

Rezone 61 Marana Street, Bilambil Heights for residential purposes

Proposal Title : **Rezone 61 Marana Street, Bilambil Heights for residential purposes**

Proposal Summary : **The planning proposal seeks to rezone Lot 30 DP 850230 from RE2 - Private Recreation to R1 - General Residential under the provisions of the Tweed LEP 2014. The site contains the now closed Royal Terranora Resort.**

PP Number : **PP_2014_TWEED_007_00** Dop File No : **14/15913**

Proposal Details

Date Planning Proposal Received : **18-Sep-2014** LGA covered : **Tweed**

Region : **Northern** RPA : **Tweed Shire Council**

State Electorate : **TWEED** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **61 Marana Street**

Suburb : **Bilambil Heights** City : Postcode : **2486**

Land Parcel : **Lot 30 DP 850230**

DoP Planning Officer Contact Details

Contact Name : **Jenny Johnson**

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RPA Contact Details

Contact Name : **Matt Zenkteler**

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DoP Project Manager Contact Details

Contact Name : **Jim Clark**

Contact Number : **0266416604**

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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Far North Coast Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	6.70	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	168
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :	The Department's Code of Practice in relation to communication and meetings with lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	Northern Region has not met any lobbyist's in relation to this proposal, nor has Northern Region been advised of any meetings between other agency officers and lobbyists concerning this proposal.		

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

The proposal will be a staged development with Stage 1 (timeshare apartments) and Stage 2 (21 lots) to be completed with the existing traffic capacity for the site. Stage 3 and Stage 3A are dependent on the Kennedy Drive Bypass works being completed (as part of the 'Rise' Major Development SEPP (MP 08_0234)) to allow adequate traffic access to the development.

Land adjoining the proposal is part of the Major Project SEPP - 'Rise' (MP 08_0234). The planning proposal is not part of the Major Project SEPP but is constrained by the traffic works that are to be undertaken as part of the development of the Major Project site.

The total lot yield indicated for the four (4) stages is an approximate value, as the lot yield for Stage 3A is yet to be determined.

Adequacy Assessment

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

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

Comment : The statement of objectives adequately describes the intention of the planning proposal. The proposal seeks to rezone the subject lot for residential purposes to enable urban expansion in accordance with the Far North Coast Regional Strategy (FNCRS). The subject site is within the Town and Village Growth Boundary of the FNCRS.

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

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

Comment : The explanation of provisions adequately describes the intention of the planning proposal. The proposal seeks to allow single dwellings, future medium density and adaptive residential use of the existing time share apartments by:

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- rezoning the subject land from RE2 Private Recreation to R1 General Residential;
- amending the Lot size map indicating a minimum lot size of 450m²;
- amending the Height of Building map indicating a maximum permissible height of 13.6m at the northern part and 10m at the southern part of the site; and
- amending the Floor Space Ratio map indicating a maximum permissible floor space ratio of 2:0 at the northern part and 0.8:1 in the southern part of the site.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

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

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

d) Which SEPPs have the RPA identified?

- SEPP No 44—Koala Habitat Protection
- SEPP No 55—Remediation of Land
- SEPP No 71—Coastal Protection
- SEPP (Major Projects) 2005
- SEPP (Rural Lands) 2008
- North Coast REP 1988

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

Major Project SEPP - 'Rise' (MP 08_0234) occurs to the west of the subject site. The concept for this project include 1600 residential lots, retirement living, commercial, retail, school and open space. The concept also includes extensive road works that affect the capacity constraints of Kennedy Drive at Cokaki Bridge which the current proposal will also utilise for access.

The proposal will be a natural extension to the existing residential development and complement the diversity supplied through the Major Project SEPP - Rise.

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

If No, explain :

The inconsistencies with the s117 Directions have been addressed and are considered justified by provisions in the Council's LEP and consultation proposed post Gateway.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The proposal includes mapping which adequately shows the land affected by the proposed amendment. The maps have been prepared in accordance with the Standard Technical Requirements for LEP Maps and are suitable for exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

A 28 day exhibition period has been proposed for the proposal. The planning proposal is classed as a low impact proposal as the rezoning is supported by a state government strategy. An exhibition period of 28 days is considered appropriate.

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Additional Director General's requirements

Are there any additional Director General's requirements? N/A

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

The planning proposal satisfies the adequacy criteria by:

- 1) Providing appropriate objectives and intended outcomes;
- 2) Providing suitable explanation of the provisions for the LEP to achieve the outcomes;
- 3) Providing an adequate justification for the proposal;
- 4) Allowing a suitable proposed community consultation program;
- 5) Providing a time line for the completion of the proposal. Council has suggested a time line of six (6) months, which is acceptable.

Note: Tweed Shire Council has not accepted S59 delegations.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The planning proposal commenced under the former Tweed LEP 2000. References to zoning 6(b) Recreation relate to Tweed LEP 2000.

Tweed LEP 2014 was made on 4 April 2014 and is now in force.
The proposal will now amend LEP 2014.

Assessment Criteria

Need for planning proposal :

The proposal is not a result of any study or strategy although the proposed residential development is consistent with the Tweed Shire Council Community Strategic Plan 2013-2023, to improve opportunities for housing choice. The proposal is mapped within the Far North Coast Regional Strategy (FNCRS) as an urban growth area. Council did not include the site in the Tweed Urban and Employment Land Release Strategy 2009 as it was identified in the FNCRS and Council considered it was a 'logical extension of the adjoining Bilambil Heights residential area'.

The site contains the now closed Royal Terranora Resort, a timeshare tourist facility. The long term viability of tourist accommodation in the area is likely to be limited due to its location away from the main Tweed centre and lack of tourist related activities and services. The site is suitable for residential development as it adjoins an established low density residential area and is compatible with the existing and proposed future land uses (ie. 'Rise' SEPP development).

The present zoning of the site - RE2 Private Recreation is not compatible with residential development and this type of development is not permitted by the land use table in Tweed LEP 2014. The proposed residential rezoning will allow for a range of diverse residential options that will cater to all levels of the existing and future Tweed community. Additional housing will contribute to Council's housing targets as set by the FNCRS.

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Consistency with strategic planning framework :

The subject site is identified in the FNCRS as suitable for urban development. An action of the strategy is to limit future development to within the mapped Town and Village Growth Boundaries (T&VGB). The planning proposal is mapped as within this boundary which supports rezoning for residential development.

The proposal is generally consistent with all SEPP's that apply to the LGA.

The proposal is consistent with most of the s117 Directions however is inconsistent with 4.1 Acid Sulfate Soils and 4.4 Planning for Bushfire Protection.

The following Directions warrant consideration.

2.2 Coastal Protection

The direction applies as the proposal site is within the coastal zone. The proposal is not inconsistent with the direction as the proposal is not expected to affect coastal processes. The proposal site is not within the coastal foreshore and access to the coastal foreshore will not be affected.

3.1 Residential Zones

This direction applies as it affects land within a proposed residential zone. The objective of the direction is to ensure housing diversity, existing infrastructure, and adequate services are taken into consideration when proposing future residential development. The proposal is not inconsistent with the direction as the staged development is proposing a number of different types of housing options including residential apartments formed from the existing tourist facility, single detached dwelling housing and town houses. Stage 3A is also proposing future medium density housing however at this time is not yet confirmed.

3.4 Integrated Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development design, subdivision and street layout achieve adequate transportation methods. The FNCRS identified the site as suitable for urban development. The site is easily accessible from existing road infrastructure and is within walking distance of public transport and facilities.

4.1 Acid Sulfate Soils (ASS)

The planning proposal is not considered to be consistent with this direction as the proposal is suggesting intensification of the land identified as containing ASS. The subject land is identified on the Tweed LEP Acid Sulfate Soil Map as containing Class 5 ASS. The inconsistency is justified by the existence of clause 7.1 Acid Sulfate Soils and the Acid Sulfate Soils map in the Tweed LEP 2014, which addresses how intensive development is managed in ASS affected areas.

4.4 Planning for Bushfire Protection

The direction requires Council to consult with the Commissioner of the NSW Rural Fire Service. This consultation has not yet occurred which makes the proposal inconsistent with the direction. It is considered that the planning proposal will not raise significant issues in regard to this amendment. If written advice is obtained from the Commissioner of the NSW Rural Fire Service and has no objection to the progression of the proposal then the inconsistency may be assessed as of minor significance. Council has indicated that it will consult with the NSW Rural Fire Service following Gateway determination.

A Bushfire Risk Assessment has been prepared as part of the supporting documentation for the proposal.

5.1 Implementation of Regional Strategies

The proposal is consistent with this direction. The area proposed to be rezoned is an area within the T&VGB of the FNCRS.

Environmental social economic impacts :

The planning proposal is not constrained by coastal processes, flooding, important farmland or other high conservation land. A flora and fauna assessment has been prepared as part of the supporting documentation for the proposal. No threatened species or populations were identified as being affected by the proposal.

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An endangered ecological community is in close proximity to the subject site but is not thought to be of particular concern as the site is outside the buffer zone of the sensitive vegetation.

The rezoning proposal potentially has an economic benefit due to the job opportunities that will arise during construction of residential development and the flow-on effect within the community of an increase in revenue to the local businesses and area.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 months** Delegation : **DDG**

Public Authority Consultation - s56(2)(d) : **NSW Rural Fire Service**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

The planning proposal has completed a number of additional studies, provided as supporting documentation. The following studies include:

- 1) Aboriginal Cultural Due Diligence assessment;**
- 2) Bushfire Risk assessment;**
- 3) Contaminated Land assessment;**
- 4) Terrestrial Flora and Fauna assessment;**
- 5) Stormwater Management Plan; and**
- 6) Traffic Impact assessment.**

No further studies have been identified to be undertaken post Gateway.

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Tweed Shire Council_18-09-2014_Amendment 9 Lot 30 DP 850230 61 Marana Street Bilambil Heights - s56_.pdf	Proposal Covering Letter	Yes
Planning Proposal September 2014.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones**
 2.2 Coastal Protection
 2.3 Heritage Conservation
 3.1 Residential Zones
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 4.4 Planning for Bushfire Protection
 5.1 Implementation of Regional Strategies
 6.1 Approval and Referral Requirements
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 6.3 Site Specific Provisions

Additional Information : **It is recommended that:**
 1) The planning proposal should proceed as a routine planning proposal;
 2) The Secretary (or an officer nominated by the Secretary) agrees with the inconsistency with the s117 Directions 4.1 Acid Sulfate Soils is justified and accept that the inconsistency with 4.4 Planning for Bushfire Protection will be resolved through consultation prior to exhibition with the NSW Rural Fire Service;
 3) The planning proposal be considered as low impact and exhibit the planning proposal for 28 days;
 4) The planning proposal be completed in six (6) months.

Supporting Reasons : **The planning proposal to rezone Lot 30 DP 850230 from private recreation to residential in accordance with the Far North Coast Regional Strategy is appropriate to proceed.**

Signature: _____

Printed Name: _____


JIM CLARK

Date: _____

1 October 2014