

Planning Proposal Royal Terranora Resort
Lot 30 DP850230
61 Marana Street, Bilambil Heights
Draft LEP Amendment Number 9

September 2014 File PP10/0002

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Introduction

Purpose

The Tweed Shire Council (TSC) received a request for a Planning Proposal from Planit Consulting (the proponent) on behalf of PS Development for the purposes of affecting a zoning amendment to facilitate the redevelopment of the Royal Terranora Resort for residential development, open space and community facilities.

Tweed Shire Council first considered the planning proposal at its meeting of 20 July 2010 where Council resolved:

- 1. Planning proposal PP10/0002 for Lot 30 DP 850230 No. 61 Marana Street, Bilambil Heights not be referred to the Department of Planning for a gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 based on insufficient capacity with the Kennedy Drive catchment to accommodate urban growth exceeding that which already has potential under existing Local Environmental Plan 2000 zonings west of Cobaki Bridge.*
- 2. The proponent be advised that additional traffic assessment is required and should be submitted as an addendum to the planning proposal that clearly demonstrates the capacity of the catchment. Any addendum information requiring assessment is to be subject to the draft fees and charges recommended in Planning Reforms Work Program report listed in the Council agenda of 20 July 2010.*

The proponent submitted the additional traffic assessment and the planning proposal was consider by Council at its meeting of 15 February 2011 where Council resolved:

- 1. Council notes the revision to the Tweed Planning Proposal Assessment process.*
- 2. Council proceeds with the Planning Proposal PP10/0002 – Lot 30 DP 850230 No. 61 Marana Street, Bilambil Heights (Royal Terranora Resort), to seek additional studies as required to support and inform the amended planning proposal, and that the planning proposal be linked to the preparation of a development Control Plan for the subject site.*
- 3. Any Development Controls plan for the site provide a staging strategy for the redevelopment and ensure future redevelopment of the site is capped at the equivalent traffic generation as would currently and reasonably be permitted under the 6(b) zone, until such time as the Kennedy Drive bypass (consisting of dedication and construction of the full length of Cobaki Parkway, the new bridge over Cobaki Creek and the Scenic Drive deviation) is completed and dedicated to Council.*
- 4. The amended planning proposal and supporting studies be subject to a subsequent report to Council seeking resolution to refer the Planning Proposal to the Department of Planning for a Gateway Determination.*

Subsequently the proponent has undertaken the additional studies and the planning proposal is now submitted to the Department for a Gateway Determination under S56 of the *Environmental Planning and Assessment Act, 1979*. Input for the Tweed Development Control Plan may be prepared separately by Council, should this be required.

Part 1 Objectives and intended outcomes

Objective

This planning proposal explains the intent and sets out the justification for a Local Environmental Plan (LEP) amendment for the rezoning of the land at Lot 30 DP 850230, 61 Marana Street, Bilambil Heights from the current 6(b) Recreation zone under the Tweed Shire Local Environmental Plan (LEP) 2000 to the R1 General Residential zone under the Tweed LEP 2014.

This planning proposal commenced under the Tweed LEP 2000 and it is noted that the Tweed LEP 2014 was made 4 April 2014.

Intended outcome

The intent is to facilitate the redevelopment of the Royal Terranora Resort to enable residential development whilst retaining some open space and community facilities, predominantly in association with the established timeshare apartment buildings.

There are a number of buildings and facilities on the north-western section of the site, which were part of the Royal Terranora Resort, a timeshare tourist facility that ceased operation many years ago. Current improvements include a cluster of four x two storey accommodation buildings, administration building, porte cochere, swimming pool, outdoor recreational area and car parking areas. There are a total of 48 holiday dwelling units located on the site.

A section 96 1(A) application (T4/3116.03) with respect to the site was granted in September 2013. This consent permits the strata subdivision of the existing time share accommodation for the purposes of short term tourist accommodation.



View of the site looking north east



View of the site looking south west



View of the site looking west



View of the site looking north towards the former timeshare apartments

Property details

The proposal is on the site of the former Royal Terranora Resort and is located at 61 Marana Street, Bilambil Heights as shown in Figures 1-4. The site has an area of approximately 6.782 hectares.

The site is steeply sloping to the south and east, with an open drainage channel running generally along the eastern boundary.

The site has established buildings and recreational facilities to the north western area of the site. The remainder of the site is undeveloped and partly vegetated, as shown on the aerial photograph (Fig 2).

The site is currently accessed through the car parking of the now vacant Terranora Country Club to the north west of the site.

Site context and setting

The site is located on the western fringe of the Bilambil Heights residential area, as shown in Figure 2. Land to the north and east is zoned R2 Low Density Residential. Land to the south has been deferred from the LEP 2014 and is zoned 7(d) Environmental Protection (Scenic Escarpment) under the Tweed LEP 2000. This land is subject to the Department of Planning and Environment (DPE) review of Environmental Zones for the Far North Coast. Land to the north and west is also deferred. Land to the west and north of the site is not subject to the Tweed LEP but is subject to the Major Development State Environmental Planning Policy (SEPP). Under the Major Development SEPP the adjoining site is a combination of R1 General Residential and B4 Mixed Use as shown in Figure 5.

The adjoining site is part of the now defunct Terranora Lakes Country Club, part of the wider “Rise” development. The “Rise” is a state significant development to the west and north. The Rise concept plan includes residential, retirement living, commercial, retail, school and open space precincts and was approved, subject to conditions, under Part 3A major development by the Department of Planning and Infrastructure (DP&I) on 29 June 2010.

Significantly this development concept is for approximately 1600 residential lots, a 200 bed nursing home and includes the construction of Cobaki Parkway, the new bridge over Cobaki Creek and the Scenic Drive deviation (Kennedy Drive bypass works) to alleviate the road capacity constraints of Kennedy Drive at Cobaki Bridge.

Given that the road capacity of Kennedy Drive is heavily constrained and approval of development generating additional traffic is monitored with traffic caps applying, the construction of the “Rise” road infrastructure is a critical pre-requisite in the redevelopment of this planning proposal.

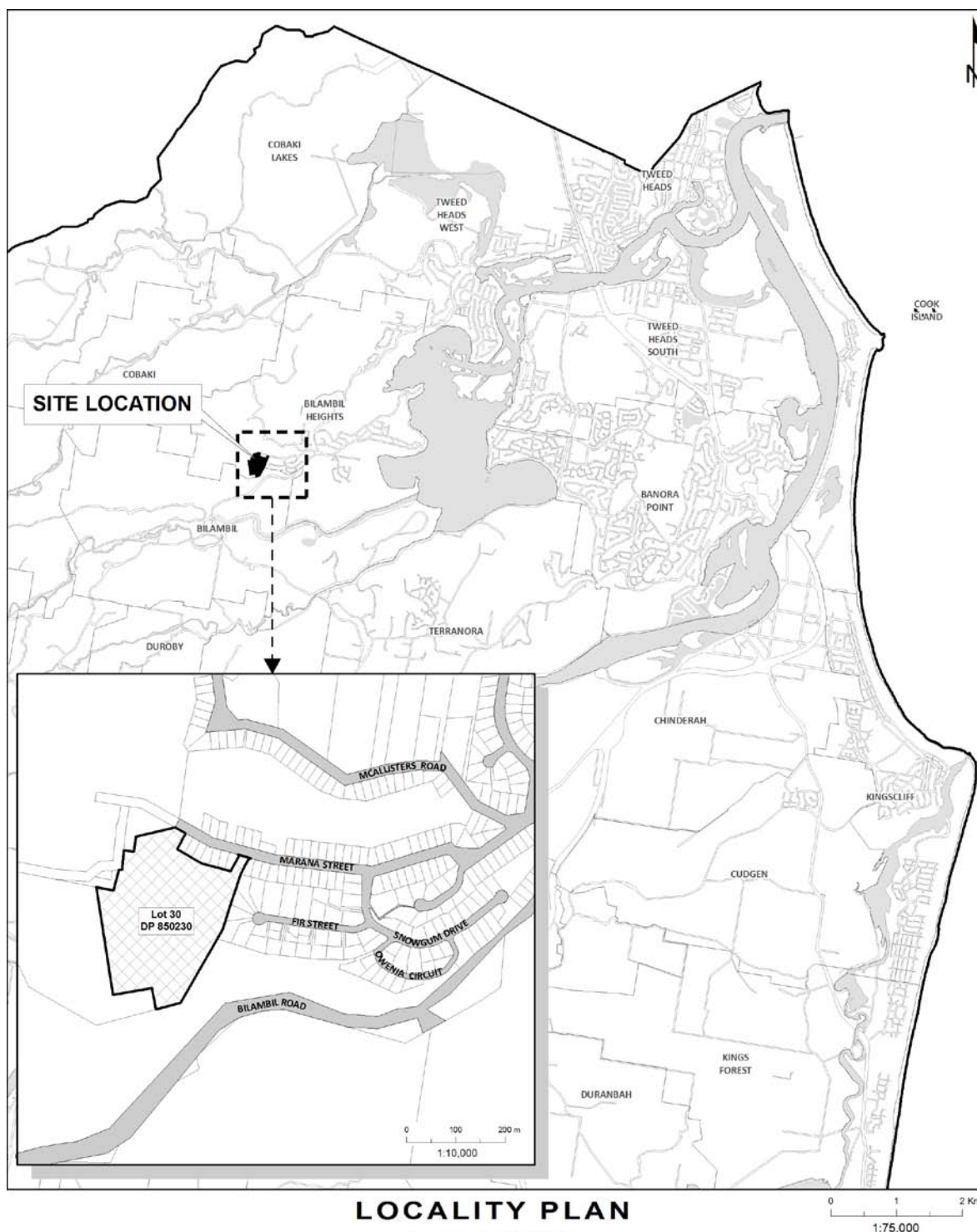
Current planning controls (zoning)

Present - Tweed LEP 2014

The site is currently zoned RE2 Private Recreation under the Tweed LEP 2014, as shown in Figure 3, and has the following development standards under the TSC LEP 2014 and Development Control Plan (DCP) 2008:

RE2 Private Recreation

Lot size	Non applicable
Building height	"K" 10 metres
Floor space ratio	None applicable



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Author: J.Batchelor - Planning Reforms Unit

Date Printed: 24 June, 2010

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Figure 1 Subject site locality plan



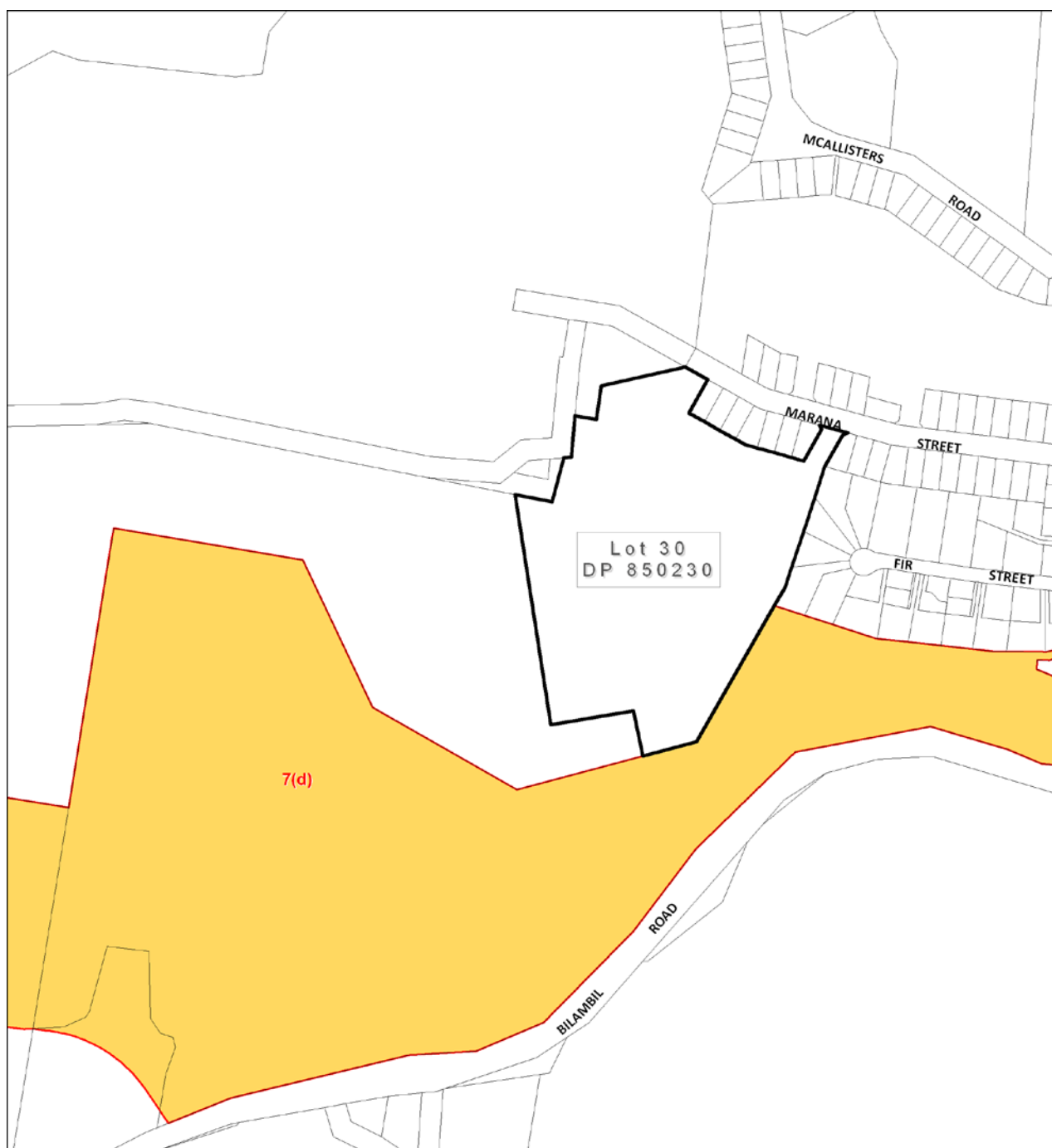
Aerial Photo - taken May 2012

Planning Proposal PP10/0002 -- Marana Street, Bilambil Heights
Lot 30, DP 850230

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Date Printed: 07 November 2013

Figure 2 Subject site (shown with heavy white edging) overlaid with aerial photography (2012)



Tweed Local Environmental Plan 2000

Amendment No.9

Lot 30 DP850230; No.2 Marana Street, Bilambil Heights

Tweed Local Environmental Plan 2000

LAND ZONING

- | | |
|--------------------------------|----------------------------------|
| 1(a), RURAL | 2(b), MEDIUM DENSITY RESIDENTIAL |
| 1(b1), AGRICULTURAL PROTECTION | 2(c), URBAN EXPANSION |
| 1(b2), AGRICULTURAL PROTECTION | 2(d), VILLAGE |
| 1(c), RURAL LIVING | 2(e), RESIDENTIAL TOURIST |
| 2(a), LOW DENSITY RESIDENTIAL | 2(f), TOURISM |
| | 4(a), INDUSTRIAL |

5(a), SPECIAL USES

- | |
|--|
| 6(a), OPEN SPACE |
| 6(b), RECREATION |
| 7(a), ENVIRONMENTAL PROTECTION (Wetlands & Littoral Rainforests) |
| 7(d), ENVIRONMENTAL PROTECTION (Scenic / Escarpment) |

7(f), ENVIRONMENTAL PROTECTION (Coastal Lands)

- | |
|--|
| 7(i), ENVIRONMENTAL PROTECTION (Habitat) |
| 8(a), NATIONAL PARKS & NATURE RESERVES |
| UNZ, UNZONED LAND |
| defer, DEFERRED |

Tweed Local Environmental Plan 2000

ADDITIONAL CONTROLS

- | | |
|---|---------------------------------|
| Clause 37 (Transmission Line Corridor) | Clause 52 (Minimum Lot Sizes) |
| Clause 38 (Future Roads) | Clause 52 (Stormwater and Fill) |
| Clause 52 (Existing and Future Dam Areas) | Clause 53 (Schedule 3 Item) |
| | Clause 52 (Pottsville) |

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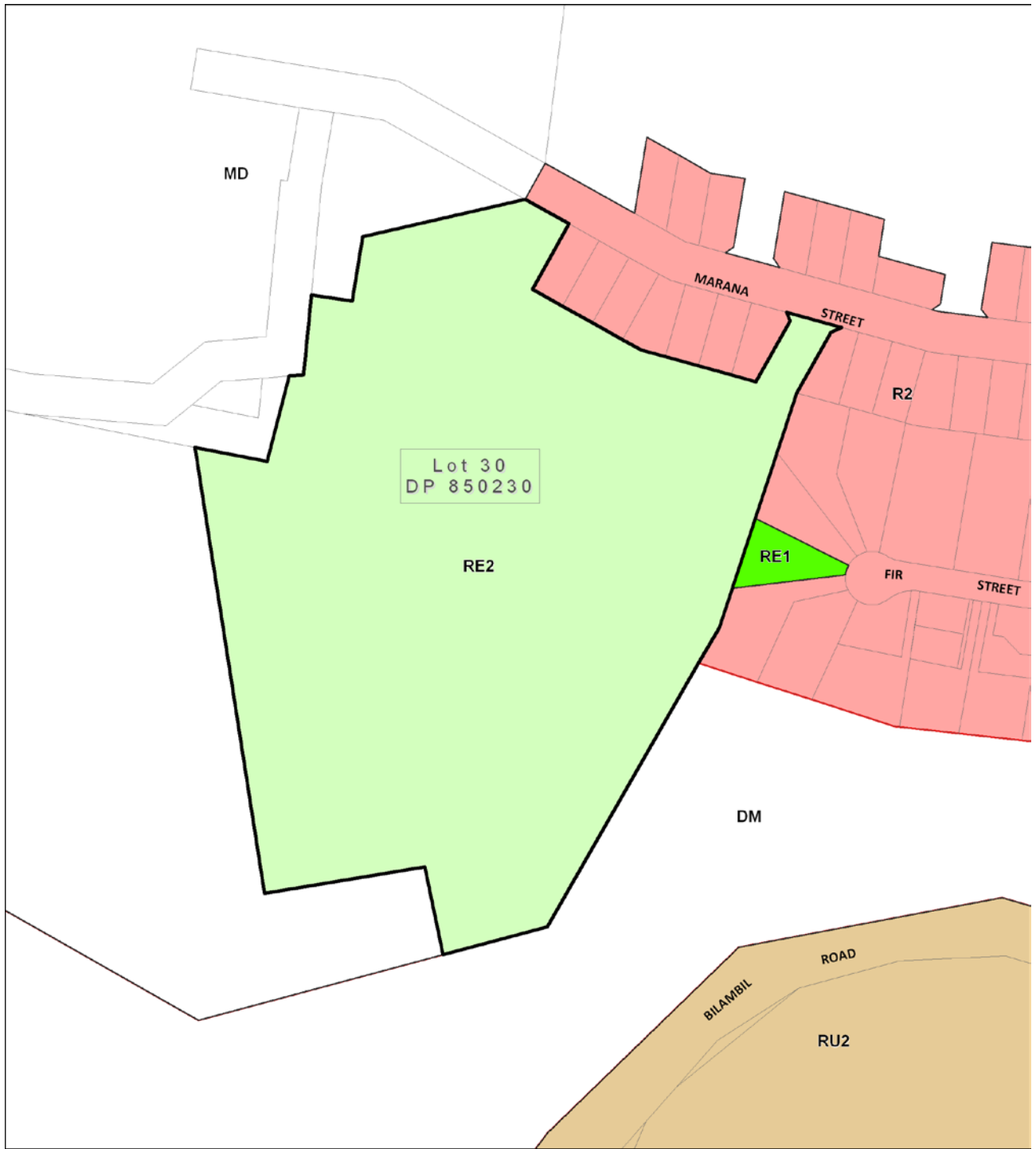
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Figure 3 Subject site (shown with heavy black edging) overlaid with TSC LEP 2000 zoning



Tweed Local Environmental Plan 2014

Amendment No.9

Lot 30 DP850230; No.2 Marana Street, Bilambil Heights

Tweed Local Environmental Plan 2014

LAND ZONING

B1 Neighbourhood Centre	B5 Business Development
B2 Local Centre	B7 Business Park
B3 Commercial Core	E1 National Parks & Nature Reserves
B4 Mixed Use	IN1 General Industrial
	IN4 Working Waterfront

R1 General Residential
R2 Low Density Residential
R3 Medium Density Residential
R6 Large Lot Residential
RE1 Public Recreation
RE2 Private Recreation

RU1 Primary Production
RU2 Rural Landscape
RU5 Village
SP1 Special Activities
SP2 Infrastructure
SP3 Tourist

W1 Natural Waterways
W2 Recreational Waterways
W3 Working Waterways
DM Deferred Matter
MD SEPP (Major Development) 2005
TCC Tweed City Centre LEP 2012

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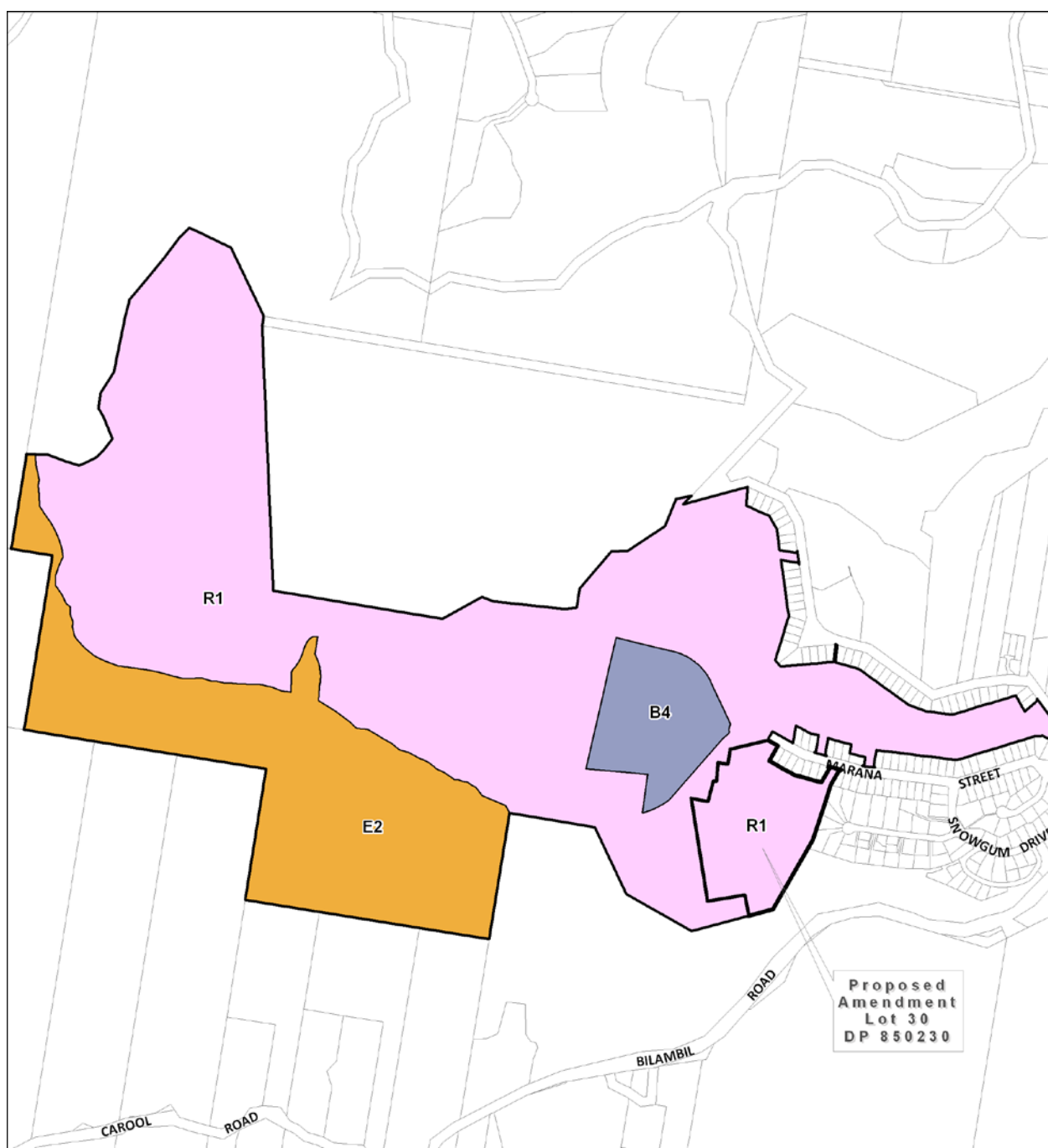
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Horizontal Datum: Geocentric Datum of Australia 1994
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Figure 4 Subject site (shown with heavy black edging) overlaid with TSC LEP 2014 zoning



Proposed Amendment - Tweed Local Environmental Plan 2014 State Environmental Planning Policy (Major Development) 2005

Amendment No.9

Lot 30 DP850230; No.2 Marana Street, Bilambil Heights

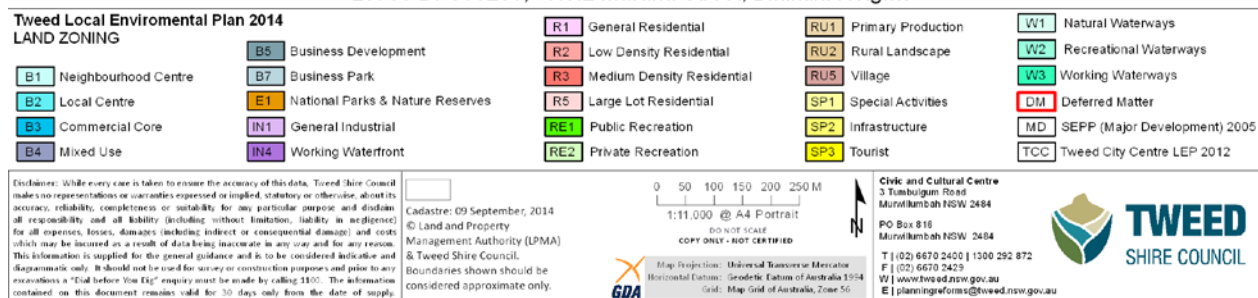


Figure 5 Adjacent SEPP (Major Development) 2005 Rise Bilambil Heights Land zoning map

Part 2 Explanation of provisions

The intended outcome is to be achieved by amendment to the Tweed LEP 2014 consistent with the current development standards.

This proposal seeks a mix of detached single dwellings, future medium density and the adaptive permanent residential use of the former 48 time share apartment.

Following this rationale and based on the land uses proposed in the proponent's planning proposal and studies, it is appropriate and proposed that the subject site be zoned as a general residential zone.

Therefore, in order to achieve the objective and intended outcomes, the proposed zoning amendments to the Tweed LEP 2014 are as follows:

Tweed LEP 2014		
R1 General Residential	Lot size	450sqm
	Building height	Northern part of the site "N2" 13.6m Southern part of the site "K" 10m
	Floor space ratio	Northern part of the site "T" 2:0 Southern part of the site "J" 0.8:1

Zoning maps reflecting this approach are provided in Part 4 Mapping.

Part 3 Justification

Section A Need for the planning proposal

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

The site is included within the Far North Coast Regional Strategy (FNCRS) 2006 town and village growth area as shown in Figure 6.

The site is not included in the Tweed Urban and Employment Land Release Strategy (TUELRS) 2009 as it was seen to be a logical and co-ordinated extension of the adjoining Bilambil Heights residential area and was identified in the FNCRS.



Figure 6 Subject site (shown with heavy black edging) overlaid with the Far North Coast Town and Village Growth Area boundaries.

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

The Royal Terranora Resort occupies part of the site, has limited viability and the current open space/private recreation zoning does not permit redevelopment for residential purposes. It is considered that the proposed LEP amendment is the most appropriate method to ensure that the highest and best use of the land is achieved consistent with the FNCRS. To ensure that this occurs in a timely fashion the gateway process is the most appropriate planning mechanism.

3 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 (ie. 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.*

Net Community Benefit Criteria is identified in the NSW Government's publication *Draft Centres Policy, April 2009* and in the *draft Right Place for Business, 2001*. Whilst both draft policies are targeted at business uses the principles behind considering net community benefit remain relevant. The Assessment with the Net Community Benefit Assessment Criteria, based on the later *draft Centres Policy 2009* is addressed in Table 1, following:

Table 1: Assessment of Net Community Benefit

<i>Table 1 – Assessment of Net Community Benefit</i>	
Criteria	Assessment against Criteria
Will the LEP be compatible with the agreed State and regional strategic direction for development in the area?	The subject site is identified for urban development within the growth boundaries of the Far North Coast Regional Strategy. The site represents an infill opportunity adjoining the established low density residential area and the approved "rise" major development site.
Is the LEP located in a global/regional city strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub regional strategy?	The subject site is not part of a global or regional strategic centre. As noted above, it is identified for urban development and the proposal seeks a redevelopment for higher use of the former Royal Terranora Resort, compatible with the surrounding land uses.

Table 1 – Assessment of Net Community Benefit

Criteria	Assessment against Criteria
Is the LEP likely to create a precedent or create or change the expectation of the landowner or other landowners?	This is not likely as the site is identified for urban development.
Have the cumulative effects of other spot rezoning proposals in the locality been considered/ What was the outcome of these considerations?	The planning proposal adjoins the SEPP (Major Development) approved “Rise” development, a significant future land release for the area. The Rise concept plan includes residential, retirement living, commercial, retail, school and open space precincts and was approved, subject to conditions, under Part 3A major development by the Department of Planning and Infrastructure (DP&I) on 29 June 2010. Significantly this development concept is for approximately 1600 residential lots, a 200 bed nursing home and includes the construction of Cobaki Parkway, the new bridge over Cobaki Creek and the Scenic Drive deviation (Kennedy Drive bypass works) to alleviate the road capacity constraints of Kennedy Drive at Cobaki Bridge. The construction of the “Rise” road infrastructure is a critical pre-requisite in the redevelopment of the subject planning proposal. This proposal has considered the constraints on the Kennedy Drive capacity through the traffic assessment and requested staging and structure plan. The staging and structure plan, provided in appendix 1 links possible future development of the site to the current and future capacity of Kennedy Drive and the timing of the “Rise” road infrastructure developments. It is noted that this is a concept plan only for the purposes of assessing the possible traffic generation and that any future DA will be assessed accordingly within the traffic capacity at that time.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The planning proposal does not seek the inclusion of employment generating uses. Similarly the site does not currently generate any significant employment generation, other than management of the former timeshare apartments.
Will the LEP impact upon the supply of residential land and therefore the housing supply and affordability?	The planning proposal, once completed over the timeframe and infrastructure constraints on the staging, seeks to redevelop the existing 48 holiday dwelling units and to develop an approximate total of 120 residential dwellings, comprising detached and townhouse forms. The proposal, as submitted, seeks to encourage a mix of housing types and sizes, appropriate to the locality.

Table 1 – Assessment of Net Community Benefit

Criteria	Assessment against Criteria
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycle access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Tweed Shire Council is not serviced by rail. Surfside buses Route 608 services Marana Street to Tweed Heads Centro via Kennedy Drive, from which other services may be accessed. This service operates hourly Mon-Fri and every two hours on weekends. The future development will provide footpaths for pedestrian and cycle access under the requirements of the Tweed DCP, however, given the steepness of the site, cycleways are unlikely to be heavily patronised. As previously noted, traffic capacity on Kennedy Drive is a critical infrastructure consideration and staging of the future development arising from this planning proposal will be linked to the delivery of the road and bridge infrastructure to be delivered through the adjoining “Ride” development.
Will the proposal result in changes to the car distance travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs, road safety?	The proposal is not seeking to include employment generating land uses and similarly will not be attracting employees. Traffic generation will arise from future residents of the site.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	There are no significant Government infrastructure investments in the area. Notwithstanding, there will be significant road and bridge infrastructure investment arising from the adjoining “Rise” development.
Will the proposal impact on land that the Government has identified a need to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The proposal does not impact on land identified for protection: there is no significant farmland, threatened species, steep or erodible soils, koala activity or habitat, or flooding impacts. An Aboriginal Cultural Heritage Due Diligence Assessment has been undertaken to assess any possible Aboriginal Cultural impact arising from the intent of the planning proposal. The site is potentially impacted by land slip (category C) and a Geotechnical assessment has been undertaken to confirm future development is possible.
Will the LEP be compatible / complementary with surrounding land uses? What is the impact on amenity in the location and the wider community? Will the public domain improve?	The planning proposal is seeking the future development of the site for residential uses, comprising redevelopment of the existing tourist apartments, town houses and detached dwellings. These uses are compatible with the surrounding residential development and the adjoining approved “Rise” development. There is not likely to be significant improvement to the public domain in the residential area, however, there will be footpath, landscaping and open space requirements for future development under the Tweed DCP.

Table 1 – Assessment of Net Community Benefit

Criteria	Assessment against Criteria
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The planning proposal does not propose retail or commercial development.
If a stand-alone proposal and not a centre does the proposal have the potential to develop into a centre in the future?	The planning proposal does not propose retail or commercial development.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at this time?	The implications of not proceeding with the planning proposal at this time are the impacts on the long term viability of the former Royal Terranora Resort. Use is limited to short stay tourist use (no permanent occupation) and without the adjoining Terranora Country Club and facilities (now abandoned and subject to the “Rise” concept plan) the site offers little by way of tourist attraction and services and is likely to continue to decline. The subject site has unlawful use action held in abeyance by resolution of Council (1 May 2014) pending the progress of this planning proposal for residential development. Not proceeding would require action on the unlawful use.

Section B Relationship to strategic planning framework

1 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

The Far North Coast Regional Strategy 2006-2031 (FNCRS) applies to the Tweed Shire. The purpose of the FNCRS is to manage the region's expected high growth rate in a sustainable manner. The FNCRS aims to protect the unique environmental assets, cultural values and natural resources of the region while ensuring the future planning maintains the character of the region and provides for economic opportunities.

The strategy indicates that future growth will be managed by preventing the spread of coastal development and encouraging the development of non-coastal centres, ensuring adequate land is available and appropriately located to sustainably accommodate the projected housing, employment and environmental needs of the region's population over the next 25 years.

As noted the subject site is located within the mapped FNCRS urban growth area. The proposed residential development is consistent with the FNCRS, as discussed in the following table:

Table 2 - Assessment against FNCRS aims and actions relating to the preparation of a local environmental plan

Action	Assessment
Environment and Natural Resources	
Local environmental plans will protect and zone land with State or regional environmental, agricultural, vegetation, habitat, waterway, wetland or coastline values.	The planning proposal is not affected by land with State or regional environmental, agricultural, vegetation, habitat, waterway, wetland or coastline values.
Local environmental plans will not zone land within the Environmental Assets and Rural Land area to permit urban purposes, other than rural residential development. Existing and future rural residential development will be located in this area, but not where it conflicts or coincides with the attributes or values listed above.	The planning proposal is not seeking to rezone land of environmental or rural zoning.
Local environmental plans will identify and zone land of landscape value (including scenic and cultural landscapes) to protect those values.	The subject land is located on a ridgeline and has views south across Bilambil Creek, however, has not been identified in specifically of scenic landscape value. Future development of the site will need to be sensitive of the visibility of the site from a distance.
Local environmental plans will protect land identified as having extractive resources of regional significance.	The land does not contain areas of known extractive resources.

Action	Assessment
New development adjoining or adjacent to farmland, extractive resources, waterways, wetlands, and areas of high biodiversity value will incorporate buffers to avoid land use conflict.	The Proposal is not adjoining or adjacent farmland, extractive resources, waterways, wetlands, and areas of high biodiversity value. The east of the site adjoins a subregional fauna corridor. However, established residential development is located on the adjoining land, also subject to the corridor. The Staging and Structure Plan nominates a buffer requirement to ensure the water quality of the drainage corridor which may also serve as a fauna corridor.
Local environmental plans will: - include minimum subdivision standards for rural and environment protection zones - include provisions to limit dwellings in the rural and environmental zones - not include provisions to permit concessional allotments.	The proposal does not apply to rural or environmental zones.
Local environmental plans will include provisions to encourage habitat and corridor establishment in future zoning of Environmental Assets and Rural Land area.	The proposal does not apply to rural or environmental zones. As noted above the buffer will assist with the fauna corridor.
Local environmental plans will include provisions to limit the creation of additional water rights on land fronting watercourses.	Not applicable.
Local environmental plans will not rezone land within town water supply catchments and significant groundwater areas if this has the potential to reduce the quality and quantity of these assets.	The subject site does not fall within the town water supply catchment or significant groundwater areas.
Rezoning of land for future development within the catchments of coastal lakes (as defined in Schedule 1 of State Environmental Planning Policy No. 71—Coastal Protection) will consider the recommendation of any Coastal Lake Sustainability Assessment which has been prepared.	The subject site does not fall within a coastal lake catchment; however, SEPP 71 does apply. This is addressed in the following table addressing SEPPs.
Subdivision and dwelling standard provisions in local environmental plans will reflect the objectives of the relevant zone and the Regional Strategy.	Residential standards in Tweed Local Environmental Plan 2014 will apply and reflect the objectives of the FNCRS.

Action	Assessment
Cultural Heritage	
Councils are to ensure that Aboriginal cultural and community values are considered in the future planning and management of their local government area.	An Aboriginal Due Diligence Assessment has been undertaken by Everick Heritage Consultants, December 2011 and updated in November 2013. This report found no Objects or Places within the project area; that it was reasonably unlikely to contain Potential Archaeological Deposits (PADs); that consultation with the Tweed Byron LALC identified no places of significance; and no items of heritage significance were identified. Notwithstanding, the northern part of the site is mapped under Councils preliminary (not yet endorsed) Aboriginal cultural heritage mapping as having potential ACH. Future works should be undertaken with caution. The report makes recommendations for actions should any item or object be revealed during works.
Councils and the Department of Planning will review the scope and quality of the existing statutory lists of heritage items and ensure that all places of significance are included in the heritage schedules of local environmental plans.	There are no listed heritage items on the subject land or in the immediate vicinity.
The cultural heritage values of major regional centres and major towns that are to be the focus of urban renewal projects will be reviewed, with the aim of protecting cultural heritage.	Not applicable as this is outside the scope and location of this proposal.
Natural Hazards	
In order to manage the risks associated with climate change, councils will undertake investigations of lands with the potential to be affected by sea level rise and inundation to ensure that risks to public and private assets are minimised.	The site is on the ridgeline and not subject to sea level rise, coastal inundation or flooding.
Local environmental plans will make provision for adequate setbacks in areas at risk from coastal erosion and/or ocean based inundation in accordance with Coastal Zone Management Plans. Until these plans are made by the Minister for Natural Resources, councils cannot zone land or approve new development or redevelopment in potential hazard areas, unless assessed within a risk assessment framework adopted by the council.	Not applicable as the subject site is not subject to coastal erosion.
Local environmental plans will zone waterways to reflect their environmental, recreational or cultural values.	Not applicable.
Local environmental plans will zone areas subject to high hazard to reflect the capabilities of the land.	Not applicable.

Action	Assessment
Settlement and Housing	
Local environmental plans, local growth management strategies and other statutory planning controls will align with the Regional Strategy's settlement network (as shown on the Housing Map) to contain the spread of urban development, efficiently utilise existing services and infrastructure, and protect areas of high conservation value.	The proposal is for an infill residential development adjacent the existing footprint of the Bilambil Heights township and the approved "Rise" development, does not result in the spread of urban development and is able to be serviced by modest extension of established services. The location does not contain any areas of high conservation value.
Local environmental plans will ensure that all new development reinforces existing urban and rural centres, towns and villages.	The site is located within the urban footprint of the Tweed Heads and will reinforce the hierarchy of Tweed Heads as a major regional centre.
A land release staging program will be developed to ensure the orderly release of new housing.	A staging and Structure plan has been submitted in association with the planning proposal and is provided in appendix 1. It is noted however, that this is prepared as a guide to possible future development and to inform the servicing assessments.
Where development or a rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution towards the provision of such infrastructure.	The State Infrastructure Strategy for NSW 2012-2032 (NSW Treasury) does not include any infrastructure for the Tweed Heads area. Any requirements may be further assessed as part of the process.
Councils will plan for a range of housing types of appropriate densities, location and suitability that are capable of adapting and responding to the ageing of the population.	The Planning Proposal area will have a similar density and integration with the surrounding established residential development and the approved "Rise" concept plan. The development will include detached dwellings, dual occupancy and town house forms of development.
Local government will consider a range of affordable housing strategies, including forms of low cost housing, suitable zonings and development controls to improve housing choice, and specific schemes. These strategies must be consistent with relevant State policies.	Not specific to this proposal.
Local environmental plans generally should locate major health and educational facilities in urban areas.	Not applicable.
Local environmental plans cannot use the Transition Zone in the Standard Instrument (Local Environmental Plans) Order 2006 to identify land for future urban investigation purposes.	The proposal does not use any transition zone for future urban investigation.
Local environmental plans will maintain interurban breaks between existing and new settlements.	The proposal is within the Town and Village Growth area.

Action	Assessment
Town and Village Growth Boundary	
The Town and Village Growth Boundary is defined by the Town and Village Growth Boundary Map	The proposal is within the Town and Village Growth area.
No land in the Coastal Area will be released other than land identified within the Town and Village Growth Boundary or within an approved rural residential release strategy.	Not applicable – the site is not within the Coastal Area.
Councils will prepare a Local Growth Management Strategy prior to zoning further land for urban, commercial and industrial uses in accordance with the Settlement Planning Guidelines.	Council has not prepared a Local Growth Management Strategy at this stage; however, as outlined in this proposal, the site is within the Town and Village Growth area of the FNCRS and is for infill development of detached dwelling houses, townhouses and permanent occupation of the existing 48 timeshare apartments.
Councils will demonstrate through the Local Growth Management Strategy how dwelling targets (Table 1) for each local government area will be met in local environmental plans.	Council has not prepared a Local Growth Management Strategy at this stage; however, this proposal will contribute to the TSC dwelling target of 19,100 dwellings.
Planning for urban land must be integrated with the supply of relevant infrastructure and transport provision.	Council has prepared an infrastructure strategy (Tweed Development Program, 1996) and that Program together with Council's Section 94 Contribution Plans in relation to roads (Section 94 Plan No. 4) ensures that there is a timely and equitable provision of transport infrastructure to service new release areas. As noted the staging of future development on the site is critically linked to the delivery of the Cobaki Road and bridge works in association with the "Rise" development. The site adjoins the established urban footprint and water and sewer is able to be extended to the site.
Any development proposed for greenfield sites in the non coastal area that is located outside of the Town and Village Growth Boundary will be subject to satisfying the Sustainability Criteria (Attachment 1).	Not applicable for this proposal.
Settlement Character and Design	
Councils should prepare desired character statements for their localities that include provisions (through a development control plan) to ensure that new development enhances the desired character.	Council has a program of preparing village plans with character statements; however, one has not yet been prepared for this area of Bilambil Heights. Notwithstanding, this proposal represents infill development consistent with the surrounding residential land uses.

Action	Assessment
New development should be designed to respond to the subtropical climate of the Region through best practice in water and energy efficient design, and use of landscaping and building materials.	Future dwellings will be encouraged to comprise contemporary water and energy efficiency design elements through compliance with BASIX requirements and Tweed DCPs.
New development should be designed to reflect and enhance the natural, cultural, visual and built character and values of the local and regional landscape.	Future dwellings will be compatible with existing dwellings on adjoining land and Tweed DCPs.
New and changing urban areas should provide access to natural features such as coastal foreshore and riparian land in a manner that is consistent with the maintenance of their ecological values.	The proposal is designed to protect the natural features of the site.
New and changing settlement areas should incorporate open space that is accessible to the public, which provides opportunities for recreation, nature conservation, social interaction, and for visual enhancement and amenity.	Appropriate open space will be allocated. In accordance with Council's Policy, contributions will be made towards structured open space (playing fields).
Local environmental plans will set building heights in urban areas that reflect the landscape character, function and hierarchy of the future settlement and visual and cultural amenity of its location.	Building height controls consistent with the appropriate residential development will apply. These will be consistent with the current LEP 2014.
Local environmental plans for areas subject to the NSW Coastal Policy (NSW Government 1997) will incorporate provisions to achieve the outcomes of the Coastal Policy in respect to overshadowing. Generally, development on urban land in Tweed Heads, Kingscliff, Byron Bay and Ballina will not result in the beach or adjoining open space being overshadowed before 3.00 p.m. midwinter (standard time) or 6.30 p.m. midsummer (daylight savings time). For other beaches or waterfront open space in the Region, development will not result in overshadowing before 4.00 p.m. midwinter or 7.00 p.m. midsummer (daylight saving time).	The subject land is not within the nominated urban areas and the Coastal Policy is not applicable.
Local environmental plans and development control plans (and subsequent land release development) will be consistent with the Settlement Planning Guidelines, and the Government's <i>Coastal Design Guidelines for NSW</i> (2003) as applicable.	The proposal is broadly consistent with the Settlement Planning Guidelines and with the Government's Coastal Design Guidelines; notwithstanding that it is not a coastal site.
Water and Energy Resources	
Councils are to complete Integrated Water Cycle Management Plans.	Council has an Integrated Water Cycle Management Plan addressing demand and risk management.

Action	Assessment
Local environmental plans will recognise and protect the regional water supply system through appropriate planning provisions.	The proposal is not within the catchment of the water supply; therefore, this is not specific to this proposal.
In preparing local environmental plans councils will liaise with water and energy providers and make provision for any regional gas, water and electricity infrastructure corridors that may be required.	Water and sewer supply has been assessed as part of the internal review and there are no capacity issues. Appropriate consultation with other services will be undertaken with service providers during the consultation phase of the Planning Proposal. There are no known capacity constraints.
All future development is to apply water sensitive urban design principles, including the use of dual use reticulation systems in releases of adequate scale, and meet storm water management targets that support the environmental values of the catchments.	The appropriate provisions of the Tweed DCPs with regard WSUD will apply to any future development on the land to which this Planning Proposal applies.
Regional Transport	
Local environmental plans will provide for passenger interchanges in all major regional centres, major towns and towns. These interchanges will be well connected to pedestrian and cycle ways	This proposal is for residential development within the town and urban growth boundary and is not likely to contribute to passenger interchange requirements.
Land use and transport planning must be integrated to minimise the need to travel, and to encourage energy and resource efficiency.	The site is serviced by local bus services, though, as is common in most regional towns, the low density residential and regional areas will continue to rely predominantly on private vehicles.
Local environmental plans are to recognise and protect the regional transport network through appropriate planning provisions.	The proposal will not impact on the regional transport networks.
Implementation	
This Regional Strategy will be implemented primarily through local environmental plans, development control plans, the State Infrastructure Strategy and funds collected as development contributions.	This Planning Proposal is broadly consistent with the State Plans.
The State Infrastructure Strategy 2006–07 to 2015–16 identifies infrastructure projects in the short to medium-term that (among other things) support population growth and demographic change in the Far North Coast. A list of projects from this Strategy is contained in Attachment 3 of the FNCRS.	There are no applicable infrastructure projects for Murwillumbah identified in the State Infrastructure Strategy.
The Regional Strategy sets out the agreed position of the NSW Government on the future of the Far North Coast Region. The Regional Strategy is recognised by the State Infrastructure Strategy as a long term planning strategy to be used by State agencies and public trading enterprises to understand the future infrastructure needs of the Region.	The proposal is considered to be consistent with the relevant provisions of the Far North Coast Regional Strategy as discussed above.

Action	Assessment
Where development or rezoning increases the need for state infrastructure, the Minister for Planning may require a contribution towards the provision of such infrastructure.	There are no known applicable state infrastructure items identified for this area.

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

The Planning proposal is consistent with objectives of the Tweed Shire Council Community Strategic Plan 2013-2023, specifically with regard to

- *Objective 1.5 to manage and plan for a balance between population growth, urban development and environmental protection and the retention of economically viable agricultural land*
- *Objective 2.2 to improve opportunities for housing choice.*

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

This site is not subject to the application of *SEPP 14 Coastal Wetlands*, *SEPP 26 Littoral Rainforest* or *SEPP 71 Coastal Protection*.

The planning proposal is of a scale and nature that will not trigger the application of *SEPP (Major Development) 2005*.

The planning proposal is of a scale and nature that will not trigger the application of *Schedule 3 Traffic generating development to be referred to the RTA of the SEPP (Infrastructure) 2007*.

The SEPPs, discussed in the following Table 3, apply to the subject site:

Table 3 – Assessment against State Environmental Planning Policy

State Environmental Planning Policy	Comments / Assessment
State Environmental Planning Policy (North Coast Regional Environmental Plan) 1988	This Policy has now been repealed where the Tweed LEP 2014 applies.
State Environmental Planning Policy No. 44 – Koala Habitat	This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. It requires the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat. The site does not contain any mapped primary or secondary koala habitat areas, as confirmed by the Flora and Fauna Assessment by Planit Consulting June 2014 in Appendix 3.

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 Detailed Site Contamination Investigation (by HMC June 2014) is provided in Appendix 8. This is supported by a Statutory Declaration, dated 17 July 2014 and provided in Appendix 9. This assessment finds that the site is suitable for its proposed residential land use and that no further investigation or remediation is required.
State Environmental Planning Policy No. 71 – Coastal Protection	Whilst the land is within the Coastal zone the proposal has no impact on the coastal foreshore, overshadowing, access or environmental matters of consideration as outlined in the SEPP.
State Environmental Planning Policy (Major Development) 2005	The Major projects SEPP applies to State significant projects and those to which Part 3A (now repealed) applied. The site is not affected by any Major Development criteria nor does the development proposed trigger any state significance.
State Environmental Planning Policy (Rural Lands) 2008	This planning proposal does not alter rural land use and is not applicable to this proposal.

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

The Planning proposal is consistent with the Ministerial s117 Directions, as outlined in the following table.

Consistency with the s117 Directions is assessed in the following table 4.

Table 4- Consistency with s117(2) Directions

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)	This proposal does not include or alter a business or industrial 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).	This proposal does not include or alter a 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 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	Neither the current private open space zone nor the proposed residential zone permits extractive industries, mining and petroleum production.	N/A

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	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 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> .	The planning proposal does not alter rural or environmental zoned land	N/A
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.	The planning proposal does not alter or include any environmental	Yes

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	(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 <i>"Rural Lands"</i> .	zoned land. Notwithstanding appropriate buffers to sensitive areas along the eastern drainage channel will be applied within future development of the site consistent with the Tweed DCPs.	
2.2 Coastal Protection	Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.	This proposal is located within the coastal zone. However it will not affect public access to the Tweed River foreshore or generate the need to provide new access; the use is suited to its locality given surrounding land use; the proposal will not affect the scenic amenity of the Tweed River foreshore or cause overshadowing or major view impacts; the proposal will not affect threatened species or wildlife corridors; the site will not be affected by coastal processes; the proposal will not cause conflict with water or land based activities and is compatible with its neighbouring land uses (residential); the proposal will not cause impacts on waterbodies; and will not impact on cultural heritage of significance as the cultural heritage due diligence	Yes

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		assessment found that there is no heritage constraint on the site. The planning proposal is consistent with the SEPP.	
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 report, by Everick Heritage Consultants, dated November 2013, and provided in Appendix 2. This report finds: - No known Aboriginal objects or places were identified within the site; - No areas were identified that were considered reasonably likely to contain Potential Archaeological Deposits (PADs) Notwithstanding, the northern part of the site is mapped under Councils preliminary (not yet endorsed) Aboriginal cultural heritage mapping as having potential Aboriginal cultural heritage. Future works should be	Yes

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		undertaken with caution. The report makes recommendations for actions should any item or object be revealed during works.	
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 proposal does not enable land to be developed for the purpose of a recreation vehicle area.	N/A
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	(3) This direction applies when a relevant planning authority prepares a	The planning proposal seeks a mix	Yes

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	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 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.	of residential land use consistent with the surrounding residential development and the adjoining approved "Rise" development concept. Given that the surrounding locality is residential, it is intended that this proposal will provide a similar housing form and that housing will be a mix of 1-2 storey single detached housing and town houses. Changing to residential uses will enable more efficient use of existing infrastructure. The residential development of the land is able to be provided with water and sewer servicing within current capacity or with augmentation at the applicants cost. The proposal will increase the permissible residential density of the 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	This proposal does not seek development for the purposes of a caravan park or manufactured homes estate nor does it impact upon any land that does permit development for the purposes of a caravan park or manufactured	N/A

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	(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 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 Community Land Development Act 1989 be permissible with consent.	homes estate.	
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	The Tweed LEP 2014 under the standard LEP template permits home occupations to be carried out where there is a dwelling house without consent. The Code SEPP also permits home business, home industry and home occupations without consent.	Yes
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.	The development of the site for residential purposes would result in a minor increase in population in the area.	Yes

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	(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).	Adequate services exist within the locality. In particular, Tweed Heads provides a wide range of education, health, recreational and community services which would be sufficient to service the site. Its role as a major regional centre within the Far North Coast Region will continue to develop. The planning proposal does not propose any traffic generating business or services out of centre. As noted the staging of future development on the site is critically linked to the delivery of the Cobaki Road and bridge works in association with the “Rise” development. The site adjoins the established urban footprint and water and sewer is able to be extended to the site.	
3.5 Development Near Licensed Aerodrome	Applies when a relevant planning authority 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.	This proposal does not create, alter or remove a zone or provision relating to land in the vicinity of an airport / aerodrome.	N/A
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 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

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land 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 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	The site is mapped as Class 5 ASS and the provisions of the Tweed LEP 2014 will apply. The site has no known occurrence of acid sulphate soils.	Yes

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	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 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 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	The proposal is not subject to flood affectation or subject to flood planning controls	N/A

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	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 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 so made, (5) A planning proposal must:	The south eastern area of the site is subject to a bushfire buffer where it adjoins Bushfire Vegetation Category 1 land, as discussed in the Bushfire Risk Assessment (by Planit Consulting November 2013) provided in Appendix 4. This report finds that all future lots may be managed appropriately and APZs provided.	Yes

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	(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 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	This will be subject to additional assessment at the future DA stage. Consultation will be required with the NSW RFS during the exhibition period.	

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	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 site is identified within the urban growth boundary of the FNCRS.	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
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)". (4) A planning proposal must not: (a) rezone land identified as "State Significant Farmland" for urban or rural residential purposes. (b) rezone land identified as "Regionally Significant Farmland" for urban or rural residential purposes. (c) rezone land identified as "significant non-contiguous farmland" for urban or rural residential purposes.	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	Applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed	This proposal is not with the alignment of the Pacific Highway,	N/A

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
along the Pacific Highway, North Coast	alignment of the Pacific Highway.	nor does it propose a highway service centre.	
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), 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	The planning proposal will not include provisions that require; the concurrence, consultation or referral of development applications to a Minister or public authority.	Yes

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	(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 land is zoned for private recreation given the established use as a time share resort. 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 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	The planning proposal seeks to zone the land appropriate to the land uses proposed and does not seek to include additional uses beyond what is permitted with the land use table. The planning proposal does not contain schematic drawings.	Yes

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	instrument being amended. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.		
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Strategy	This direction applies to Sydney metropolitan councils only.	N/A	N/A

Section C Environmental, Social and economic impact

1 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?

A Flora and Fauna Assessment was undertaken by Planit Consulting, dated June 2014 is provided in Appendix 3. This assessment finds there are two key vegetation communities: Mid-High Closed Forest to Woodland/Land scaped gardens in the northern area and Mid-High Open Forest to Woodland Low Closed Paddock on the remainder of the site. Neither of these communities are described as Endangered Ecological Communities (EEC).

An area of EEC (lowland Rainforest) has previously been described (2009) to the west of the site. This community is greater than 500m from the site and the proposal is not considered likely to impact this community.

No endangered or vulnerable fauna species were found, however, several species of microchiropteran bat, megachiropteran bat and fruit dove are considered potential occurrences.

The study correlates with the Tweed Valley Management Plan Map 4 (ecological values) which designates the site as low ecological sensitivity status.

Whilst the proposal is considered unlikely to significantly affect flora and fauna and associated habitat it will result in a net loss of local habitat for native species through vegetation removal and construction stage. The study makes recommendations for weed removal and revegetation of communal areas and streetscapes with native flora.

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

A Geotechnical and engineering assessment has been undertaken by Wood & Grieve Engineers, dated June 2014, and provided in Appendix 6. The site is steep, up to 22% (or 12.5°) in parts and requires both cut and fill up to 5m to enable proposed future development.

Slope stability assessment was also undertaken as part of this assessment and finds no evidence of soil creep or previous slip, however, that subsurface and surface drainage will be critical in the maintenance of the stability of the slope.

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

The proposed change to the zoning of the land will facilitate a greater degree of flexibility with respect to housing diversity. It is likely that initially the existing tourist accommodation could be utilised for permanent residential.

Future development of the site will provide a range of housing type and choice, including detached dwellings and town houses.

Section D State and Commonwealth interests

1 Is there adequate public infrastructure for the planning proposal?

It is considered that the proposal will not result in any significant demand on public infrastructure. While it is anticipated that some minor augmentation of infrastructure will be required it is expected that this will not be cost prohibited.

The more relevant items pertaining to infrastructure as addressed as follows:

Water Supply

The site is located within the Tweed Shire Council water development servicing plan number 3 – North West area. The existing Terranora Resort on Marana Street is supplied with reticulated 'Town' water via a service from Marana Street. There is an existing 150mm diameter water main on the southern side of Marana Street which is supplied by the existing former country club reservoir off Marana Street and is located at approximately RL200m and as such, appears to have adequate head pressure to supply the site given the site is located at a maximum RL of 150m.

Water Capacity

It is considered that the existing water network will have sufficient capacity to adequately service the development.

Sewer Reticulation

The site is located within the Tweed Shire Council Banora Point sewer development servicing plan area. Based upon the topography it has been determined that it will not be possible to service the whole of the proposed development area via a gravity system alone. There is an existing sewer connection in the neighbouring property, being 31 Fir Street, however due to its existing depth and downstream infrastructure; this main will not sufficiently service the entire development.

As a result, it is proposed to construct a new sewer pump station within the open space area proposed in the site. This sewer pump station will pump to the existing dia 150mm uPVC sewer main which traverses the proposed site entry off Marana Street. It is proposed to construct new sewer lines internal to the development which drain to the proposed sewer pump station and pump to this main adjacent Marana Street.

The existing Terranora Resort has a privately operated pump station which discharges to an existing manhole in the rear of 53 Marana Street. It is proposed to remove this private pump station as part of the works and establishing a new gravity connection to the proposed pump station maintaining only one connection point to council infrastructure.

Sewer Capacity

Tweed Shire Council study of the Bilambil Heights area has confirmed there is sufficient sewer capacity to service this proposal.

Gas Reticulation

Searches have been undertaken through the *Dial Before You Dig* service and it has been determined that the area is not supplied with underground reticulated gas. No gas reticulation is therefore proposed for the development. Bottled Gas may be supplied to the site at the discretion of the lot owners or body corporate.

Electricity and Telecommunications

Electricity and Telstra services are available to the site, and the existing services are located in Marana Street and Fir Street. An existing high voltage line traverses the site from the rear of 31 Fir Street. This line is underground through the Fir Street property and becomes an overhead line within the proposed development site. If augmentation works to the network traversing the site are required these will be undertaken as part of the development.

The Electrical Reticulation will be designed and constructed by a qualified Electrical Consultant. Telstra will provide Telecommunication services.

Road Access

Permanent road access to all of the proposed units and lots will be via a new entry road off Marana Street between 45 and 47 Marana Street. At this stage it has not been confirmed whether the road will be held under the control of a body corporate or will become council road. Council's road standards have been adopted for the proposed internal road network.

Marana Street currently services the existing Terranora resort and multiple residential allotments. The road is constructed of full width AC seal with kerb and channel on the southern side and shoulder on the northern side. Marana Street and the site are close to the top of a ridge and as such the road access is flood free at all times.

Traffic Demand

Currently the traffic capacity constraints of Kennedy Drive will cap the traffic generation of this site at 363 vehicle trips per day. A traffic assessment study has been undertaken by CRG, dated June 2014, provided in Appendix 5 and is linked to the Structure and Staging Plan, dated August 2014 and provided in Appendix 1.

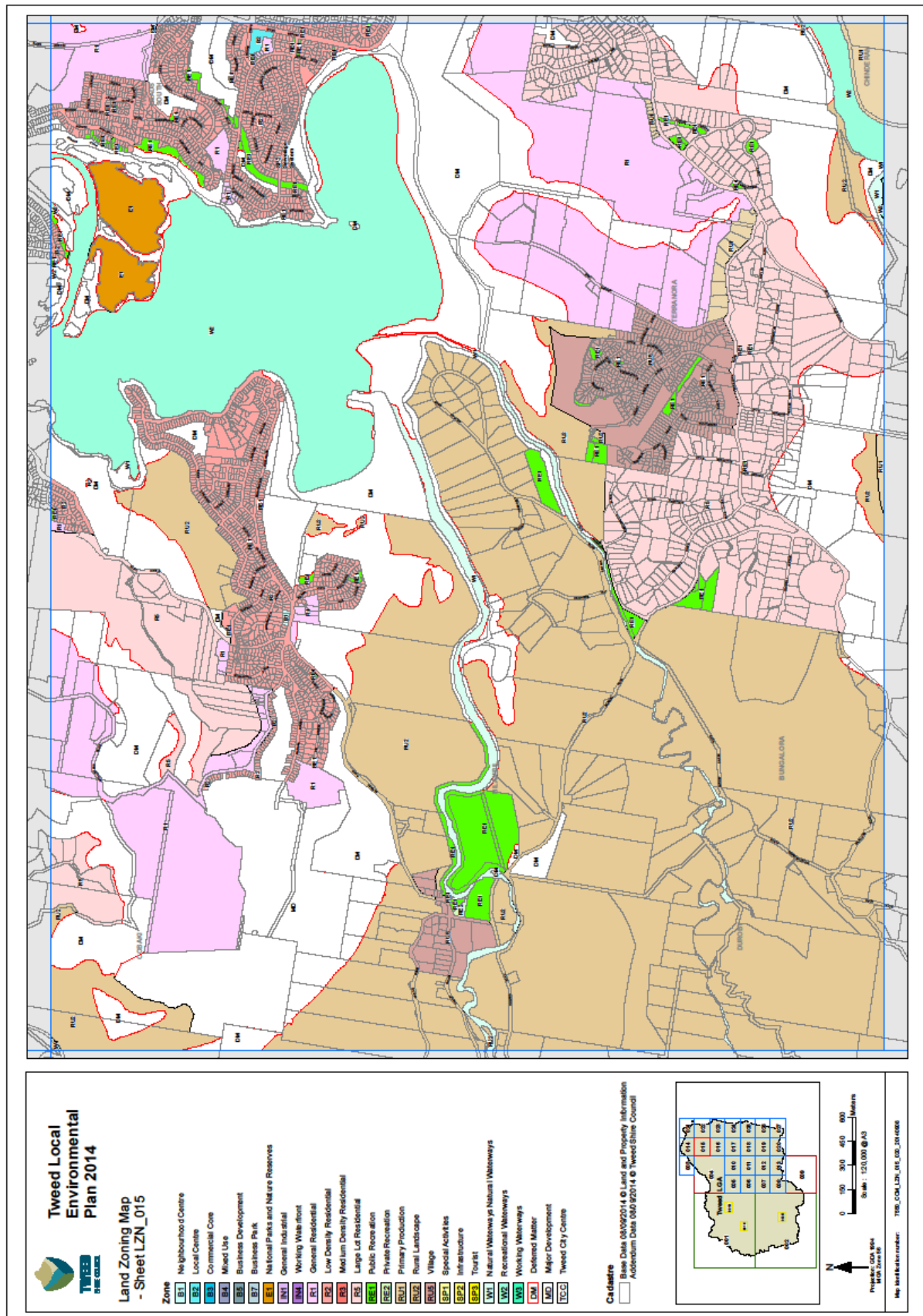
This study finds Stage 1, conversion of the 48 former timeshare apartments to permanent residential use and Stage 2 for 21 low density residential dwelling allotments may be achieved within this traffic capacity. Later Stage 3 and 3A are not likely to be achieved until such time as the Kennedy Drive bypass (consisting of dedication and construction of the full length of Cobaki Parkway, the new bridge over Cobaki Creek and the Scenic Drive deviation) is completed and dedicated to Council.

The proposal is capable of being staged to allow traffic access to the site for stage 1 and 2.

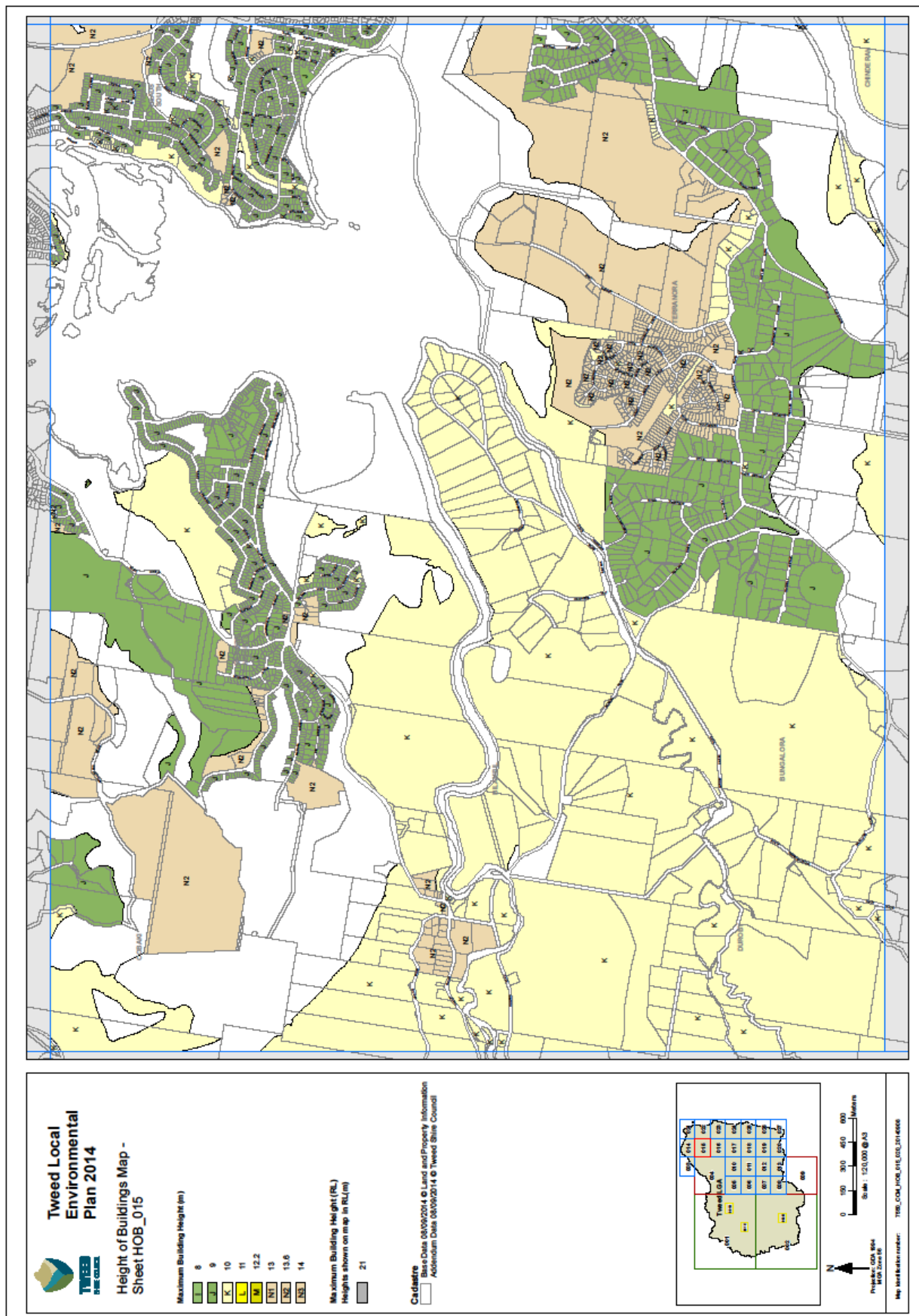
2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Following the initial gateway determination formal views of relevant authorities shall be sought and considered, including the NSW RSF.

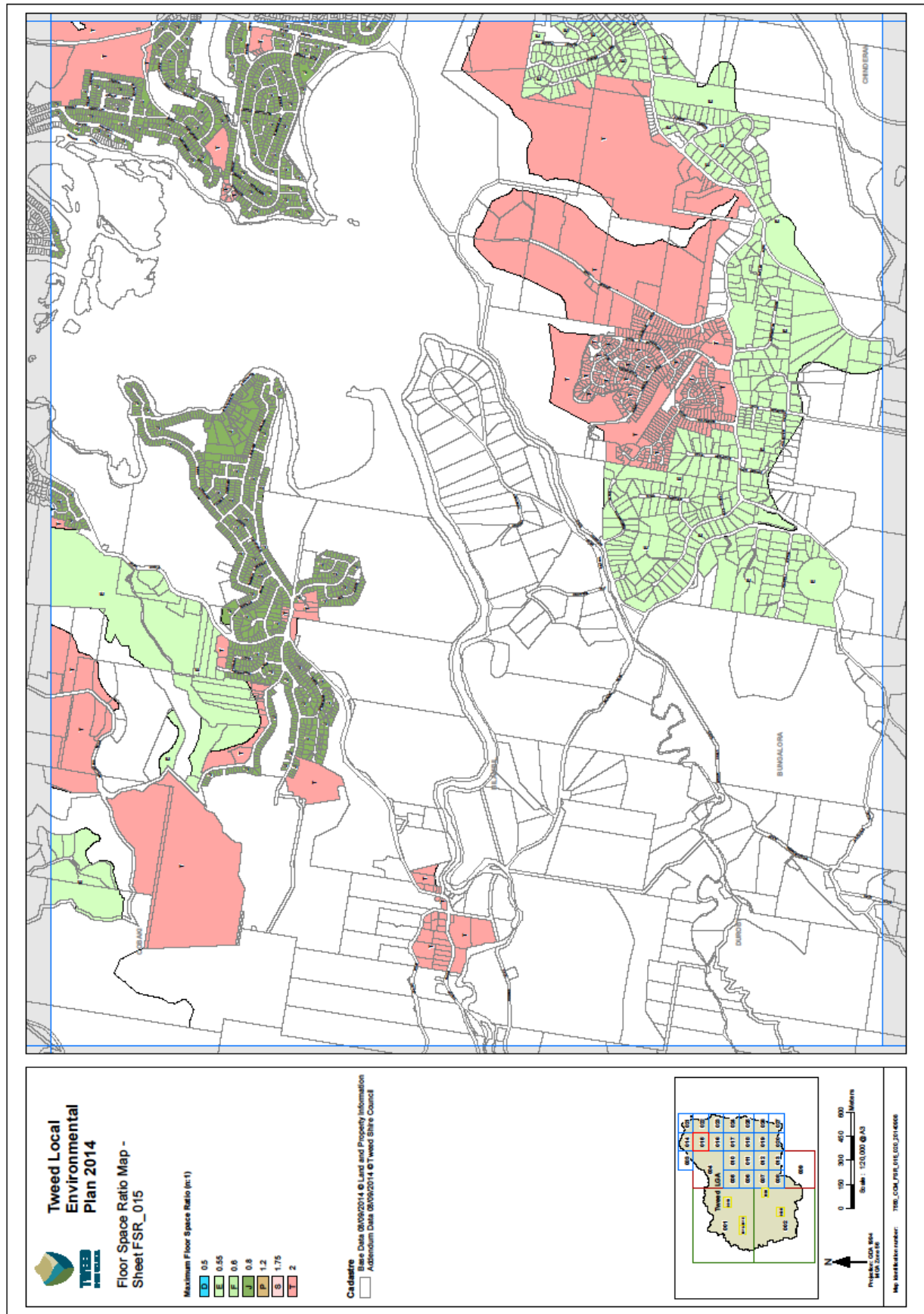
Part 4 Mapping



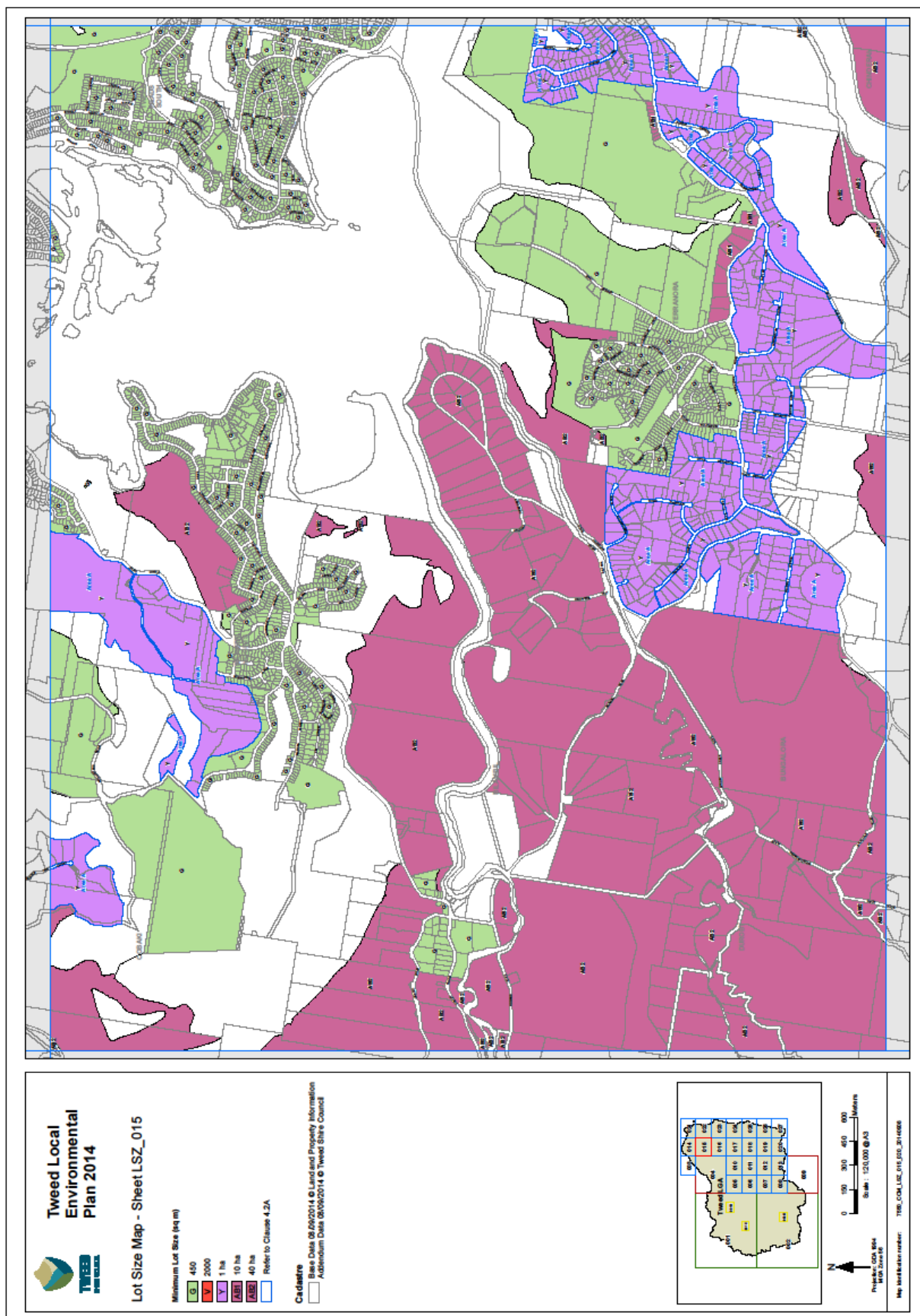
Draft LEP 2014 zoning amendment map



Draft LEP 2014 Height of Buildings amendment map



Draft LEP 2014 Floor space ratio amendment map



Draft LEP 2014 Lot size amendment map

Part 5 Community consultation

The Gateway determination will specify the community consultation that must be undertaken on the planning proposal.

Council considers this planning proposal should be exhibited for 28 days.

It is recommended that the planning proposal be referred to the NSW Rural Fire Service for their review and comment, consistent with the S117 Directions.

Summary and conclusions

The objective and intended outcome of this planning proposal is to enable the redevelopment of the Royal Terranora Resort site for residential development, open space and community facilities.

The Structure and Staging Plan that has been prepared illustrates that the proposal is able in the short term to address the traffic capacity constraints of Kennedy Drive.

The planning proposal represents a logical expansion of the Bilambil Heights area and is consistent with surrounding land uses and the future adjoining “the Rise” development.

The proposal presents no issues with regard to infrastructure servicing, is not a principal LEP, and does not reclassify public land. The proposal is justified as it is located within the town and village growth area and seeks an expansion of the established and emerging residential area of Bilambil Heights.

Part 6 Timeframe and information checklist

The following timeframe is suggested for the completion of this planning proposal:

Task	Timeframe
Referral of the Planning Proposal for Gateway determination	Early September 2014
Gateway Determination	Early October 2014
Undertake and requirements of the Gateway Determination and prepare V2 Planning Proposal	October 2014
Public exhibition	November 2014
Agency consultation	November 2014
Review submissions, respond and prepare V3 Planning Proposal for Council's consideration	December 2014
Council report to finalise and refer the plan to the DPE to be made	January /February 2015
Referral of the Plan to the DPE for making	February/March 2015

INFORMATION CHECKLIST**STEP 1: REQUIRED FOR ALL PLANNING PROPOSALS***(under s55 (a)-(e) of the EP&A Act)*

- | | |
|--|--|
| <ul style="list-style-type: none"> Objectives and intended outcome Mapping (including current and proposed zones) Community consultation (agencies to be consulted) | <ul style="list-style-type: none"> Explanation of provisions Justification and process for implementation (including compliance assessment against relevant Section 117 Direction/s) |
|--|--|

STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS*(Depending on complexity of planning proposal and nature of issues)*

PLANNING MATTERS OR ISSUES	TO BE CONSIDERED	N/A	PLANNING MATTERS OR ISSUES	TO BE CONSIDERED	N/A
Strategic Planning Context			Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)		✓
Demonstrated consistency with relevant Regional Strategy	✓		Sea level rise		✓
Demonstrated consistency with relevant Sub-regional, Strategy		✓	Urban Design Considerations		
Demonstrated consistency with or support of relevant DG endorsed local strategy		✓	Existing site plan (buildings, vegetation, roads, etc)	✓	
Demonstrated consistency with Threshold Sustainability Criteria		✓	Building mass/block diagram study (changes in building height and FSR)		
Site Description / Context			Lighting impact		✓
Aerial photographs	✓		Development yield analysis (potential yield of lots, houses, employment generation)		
Site photos / photomontage	✓		Economic Considerations		
Traffic and Transport Considerations	✓		Economic impact assessment		✓
Local traffic and transport	✓		Retail centre hierarchy		✓
TMAP			Employment land		✓
Public transport	✓		Social and Cultural Considerations		
Cycle and pedestrian movement	✓		Heritage Impact		✓
Environmental Considerations			Aboriginal archaeology	✓	
Bushfire hazard	✓		Open space management	✓	
Acid Sulphate soils	✓		European archaeology		✓
Noise impact	✓		Social & cultural impacts	✓	
Flora and/or fauna	✓		Stakeholder engagement	✓	
Soil stability, erosion. Sediment, landslip assessment, and subsidence	✓		Infrastructure Considerations		
Water quality	✓		Infrastructure servicing and potential funding arrangements	✓	
Stormwater management	✓		Miscellaneous / Additional Considerations Undertaken		
Flooding		✓	Structure and Staging		
Land/site contamination	✓		Aboriginal Cultural Heritage Due Diligence		
			Flora and Fauna		
			Bushfire		
			Traffic		
			Geotechnical / Engineering		
			Stormwater Management		
			Contaminated Land and declaration		

APPENDICES

The following appendices are provided on the accompanying compact disc:

Appendix 1	Structure and Staging Plan
Appendix 2	Aboriginal Cultural Heritage Due Diligence
Appendix 3	Flora and Fauna
Appendix 4	Bushfire
Appendix 5	Traffic
Appendix 6	Geotechnical / Engineering
Appendix 7	Stormwater Management
Appendix 8	Contaminated Land
Appendix 9	Statutory Declaration regarding Contaminated Land



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