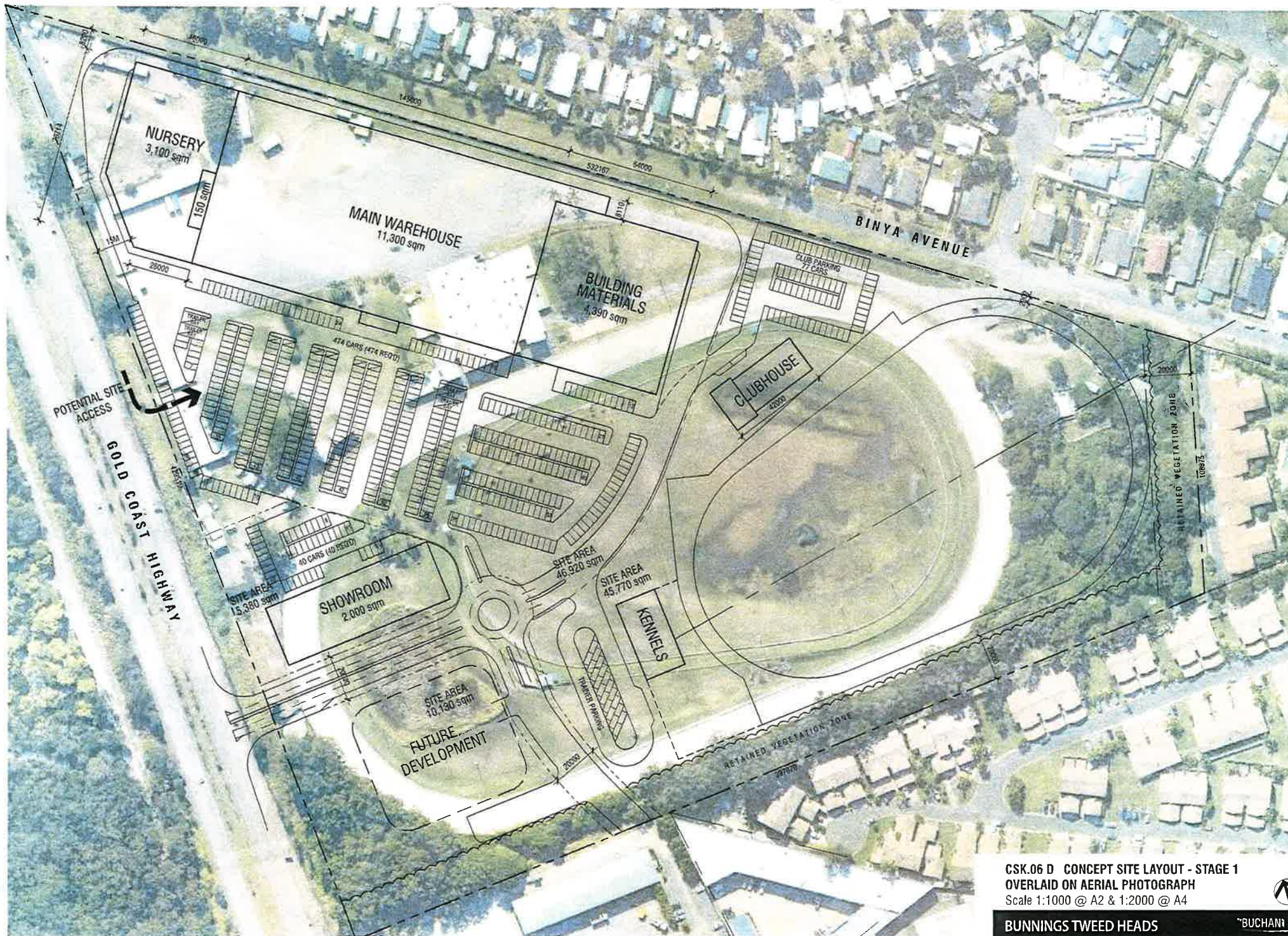


Iain Lonsdale
COORDINATOR, PLANNING REFORM UNIT



planning consultants

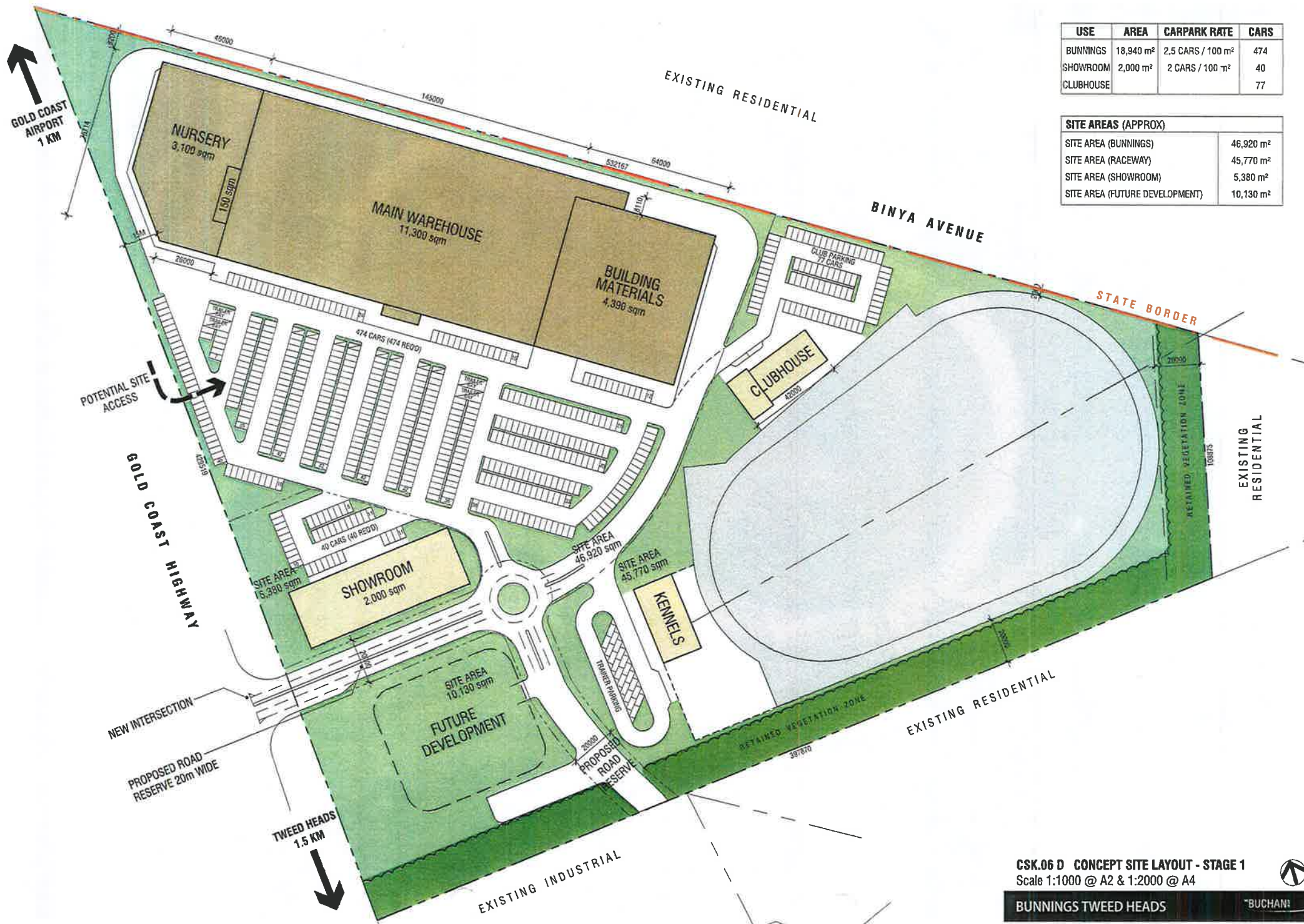
Attachment 3 – Concept Masterplan



CSK.06 D CONCEPT SITE LAYOUT - STAGE 1
OVERLAID ON AERIAL PHOTOGRAPH
Scale 1:1000 @ A2 & 1:2000 @ A4

BUNNINGS TWEED HEADS

"BUCHANAN"



USE	AREA	CARPARK RATE	CARS
BUNNINGS	18,940 m ²	2.5 CARS / 100 m ²	474
SHOWROOM	2,000 m ²	2 CARS / 100 m ²	40
CLUBHOUSE			77

SITE AREAS (APPROX)	
SITE AREA (BUNNINGS)	46,920 m ²
SITE AREA (RACEWAY)	45,770 m ²
SITE AREA (SHOWROOM)	5,380 m ²
SITE AREA (FUTURE DEVELOPMENT)	10,130 m ²

CSK.06 D CONCEPT SITE LAYOUT - STAGE 1
Scale 1:1000 @ A2 & 1:2000 @ A4

BUNNINGS TWEED HEADS

"BUCHAN"



planning consultants

APPENDIX E

Attachment 4 - Aboriginal Cultural Heritage Due Diligence Assessment

June 2013

DUE DILIGENCE CULTURAL HERITAGE ASSESSMENT



BORDER PARK PROJECT TWEED HEADS, NSW



Report Reference:

A. Bishop, A. Piper and T. Robins 2013 *Cultural Heritage Due Diligence Assessment for Lot 21 DP518902, Lot 466 DP755740 and Lot 668 DP755740, Border Park, NSW (June 2013)*. Everick Heritage Consultants unpublished report prepared for Bunnings.

Acknowledgements:

Everick would like to acknowledge the following people for their assistance in the production of this report:

Tweed Shire Council Aboriginal Advisory Committee

Cyril Scott (Tweed Byron LALC Sites Officer)

Celeste Lees (Tweed Shire Council GIS)

Tweed River Regional Museum, Tweed Heads

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Document Status:

Rev No.	Version	Author(s)	Date	Authorised
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1	Final	T. Robins	17.06.13	T. Robins

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EXECUTIVE SUMMARY

The following is a preliminary (Due Diligence) cultural heritage assessment of Indigenous and non-Indigenous cultural heritage at the Border Park site at Tweed Heads, New South Wales. The Project Area is identified as Lot 21 DP518902 and Lot 644 DP755740. The purpose of this assessment is to identify potential cultural heritage constraints that may restrict a proposed light industrial subdivision.

As part of a desktop study, Everick undertook searches of the relevant heritage registers. A search of applicable historic heritage registers did not identify any items of cultural heritage significance within the Project Area. A search was conducted on 1 April 2010, of the Office of Environment and Heritage ('OEH') Aboriginal Heritage Information Management System ('AHIMS'). No sites were recorded within the Project Area. There are no Indigenous places within the Project Area listed in other heritage registers. A follow up search was lodged on 3 April 2013. No new sites were found in this search.

The Project Area is within the area administered for Aboriginal cultural heritage purposes by the Tweed Byron Local Aboriginal Land Council ('Tweed Byron LALC'). A survey for historic and Aboriginal cultural heritage was carried out by the Consultants and Mr Cyril Scott, the Sites Officer for the Tweed Byron LALC, on 8 April 2010. Mr Scott was of the opinion that there is the potential for sub-surface cultural material to be located within the Project Area, provided it has not been sand mined.

Results

- No known Aboriginal Objects or places were identified within the Project Area (Sections 6 and 7).
- The Project Area is within a significant archaeological and cultural landscape for Aboriginal cultural heritage, which where undisturbed is likely to contain Aboriginal cultural heritage (Section 7).
- The Project Area has seen significant ground disturbance. It appears most likely that at least most of the south western half of the Project Area has been sand mined (Sections 6 and 9).
- There is the potential for subsurface deposits of Aboriginal cultural heritage to exist at an estimated depth of greater than 0.5 to 1.0 metres over parts of the Project Area (Section 10).
- The possibility of significant Aboriginal cultural heritage being located within the Project Area cannot be ruled out. However, it is considered unlikely that Aboriginal cultural deposits within the Project Area would be of such significance that they would present a constraint to the project.
- There are no historic (non-Indigenous) listed cultural heritage sites or relics within the Project Area.



Recommendations - Aboriginal Heritage:

Recommendation 1: Monitoring Area

It is recommended that representatives of the Tweed Byron LALC be invited to monitor initial earthworks within High Risk Areas 3 and 5, as shown in Figure 19. The Tweed Byron LALC should be given at least 7 days notice of the requirement for monitoring. Prior to monitoring commencing, the excavator operator(s) and the Land Council representative should agree on protocols and procedures. This should include an initial scrape to remove grass and vegetation, with minimal subsurface ground disturbance. Subsequent excavation should be under the direction of the Land Council representative.

Recommendation 2: Cultural Inductions

It is recommended that the Proponent engage a representative of the Tweed Byron LALC to provide a cultural heritage induction to all plant operators undertaking initial ground disturbance within the Project Area. The induction should, as a minimum, cover:

- (a) basic legislative requirements, including fines for the destruction of Aboriginal cultural heritage;
- (b) a discussion on traditional Aboriginal culture, and why the management of Aboriginal cultural heritage is important to Aboriginal peoples;
- (c) an introduction on how to identify Aboriginal objects,
- (d) a description of portions of the Project Area considered likely to contain Aboriginal Objects; and
- (e) a review of the Find Procedures for the Project (See Recommendation 4).

Recommendation 3: Aboriginal Human Remains

It is recommended that if human remains are located at any stage during earthworks within the Project Area, all works must halt in the immediate area to prevent any further impacts to the remains. The location where they were found should be cordoned off and the remains themselves should be left untouched. The nearest police station, the Tweed Byron LALC and the OEH Regional Office, Coffs Harbour are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police release the scene, the Aboriginal community and the OEH should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

It is also recommended that in all dealings with Aboriginal human remains, the Proponent should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.



Recommendation 4: Aboriginal Cultural Material

It is recommended that if it is suspected that Aboriginal material has been uncovered as a result of development activities within the Project Area:

- (a) work in the surrounding area is to stop immediately;
- (b) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
- (c) an appropriately qualified archaeological consultant is to be engaged to identify the material; and
- (d) if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the OEH guidelines: *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010).

Recommendation 5: Notifying the OEH

It is recommended that if Aboriginal cultural materials are uncovered as a result of development activities within the Project Area, they are to be registered as Sites in the Aboriginal Heritage Information Management System ('AHIMS') managed by the OEH. Any management outcomes for the site will be included in the information provided to the AHIMS.

Recommendation 6: Conservation Principles

It is recommended that all effort must be taken to avoid any impacts on Aboriginal Cultural Heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the Proponent, OEH and the Aboriginal Community.

Recommendations - Historic Heritage:

There are no recommendations regarding historic cultural heritage.



Table of Contents

PART A: PROJECT DESCRIPTION	8
1. INTRODUCTION	8
1.1 SCOPE OF THIS ASSESSMENT	8
1.2 METHODOLOGY USED DURING THIS ASSESSMENT.....	8
1.3 REPORT AUTHORSHIP.....	10
1.4 PROJECT DESCRIPTION	10
3. LEGISLATIVE AND PLANNING CONTEXT	14
3.1 THE NATIONAL PARKS AND WILDLIFE ACT 1974 (NSW)	14
3.2 DUE DILIGENCE CODE OF PRACTICE FOR THE PROTECTION OF ABORIGINAL OBJECTS	15
3.3 THE ACHCR (2010).....	15
3.4 THE HERITAGE ACT 1977 (NSW)	16
3.5 THE TWEED SHIRE LOCAL ENVIRONMENTAL PLAN 2000	16
3.6 THE NORTH COAST REGIONAL ENVIRONMENTAL PLAN (NCREP 1988).....	17
PART B: ABORIGINAL CULTURAL HERITAGE ASSESSMENT	19
4. ABORIGINAL COMMUNITY CONSULTATION	19
5. ENVIRONMENT	21
6. DESKTOP REVIEW: INDIGENOUS CULTURAL HERITAGE.....	26
6.1 PREVIOUS INDIGENOUS ARCHAEOLOGICAL ASSESSMENTS	26
6.2 THE OEH ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM (AHIMS).....	28
6.3 THE BUNDJALUNG MAPPING PROJECT (BMP).....	30
6.4 OTHER HERITAGE REGISTERS: INDIGENOUS CULTURAL HERITAGE	30
6.5 REVIEW OF HISTORIC AERIAL PHOTOGRAPHY.....	31
7. FIELD SURVEY: INDIGENOUS CULTURAL HERITAGE	34
7.1 ABORIGINAL PARTICIPATION	34
7.2 SURVEY METHODS	34
7.3 CONSTRAINTS TO SITE DETECTION.....	34
7.4 SURVEY COVERAGE.....	35
8. RESULTS OF THE CULTURAL HERITAGE ASSESSMENT	36
8.1 RESULTS OF THE ASSESSMENT: INDIGENOUS CULTURAL HERITAGE.....	36



9.	DUE DILLIGENCE ASSESSMENT	40
9.1	STEP 1: WILL THE ACTIVITY DISTURB THE GROUND SURFACE?	40
9.2	STEP 2A: SEARCH OF AHIMS DATABASE	40
9.3	STEP 2B: LANDSCAPE FEATURES WITH CULTURAL HERITAGE POTENTIAL	40
9.4	STEP 2C: IS THERE EVIDENCE OF PAST GROUND DISTURBANCE?.....	41
9.5	ADDITIONAL STEPS	41
10.	DISCUSSION & RECOMMENDATIONS: ABORIGINAL CULTURAL HERITAGE	42
PART C: HISTORIC CULTURAL HERITAGE ASSESSMENT		46
11.	DESKTOP REVIEW: HISTORIC CULTURAL HERITAGE.....	46
12.	LAND-USE HISTORY AND PREDICTIVE MODELLING.....	47
12.1	A PREDICTIVE MODEL: LAND USE AND HISTORIC PARISH MAPS	47
11.2	REVIEW OF HISTORIC AERIAL PHOTOGRAPHY.....	50
13.	FIELD SURVEY: NON-INDIGENOUS CULTURAL HERITAGE.....	50
13.	RECOMMENDATIONS: HISTORIC HERITAGE.....	52
REFERENCES		53
APPENDIX A: AHIMS SITE DESCRIPTIONS.....		54



List of Figures

FIGURE 1: THE PROJECT AREA (NSW SIX DATABASE 2013)	9
FIGURE 2: STAGE 1 DEVELOPMENT.....	11
FIGURE 3: STAGE 1 DEVELOPMENT WITH AERIAL IMAGERY	12
FIGURE 4: STAGE 2 DEVELOPMENT.....	13
FIGURE 5: VIEW NORTH OVER THE STOCKYARDS AT THE NORTHERN CORNER OF THE PROJECT AREA.....	23
FIGURE 6: VIEW SOUTH EAST OF A CLEARED AREA IN THE SOUTH-EASTERN CORNER OF THE PROJECT AREA.....	24
FIGURE 7: VIEW SOUTH-EAST ACROSS THE GREYHOUND TRACK.....	24
FIGURE 8: VIEW OF CLEARED AREA ALONG THE SOUTH-EASTERN BOUNDARY OF THE PROJECT AREA	25
FIGURE 9: VIEW NORTH FROM THE SOUTHERN BOUNDARY SHOWING TYPICAL VEGETATION COVER	25
FIGURE 10: VIEW WEST ON SOUTHERN BOUNDARY OF THE PROJECT AREA SHOWING DROP FROM UPPER DUNE SURFACE TO THE LOW LYING AREAS.....	26
FIGURE 11: OEH AHIMS ABORIGINAL SITES IN THE TWEED REGION (GOOGLE EARTH 2009).....	29
FIGURE 12: 1962 AERIAL PHOTOGRAPH OF THE PROJECT AREA (APPROXIMATE BOUNDARIES ONLY).....	31
FIGURE 13: 1963 AERIAL PHOTOGRAPH OF THE PROJECT AREA (APPROXIMATE BOUNDARIES ONLY).....	32
FIGURE 14: 1976 AERIAL PHOTOGRAPH OF THE PROJECT AREA (APPROXIMATE BOUNDARIES ONLY)	33
FIGURE 15: VIEW OF TYPICAL VEGETATION COVER IN THE SOUTHERN PORTION OF THE PROJECT AREA	35
FIGURE 16: SURVEY COVERAGE OF CONTEMPORARY PROJECT AREA	36
FIGURE 17: SHELL SCATTERS IDENTIFIED IN THE PROJECT AREA.....	37
FIGURE 18: VIEW OF TYPICAL NON CULTURAL SHELL SCATTER IN THE NORTHERN PORTION OF THE PROJECT AREA.....	38
FIGURE 19: BORDER PARK RISK AREAS	39
TABLE 1: ABORIGINAL CULTURAL HERITAGE RISK SUMMARY FOR THE PROJECT AREA.....	43
FIGURE 20: PARISH MAP 1913 WITH APPROXIMATE PROJECT AREA OUTLINED IN RED	47
FIGURE 21: PARISH MAP 1924 WITH APPROXIMATE PROJECT AREA OUTLINED IN RED	48
FIGURE 22: PARISH MAP 1959 WITH APPROXIMATE PROJECT AREA OUTLINED IN RED	49
FIGURE 23: PARISH MAP 1971 WITH APPROXIMATE PROJECT AREA OUTLINED IN RED	49
FIGURE 24: VIEW OF OLD TRACTOR WRECK NEAR THE SOUTHERN BOUNDARY OF THE PROJECT AREA	51
FIGURE 25: VIEW NORTH EAST TO THE RACING COMPLEX AND BETTING AUDITORIUM OF BORDER PARK RACEWAY.....	51



PART A: PROJECT DESCRIPTION

1. INTRODUCTION

1.1 Scope of this Assessment

The following is a Due Diligence cultural heritage assessment as to Indigenous and historic (non-Indigenous) cultural heritage attributes at the Border Park site. The Project Area is identified as Lot 21 DP518902 and Lot 644 DP755740 and is situated within the Tweed Shire Council Local Government Area (Figure 1). The purpose of this assessment is to apply the first stages of the New South Wales Office of Environment and Heritage ('OEH') *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (2010) (Due Diligence Code).

Cultural heritage is about the identification of *values* and *associations* that groups within our society may have with particular places or objects. The opinions in this report have been developed using our experience of regional heritage issues. However, it should be remembered that the final outcome of heritage significance assessment and management processes will only be achieved through combining expert advice, community input and the views of Council and State referral authorities. In particular, the outcomes of any Aboriginal cultural heritage management decisions are in a large part dependant on the opinions of the Aboriginal stakeholders. The recommendations in this report represent what Everick believes to be reasonable outcomes for identifying and protecting cultural heritage on the site.

1.2 Methodology used during this assessment

The methods used for this assessment are in compliance with the OEH '*Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*' 2010 and all relevant legislation as described in Section 2 of this Report. The following are the broad requirements for compliance with the Code of Practice.

- 1) Review previous archaeological work.
- 2) Review the landscape context.
- 3) Summarise the local and regional character of Aboriginal land use and its material traces.
- 4) Formulate a predictive model.
- 5) Conduct an archaeological survey.
- 6) Consult with the Tweed Byron Local Aboriginal Land Council (Tweed Byron LALC) and the Tweed Shire Councils Aboriginal Advisory Committee (AAC).



Figure 1: The Project Area (NSW Six Database 2013)



1.3 Report Authorship

The site survey was undertaken by qualified archaeologist Adrian Piper, assisted by Everick archaeologist Tim Robins and Cyril Scott, Sites Officer of the Tweed Byron Local Aboriginal Land Council (Tweed LALC). The desktop study was undertaken by Everick Archaeologists Adrian Piper, Tim Robins and Anna Bishop. This report was written by Adrian Piper, assisted by Tim Robins and Anna Bishop.

1.4 Project Description

The current proposal is to have the Project Area rezoned in preparation for bulky goods retail development. The plans for this development are in two stages. The first stage will involve the construction of a main warehouse and supporting infrastructure, the shifting of the current race track, and the adaptation of land for future development (Figure 2 and Figure 3).

The second development stage will remove the race track entirely and construct in its place a number of show rooms, fast food stands, and a car park. A tavern/liquor store will be built on the land that was set aside for future development in the first stage (Figure 4).

It is understood that the majority of earthworks associated with the Project will involve reshaping of existing soil levels on the site, with no or minimal imported fill required. No subsurface basements / parking will be required. Deep subsurface excavations will generally be limited to the implementation of services such as sewage and electricity and the excavation of building footings.



Figure 2: Stage 1 Development

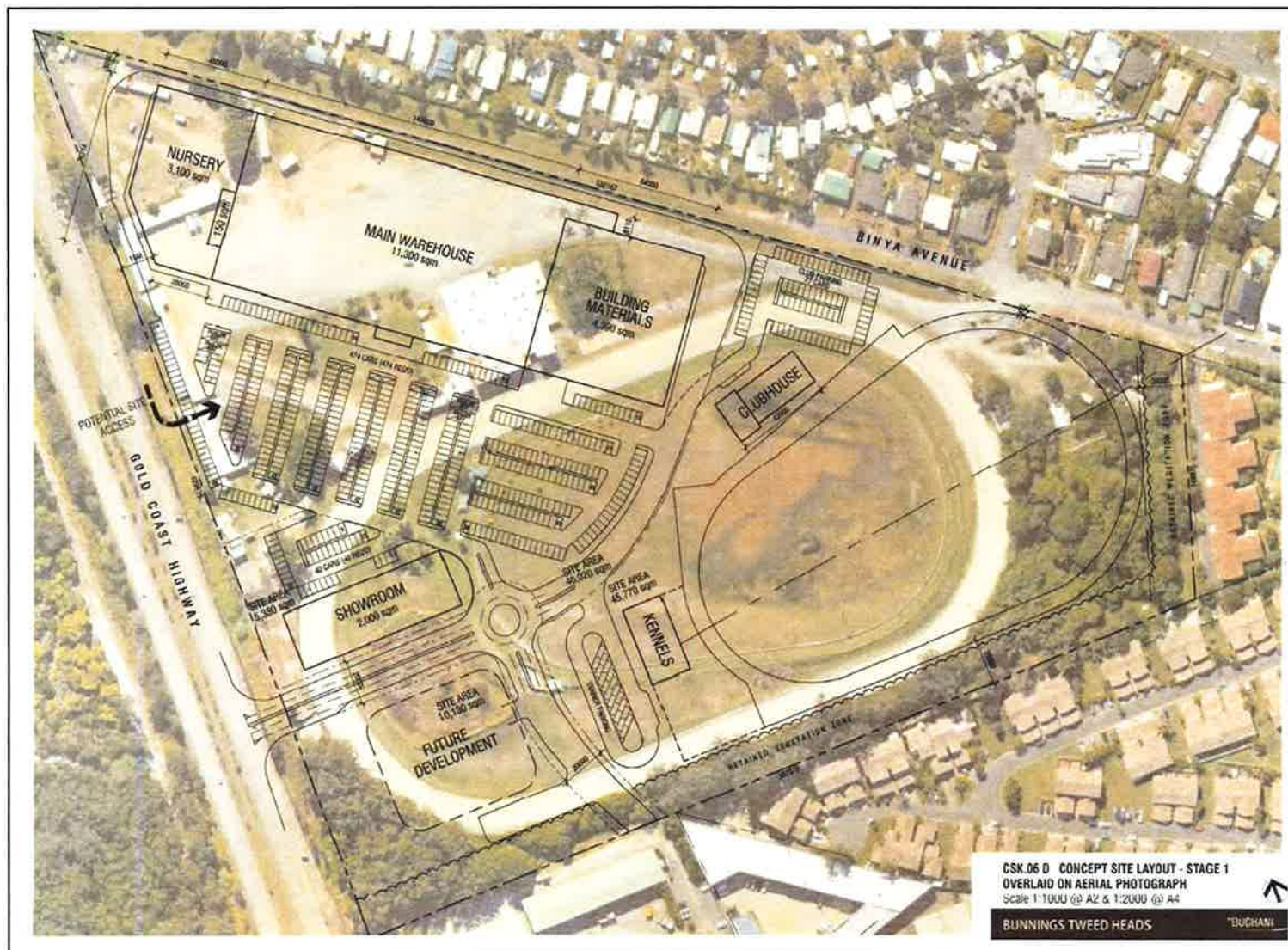
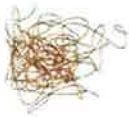


Figure 3: Stage 1 Development with Aerial Imagery



Figure 4: Stage 2 Development



3. LEGISLATIVE AND PLANNING CONTEXT

In relation to cultural heritage, the proposed works primarily fall within the ambit of the *National Parks and Wildlife Act 1974* (NSW) and the *Heritage Act 1977* (NSW). The consent authorities will be the Tweed Shire Council and, where a referral agency is required to be reported to, the OEH. The OEH will also be involved where the Project will impact on identified cultural heritage. The information below lists the legislative and policy framework within which this assessment is set.

3.1 The National Parks and Wildlife Act 1974 (NSW)

The *National Parks and Wildlife Act 1974* (NSW) ('NPW Act') is the primary legislation concerning the identification and protection of Aboriginal cultural heritage. It provides for the management of both Aboriginal Objects and Aboriginal Places. Under the NPW Act, an Aboriginal Object is any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area, regardless of whether the evidence of habitation occurred before or after non-Aboriginal settlement of the land. This means that every Aboriginal Object – regardless of its size or seeming isolation from other Objects – is protected under the Act.

An Aboriginal Place is an area of particular significance to Aboriginal people which has been *declared* an Aboriginal Place by the Minister. The drafting of this legislation reflects the traditional focus on Objects, rather than on areas of significance such as story places and ceremonial grounds. However, a gradual shift in cultural heritage management practices, towards recognising the value of identifying the significance of areas to Indigenous peoples beyond their physical attributes, can be seen in local and State government policies (such as the ACHCR Guidelines discussed below).

Under Section 86 of the NPW Act, it is an offence to disturb, move, remove or destroy an Aboriginal Object without the consent of the Chief Executive of the OEH. This consent can be either to Investigate (Section 87) or Destroy (Section 90). If a land user is seeking a Consent to Destroy, best practice is to generally seek a Section 87 permit first, and then demonstrate to the OEH the minimal significance of the site before applying for a Section 90 Consent. Before applying for Consent under Section 87 or 90, the applicant must undertake broad-based Aboriginal community consultation in accordance with the ACHCR guidelines discussed below.



3.2 Due Diligence Code of Practice for the Protection of Aboriginal Objects

The Due Diligence Code has been applied to this assessment, and is addressed in Section 10 of this assessment. It operates by posing a series of questions for land users before they commence development. These questions are based around assessing previous ground disturbance. An activity will generally be unlikely to harm Aboriginal Objects where it:

- (a) will cause no additional ground disturbance; or
- (b) is in a developed area; or
- (c) is in a significantly disturbed area.

Where these criteria are not fulfilled, further assessment for Aboriginal cultural heritage will typically be required prior to commencing the activity.

3.3 The ACHCR (2010)

The *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010) (ACHCR) provide an acceptable framework for conducting Aboriginal community consultation in preparation for impacts to Aboriginal cultural heritage. Proponents are required to follow them where a Project is likely to impact on cultural heritage and where required by Council. It is recommended by the OEH that all cultural heritage assessments involve this level of consultation, although it is not strictly a requirement unless it meets the above criteria.

For a rezoning application to the Tweed Shire Council such as the present situation, it is typically unlikely that the Council will require consultation in accordance with the ACHCR Guidelines. Instead, Consultation would be limited to the Tweed Byron LALC and known Aboriginal community leaders. However, given the cultural sensitivity of the surrounding area, the possibility that the Council could require broad based consultation cannot be ruled out entirely.

The ACHCR Guidelines typically take a minimum of 90 days to complete. However, in complicated Projects this period may need to be extended by several months. The Guidelines require public notice of the assessment, preparation of a proposed methodology, undertaking site meetings and excavations where required, the production of a draft report, which is distributed to the registered Aboriginal groups and the production of a final report. Although not strictly required, a thorough consultation process will treat the ACHCR Guidelines as a minimum standard of community consultation. Generally, consultants must go to further effort to identify the significance of a given site to the Aboriginal community. This will likely include undertaking additional site inspections if requested by Aboriginal stakeholders, fully resourcing the community by providing



copies of past archaeological and environmental assessments in the region and meeting with community members to ascertain their opinions of the site.

3.4 The Heritage Act 1977 (NSW)

The *Heritage Act 1977* (NSW) ('Heritage Act') is aimed at identifying and protecting significant items of historic (as opposed to Aboriginal) cultural heritage. The focus of the legislation is on identifying places of either local or state heritage significance, and protecting them by registration on heritage registers. Significant historic heritage items are afforded little protection (other than at the discretion of councils) where they are not on a heritage register.

Of note are the provisions allowing for interim heritage orders (Part 3), which grants the Minister or the Minister's delegates, (which importantly may include a local government agent) the power to enter a property and provide emergency protection for places that have not yet been put on a heritage register but that may be of local or State significance.

The *Heritage Act 1977* (NSW) also makes allowances for the protection of archaeological deposits and relics (Part 6). An archaeological "relic" means any deposit, object or material evidence which relates to the settlement of the area, not being Aboriginal settlement. Importantly, a former requirement for an archaeological relic to be 50 years or older has recently been repealed. The focus is now on the item's potential heritage significance, not its age. As will be discussed below, it is highly unlikely that archaeological relics of significant historic sites are located within the Project Area.

3.5 The Tweed Shire Local Environmental Plan 2000

The Tweed Shire Local Environmental Plan 2000 (Tweed LEP 2000) provides statutory protection for items already listed as being of heritage significance (Schedule 2), items that fall under the ambit of the *Heritage Act 1977* (NSW), and Aboriginal Objects under the *National Parks and Wildlife Act 1974* (NSW). It ensures that essential best practice components of the heritage decision making process are followed.



For listed heritage items, relics, and heritage conservation areas, the following action can only be carried out with the consent of the Tweed Shire Council:

- (a) demolishing, defacing, damaging or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area, or
- (b) altering a heritage item or a building, work or relic within a heritage conservation area by making structural changes to its exterior, or
- (c) altering a heritage item or a building, work or relic within a heritage conservation area by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care, which does not adversely affect its heritage significance, or
- (d) moving a relic, or excavating land for the purpose of discovering, exposing, moving a relic, or
- (e) erecting a building on or subdividing, land on which a heritage item is located or which is within a heritage conservation area.

In addition, Council may not grant development consent without considering whether the lands contain potential Aboriginal archaeological deposits (Section 44).

3.6 The North Coast Regional Environmental Plan (NCREP 1988)

The *North Coast Regional Environmental Plan 1988* ('NCREP 1988') recognises the importance of regionally significant heritage items and places to the State of NSW. It provides statutory protection for a select number of state and regionally significant heritage items and places in northern NSW. A 'heritage item' means a building, work, relic, tree or place of heritage significance to the North Coast Region specified as described in Schedule 2 or 3 of the NCREP 1988. For these items, the Tweed Shire Council remains the consent authority. Under the NCREP 1988, Council must consider:

- (a) the views of the Heritage Council;
- (b) the heritage significance of the item to the State or region;
- (c) the extent to which the carrying out of the development would affect the heritage significance of the item and its site;
- (d) whether the setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained;
- (e) measures taken to conserve and preserve the heritage item, including where appropriate, any conservation plan; and
- (f) whether the item constitutes a danger to the users or occupiers.



The main difference between the NCREP 1988 and other Council planning controls is that it focuses on regional significance rather than local significance. It also involves referral to the NSW Heritage Council, regardless of whether the item is on the NSW Heritage Register.



PART B: ABORIGINAL CULTURAL HERITAGE ASSESSMENT

4. ABORIGINAL COMMUNITY CONSULTATION

Initial consultation with the community occurred through the LALC Sites Officer in 2010. Prior to submitting any rezoning application, Aboriginal elders/community leaders will have to be consulted. Their opinions may differ from those in this report as Aboriginal cultural values are not necessarily equivalent to archaeological values. The recommendations and results of this report are conditional on the opinions of the Aboriginal community.

Through undertaking more than 50 assessments in the Tweed Region, Everick has been provided with important cultural information on the significance of the Cobaki Broadwater to the local Aboriginal community. We do not speak on behalf of the Aboriginal community, or propose that the information contained here-in are definitive statements of the community's position. We provide this information to give the development some cultural context, and demonstrate the reasons why considerable caution should be shown for any proposed developments affecting Border Park

The Project Area is situated within a highly significant cultural landscape known to the Aboriginal people of the Tweed. The significance of this region is part of local oral tradition, as it was known as an important camping ground. This is supported by historic literature, where it was noted by J.G. Appel that the lands surrounding the Cobaki Broadwater were "the favourite camping ground of the Aboriginals" (Logan Witness, 25 July 1885).

It is important that the Project Area is not viewed in isolation from the surrounding lands. The Aboriginal people of the Tweed would move around this region to ensure that resources were managed correctly. The local descendants of the traditional people from this area have been taught for generations that areas around the Cobaki Broadwater were utilised for specific purposes. For example, there are known to be places used specifically for women's business in the region. Other areas were used for men's business. None are believed to be located within or in close proximity to the Project Area, although it should be noted that this can only be conclusively confirmed through consultation with the Aboriginal community.

Ceremonial grounds are known to be located in the region, although many have been destroyed by development activities. Two ceremonial grounds are said to be within 2.5 km to the south and two more within 2 km to 4 km to the north.

With many estuarine resources nearby, the lands west of the Cobaki Broadwater were known by Aboriginal people of the Tweed to be an area of trade. Evidence of the significance of the Cobaki and Terranora Broadwater to Aboriginal people can be found around the shoreline and adjacent ridges. Extensive



concentrations of artefacts that identify campsites have been destroyed, principally by sand mining. Other impacts have occurred as a result of the construction of the Tugun Bypass, the original Coolangatta Airport and the Piggabeen Road deviation to the south of the Cobaki Broadwater, to name but a few. The Aboriginal community has stated consistently that the destruction of nearby sites heightens the cultural significance of the identified archaeological sites in the region.

The development of the Cobaki Residential Estate will result in further impacts to the heritage of the Aboriginal people of the Tweed. The Aboriginal Stakeholders have not attempted to prevent development within those lands. However they have, quite reasonably, strongly advocated that as many as possible of the cultural sites within the Cobaki Residential Estate be protected. The Aboriginal stakeholders do not see these sites as simply scientific artefacts, but a tangible connection to the ancestors of the Aboriginal people of the Tweed and a connection to the life ways of Aboriginal people prior to European colonisation. The Aboriginal Stakeholders have also consistently expressed the view that the sites are an invaluable education resource for future generations of Aboriginal and non-Aboriginal people.

The following statement was provided to Everick by Aboriginal community representative Jackie McDonald:

"It is important to remember that the significance of the Cobaki region is not just to our forefathers. It has an unbroken connection to and is therefore highly significant to present generations of my people as well. We, the descendants of Kitty Sandy, Bungary, Blow and Slabb, to name a few, still access the resources of Cobaki Lakes today, as our people have done for thousands of years. We teach our children to fish and gather in the shallows. We show them plants used for traditional food and medicines and we educate them about how the artefacts collected were utilized by our ancestors. We access this important landscape for Cultural expression and in doing so, we continue to carry out our cultural obligations and maintain our connection to country."

As is documented below, the Project Area has seen extensive ground disturbance over all parts. The physical heritage that is referenced above would not likely remain within the Project Area. The more intangible values could remain. However, it is notable that the Project Area is on the very margins of the heavily developed coastal lands. It is unlikely that the same cultural significance discussed above will be retained within the Project Area. The past development of the Project Area has likely limited its current cultural significance. However, consultation is required to definitively address this issue.

Typically, archaeological (scientific) values are treated as separate from the cultural values of Aboriginal persons. Theoretically, a site may be of high value to Aboriginal people but may have little or no archaeological value. An example of this would be a sacred site such as a bora ground. In practice, the most common discrepancy between archaeological and Aboriginal values is when dealing with disturbed archaeological



deposits. It is a view of many Aboriginal people that every artefact is significant and should be protected, regardless of how disturbed a site has been.

Draft copies of this assessment report were distributed to the members of the AAC on 20 April 2014. A meeting with the Tweed Shire Councils Aboriginal Advisory Committee was attended by Bunnings Property Development Manager Brett Moddy and Everick's Tim Robins on 3 May 2013. The development proposal and recommendations in this report were presented to the AAC. No concerns were raised regarding the development proposal. However, during discussions it became apparent that members of the AAC had not reviewed the report in detail. It was therefore decided not to request a resolution in support of the report recommendations. It was requested that the AAC members provide feedback at the next meeting.

The AAC meeting scheduled for 7 June 2013 did not proceed. No other feedback has been received by Everick. Given that the members of the AAC have had two months to provide additional feedback, a decision has been made to lodge the report.

5. ENVIRONMENT

The Project Area is within a geological environment of Pleistocene (greater than 10,000 years old) inner barrier sand dunes. Morand (1996) lists these dunes as comprising both Aeolian (air borne) and marine quartz sand sheets. The ridges are typically very low (approximately 1.0 – 5.0 m in elevation and 1.0 – 2.0 m in relief) and gently undulating (0 – 2 %). Natural drainage is generally by subsurface flow, but a network of drains in the region has modified the natural water flow in many parts.

The environment of the Project area has been significantly modified by development and sand mining activities. Soil testing undertaken within the northern half of the Project Area indicated a substantial amount of disturbance, including the importation of fill in many parts, to a depth of approximately 1 – 1.5m. Soils to a depth below this level appear to be unaffected by fill or significant disturbance. The lack of mixing of sands at depth indicated that the northern portion of the Project Area may not have been sand mined at depth.

It appears that much of the northern portion of the Project Area has been the subject of exploration sand mining activities (Figure 5). The central portion of the Project area has likely seen heavy surface modification (Figure 6 and Figure 7). The southern boundary of the Project Area is characterised by a long drainage line (Figure 8) and dense vegetation (Figure 9). A sharp rise of approximately 2.0 – 2.5 m at the southern fence of the racecourse is evident near most of the southern and eastern boundaries of the property (Figure 10).



While heavily modified, it is likely that underneath the southern section of the racecourse lies a relatively intact Pleistocene dune. This conclusion is subject to any evidence of sand mining to the contrary.

It is evident that, in those parts of the foredunes within the Project Area that have been sand mined, there is very little likelihood of any cultural material remaining. The implications for this are two-fold. The first is that there is little point conducting archaeological investigations in areas that have been sand mined. The second is that cultural material found in areas that have not been sand mined will be of potentially high archaeological (scientific) and cultural significance, because it will be poorly represented in the wider regional archaeological record.

SAND MINING IN EASTERN AUSTRALIA

The 'black sands' of southern Queensland and northern New South Wales were for a long time the foundation of a major regional industry. Initially investigated for their potential to contain gold, it was not until the early 1930's when Cecil and Mary Cumberland began investigating the sands of Seven Mile Beach (just north of Ballina) for Zircon that the true extractive potential of the region was understood. By the time production had ceased in 1980, eastern Australia had seen the extraction of an estimated 5,800,000 tons of rutile (titanium dioxide) and 5,600,000 tons of zircon (zirconium silicilate) valued in today's currency at an estimate \$2.5 Billion (using CPI) (Morley 1981:1).

The impact of sand mining on the coast of northern NSW has radically altered the extent and distribution of cultural material. The initial techniques are described in Ian Morley's book *Black Sands: A history of the mineral sand mining industry in Eastern Australia* (1981:45), where he recounts a conversation with local miner Charlie Rainbird:

"Six men comprised a team and they worked an eighteen metre stretch of beach between them, three on each side of the centre, each throwing shovelfuls of black sand three metres, in turn from the edge in three rows, one by each man to the centre. They used longhandle No. 3 shovels, lifting and throwing about 32 kg of sand with each throw...When the mineral sand was heaped in these centre piles, it was treated by passing it over cradles amalgamating plates and sluice boxes, where gold and tin were separated and the silica removed from the black sand concentrate."



In the 1930's, high quality black sand was occasionally simply loaded into jute bags and shipped directly to the United States (Morley 1981:57). Later techniques, while proving far more effective for extraction of minerals, were disastrous for cultural heritage. Bulldozers and dredges were most commonly used, turning the beach, berm and dunes into a wasteland. The sand was sieved, removing all cultural material, and treated either through chemical processes or by using electrostatic or electromagnetic methods. As mining techniques improved, it was not uncommon for areas that had already been mined to be mined a second time.



Figure 5: View north over the stockyards at the northern corner of the Project Area



Figure 6: View south east of a cleared area in the south-eastern corner of the Project Area



Figure 7: View south-east across the greyhound track

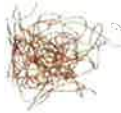


Figure 8: View of cleared area along the south-eastern boundary of the Project Area



Figure 9: View north from the southern boundary showing typical vegetation cover



Figure 10: View west on southern boundary of the Project Area showing drop from upper dune surface to the low lying areas

6. DESKTOP REVIEW: INDIGENOUS CULTURAL HERITAGE

The archaeological and cultural landscape within which the Project Area is situated is one that is generally of high significance to the Aboriginal people of the Tweed. Prior to European settlement, this was an area that was rich in resources. It was known to be a favourite camping place, and ceremonial and sacred sites are relatively common in the immediate region. The cultural context in the region is of critical importance to assessing potential cultural heritage constraints to the Project.

6.1 Previous Indigenous Archaeological Assessments

Everick (2009) undertook a survey and archaeological excavations at the proposed Cobaki Lakes Development Site, approximately 3 km west of the Project Area. The development area for the project was adjacent to the western shoreline of the Cobaki Broadwater (580 ha. in area). The Everick assessment identified three topographic land forms within the development area, these being low foothills/slopes ('mid to lower back slopes') in the west and north, a sand ridge in the south and low lying marsh lands in the east and south. Extensive disturbance following past development applications meant only 100 ha of the 580 ha development



site retained a reasonable possibility of retaining Aboriginal cultural heritage. The survey of these areas identified 19 Aboriginal artefacts/sites. Five of these were single artefacts in the mid to lower back slopes and the remaining 14 were located on the sand ridge.

Subsequent test excavations revealed extensive subsurface deposits over most areas of the mid to lower back slopes and sand ridge. Approximately 700 artefacts were identified in 270 m² of trenching in the mid to lower back slopes. Approximately 3,100 artefacts were identified in 180 m² of trenching in the sand ridge. It is estimated that well in excess of one million artefacts are located within this landscape. In particular, the sand ridge retained a high concentration of artefacts. This finding is relevant for the southern sand ridges of the Border Park Project Area.

Ozark (2006 and 2007) undertook archaeological survey and excavations in preparation for the Tugun Bypass, running approximately 500 m south-west of the Project Area. The excavations were undertaken on Pleistocene sand ridges similar to those that once ran through the Project Area. The May 2006 report recommended that test excavations and possibly salvage excavations should be conducted in two zones (7 & 10) of the proposed route. Monitoring of vegetation clearance and ground disturbing works should take place in five zones (5, 7, 10, 11, and 13) of the proposed route (Ozark 2006a, b, 2007).

An archaeological test excavation at a site in Zone 7 produced an assemblage of 388 stone artefacts and 132 manuports or otherwise unidentifiable fragments from 28 excavation squares. These comprised 26 assemblage elements (different categories of stone artefacts) and 12 varieties of raw material (Ozark 2006b:28). The site was considered to possess a number of unusual features: the richness of the assemblage was high; the site was intact and showed patterning that could indicate an intact cultural stratigraphy; the number of backed blades point to areas of the site likely used as knapping floors for backed artefacts (an extremely rare find in the region), the preponderance of large red, yellow and black ochre crayons with abundant signs of use suggest decorative activities were an important part of the use of the site (Ozark 2006b:52-53). A radiocarbon determination of a charcoal sample returned a relatively modern age for the site at 298 BP (Before Present) (or c. 1600AD) (Ozark 2006b:50).

A subsequent salvage excavation programme at pier construction impact points across the Zone 7 site produced 389 stone artefacts from 24 excavation squares, which comprised 12 classes of artefacts on nine types of raw materials. From the mean artefact density of the 1x1 m excavated squares it was estimated that 76,418 artefacts and ochre fragments were contained in the pier cluster areas (Ozark 2007:29,30). A radiocarbon determination of 7,258 BP was obtained from a charcoal sample. However the authors urged caution in accepting the date as one that necessarily related to Aboriginal occupation as there were no intact archaeological features from which a date could be obtained. Early dates (9,000 – 15,000 years ago) are



referenced in the report as providing a possible context for the Tugun sites if the dates can be accepted (Ozark 2007:37).

Hall (1990) undertook a survey of an archaeological area on the higher dune plain between the eastern margins of Cobaki Broadwater and the runway at Coolangatta Airport. This survey covered areas within 200 m of the subject area, and could be considered a similar cultural environment. A midden (# 04-02-0039) described by Hall (1990b:11) contained dense concentrations of surface and subsurface shell, mainly estuarine (oyster, cockle and whelk) with a small proportion of beach pipi. Stone artefactual material consisted of cores, flakes and flaked pieces on chert, quartz, silcrete and pebbles of volcanic origin. Bevelled-edge pounders used in the preparation of fern root were described as common. This midden site is considered to have high archaeological significance as well as a high cultural social significance to Traditional Owners north and south of the State border.

A study by *Collins (1999)* reassessed the area in relation to a Route Selection Study for a proposed Pacific Highway deviation. In addition to the archaeological material recorded by Hall, three open campsites and an isolated artefact were recorded on the elevated dune plain between Cobaki Broadwater and the Coolangatta Airport runway. The sites are low-density scatters of stone artefacts, fragments of oyster shell and a nodule of ochre. Raw materials were chert, silcrete and sandstone (Collins 1999:34-35).

6.2 The OEH Aboriginal Heritage Information Management System (AHIMS)

A search was lodged with the OEH on 1 April 2010 over 25 km² of the Tweed Area, centring on the Project Area. No listed heritage sites were identified within the Project Area. However, a number of sites have been identified in nearby locations, particularly to the west of the Project Area. The AHIMS search results demonstrates that that surrounding region was intensively occupied by Aboriginal people prior to European settlement.

The environment of the Project Area could be considered to be substantially similar to that of the Airport lands to the west, in which is situated AHIMS site 04-2-0152. The Project Area is an extension of the same linear dune system. Site 04-2-0152 is listed as an open campsite, containing stone tools and shell material. It is considered reasonable to presume that the Project Area had a similar potential to contain Aboriginal cultural heritage, prior to historic land use impacting the site. The lack of sites to the east is a reflection on when those lands were developed (prior to site recording), not a lack of use by Aboriginal people prior to European settlement. A follow up search was lodged on 3 April 2013. No new sites were found in this search. Figure 11 below shows the locations of the identified sites within 5km of the Project Area. Appendix A contains a summary of each of the sites.

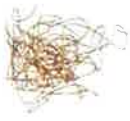


Figure 11: OEH AHIMS Aboriginal Sites in the Tweed Region (Google Earth 2009)



6.3 The Bundjalung Mapping Project (BMP)

The BMP is a privately run cultural heritage database for the Tweed Region. It is accessed with the permission of the Tweed Byron LALC and participating Traditional Owners. The BMP has records for the northern Tweed from anecdotal sources of Aboriginal cultural heritage information as well as the data derived from the OEH AHIMS.

The BMP was first searched in 2010 in relation to the Project Area. No sites are listed on the BMP within the Project Area. In addition to the New South Wales OEH AHIMS registered sites in that database, four artefact scatters and one possible resource tree had been recorded in the bushland between the Cobaki Broadwater and the Tugun Bypass (I. Fox pers. comm. April 2008). Information on two additional sites was located in the files of the Bundjalung Mapping Project. These were a burial ground for both Aboriginal and non-Aboriginal people on the south bank of the Tweed River at Phillip Drive, and a possible ceremonial ground at Lakeview Drive on a ridge overlooking Terranora Broadwater. This site was observed in 1974 after a bushfire, but now has houses on it.

A follow up search was lodged with the BMP on 4 April 2013. The results of this search have not yet been received.

6.4 Other Heritage Registers: Indigenous Cultural Heritage

The following heritage registers were accessed for Indigenous places within the Tweed LGA.

- **The National Heritage List** (Australian Heritage Council): Contains no Indigenous places listings.
- **Commonwealth Heritage List** (Australian Heritage Council): Contains no Indigenous places listings.
- **Register of the National Estate** (Australian Heritage Council): Contains seven Indigenous places listings for the Tweed LGA. These are located at Billinudgel, Fingal Head, Tweed Heads South and Tweed Heads West. None are within the Project Area.
- **The State Heritage Register** (NSW Heritage Office): Contains no Indigenous place listings.
- **Tweed Local Environment Plan Amended October 2007**: Contains no Indigenous places listings.

A follow up search was performed on 4 April 2013. This search found no new sites within the Project Area.



6.5 Review of Historic Aerial Photography

Historic aerial photographs from 1962, 1965 and 1976 were reviewed in order to assist in the identification of original environmental/topographic features and the degree of site disturbance post European settlement.

The aerial photograph from 1962 shows the Project Area prior to the construction of the racecourse (Figure 12). Visible are the low-lying dune formations described in Morand (1996) in the southern portion of the Project Area. The site has been extensively cleared, primarily in the northern portion. Also evident are a number of cleared strips of land that appear to be the result of exploration activities from sand mining. Sand mining is clearly evident in the lands immediately north-east of the Project Area. While it appears a reasonable possibility that at least the northern portion of the Project Area was sand mined (see the discussion on survey results in Section 7), this photograph fails to provide a conclusive answer. If the cleared strips running through the site demonstrate the extent of the eventual sand mining, when compared with the modern aerial photograph, it would be reasonable to assume that the only portion of the Project Area with any likelihood of retaining cultural material would be the area shown in blue in Figure 12 below. However, this conclusion would need to be supported by professional geological analysis.

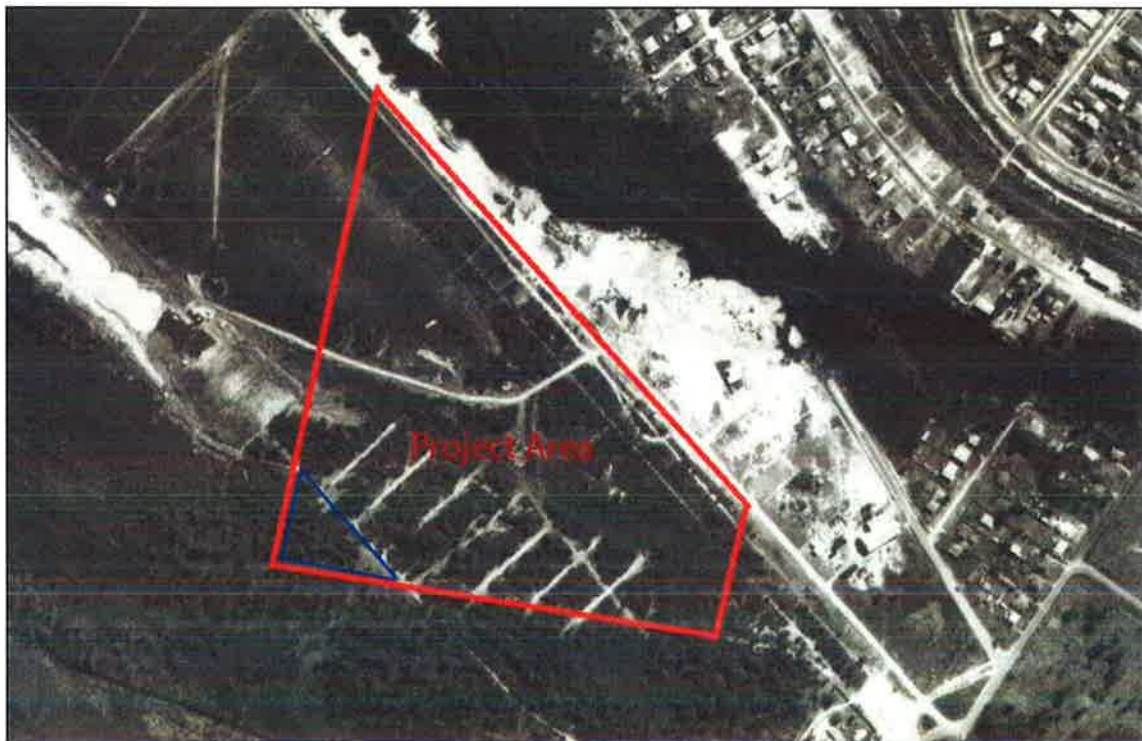


Figure 12: 1962 Aerial Photograph of the Project Area (approximate boundaries only)



The impacts of sand mining to the Project Area between 1962 and 1963 are extensive. The 1963 aerial photograph demonstrates the extent of the known sand mining activities in the South Western portion of the Project Area. A small portion in the far south western corner appears to have been escaped this mining activity (although potentially not subsequent mining events).



Figure 13: 1963 Aerial Photograph of the Project Area (approximate boundaries only)

The aerial photograph from 1976 shows that the Project Area had already been developed in a similar manner to which can be seen today (Figure 14). The race track has been completed, as have the car park and yards in the north of the property. The drain along the southern boundary has been excavated, with the vegetation immediately surrounding this area having been cleared. A portion in the south-west corner of the Project Area appears to have undergone minimal disturbance between 1962 and 1976, as evidenced by the extensive regrowth in the 1976 aerial photograph. Limited regrowth is evident in a portion in the south east of the property. When comparing the 1962 and 1976 photographs, the area within the existing racetrack appears to have been excavated to the water table in parts to allow for drainage, and possibly raising and levelling the racetrack itself. This would potentially have scattered the content and destroyed the *in situ* integrity of any Aboriginal sites were they to have been located in the centre of the track.



Figure 14: 1976 aerial photograph of the Project Area (approximate boundaries only)

In an effort to further establish the extent of sand mining in the Project Area, Everick consulted with the Tweed River Museum, Tweed Heads on 19 April 2010. The historical society maintained a file on the Border Park Raceway which included an aerial photograph published in the Tweed Daily News on 20 March 1968. The photograph shows the construction of the racetrack. Unfortunately, once photocopied, the photograph is of too poor quality to be of any value so has not been reproduced in this report. However, evident in the photo is the extensive clearing and reshaping of the site all over except for the small portion identified in blue in Figure 12 above. It is likely this would have had a significant impact on any cultural material located at depths of less than 50 cm.



7. FIELD SURVEY: INDIGENOUS CULTURAL HERITAGE

7.1 Aboriginal Participation

The Project Area is within the area administered for cultural heritage purposes by the Tweed Byron LALC. Sites Officer for the Tweed Byron LALC, Mr Cyril Scott, has assisted in the cultural heritage assessment by participating in the survey. For reasons of confidentiality a copy of this report has not been provided to the Land Council for comment. It has therefore not been endorsed by the Land Council, as would typically happen in a full assessment report which would be provided in support of a rezoning/development application.

7.2 Survey Methods

The field inspection was conducted on foot on 8 April 2010 by Everick archaeologists Adrian Piper and Tim Robins and Tweed Byron LALC Sites Officer Cyril Scott. Due to the very limited area of natural surface visibility, a systematic grid pattern search was impractical. Rather, a targeted strategy of identifying areas with some ground surface visibility was adopted. Photographs were taken as a record of general features and conditions, to indicate the degree of surface visibility and the content of any sites found. Notes were made of the degree of surface visibility, the area of visibility, ground cover, land uses and any other relevant features.

7.3 Constraints to Site Detection

The majority of the Project Area has been the subject of the development activities associated with the racecourse. There is virtually no likelihood of identifying cultural material from a field survey in these areas. Given the high levels of disturbance associated with the racetrack facilities, it is unlikely surface or near surface (< 1 m deep) cultural material of significance would remain in these areas.

The areas of dense vegetation near the south western boundary of the Project Area also had extremely low ground surface visibility (Figure 15). As a result it is not possible to say with any certainty whether cultural material is located within these areas, should they prove not to have been sand mined.



Figure 15: View of typical vegetation cover in the southern portion of the Project Area

7.4 Survey Coverage

Near 100% survey coverage was achieved in areas which were reasonably likely to contain visible surface deposits of cultural heritage. This was primarily limited to the southern vegetated areas and areas where horses had removed the grass cover. The areas surveyed are shown in Figure 16 below.



Figure 16: Survey Coverage of Contemporary Project Area

8. Results of the Cultural Heritage Assessment

8.1 Results of the Assessment: Indigenous Cultural Heritage

No Indigenous cultural heritage sites or relics were identified within the Project Area as a result of the desktop assessment or the survey. Small patches of shells (primarily pipi, whelk and cockle) were identified within 40 m of the south-western, western and northern boundaries of the Project Area (Figure 18 and Figure 17). The relatively small size of the shell (particularly the whelk) indicates that the shell were once natural shell beds



that were shifted to create higher ground, either through earthworks or dredging during sand mining. There was no evidence of associated artefacts that may indicate these shells were cultural (i.e. part of a midden).

While no artefacts were identified during the survey, the low level of ground surface visibility means that the survey alone cannot be relied on as a predictor of the location of cultural material on the site.



Figure 17: Shell scatters identified in the Project area

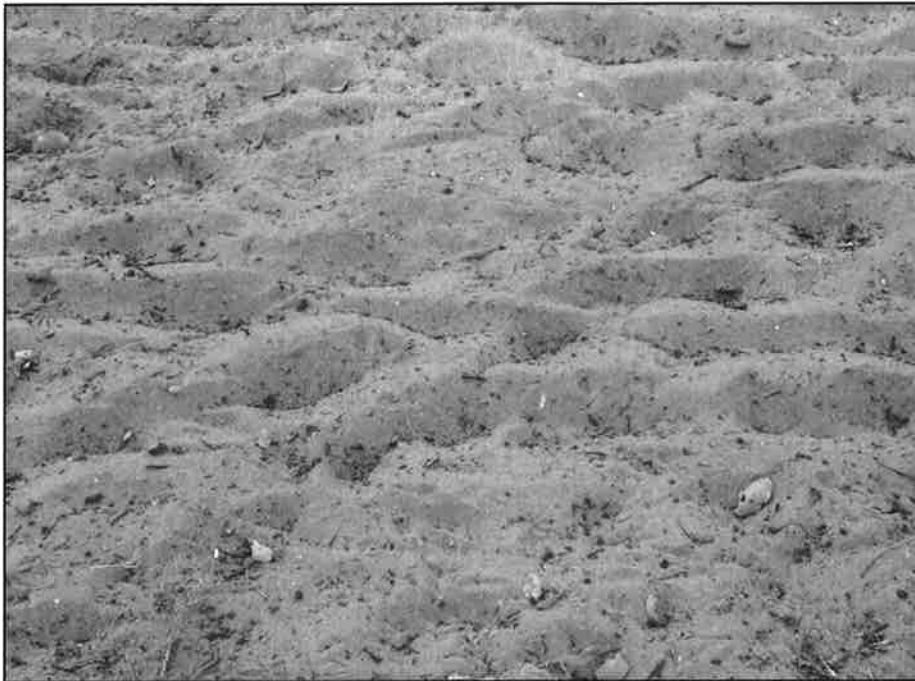


Figure 18: View of typical non cultural shell scatter in the northern portion of the Project Area



Figure 19: Border Park Risk Areas



9. DUE DILLIGENCE ASSESSMENT

As discussed in Section 2 above, the Due Diligence Code recommends a staged analysis of cultural and archaeological factors. The information below documents the analysis of the Project Area when compared against these guidelines.

9.1 Step 1: Will the activity disturb the ground surface?

Yes. Refer to Section 1.4 for a full description of the project activities.

9.2 Step 2a: Search of AHIMS Database

A search was undertaken 1 April, 2010 over 25 km² of the Tweed Area, centring on the Project Area (See Section 6.2 above). No listed heritage sites were identified within the Project Area. However, a number of sites have been identified in nearby locations, particularly to the west of the Project Area. A follow up search was lodged on 3 April 2013. No new sites were found in this search.

9.3 Step 2b: Landscape features with Cultural Heritage Potential

Having regard to:

- (a) the nature of Aboriginal occupation in the region;
- (b) the Project Area's proximity to resources; and
- (c) the Project Area's original vegetation, soils and topography,

It is very likely that, prior to European settlement, the Project Area contained significant amounts of surface and subsurface cultural material. The series of late Holocene or early Pleistocene dunes running through the site would have made for good camping grounds, while the surrounding areas contained an abundance of resources. Ethnographic accounts also suggest the region was extensively occupied and has high cultural importance to the Aboriginal people of the Tweed. These observations are supported by the archaeological excavations on nearby (relatively undisturbed) sections of similar dune systems (Everick 2009; Ozark 2007). However, the available evidence also suggests that much of the Project Area has undergone significant ground disturbance to a depth of at least one metre. From an archaeological perspective, where there has been sand



mining or major subsurface ground modifications, the site will be of little archaeological significance. However this may not be the view of the Aboriginal community, as discussed in Section 10 below.

For ease of description, the Project Area has been divided into Areas 1-5 based on their present archaeological characteristics (Figure 19). On the evidence available, it appears that the only areas of potential archaeological value are in the south (Figure 19: Areas 3 and 5). On the basis of the present knowledge of sand mining of the project Area, Area 1 also cannot be ruled out as potentially containing subsurface deposits of cultural material. However, given the disturbance of these lands, should any material remain it would likely be of low archaeological value. As there are minimal subsurface excavations planned for Area 1, it would appear the Project proposal has little likelihood of impacting important deposits of Aboriginal cultural material.

A full discussion and recommendations to address risk to Cultural Heritage is provided in Section 10.

9.4 Step 2c: Is there evidence of past ground disturbance?

Yes. There has been clearing of vegetation, sand mining and/or major surface and subsurface ground modifications undertaken within the Project Area. Under the definitions of the Due Diligence Code, all of the Project Area has been 'disturbed'.

9.5 Additional Steps

Applying the reasoning in the Due Diligence Code, as the Project Area is 'disturbed', it is reasonable that the Project proceed without further archaeological assessment (2010:12). However, as the exact locations of the sand mining operations and their impacts cannot be guaranteed, it is prudent to use a cautionary approach in regards to Cultural Heritage Management Recommendations. Monitoring is recommended in the High Risk Areas 3 and 5.



10. DISCUSSION & RECOMMENDATIONS: ABORIGINAL CULTURAL HERITAGE

Having evaluated the cultural values of the Project Area, there would appear to be minimal cultural heritage constraints for the Project.

To aid in the interpretation of the site, the Project Area has been divided into a number of risk areas based on archaeological and disturbance characteristics (Figure 19). Table 1 presents a summary of the Aboriginal cultural heritage risks for the Project. This summary is based on there being conclusive evidence of sand mining for only parts of the South Western half of the Project Area. Where sand mining has occurred in other areas, the likelihood of subsurface cultural deposits being located in those areas is nil.

Aboriginal cultural heritage constraints to Projects typically come in three forms of cultural site:

1. **High Significance:** Aboriginal sites of high significance that must be retained *in situ* (where they lie). Sites of this nature typically included large Aboriginal middens, scarred trees or burials. The area affected typically ranges from 200 m² to 400 m², as even small sites will have to be retained in an appropriate setting.
2. **Low - Moderate Significance:** Aboriginal sites of low to moderate significance that need to be salvaged before development can commence. Sites of this nature typically include artefact scatters, isolated artefacts and cultural shell scatters. The area affected typically ranges from 100 m² to 2000 m².
3. **Sacred Sites:** Aboriginal sacred sites that hold special spiritual significance, and must be preserved. Sites of this nature typically include bora rings, ceremonial sites and story places. The area of these sites is generally confined to within 200 m² – 600 m². However, the site will be situated within a 'cultural landscape', the significance areas of which may extend well beyond the physical boundaries of the site.



Table 1: Aboriginal cultural heritage Risk Summary for the Project Area

Area	Risk Type	Likelihood	Depth of Deposit (m)
1	High Significance	Very Low	1.0 - 2.0
	Low – Moderate Significance	Very Low	1.0 – 2.0
	Sacred Sites	Extremely Low	N/A
2	High Significance	Nil	-
	Low – Moderate Significance	Nil	-
	Sacred Sites	Extremely Low	N/A
3	High Significance	Low	0.5 – 2.5
	Low – Moderate Significance	Moderate	0.5 – 2.5
	Sacred Sites	Extremely Low	N/A
4	High Significance	Extremely Low	0.5 – 1.5
	Low – Moderate Significance	Low	0.2 – 1.5
	Sacred Sites	Extremely Low	N/A
5	High Significance	Low	0.5 – 3.0
	Low – Moderate Significance	Moderate	0.2 – 3.0
	Sacred Sites	Extremely Low	N/A

Having regard to the above, any physical Aboriginal cultural heritage constraints for the Project would most likely be limited to subsurface cultural deposits (artefacts or middens) in Areas 3 and 5. However, the risk is generally low.

If the Project was to proceed, Everick would most likely recommend that no further assessment or investigative works are required. This assumption is made on the basis that construction works will involve only subsurface excavations in disturbed subsurface soil layers. A number of cautionary recommendations would be included in a report to Council that would focus on developing an Aboriginal cultural heritage find procedure and inductions of contractors. If undisturbed subsurface layers are to be impacted, a test monitoring regime would be recommended. Monitoring would be for a maximum of 3-5 days (using the Tweed Byron LALC Sites Officer).

Subsurface construction works in areas 1, 3 and 5 may impact on Aboriginal cultural heritage. Although the value of these artefacts may be minimal, we could not argue conclusively that there are no artefacts in these areas (unless the area has been sand mined).



Recommendations - Aboriginal Heritage:

Recommendation 1: Monitoring Area

It is recommended that representatives of the Tweed Byron LALC be invited to monitor initial earthworks within High Risk Areas 3 and 5, as shown in Figure 19. The Tweed Byron LALC should be given at least 7 days notice of the requirement for monitoring. Prior to monitoring commencing, the excavator operator(s) and the Land Council representative should agree on protocols and procedures. This should include an initial scrape to remove grass and vegetation, with minimal subsurface ground disturbance. Subsequent excavation should be under the direction of the Land Council representative.

Recommendation 2: Cultural Inductions

It is recommended that the Proponent engage a representative of the Tweed Byron LALC to provide a cultural heritage induction to all plant operators undertaking initial ground disturbance within the Project Area. The induction should, as a minimum, cover:

- (f) basic legislative requirements, including fines for the destruction of Aboriginal cultural heritage;
- (g) a discussion on traditional Aboriginal culture, and why the management of Aboriginal cultural heritage is important to Aboriginal peoples;
- (h) an introduction on how to identify Aboriginal objects,
- (i) a description of portions of the Project Area considered likely to contain Aboriginal Objects; and
- (j) a review of the Find Procedures for the Project (See Recommendation 4).

Recommendation 3: Aboriginal Human Remains

It is recommended that if human remains are located at any stage during earthworks within the Project Area, all works must halt in the immediate area to prevent any further impacts to the remains. The location where they were found should be cordoned off and the remains themselves should be left untouched. The nearest police station, the Tweed Byron LALC and the OEH Regional Office, Coffs Harbour are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police release the scene, the Aboriginal community and the OEH should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.



It is also recommended that in all dealings with Aboriginal human remains, the Proponent should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.

Recommendation 4: Aboriginal Cultural Material

It is recommended that if it is suspected that Aboriginal material has been uncovered as a result of development activities within the Project Area:

- (e) work in the surrounding area is to stop immediately;
- (f) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
- (g) an appropriately qualified archaeological consultant is to be engaged to identify the material; and
- (h) if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the OEH guidelines: *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010).

Recommendation 5: Notifying the OEH

It is recommended that if Aboriginal cultural materials are uncovered as a result of development activities within the Project Area, they are to be registered as Sites in the Aboriginal Heritage Information Management System ('AHIMS') managed by the OEH. Any management outcomes for the site will be included in the information provided to the AHIMS.

Recommendation 6: Conservation Principles

It is recommended that all effort must be taken to avoid any impacts on Aboriginal Cultural Heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the Proponent, OEH and the Aboriginal Community.



PART C: HISTORIC CULTURAL HERITAGE ASSESSMENT

11. DESKTOP REVIEW: HISTORIC CULTURAL HERITAGE

The desktop review concluded that no historically significant cultural heritage sites would be impacted by the Project. The following heritage databases were reviewed to assess the potential for non-Indigenous heritage attributes within the Tweed LGA.

- **The National Heritage List** (Australian Heritage Council): Contains one non-Indigenous listing. Gondwana Rainforest in western Tweed national parks such as Mount Wollumbin. These areas are not within close proximity to the Project Area.
- **The World Heritage List**: Contains one non-Indigenous listing, the Gondwana Rainforest, also listed on the National Heritage List (see above).
- **Commonwealth Heritage List** (Australian Heritage Council): Contains 1 non-Indigenous listing. Cape Byron Lighthouse. Status: Listed.
- **Register of the National Estate** (Australian Heritage Council): Contains 35 non-Indigenous listings of heritage buildings, natural areas and industry sites. None are within close proximity to the Project Area.
- **The State Heritage Register** (NSW Heritage Office): Contains 2 listings under a Section 136 Order of the *NSW Heritage Act* (1977) in the Tweed LGA. These are the Murwillumbah Railway Station and yard and parts of high conservation old growth forest. The register contains 26 listings under a Section 170 Order of the *NSW State Heritage Inventory Section 2*, listed by local government and State agencies, within the Tweed Shire LGA. 24 of these are listed in the Tweed Shire LEP (see below). The other two are Lisnagar Homestead in Murwillumbah and the Murwillumbah Station railway group cited above. None are within close proximity to the Project Area.
- **Tweed Shire Local Environment Plan 2000**: Schedule 2 of the Tweed Shire LEP 2000 contains 24 non-Indigenous listings of historic heritage items. No items are within close proximity to the Project Area.
- **The RTA Heritage and Conservation Register** contains no non-Indigenous heritage items for the Tweed area.



12. LAND-USE HISTORY AND PREDICTIVE MODELLING

12.1 A Predictive Model: Land Use and Historic Parish Maps

A search of the Parish Mapping for this location showed the history of the property's use since the early 1900's. The parish maps available date between 1913 and 1971. During this time, the property was originally a combination of temporary common land and land open for sale or lease. By 1924 the temporary common land had become a property for public recreation; however this later changed back into Commonwealth land by 1959. The 1959 map also shows a mining lease taking over for the section of the Project Area previously classified as open for sale or lease. The surrounding properties seem to have been heavily sand mined in the 1950's, and a lot to the south owned by the Bank of NSW became a rubbish depot.



Figure 20: Parish Map 1913 with approximate Project Area outlined in red

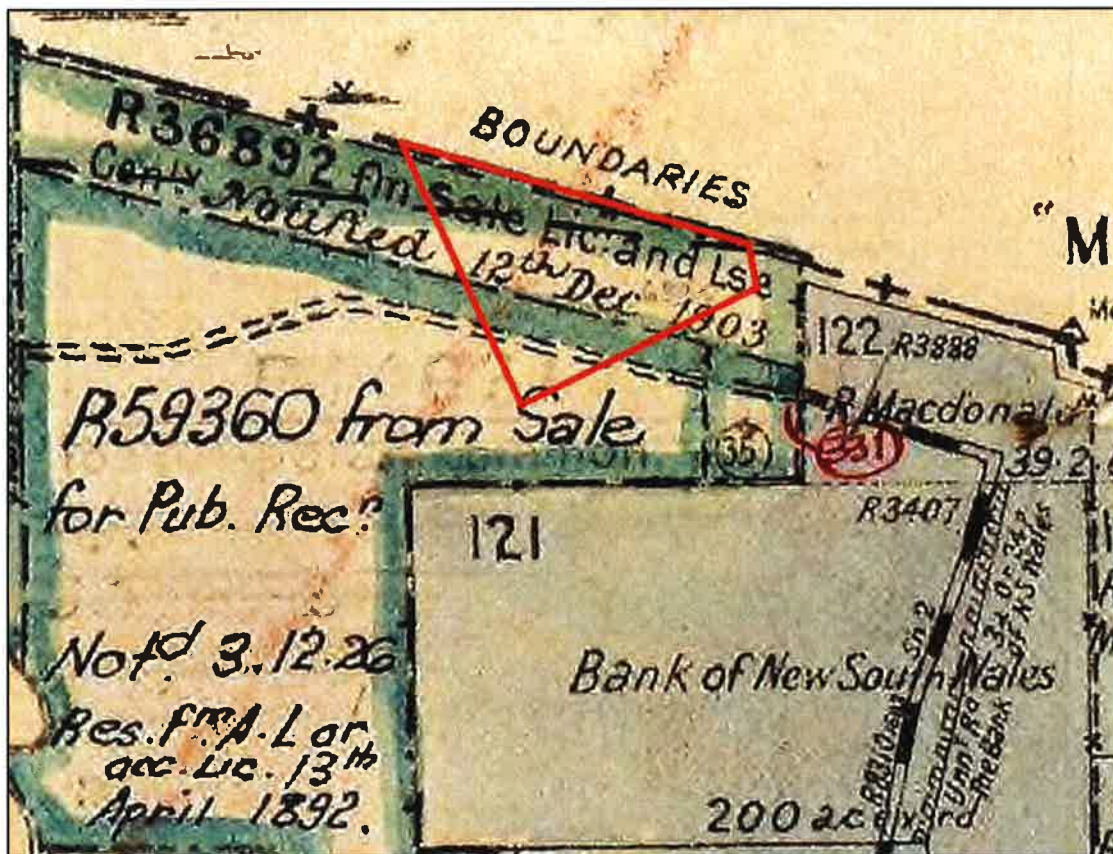


Figure 21: Parish Map 1924 with approximate Project Area outlined in red

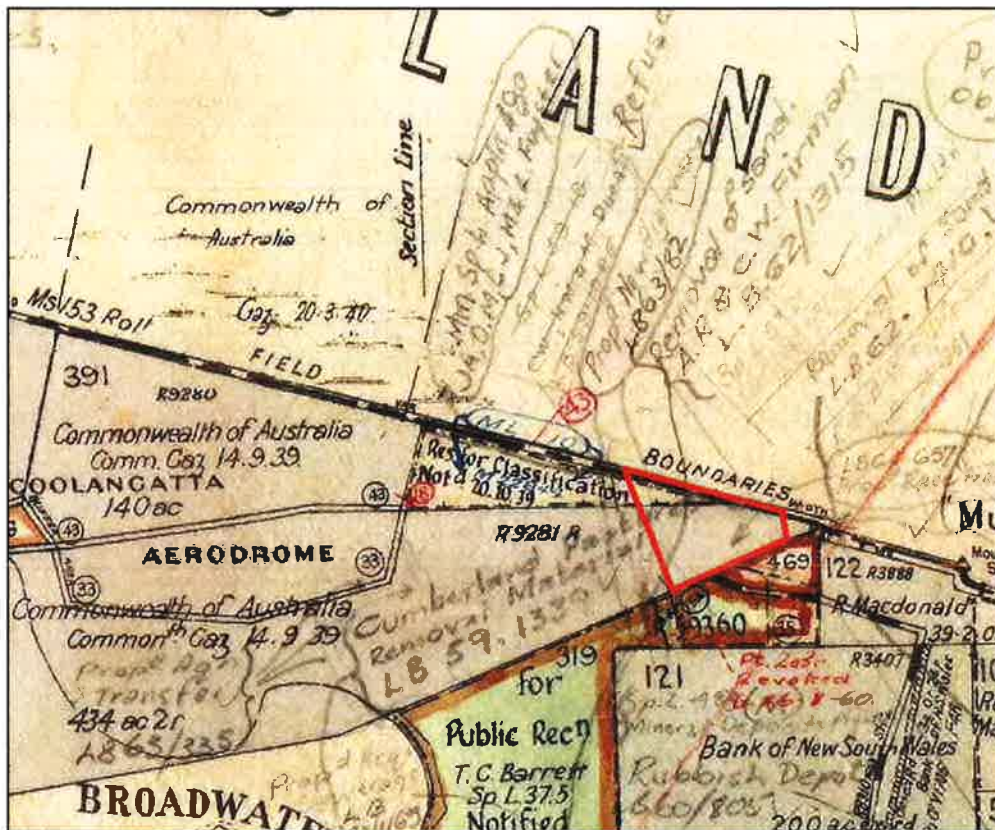


Figure 22: Parish Map 1959 with approximate Project Area outlined in red

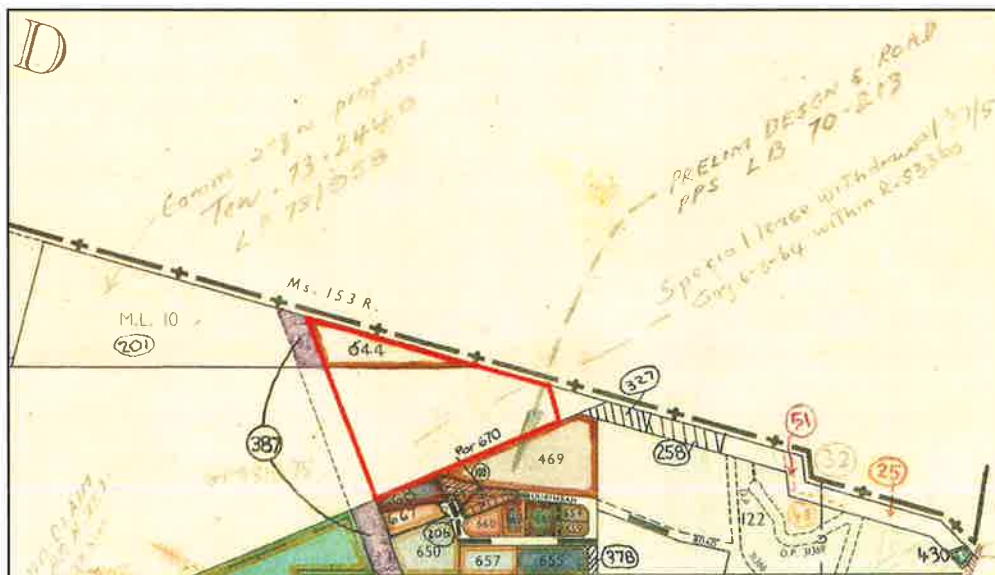


Figure 23: Parish Map 1971 with approximate Project Area outlined in red



12.2 Review of Historic Aerial Photography

As discussed previously, aerial photographs of the Project Area from 1962, 1963, and 1976 allow insight into the historic use of this property (Figure 12). The 1962 and 1963 photographs show extensive clearing and sand mining throughout the Project Area, as evidenced by cleared strips of land from sand mining exploration and later, complete clearance of portions of the site through sand mining activities.

The 1976 photograph shows the Project Area very similar to its current state (Figure 14). At this point the race track and its associated infrastructure have all been built.

As evidenced by these photos and the indigenous heritage assessment, any historic heritage that existed on this property prior to the 1960's would most likely have been disturbed or destroyed by the subsequent construction and mining activities.

13. FIELD SURVEY: NON-INDIGENOUS CULTURAL HERITAGE

No non-Indigenous cultural heritage sites or relics were identified during this assessment. The only items of potential interest identified during the survey were an old trailer wreck in the southern portion of the site (Figure 24) and the racecourse facilities (Figure 25). The trailer wreck appears to have been the type of machinery that was used during the initial land clearing. It is unlikely to be of major heritage significance. However, a heritage significance assessment of the trailer would need to be undertaken to confirm this. Regardless of its significance, as a moveable object it does not present a potential constrain to the Project.

Likewise, while it is possible certain groups within the Tweed may have strong associations with the racecourse facilities and may object to their removal. However, it is considered unlikely that there is sufficient basis for preventing the removal of the complex on heritage grounds.



Figure 24: View of old tractor wreck near the southern boundary of the Project Area



Figure 25: View north east to the racing complex and betting auditorium of Border Park Raceway



14. RECOMMENDATIONS: HISTORIC HERITAGE

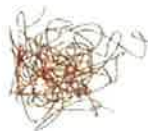
No historic cultural heritage constraints have been identified during this assessment. Owing to the relatively young age of the Border Park Racecourse, it is not considered to be likely to meet the threshold of local heritage significance. However, it is worth noting there may be moveable heritage items that may be of interest to the Tweed Museum, in the event that items within the Border Park complex are to be sold or otherwise disposed of.

There are no recommendations with regard to historic heritage.



REFERENCES

- Collins, J.P. 1999 Pacific Highway, Tugun to Tweed Heads Bypass Route Selection Study: Cultural Heritage Assessment. Unpublished report to Connell Wagner Pty Ltd, Spring Hill QLD.
- Everick Heritage 2009 Aboriginal Cultural Heritage Assessment for the Proposed Residential Community Development at Cobaki Lakes, Tweed Heads NSW. Unpublished report for Leda Manorstead Pty Ltd, Surfers Paradise.
- Hall, J. 1990 An Assessment of Aboriginal Sites at Coolangatta Airport. Unpublished report to Gutteridge Haskins & Davey Pty Ltd, Brisbane.
- Morand, D. 1996 Soil Landscapes of the Murwillumbah – Tweed Heads 1:100000 Sheet. Dept. of Land and Water Conservation
- Morley, I. 1981 *Black Sands: A history of the mineral sand mining industry in Eastern Australia.* University of Qld Press.
- Ozark Environmental, Geomorphological and Archaeological Assessment: The Tugun Bypass C4 Heritage
2006a Management Corridor (Stage 2- Cultural Heritage Management Plan). Unpublished report to QLD Department of Main Roads. Pty Ltd
- Ozark Environmental, Archaeological Salvage Excavation Zone 7, Tugun Bypass. Unpublished report to
2006b Heritage Management QLD Department of Main Roads.
- Ozark Environmental, Archaeological Salvage Excavation Zone 7, Tugun Bypass. Unpublished report to
2007 Heritage Management QLD Department of Main Roads.



APPENDIX A: AHIMS SITE DESCRIPTIONS

Site No.	Site Name	Site Description	Easting	Northing
04-1-0022	Banora Point, BMP-05-0157	Midden		
04-1-0024	Banora Point	Midden	554300	6878000
04-1-0031	Cobaki Broadwater 1, BMP-05-0141	Midden	548500	6883900
04-1-0076	Coolangatta Airport 5	open site	548780	6884030
04-1-0147	Bingam Bay BMP-05-0133	open site	548750	6880150
04-1-0149	Murraba BMP-05-0138	Art	548700	6884040
04-1-0150	Murraba BMP-05-0139	Art	548800	6883800
04-1-0152	Leda 1	open site	547400	6882750
04-2-0005	Terranora Broadwater, BMP-05-0160	Midden	552300	6879300
04-2-0009	South Tweed Heads Bora Ring, BMP-05-0164	Bora/Ceremonial	553830	6880450
04-2-0010	Fingal Point	Burial	555400	6880000
04-2-0013	Fingal Head Aboriginal Cemetery	Burial	555200	6880900
04-2-0014	Ukerebagh Island Midden	Midden	553700	6880800
04-2-0016	Ukerebagh Island, BMP-05-0154	Natural	553800	6881700
		Mythological		
04-2-0017	Barney's Point, BMP-05-0165	Midden	553900	6878050
04-2-0032	Greenbank Island, Tweed Heads	Midden	553220	6882570
04-2-0034	Terranora Inlet Midden, BMP-05-0182	Midden	552540	6881390
04-2-0039	Coolangatta Airport Gate 12, BMP-05-0140	Midden	549120	6883300
04-2-0071	Sexton Hill Midden	Midden	553960	6879230
04-2-0076	Fingal Head	Open camp site	555350	6880600
04-2-0077	Fingal Head	Midden	555400	6880290
04-2-0078	Tonys Head, BMP-05-0185	Midden		
04-2-0079	Terranora Creek 5, BMP-05-0186	Midden		
04-2-0080	Daveys Island 6, BMP-05-0187	Midden		
04-2-0081	Terranora Creek 7, BMP-05-0188	Midden		
04-2-0082	Terranora Creek 8, BMP-05-0189	Midden		
04-2-0083	Terranora Broadwater 9, BMP-05-0190	Midden		
04-2-0084	Terranora Broadwater 10, BMP-05-0191	Midden		
04-2-0085	Terranora Broadwater 11, BMP-05-0192	Midden		
04-2-0086	Terranora Broadwater 12, BMP-05-0193	Midden		
04-2-0087	Cobaki Broadwater 2	Midden	549800	6881720
04-2-0088	Terranora Broadwater 12, BMP-05-0194	Midden		



04-2-0099	Point Danger	Quarry	554100	6884250
04-2-0130	Fingal Point Quarry	Quarry	555598	6880087
04-2-0139	Coolangatta Airport 2	open site	549330	6883570
04-2-0140	Coolangatta Airport 3	open site	549810	6883310
04-2-0141	Coolangatta Airport 4, Tugun Bypass zone 7	open site	549100	6884000
04-2-0143	Ukerebach Island	open site	553831	6881821
04-2-0144	Fingal Point Community	open site	555026	6881138
04-2-0148	Cobaki Broadwater Inlet, BMP-05-0150	open site	549800	6881750
04-2-0149	Coolangatta Airport Murraba BMP-05-0142	open site	549700	6883250
04-2-0150	Coolangatta Airport Murraba 2, BMP-05-0143	open site	549500	6883400
04-2-0151	Coolangatta Airport Murraba 3, BMP-05-0144	open site	550250	6883350
04-2-0152	Coolangatta Airport Murraba 3, BMP-05-0145	open site	550750	6883600
04-2-0153	West Tweed BMP-05-0146	open site	550900	6883050
04-2-0154	West Tweed 2, BMP-05-0147	open site	550700	6882800
04-2-0155	Cobaki Broadwater 2, BMP-05-0148	open site	549800	6882600
04-2-0156	West Tweed 3, BMP-05-0149	open site		
04-2-0158	Terranora Broadwater, BMP-05-0195	open site	550500	6880350
04-2-0159	Terranora Broadwater, BMP-05-0196	open site	550450	6880250
04-2-0160	Terranora Broadwater, BMP-05-0197	open site		
04-2-0161	Floral Avenue, BMP-05-0198	open site		
04-2-0162	Darlington Drive, BMP-05-0199	open site		
04-2-0163	Boyd Family Memorial, BMP-05-0120	open site		
04-2-0164	Razorback Lookout, BMP-05-0151	open site		
04-2-0165	Greenbank Island, BMP-05-0153	open site		
04-2-0166	Kinnear Aboriginal Midden Site	open site	554149	6878326
04-2-0170	Anconia Avenue	open site	549520	6881520

Attachment 5 – Draft amendment to the LEP 2000

Legend



Affected Properties
Lot 644 DP 755740; Lot 21 DP 518902



3(c) Commerce & Trade



Gold Coast LGA

Lot 644
DP 755740

3(c)

Lot 21
DP 518902

PACIFIC HIGHWAY

Tweed LGA

OURIMBAH ROAD

SCALE: 1:4,000

LOCALITY: TWEED HEADS

PARISH: TERRANORA

COUNTY: ROUS

SHEET: 1 of 1

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

TWEED

LOCAL ENVIRONMENTAL PLAN 2000 (AMENDMENT No 99)

DRAWN BY: J.Batchelor DATE: 03/03/2014

SUPERVISING DRAFTER:

PLANNING OFFICER: R. EISERMANN

COUNCIL FILE No: PP13/0001

DEPT. FILE No:

PLAN PUBLISHED ON
NSW LEGISLATION WEBSITE ON:

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS: TWEED LOCAL ENVIRONMENTAL PLAN 2000

CERTIFIED IN ACCORDANCE WITH
THE ENVIRONMENTAL PLANNING &
ASSESSMENT ACT 1979 & REGULATIONS

GENERAL MANAGER

DATE

Attachment 6 – Proposed translation of the draft LEP amendment to the draft LEP 2010

Legend

 Affected Properties
Lot 644 DP 755740; Lot 21 DP 518902

 B7 Business Park



Gold Coast LGA

**Lot 644
DP 755740**

B7

**Lot 21
DP 518902**

PACIFIC HIGHWAY

Tweed LGA

OURIMBAH ROAD

SCALE: 1:4,000

LOCALITY: TWEED HEADS

PARISH: TERRANORA

COUNTY: ROUS

SHEET: 1 of 3

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

TWEED

DRAFT LOCAL ENVIRONMENTAL PLAN 2000 AMENDMENT No.99 IN ACCORDANCE WITH STANDARD INSTRUMENT ORDER 2006

DRAWN BY: **J.Batchelor** DATE: **03/03/2014**

SUPERVISING DRAFTER:

PLANNING OFFICER: **R. EISERMANN**

COUNCIL FILE No: **PP13/0001**

DEPT. FILE No:

GOVT. GAZETTE OF:

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS: **DRAFT TWEED LOCAL ENVIRONMENTAL PLAN 2012**

CERTIFIED IN ACCORDANCE WITH
THE ENVIRONMENTAL PLANNING &
ASSESSMENT ACT 1979 & REGULATIONS

GENERAL MANAGER

DATE

Legend

 Affected Properties
Lot 644 DP 755740; Lot 21 DP 518902

Additional Permitted Uses

 Refer to Schedule 1



Gold Coast LGA

Lot 644
DP 755740

10

Lot 21
DP 518902

PACIFIC HIGHWAY

Tweed LGA

OURIMBAH ROAD

SCALE: 1:4,000

LOCALITY: TWEED HEADS

PARISH: TERRANORA

COUNTY: ROUS

SHEET: 3 of 3

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

TWEED

DRAFT LOCAL ENVIRONMENTAL PLAN 2000 AMENDMENT No.99 IN ACCORDANCE WITH STANDARD INSTRUMENT ORDER 2006

DRAWN BY: J.Batchelor DATE: 03/03/2014

SUPERVISING DRAFTER:

PLANNING OFFICER: R. EISERMANN

COUNCIL FILE No: PP13/0001

DEPT. FILE No:

GOVT. GAZETTE OF:

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS: DRAFT TWEED LOCAL ENVIRONMENTAL PLAN 2012

CERTIFIED IN ACCORDANCE WITH
THE ENVIRONMENTAL PLANNING &
ASSESSMENT ACT 1979 & REGULATIONS

GENERAL MANAGER

DATE

Legend



Affected Properties
Lot 644 DP 755740; Lot 21 DP 518902

Maximum Building Height (m)



40



SCALE: 1:4,000

LOCALITY: TWEED HEADS

PARISH: TERRANORA

COUNTY: ROUS

SHEET: 2 of 3

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

TWEED

DRAFT LOCAL ENVIRONMENTAL PLAN 2000 AMENDMENT No.99 IN ACCORDANCE WITH STANDARD INSTRUMENT ORDER 2006

DRAWN BY: J.Batchelor DATE: 01/04/2014

SUPERVISING DRAFTER:

PLANNING OFFICER: R. EISERMANN

COUNCIL FILE No: PP13/0001

DEPT. FILE No:

GOVT. GAZETTE OF:

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS: DRAFT TWEED LOCAL ENVIRONMENTAL PLAN 2012

CERTIFIED IN ACCORDANCE WITH
THE ENVIRONMENTAL PLANNING &
ASSESSMENT ACT 1979 & REGULATIONS

GENERAL MANAGER

DATE



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